

PLANNING COMMITTEE	DATE: 11/04/2022
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 6

Application Number: C21/0959/11/LL

Date Registered: 01/10/2021

Application Type: Full

Community: Bangor

Ward: Deiniol

Proposal: Erection of new building to accommodate six residential apartments, change of use of building to flexible commercial space on ground floor Use Class A1, A2, A3 and/or B1 and conversion of above floors to 18 flats with associated extensions and alterations.

Location: 290 - 294 High Street, Bangor, Gwynedd, LL57 1UL

Summary of the Recommendation: TO REFUSE

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1. Description:

1.1 This is a full application to erect a new building to accommodate six residential apartments, change of use of ground floor to flexible space Use Class A1, A2, A3 and/or B1 and conversion of above floors to 18 flats with associated extensions and alterations. The application can be split into several different elements, which include:-

- Construction of new detached three-storey building to the rear of the site to provide six 2-bedroom residential apartments, with a floor surface area of 68m².
- Change of use of ground floor of former shop to flexible uses as a shop (Use Class A1), financial and professional service (Use Class A2), food and drink (Use Class A3) and/or business (Use Class B1) - create a *flexible enterprise hub with mixed use*.
- Minor changes to the shop front elevations.
- Provision of 18 flats above existing shop across two floors to include 16 1-bedroom units and two 2-bedroom units varying in size from 30m² to 80m².
- Extension and alterations at the rear of the existing building to enable the provision of some of the residential units and balconies.
- Provision of five parking spaces and bicycle shelters to the rear of the existing building.
- Use of private driveway to the rear of the property that faces the High Street to serve the site.
- Siting of bin stores to the rear of the existing building.
- Siting of a small amenity space/terrace to the rear of the existing building along with soft and hard landscaping.

1.2 The building and the site are located within the city centre and within the development boundary as included in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP). It is also noted that the building is located within a town centre and the city's main retail area. It is a late Victorian era three-storey building with modern shop windows on the ground floor and the above walls constructed from red brick masonry along with a natural stone finish and windows of varying size and design.

1.3 There is a mix of use in the vicinity of the application site including residential uses in the form of flats, commercial along with the Plas Llwyd public car park. The land to the rear of the site is currently desolate and covered in vegetation and is set between two public car parks with a narrow drive linking the site with the unclassified county road, Plas Llwyd Road (to the south of the application site) and is currently used by local businesses for services and to store/collect rubbish. The use of the former shop ceased in September, 2020.

1.4 The proposal is not considered to be a major development as defined by Welsh Government as the flats are not defined as residential dwellings, therefore, the applicant was not required to submit a Pre-Application Consultation (PAC) report with this planning application. .

1.5 The following were submitted to support the application: Technical Note on Transportation; Design, Access and Planning Statement (amended); statements relating to the valuation of the proposed flats, supply and the need for rented units in Bangor and a Language Statement.

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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 made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.

2.2 The Well-being of Future Generations (Wales) Act 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. 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 reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026 (LDP) adopted 31 July 2017: -

PS 1 - The Welsh Language and Culture

PS 2 - Infrastructure and developer contributions

PS 4 - Sustainable transport, development and accessibility

PS 5 - Sustainable developments

PS 6 - Mitigating the Effects of Climate Change and Adapting to Them

PS15 - Town centre and retail developments

PS 17 - Settlement Strategy

ISA 1 - Infrastructure provision

TRA 2 - Parking standards

TRA 4 - Managing transport impacts

PCYFF 1 - Development boundaries

PCYFF 2 - Development criteria

PCYFF 3 - Design and place shaping

PCYFF 4 - Design and landscaping

PCYFF 5 - Carbon management

PCYFF 6 - Water Conservation

TAI 1 - Housing in the Sub-regional Centre and the Urban Service Centres

TAI 8 - An appropriate mix of housing

TAI 9 - Sub-dividing Existing Property to Self-contained Flats and Houses

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TAI 15 - Threshold of affordable housing and their distribution

Gwynedd Design Guidelines

Supplementary Planning Guidance (SPG): Housing Mix.

Open Spaces in New Housing Developments

Affordable Housing.

Planning Obligations.

Maintaining and Creating Unique and Sustainable Communities.

Change of use of Community Facilities and Services, Employment Sites and Retail Units

Housing Developments and Educational Provision

Open Spaces in New Housing Developments.

2.4 National Policies:

Planning Policy Wales, Edition 11 (2021).

Future Wales: The National Plan 2040.

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2017).

TAN 12: Design (2016).

TAN 18: Transport (2007).

TAN 20: Planning and the Welsh Language (2017).

3. Relevant Planning History:

3.1 The most recent planning history relating to this particular property is pre-application enquiry number Y20/0646: -

1. Change of use of ground floor from Use Class A1 unoccupied shop to Use Class A1; A2 (professional and financial services); A3 (café/restaurant) or B1 (business).
2. Change of use of first floor to create nine residential units.
3. Change of use of second floor to create six residential units.
4. Extensions at the rear to create three residential units.
5. Erection of new building to the rear to create six residential units.

The response stated - (i) a strong justification would be required to support such a development given that Bangor has already reached its indicative level for housing provision within the Plan period; (ii) A Welsh Language Statement would be required; (iii) it is expected that at least 4.8 units or 20% of the total units would be affordable and there would also be a need to justify the application in terms of an appropriate mix of residential units that would meet the local need of the entire community; (iv) there was sufficient capacity in the local schools for such a proposal based on 2020 figures but the situation could change by the time any application is submitted; (v) it would

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have to be ensured that the development provides sufficient play areas within the site or provide a financial contribution for an off-site play area; (vii) a water statement would be required with any planning application; (viii) the ground floor uses would be required to comply with relevant policies relating to protecting and promoting town centre vitality and viability; (ix) need to safeguard the residential amenities of nearby users/residents; (x) need to safeguard the area's visual amenities and (X) need to ensure that the access and the parking arrangement for the proposal is acceptable.

4. Consultations:

Community/Town Council: Agree in principle but concerned about the studio flats. The units should be options for students and local residents, providing long-term tenancies and a good first home.

Transportation Unit: No response.

Natural Resources Wales: No observations on the proposed development.

Welsh Water: Condition to agree on details to safeguard the integrity of the public sewer that crosses the site or details of its re-direction.

Public Protection Unit: In order to safeguard the area's residents, any demolition and building work should be undertaken between the hours of 09.00 - 18.00 Monday to Friday, 09.00 - 13.00 on Saturday and not at all on Sunday or Bank Holidays.

As the applicant intends to change the use of the building into residential flats and commercial units on the ground floor, noise insulation measures must be carried out to protect the residential flats from the commercial aspect of the development and vice versa.

Soundproofing between residential flats and commercial units must be carried out in accordance with Building Regulations, and ensure that noise levels within the residential properties adhere to BS 8233: 2014.

As it is proposed for the ground floor to be used as a Commercial unit, including A3 use; any plant/machinery, extraction unit must be approved by the Authority before it is installed. A3 categories (restaurant/cafe) can cause problems with odours and noise. Therefore, operation of any plant, machinery or equipment used in connection with the A3 development hereby approved shall be such that any associated noise complies with Noise Rating Curve 25, between the hours of 2300 and 0700 and Noise Rating Curve 30 at all

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other times; when measured within any nearby residential dwelling.

Information regarding the extraction units along with odour Control measures must be provided to the Authority.

A collection of waste has the potential to attract rodents to the area and create odours. By changing the use of the building to increase the number of occupants, there will be an increase in the amount of waste produced and the applicant must provide an area for waste storage facilities for the development.

Strategic Housing Unit:

Information about the need:

The following shows the number of applicants who wish to live in the area: - 60 applicants from the Tai Teg register wanting intermediate property in Bangor and 517 applicants from the common housing register wanting social housing in Deiniolen ward.

Information on the type of need:

The following shows the number of bedrooms that the applicants wish to have:

- 2** Number of bedrooms (owned or part-owned (Tai Teg)) - 1 bedroom 3%; 2 bedrooms 50%; 3 bedrooms 40%; 4 bedrooms 7% and 5 bedrooms 0%.
- Number of bedrooms (Housing Options Team) - 1 bedroom 40%; 2 bedrooms 40%; 3 bedrooms 15%; 4 bedrooms 5% and 5 bedrooms 0%.

The scheme is expected to include 20% affordable housing.

Water and Environment Unit:

Since 7 January 2019, sustainable drainage systems (SuDS) are required to control surface water for every new development of more than one dwelling or where the building surface area has drainage implications of 100m² or more. Drainage systems must be designed and constructed in accordance with the minimum standards for sustainable drainage as published by Welsh Ministers.

These systems must be approved by Gwynedd Council in its role as SuDS Approval Body (SAB) prior to commencement of the construction work.

Due to the size and nature of the development, an application may need to be provided to the SuDS Approval Body to be approved before construction work commences. No drainage plan has been

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submitted and until an application is made to the SuDS there is no assurance that the site plan would enable compliance with the full suite of the national NDS standards. A consultation with the SuDS is recommended.

Language Unit: No response.

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

- The principle of the proposal may be acceptable, however there is no clear information on how the proposal will meet the local community's needs for additional residential units (including the need for affordable units) in Bangor.
- The development should be treated as a "major development".
- Lack of clear information on a suitable mix of housing for this site.
- No language assessment has been submitted.
- No evidence as to why the ground floor cannot be utilised as Use Class A3 (shop) and no evidence to show that the proposal promotes the vitality and viability of Bangor town centre.
- No details of the principles behind the design and scale of the proposal or the highway/access matters.
- No ecological assessment has been submitted.
- No drainage details have been submitted.
- There is potential that the proposal could have a detrimental impact on privacy and loss of light to the objector's property.
- The red line marking the application site is not correct as it does not extend upwards to the adopted road to the east.

In response to the above objections, the applicant has now submitted details and information on the housing mix, the need for this type of residential unit, access/parking provision and this information has been noted in the following assessment.

In relation to residential amenities, the applicant has stated that the objector's property is not a residential property and therefore there is no conflict with residential amenities. It is also noted that rather than affecting the objector's property, the proposal will significantly enhance the image and character of this part of the area and would make it more attractive to encourage vitality back to the city centre.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The property/site is located within the Bangor development boundary as included in the LDP and as the site is located within the development boundary of Bangor, which has been identified as a Sub-regional Centre, the principle of developing the site must be considered against Policy PCYFF 1 and Policy TAI 1 of the LDP.
- 5.2 The indicative housing supply for Bangor over the Plan period amounts to 969 units (which includes a 'slippage allowance' of 10%) with 393 on designated sites and 576 on windfall sites. During the 2011-2021 period, a total of 675 units have been completed in Bangor (266 on designated sites and 409 on windfall sites). The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 1883 units as of April 2021 (disregarding units identified in the LDP as unlikely to be completed), with further permission for 70 units on sites designated for housing in the LDP. It is noted that the Plan refers to an indicative figure of 115 houses on two further sites that have been designated for housing in Bangor but have not received planning permission. Furthermore, by means of an Appeal in April 2021, an application was approved for 30 residential units in Pen y Ffridd Bangor; 39 affordable flats for people aged 55+ in Plas Penrhos along with an application for 25 affordable social flats in Euston Road. Taking into consideration all the above information collectively, it is noted that the provision in April 2021 was 9 units higher than the indicative supply level for windfall sites in Bangor. This entails that this current proposal will go beyond the indicative growth level of Bangor.
- 5.3 In such circumstances, consideration will be given to the units that have been completed thus far within the Key Centres. Policy PS 17 in the LDP states that 53% of the housing growth will be located within the Key Centres. A survey of the situation in relation to the provision within all the Key Centres in April 2021 indicates that 1,647 units from the total of 4,194 units have been completed, and that 943 were in the land bank (and likely to be completed). Currently therefore, support can be given to approve this site against general provision (based on the completion rate so far) within the Key Centres category.
- 5.4 However, in light of the position of windfall sites in Bangor, any justification submitted with this application should be reviewed outlining how the proposal would address the needs of the local community. This could be done by: -
- (i) submitting any market research work they have undertaken i.e. demonstrating the need for this type of development in the area;
 - (ii) that the proposal meets a local recognised need for affordable housing;
 - (iii) that the proposal provides for specialist housing needs e.g. units for the elderly;
 - (iv) that the housing designation(s) in the settlement are not likely to be brought forward during the Plan's lifetime;
 - (v) that the units in the land bank are not likely to be developed in the Plan's lifetime.

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5.5 In response to this requirement, the applicant has submitted a Design, Access and Planning Statement (amended) and additional information/statements what include the following information: -

- The applicant is the largest provider of rented accommodation in Bangor and it is seen that there is a significant shortage of 1-2-bedroom studio flats (especially for the young professionals workforce) of 40-80 square metres.
- This application will fill the gap between student accommodation and purchasing a first home.
- The applicant intends to complete the first phase of the development (change of use and extending the existing building) within 12 months and complete the detached building within 24 months unlike other developments that receive permission on site that have been designated for housing but are yet to commence.
- The indicative figure for housing in Bangor has already been reached, however, in reality, it is not anticipated that all the houses on sites in the windfall land bank and designated sites in Bangor are likely to be brought forward e.g. site T3 (Jewson's) and site T2 (Ysgol Friars). Should these sites be developed, the applicant says that the LDP refers to the indicative figure only and that a Planning Inspector in a recent appeal stated that providing a number of houses that exceeds the indicative figure could be acceptable in principle (subject to the proposal meeting the recognised needs of the local community).
- Should this application receive planning permission and the other housing designations within the land bank realised, the cumulative figure of houses would only equate to a 3.4% increase in the indicative figure within the LDP for Bangor. Taking into account the Planning Inspector's decision to accept that a provision of housing that exceeds the indicative figure in a village is acceptable in principle, the probability is that such a small increase within a Sub-regional Centre would also be acceptable in principle.
- Authorities should not refuse applications for housing within windfall sites that exceed the indicative figure as Planning Policy Wales advice states that residential developments should be supported if they comply with national policies in relation to sustainability objectives and this site is located in an accessible location in the city centre. The flats and the studio flats in this application are suitable based on their location, size and accessibility to town centre sites.
- The applicant has submitted open market valuations (OMVs) for the residential units that have been approved by the chartered surveyor for the bank that is funding the scheme. The figures include: - (i) 12 x studio flats - £40,000 each; (ii) 4 x 1-bedroom flats - £75,000 each; (iii) 2 x 2-bedroom flats - £85,000 each and (iv) 6 x 2-bedroom flats within the separate building at £120,000 each. Gwynedd Council's Strategic Housing Unit has already stated that 1- and 2-bedroom flats are needed in Bangor with 60 applicants on the Tai Teg register for 2- and 3-bedroom units and 517 applicants on the Council's common housing register for social housing.
- The site is not suitable for three-bedroom houses due to the size of the site, parking requirements and a reliance on off-site amenity areas. Given this and the fact that the flats are located above a commercial property, providing 1- and 2-bedroom flats would be much more suitable than any other type of residential unit.
- Other housing developments have received permission e.g. Adra developments, however the need for 1- and 2-bedroom flats in a central location in the city centre is obvious.
- The proposal provides 16 affordable residential units based on the valuations for 1-bedroom flats (including the studio flats) and the Strategic Housing Unit confirms that the value of £40,000 to £75,000 for these flats is affordable and no discount is required.

5.6 The key issue here is that the proposal, cumulatively with the current land bank and housing designations to develop housing in the city, involves a level of development that would be above the indicative demand for residential units during the LDP period. Therefore, the Local Planning

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Authority must be convinced that this proposal would help to meet the needs of the local community (see paragraph 5.4 above).

5.7 It is noted that general information has been received from the applicant himself who states there is a need for 1- and 2-bedroom studio flats in Bangor which fills the gap between student accommodation and first-time buyers but they do not refer to residential units within the April (2021) land bank and 177 out of 188 units are already for flats. The Local Planning Authority would expect detailed references to this current situation and how it would affect the need mentioned by the applicant i.e.:

(i) that the need deriving from the local community requires an additional 24 flats for the land bank for 177 units;

(ii) assessment of the time period/probability of these 178 units being commenced against the time period of developing this current site;

(iii) the largest site within the land bank to provide similar flats (the former Jewson's) and although the applicant has referred to this site by stating there is no evidence to confirm that it will be developed in the near future, there is no evidence to the contrary either especially as the owner of this site has already submitted a number of planning applications to revoke conditions included in previous applications and that the site itself is currently for sale;

(iv) analysis of the current land bank would be able to show if this proposal provides for the need for different housing that derives from the local community and

(v) submit additional information regarding recent housing developments in Bangor such as Y Bae and Plas y Coed and more recently, other residential developments in Bangor such as Plas Penrhos and Euston Road and whether these developments have been occupied by the local community or have been provided for alternative market housing such as student accommodation and external migration.

5.8 Given the above assessment, the Local Planning Authority has not been undoubtedly convinced that the applicant has justified the provision of 24 residential units in the form of one and two-bedroom flats, which is in addition to the 178 flats that are already within the land bank in Bangor. The evidence submitted by the Strategic Housing Unit demonstrates there is need for intermediate two-bedroom affordable units but the need for one-bedroom affordable units is for social housing only. Due to the units that have already been approved in the land bank and the information of the need for housing by the Strategic Housing Unit, it is not believed that the proposed scheme meets the needs of the local community in accordance with Policy TAI 8. To this end, therefore, it is believed that the proposal is contrary to the requirements of Policies PS 17 and TAI 1 of the LDP.

5.9 The applicant also notes that the in the first instance, the intention is to rent out the flats within the main building and extension and to move to work on the separate building after these flats are completed. The applicant has submitted the open market valuations (sale price) for all flats (which show that 16 units are affordable with subsequent confirmation from the Council's Strategic Housing Unit), however, no figures have been submitted in relation to renting the flats. Consequently, it is not possible to confirm whether or not the rent levels of the 16 units are affordable. To this end, therefore, it is not believed that the proposal, based on the information that has been submitted to date, complies with the requirements of Policy TAI 15 or with the requirements of SPG: Affordable Housing in relation to ensuring that an element of housing in

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residential development is affordable now and in perpetuity to purchase or rent including intermediate affordable housing.

5.20 Policy TAI 9 of the LDP approves the sub-division of existing properties into self-contained flats provided they conform to a number of criteria as follows: -

- The property is suitable conversion to the number and type of units proposed without the need for significant extensions and external adaptations - the proposal involved demolishing existing extensions to the rear of the property and to replace them with new extensions that are slightly larger in terms of surface area but given the scale, design and layout of these extensions compared to the existing ones, it is believed that the property is acceptable in terms of complying with the first criterion.
- It will not have a detrimental impact on residential amenities. In this respect, every proposal must show that it includes sufficient space for parking and storing rubbish - the proposal provides an external bins store, amenity space, parking for five cars and a shelter for bicycles. Given the central location of the site in the city centre which makes it accessible to a variety of travel modes other than the private car, parking requirement can be relaxed in accordance with relevant national advice (see the below assessment).
- If it is not possible to provide dedicated parking spaces, the proposal should not exacerbate the parking issues that already exist in the local area - given the type of residential units being proposed and the central location of this site in the city, it is not believed that approving the proposal would contribute to the parking situation in this part of the city nor would it have a significant impact on road safety or the local roads network.

Commercial considerations / City Centre

5.11 Policy PS15 of the LDP seeks to protect and enhance the vitality and viability of town centres and their retail, service and social functions and encourages a diverse mix of suitable uses within urban centres that are of high quality and attract a wide range of people at different times of the day. Policy MAN 2 notes that proposals for the change of use of retail units located within the main shopping area can only be permitted if it can be shown that the unit is no longer viable and that all efforts have been made to maintain the property's A1 (shop) use. It should also be ensured that the proposed use does not have an unacceptable impact on the retail function or character, vitality attractiveness or viability or of the primary retail area. Policy MAN 1 of the LDP states that proposals for new retail, commercial and leisure developments will be directed towards town centres subject to planning considerations such as design and amenities.

5.12 The Design, Access and Planning Statement submitted with the application states that the applicant has a tenant (*Town Square*) that is interested in using the ground floor as *an enterprise hub* to be used by small businesses and that the uses of these businesses is flexible ranging from a café to offices to micro workshops. This type of use has already seen success in Wrexham city centre and Rhyl under the management of the same tenant with financial assistance from Welsh Government. The commercial part of the property has been advertised extensively through marketing communications media for more than 12 months (the relevant policy requires for a minimum advertising period of six months) but no interest has been expressed in continuing its use as a shop. According to the applicant, its use as a community business hub would be a suitable use of a dormant building, and would assist in regenerating the city centre and is similar to the application that was recently approved for an adjacent building as main office for Adra.

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- 5.13 Given the above assessment and the information included in the Design, Access and Planning Statement, it is believed that the proposal is acceptable on the basis of the requirements of Policy PS 15, MAN 1, MAN 2 and MAN 3 of the LDP.

Visual amenities

- 5.14 The site is located in the city centre which contains a vast number and array of commercial and residential structures and buildings. The building's ground floor elevations that face the High Street already have a modern design and appearance and the only change to this elevation will be minor changes to the current shop front appearance by relocating the front doors so that they are flush with the front elevation itself. The greatest impact on the external elevations will be seen to the rear of the building where the existing extensions (that include a flat roof balcony and a two-storey extension with a steel profile roof) are to be demolished and a new extension to be erected in their place in the form of two gables and a strip of flat roof between them that would accommodate solar panels. It would extend outwards the same distance as the existing extensions although the ridge of both gable roofs will be 1m lower than the existing roof meaning that they will not be higher than the main building's roof ridge. The new extensions will also be slightly wider than the existing structures and will be two-storeys with the gables facing the east and towards the public car park and the six new residential units. The extension will be constructed of corrugated metal and the walls a mix of render and cladding.
- 5.15 The separate building providing six residential units will be three-storey, will follow a rectangular shape and will have a modern and current design. It will be nestled in the plateau behind it (the higher Plas Llwyd car park) but above the lower Plas Llwyd car park which is directly to the north of the site. The external materials used will match the above-mentioned rear extension. Given the design, layout, external elevations, materials and scale of the extension and the separate building, it is not believed that cumulatively they would create significantly incongruous structures in this part of the townscape and it is considered that they would add architectural features and improve the insignificant character that exists to the rear of the buildings adjacent to the High Street. Should the application be approved, it can be ensured that further details for the external materials are acceptable by imposing relevant conditions. To this end, therefore, it is believed that the proposal is acceptable based on the requirements of Policy PCYFF 2 and PCYFF 3 of the LDP.

General and residential amenities

- 5.16 As referred to above, there is a mix of land uses in the vicinity of the application site including commercial/business uses and residential uses. According to the Local Planning Authority's information, number 288 High Street (to the south of the application property) is used for residential purposes, 296 High Street (to the north of the application property) has a commercial use and the residential dwellings of Ger y Mynydd are located 43m to the north. Number 288 High Street has windows that are east-facing and there is a window that faces the side of the existing structures on the application site. However, albeit the new extension will be 500m nearer to number 288, the ridge of the roof will be 1m lower than the height of the existing roof and the roof itself will be set on a lower angle running from the side of number 288. It is also noted that the new extension will not extend further into the rear of the site than the existing structure and the windows will not be facing number 288. Given the above, it is not considered that approving the proposal will significantly undermine the amenities of the residents of number 288 High Street on grounds of overlooking and shadowing.

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- 5.17 Number 296 High Street has an east-facing window on the first floor. The new extension will extend 8.8m out to the end of the existing flat roof which is currently used as a balcony on the first floor with the roof at relatively low angle that runs from the rear of 296 High Street. It is acknowledged that there will be an element of shadowing to the window, however it is not considered that it will be considerable or significant and it will not lead to any overlooking as there will be no windows on the northern gable of the new extension.
- 5.18 The residential dwellings known as Ger y Mynydd are located 43m to the north-east of the application site and their front elevations face the site and the separate new building to the rear of the site that provides six residential units. The front elevation of the new building will face the north and the Ger y Mynydd terrace with space in the form of a public car park between them. The front elevation will include balconies and patio style doors from the living rooms and narrower windows to bring light to the bedrooms. However, given the space between the Ger y Mynydd terrace and the front elevation of the proposed detached building, it is believed that no significant overlooking would be created and any over-looking would be permissive and community overlooking between these sites. Taking the above assessment into account, it is therefore believed that the proposal is acceptable based on residential and general amenities of nearby residents and complies with the requirements of Policies PCYFF2, PCYFF2 and TAI9 of the LDP.

Transport and access matters

- 5.19 The proposal includes using an unadopted road from the unclassified Plas Llwyd county road which also services a number of other nearby commercial properties and provides five parking spaces within the site. As part of the application and in accordance with the requirements of the Transportation Unit in their response to the pre-application enquiry, a Technical Note on Transportation was submitted which confirms - (i) that the site is accessible to different modes of travel that are not reliant on the private car e.g. walking, cycling and public transport; (ii) that the development is likely to create a minimum increase in transport that would use the local roads network and (iii) that the development complies with national policies within TAN: Transportation that states that some residential developments could be permitted within town centres without the provision of parking spaces within the sites themselves.
- 5.20 No response has been received from the Transportation Unit following the statutory consultation process, however the advice contained in TAN 18: Transportation can be considered along with the advice within the CSS Cymru document - Wales Parking Standards (2014) where parking requirements are defined in the form of maximum standards. In this particular case, the site lies within zone 1 *city centre* and the document notes - *Parking must be provided on the curtilage wherever possible.... No car park should have parking spaces for more than 12 vehicles.*
- 5.21 The proposal provides 5 parking spaces within the site between the rear of the main building and the separate building and taking into account its central location within the city (which has a number of public and private car parks nearby) together with its accessibility, it is considered that the proposal is acceptable on the basis of parking and road safety requirements and complies with the requirements of Policy TRA 2 and TRA 4 of the LDP together with relevant national advice.

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Open space matters

- 5.22 According to Policy ISA5 of the LDP, it is expected for proposals for 10 houses or more in areas where current open spaces cannot satisfy the needs of the proposed housing development to offer a suitable provision of open spaces in accordance with the *Fields in Trust* benchmark standards. The current information received by the Joint Planning Policy Unit shows that there is not adequate provision available in the local community based on play areas for children with equipment. Therefore, to this end, a financial contribution of £1,306.86 will be needed for suitable provision off the site for play areas with equipment for children. It is, therefore, believed, should the application be approved and the applicant signs a legal agreement under Section 106, that the proposal is acceptable based on the requirements of Policy ISA5 of the LDP along with SPG: Open Spaces in New Housing Developments.

Educational matters

- 5.23 The relevant policy within the context of educational contributions for residential developments is Policy ISA1 of the LDP. The Supplementary Planning Guidance adopted to support the previous Development Plan continue to be a material consideration when determining planning applications until they are replaced by new ones. To this end, it is material to consider the contents of SPG: Housing Developments and Educational Provision when discussing this application. The information/formula within the SPG suggests that 5.68 primary and secondary school-age pupils would derive from the proposed development. The SPG notes that consideration should be given to the situation in the schools that serve the catchment area where the development is located. In response to the statutory consultation the Education Department's Information officer states that there is sufficient capacity in the primary schools and in the secondary schools within the application site catchment area. Therefore, it is considered that the proposal complies with the requirements of Policy ISA1 of the LDP as well as the relevant SPG requirements without the need for an educational contribution.

Sustainability matters

- 5.24 Policy PS 4 and PS 5 of the LDP states that a development is located to reduce the need to travel by private transport and encourage the opportunities for all users to travel when required as often as possible by means of alternative modes, placing particular emphasis on walking, cycling and using public transport.
- 5.25 The building is located in the centre of the City of Bangor and within a site which can be described as sustainable. One of the most important aims of Welsh Government is to ensure that educational developments/commercial and employment use are led to the town centres in the first instance, namely the most sustainable and accessible locations for the use. As well as the advantage of having sustainable and accessible links, leading developments to towns and cities is advantageous as a springboard for urban regeneration.
- 5.26 Furthermore, the importance of securing developments that serve a town, city, catchment area or entire region benefiting from active travel infrastructure and public transport is noted. The principles included in 'Future Wales' are supported by the 'Building Better Places: The Planning System Delivering Resilient and Brighter Futures' (July 2020). The document in question notes as follows:

"The planning system must ensure the chosen locations and resulting design of new developments support sustainable travel modes and maximise accessibility by walking and cycling. New developments should improve the quality of place and create safe, social, attractive neighbourhoods where people want to walk, cycle and enjoy. We should not be promoting sites which are unlikely

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to be well served by walking, cycling and public transport. Urban design skills must be brought to bear and better space and capacity built on existing routes as well as new ones."

- 5.27 Within the above context, it is believed that the site of the building which is the subject of this application is accessible to different modes of transport where there will be no extensive reliance on the use of the private car. The Design, Access and Planning Statement submitted with the application refers to the advice contained in the document TAN 18: Transport, together with the Active Travel (Wales) Act 2013 which states the importance of walking and cycling as a mode of transport with an emphasis on building sustainable and accessible infrastructure and structures in Wales. Bangor bus station is within a 5-minute walk of the site with a frequent public transport service, shops are within comfortable walking distance of the site and the train station is approximately 15-20 minutes walking distance which is also served by public transport and taxis.
- 5.28 Within the Design, Access and Planning Statement, reference is made to the water conservation element of the proposed development. It is confirmed that the residential units will use various methods of water conservation such as flow restrictions with bathrooms installed with showers. Externally, there will be water harvesting areas from the roofs to water the plants and vegetation within and on the edge of the site. To this end, therefore, it is believed that the proposal complies with the requirements of Policy PS4, PS 5 and PS 6 of the LDP.

Linguistic matters

- 5.29 In accordance with the Planning (Wales) Act 2015, it is a duty when making a decision on a planning application to consider the Welsh language, where it is relevant to that application. This is reiterated further in para 3.28 of Planning Policy Wales (Edition 11, 2021), along with Technical Advice Note 20. The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Unique and Sustainable Communities' (adopted July 2019), provides further guidance on how it is expected for Welsh language considerations to be incorporated in each relevant development. Policy PS 1 of the LDP states that a Linguistic Assessment will need to be submitted with the application as this particular site is an unexpected windfall site for large-scale development (5 units or more).
- 5.30 A Language Statement was submitted with this application which comes to the conclusion that the application, if granted, would be beneficial for the Welsh language and the community of the Deiniol Ward and the wider city by providing affordable units/flats together with creating an enterprise hub that would stimulate and promote the vitality of the city centre for the benefit of the community and the wider area. The property would have a Welsh name (Ty Polycoff) and the applicant would undertake mitigation and improvement measures by complying with national guidance and advice e.g. The Welsh Language (Wales) Measure, 2011; the use of local contractors; Welsh name for the development (see above) and the use of local estate agents.
- 5.31 Although no response has been received from the Language Unit on the content of the Statement, it is believed that, in this case, it cannot be ensured that the 16 affordable flats would meet local need or be affordable on the basis of rent as no information has been received in relation to this element of the proposal and it, therefore, cannot be confirmed that the proposal of granting it would protect or promote the language in the city. It is believed, therefore, that in terms of meeting local need and the affordability of the proposal, it cannot be confirmed that the proposal complies with the requirements of Policy PS 1 of the LDP, SPG: Maintaining and Creating Distinctive and Sustainable Communities and TAN 2: Planning and Affordable Housing.

6. Conclusions:

- 6.1 Having considered the above assessment, it is considered that the proposal to develop 24 one and two-bedroom residential units on this particular site would not be acceptable in principle based on:

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(i) a lack of evidence that there is a real need in Bangor for one and two-bedroom units in addition to the 177 similar units/flats that are already within the land bank for the city. It is believed that approving this application would lead to an imbalance in this type of residential accommodation provision in Bangor and that it would not respond positively to housing needs that have been identified in Bangor itself;

(ii) no evidence has been received that the flats would be affordable on the basis of rent and (iii) due to concern number (ii), it cannot be confirmed that the proposal would provide affordable flats to address the needs of the local community.

6.2 In assessing the application and the current information, full consideration was given to the observations received in response to the consultation period and to the response received from statutory consultees.

6.3 On the basis of the above assessment, the proposal is considered to be contrary to local and national policies and although the applicant has stated that the development of the site would respond to the demand for one and two-bedroom flats in a central location that is sustainable and accessible and that the proposal would be a catalyst that would help to promote and improve the vitality and viability of this part of the city as material considerations that would outweigh any policy concerns/conflicts, the LPA does not agree with this view taking into account the content of the above assessment. Therefore, to this end it is considered that the proposal is not acceptable based on the reasons for refusal below.

7. Recommendation:

7.1 To refuse the application based on the following reasons:

1. The proposal is contrary to the requirements of Policies PS 17 and TAI 1 of the Anglesey and Gwynedd Joint Local Development Plan (2017) as the applicant has not submitted sufficient evidence with the application to convince the Local Planning Authority that there is a need for additional one and two-bedroom flats in Bangor, bearing in mind that this proposal exceeds the indicative housing growth level of Bangor for windfall sites.
2. The proposal is contrary to criteria 2, 3, 4 and 5 of Policy TAI 8 of the Gwynedd and Anglesey Joint Local Development Plan (2017) as it is believed that it would create an imbalance in the type and mix of small units within the city, and no evidence has been received that the proposal responds positively to the needs of the local community.
3. The proposal is contrary to the requirements of Policy TAI 5 of the Gwynedd and Anglesey Joint Local Development Plan (2017) and Supplementary Planning Guidance: Maintaining and Creating Distinctive and Sustainable Communities and Technical Advice Note 2: Planning and Affordable Housing as no evidence has been received that the flats would be affordable on the basis of rent.
4. The proposal is contrary to the requirements of Policy PS 5 of the Gwynedd and Anglesey Joint Local Development Plan (2017) and Technical Advice Note (TAN) 2: Planning and Affordable Housing as no evidence has been received which shows local need for the 24 units and therefore it is unclear what the impact would be on the language.