

PLANNING COMMITTEE	DATE: 07/11/2022
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

Number: 5

Application Number: C22/0662/11/LL

Date Registered: 18/07/2022

Application Type: Full

Community: Bangor

Ward: Canol Bangor

Proposal: Change of use of a former school (Use Class D1) to a hostel (Use Class C2), which offers living support for residents including an extension and associated building work.

Location: Hillgrove School, Ffriddoedd Road, Bangor, Gwynedd, LL57 2TW

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

1.1. This application is for the change of use of a site that used to be used as a school (Hillgrove School, Bangor), into a hostel/supported living unit, to be used by a charitable organisation. It is proposed to undertake internal reorganisation to the buildings on the site to provide a facility that is fit for purpose and it is intended to erect a single-storey, flat roof extension, in order to connect the three main buildings of the existing property.

1.2. The extension would provide 18 bedrooms with en-suite facilities dispersed across two floors of the building. The accommodation would also provide a domestic kitchen for residents, a communal dining area, the community lounge, a commercial kitchen and dining room, and main hall, as well as a staff room and stores. The proposal would use the existing vehicular access from Ffriddoedd Road but no changes would be made to the parking and access arrangements.

1.3. The property lies within the development boundary of Bangor, in a mixed area of the Sub-regional Centre, between the Ffriddoedd Sports Hall to the west and St. Gerards School to the east and south. The halls of residence on the University's Ffriddoedd site are to the north on the adjacent side of the road and a number of private dwellings are also located nearby.

1.4. An explanation was received from applicants regarding the background of the application, and the following information is summarised:

- The existing activity of the charity happens in the Tŷ Penrhyn site in Bangor, which is in a poor condition, with the need for substantial investment in the property.
- The applicant's lease on Tŷ Penrhyn is coming to an end in around 18 months.
- Discussions have been held with the owners of Tŷ Penrhyn to buy the site, however, it is not financially viable to buy the property.
- Hillgrove School closed in 2017 and it has been identified by the applicant as a suitable site for the relocation of the service, enabling the charity to remain in Bangor.

1.5. The following information was submitted to support the application:

- Planning Statement
- Initial Ecological Assessment
- A letter from an Estate Agent, outlining the marketing process for this property
- Transport Statement
- Statement responding to the concerns of objectors

1.6. This application is submitted before the committee since the public interest is so great that it would not be appropriate to deal with the application under delegated powers.

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

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

2.3 Anglesey and Gwynedd Joint Local Development Plan. (July 2017)

PS 1: The Welsh language

ISA 2: Community facilities

TAI 11 : Residential Care Homes, Extra Care Housing or Specialist Care Accommodation for Older People

PCYFF 1: Development boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 19: Conserving and where appropriate enhancing the natural environment

SPG: Change of use of community facilities and services, employment sites and retail units

SPG Maintaining and Creating Distinctive and Sustainable Communities

2.4 National Policies:

Planning Policy Wales, Edition 11, February 2021.

TAN 5: Planning and Nature Conservation

3. Relevant Planning History:

C09A/0460/11/LL - Installation of railings along the existing boundary wall and installation of a new gate to replace the existing: Approved 21/12/09

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C03A/0824/11/LL - Extensions : Approved 13/02/2004

3/11/298C - Extension of single-storey block - Approved 27/08/86

3/11/298B - Three new classrooms - Approved 08/01/82

3/11/298A - Extensions - Approved 07/02/80

3/11/298 - Extensions - Approved 20/12/76

4. Consultations

Not received

City Council

Transportation Unit No objection in principle, however, only to ask the applicant to show how the parking and turning requirements associated with the development can be achieved.

Welsh Water Request a standard condition and guidance for the applicant

Biodiversity Unit No objection if there is a condition to ensure compliance with the recommendation of the Ecological Report

Natural Resources Wales No objection

Gwynedd Archaeological Planning Service The building is of archaeological interest and requests a condition to ensure that a photographic survey of the building is completed before any physical work is undertaken.

Public Protection Service Not received

Social Services Not received

Land Drainage Unit Not received

Fire Service The Fire Authority will have an opportunity to provide observations on the fire safety measures during the Building Regulations Consultation process.

North Wales Police No observations to submit

National Health Service Not received

A notice was posted on the site and nearby residents were notified. The observations below were received in response to the consultation :

Objections received

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A number of objections have been received to the plan, including from local residents and the managers of St. Gerards School, which abuts the application site. The objections included:

Planning Matters:

- The development would be harmful to the well-being of local people, causing an unsafe feeling for residents nearby and concern for the parents of nearby schools regarding the safety of their children
- This is a mainly residential area, and a facility like this is not in keeping with the character of the area.
- The information as submitted regarding biodiversity does not reflect the importance of the site as a habitat for wildlife
- The proposal would not foster community safety, as required in Planning Policy Wales
- The development would be harmful to the amenities of nearby residents, due to matters such as noise, anti-social behaviour, light pollution and the increase in transport and parking on the site.
- The site is not earmarked for this use in the Local Development Plan.
- The buildings are not suitable for the intended use
- That there is a need for strict conditions should the development be approved, in order to ensure appropriate control of what will happen on the site.
- The character of the area is reliant on educational developments and the development would change that character.
- The proposal is contrary to policy TAI 11 as the applicant has not shown that consideration has been given to alternative sites for the development

Safety / management matters:

- The facility would attract criminals who would attempt to take advantage of the users of the site.
- It is not possible to rely on residents not to misuse substances, regardless of how well the site is managed.
- Local residents should be informed about the nature of the residents when considering the proximity of the site to a school and local houses.
- There is a risk to children and young people from residents and service users.
- Such an organisation should be located away from residential areas.
- The centre can attract criminals, which will mean that drug paraphernalia waste will be seen around the local area.
- There is no safe boundary between the application site and St. Gerards School next door.
- When considering the presence of the local schools, university halls and local sporting facilities, many young people use this part of Bangor
- Concern regarding increasing criminal activity on Llwybr Cwfaint, to the south of the site, which already suffers from anti-social behaviour and crimes relating to drug-use.
- The proposals made to manage the facility are insufficient to ensure the safety of local residents, or the school next door.
- There is a risk that residents / day users who do not receive access to the facility as they are under the influence of alcohol or drugs create anti-social problems in the local area.
- There are insufficient proposals for night-time security.
- NWRC would not have control over the attendees of the centre when they are not on the facility's land.
- Concern about what will happen to parts of the site, where there are no proposals to develop at present.
- Concern regarding the management of the site and the lack of information about the level of failure of the current facility to change the behaviour of attendees and the risk of re-offending.

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Other matters:

- Insufficient information has been provided as part of the application to explain the nature of the proposal
- The application is misleading as it does not refer to the range of services that are intended to provide
- That the nature of the pre-consultation from the applicant is insufficient
- Concern regarding the administration of the application, including the process of advertising the application and the lack of time to offer observations
- The benefit of the local residents should be a priority for the Planning Authority and not the benefit of an individual charity
- Child safeguarding should be critical to the decisions of local authorities.
- The presence of the centre could be very financially harmful to St. Gerards School, thus endangering its existence.
- That the current site at Tŷ Penrhyn is much more suitable for such a facility.
- That it would be better for the applicants to invest their resources in Tŷ Penrhyn
- That the development would not bring any benefit to the local community
- Another use of the site, such as a care home or a part of the university would be more suitable
- The sales process has not been sufficient to disregard other uses for the site.
- Asbestos is present on the site.
- The application is unclear about the proposal to hold open services on the site, which would be available to users from the community, and not exclusively for residents.
- The facility would only serve a small part of the community, at the detriment of the wider community.
- The plan would not create many jobs, compared with the previous school.
- The development would reduce the values of local properties
- Insurance costs for local residents will increase
- Concern in the increased risk to the activities of the school next door and the additional costs to overcome those risks
- That such a scheme would not be acceptable near a school managed by local government

In addition, a number of supporting observations to the plan were received, including correspondence from former residents and existing residents of Tŷ Penrhyn and representatives from the Ministry of Justice and Betsi Cadwaladr Health Board. These observations included:

- That the charity's work is very important and this site would allow them to grow and improve their service for the community.
- That the current facility has offered an exceptional service and the new site would be in a very accessible location for future service users.
- The plan would re-use a community facility in a way that would be of substantial benefit to the local community.
- Whilst acknowledging that the school is close to the land of the university and the area's schools, procedures are in place to mitigate any risks that this could cause.
- Failing to agree to this redevelopment would seriously disrupt the work and continuity of the charity and they are a service that should be nurtured and they should be given every opportunity to thrive and grow.
- The community will only benefit when the centre moves to a more suitable site for their long-term plans.
-

In addition, the following comment was received, which is not directly relevant to the application:

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- There is an opportunity to use the reduction in traffic after the school use ended in order to improve the parking situation along Ffriddoedd Road.

5. Material Planning Considerations:

The principle of the development

- 5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations indicate otherwise. The Anglesey and Gwynedd Joint Local Development Plan (LDP) is the adopted 'Development Plan' in this case.
- 5.2 It is important to note when considering this application that the lawful use of the site, such as a school (non-residential education centre), falls under Use Class D1 in the Town and Country Planning Order (Use Classes) 1987 (as amended), which means that planning permission would not be required to change the building to be a clinic or health centre (which falls under the same use class). As a result, planning permission would not be required to implement this facility as a treatment centre for people with alcohol and drug problems. What makes this proposal to require planning permission is the residential element of the plan, as well as the proposed extension.
- 5.3 The proposed site is located within the Bangor development boundary as identified in the Gwynedd and Anglesey Joint Local Development Plan (JLDP). In accordance with Policy PCYFF 1 proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations. There is no specific policy in the LDP that deals with hostel developments. However, Policy TAI 11 in the JLDP supports the development of residential care homes / extra care housing or specialist care accommodation for the elderly, and the principles of the Policy can be considered with this application. The policy proposes four criteria for the assessment of such proposals, and those are discussed in turn below:

1. The residential care homes, extra care housing or specialist care accommodation are located within the development boundaries of either the Sub-regional Centre or Urban or Local Service Centre;

This organisation would be located within the development boundary of the Sub-regional Centre.

or

2. Specialist care accommodation, in exceptional circumstances, includes reusing suitable brownfield sites or buildings located close to the development boundary, and that a clear justification is provided for its location, considering the nature of the care required, the impact on transport, and that it can be shown that alternative sites are not suitable and/or they are not available;

As the site is located within the development boundary, this criterion is not relevant.

and

3. In the case of residential care homes and extra care housing, the site must be within a reasonable walking distance of services and facilities in the Centre or a regular public transport route that travels to services and facilities;

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This site would be in a very accessible location for Bangor's services and urban facilities and there are good public transport links from the site to the rest of the county.

and

4. That the proposal will not lead to an overprovision of care accommodation, compared with the needs of the local area.

Considering that this facility will replace another facility that is to be closed, and that an obvious need continues for the service offered, it is not believed that this development will lead to an overprovision in the area.

5.4 Given the above, it is believed that the principle of the development is consistent with the objectives of the main relevant policy within the LDP, such as policy TAI 11, and therefore the proposal is acceptable in principle.

5.5 Another fundamental policy consideration is Policy ISA 2, which sets out the criteria for developing new community facilities and in order to protect existing community facilities. The implications of that policy are elaborated upon in SPG: Change of use of community facilities and services, employment sites and retail units. The criteria of the policy are relevant to this proposal and those are discussed in turn below:

The Plan will help sustain and enhance community facilities by:

1. Granting the development of new community facilities, provided that:

i. they are located within or adjoining development boundaries or they are located outside development boundaries but within clusters where the proposal will provide an essential facility to support the local community;

This organisation would be located within the development boundary of the Sub-regional Centre.

ii. in the case of new buildings, the local community cannot be satisfied by making dual use of existing facilities or converting existing buildings;

This would be a plan that would make use of existing buildings

iii. where the proposal is for a facility being relocated, it can be demonstrated that the existing site is no longer suitable for that use;

The Planning Statement submitted offers an explanation of the reasoning behind the relocation of the facility, which includes:

- That Tŷ Penrhyn is in a poor condition and there is a need for substantial investment in the property,
- The existing property is not the applicant's property.
- The applicant's lease on Tŷ Penrhyn is coming to an end in around 18 months.
- Discussions have been held with the owners of Tŷ Penrhyn with the intention of buying, but it is not financially viable to buy and it does not meet the needs of the charity in the future.
- Hillgrove School has been identified by the applicant as a suitable site that would enable the charity to stay in Bangor.

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- Relocating to Hillgrove School would be of the best interest to the charity in the future.

There is no reason for the Local Planning Authority to doubt this explanation.

iv. that the proposal is of an appropriate scale and type compared to the size, character and function of the settlement.

The scale of the development is not substantially different to what is provided in the existing location and the current facility has shown that this type of proposal will be appropriate to be located within the Sub-regional Centre.

v. that the proposal is easily accessible by foot, cycle and public transport.

This site is in a very accessible location.

2. *Withstand the loss or change of use of an existing community facility, unless:*

i. a suitable replacement facility can be provided by the developer either on or off site, and within easy and convenient access by means other than the car, or

ii. it can be demonstrated that the facility is inappropriate or surplus to requirements,

or,

iii. in the case of a commercially operated facility, there is evidence:

- *that the current use has ceased to be financially viable, and*
- *that it could not reasonably be expected to become financially viable, and*
- *no other suitable community use can be established, and*
- *there is evidence of genuine attempts to market the facility, which have been unsuccessful.*

It is noted that Hillgrove School closed in 2017 and no proposals have come forward in the meantime to reopen for that purpose. It is believed that this in itself is a reflection of the viability of the previous use of the site. When considering the presence of many other schools within the development boundary of Bangor, a broad choice of similar facilities are available locally and it appears that this site is excessive for the local demand. The site has been on the market for over two and a half years with only three offers to buy made during that period, even at a substantially lower price than the initial price, and no contract was signed on either of these offers.

5.6 Considering the above discussion and the fact that a change of use of the site from a community use to another community use is intended here, it is believed that this proposal is consistent with the objectives of policy ISA 2 and the SPG as it would keep an important community facility within the Sub-regional Centre, and ensure a long-term use to a prominent and important site within the city.

General and residential amenities

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5.7 Generally, policies PCYFF 2 and PCYFF 3 of the Joint Local Development Plan approve proposals for new developments as long as they do not have a detrimental impact on health, safety or the amenities of the residents of local properties or on the area in general. In this case, many objections have been received to the application on the basis of concerns that, to a great degree, relate to matters outside normal material planning considerations on planning applications. Many concerns raised are based on the management matters of the facility and law and order policies that are not under the direct control of the planning system, and indeed have their own management systems. The following information has been received from the applicants, in an attempt to explain the management nature of the facility.

- Staff would be on duty at the hostel 24 hours a day.
- The charity files a quarterly report to the Wales Government Area Panel Board.
- The charity complies with the safeguarding requirements via Social Services.
- Every week, they send a list of all residents to the Police for checks.

5.8 In addition, a response was provided by the applicant, seeking to explain the nature of the services offered in an attempt to mitigate some of the objectors' concerns. This also included the following points:

- The charity is a mainly residential community which supports individuals who have experienced difficulties in the past with alcohol and drugs.
- The proposal is to establish and support projects that assist those who refrain from alcohol and drugs.
- Residential and Rehabilitation services like this do not offer acute services. Also, they do not serve or attract active alcohol and drug users, such as those discussed in correspondence from objectors.
- The organisation is a part of the framework of provision that can be considered as a separate tier to those who deal day-to-day with alcohol and drug users, such as the criminal justice service, health and social services.
- All residents refrain from using alcohol and drugs. It is a condition of their residency that is enforced by regular tests and tenancy contracts, where any breach of this rule leads to moving the individual from the organisation.
- The charity also holds meetings with a number of community groups, but these do not provide treatment for those with severe needs and individuals who are drunk or under the influence of drugs cannot attend such activities and inappropriate conduct from attendees will not be tolerated.
- The emphasis of the organisation is on not using alcohol or drugs and its work is acknowledged as best practice in the field of providing led rehabilitation.

5.9 In terms of amenity considerations that are relevant to planning, the extension proposed would be very small compared with the size of the existing buildings (10.5m x 2.0m and 2.8m high), and it would rarely be visible from public places. In addition, the development would offer an opportunity to secure a viable future to the existing buildings of the site, some of which are of

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attractive architecture and of historic interest. To that end, it is believed that the visual impact of the development would be acceptable.

- 5.10 Given the distance between the buildings in the area, the orientation of the buildings and the presence of vegetation, trees and fences, as well as the fact that there would be no increase in first floor windows, it is not believed that there would be no significant additional overlooking nearby and there would be no harm caused to the privacy of any nearby property from the development.
- 5.11 In terms of noise impacts and general disturbance, when considering the nature of the existing lawful use of the site, such as a school, it is not believed that it would be likely for the proposed use to cause worse significant harm to the amenities of neighbours. It is accepted that school use is squeezed to shorter hours during the day; however, a restricted number of adults operating within a robust management system would use the facility and therefore, it is not believed that this will lead to significant harm.
- 5.12 Concern was also raised regarding light pollution that could derive from the facility, but it is noted that the ecological survey recommended a "low level" external lighting system that would, from its implementation, not only safeguard biodiversity but would also reduce light pollution.
- 5.13 It must be acknowledged that the concern of local residents about the impact of the development on their health and well-being is a material planning consideration and it is obvious from the correspondence received that some local residents have strong concerns about this development and that approving the development would be cause of concern from them. Having said that, as noted already, the use of the building could be changed to a health centre or clinic without the need for planning permission, indeed, many other uses such as a place of worship, nursery or public hall, could be implemented without seeking permission and could have substantial impacts on the local urban environment. It is important to remember that this is a site in a civic, multi-purpose location, with student halls of residence, schools, sports hall and houses nearby and a range of public facilities such as shops, places of worship and pubs in the vicinity. The site is in the centre of a designated Sub-regional Centre and local and national planning policies encourage the centralisation of activities in such locations as they are considered to be sustainable locations.
- 5.14 Given the nature of the location and the lawful alternative uses that can be made of the site, it is not believed that this development would create additional significant harm to the amenities of the local area or private amenities and therefore, it is believed that the development is acceptable under the requirements of policies PCYFF 2 and PCYFF 3 of the LDP.

Transport and access matters

- 5.15 The Transportation Unit did not have any objection to this proposal in principle despite their request for a plan showing the proposed parking and turning arrangements. At the time of writing this report, no such plan had been received and a further report will be given to the committee on this matter. Having said that, when considering the site's previous use as a school, as well as the amount of land available to ensure an acceptable arrangement, it is not believed that there will be any obvious obstruction to the application meeting the requirements of policies TRA 2 and TRA 4 of the LDP.

Biodiversity Matters

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- 5.16 TAN 5 emphasises that information about the dangers to protected species should be considered before granting planning permission. This is reflected in policy PS 19 of the LDP which encourages safeguarding protected species. A Preliminary Ecological Report was received as a part of the application and the report includes recommendations for the mitigation of the potential impact of the development on biodiversity. By following those recommendations, the development would be acceptable by the Council's Biodiversity Unit. Therefore, it is believed, by imposing an appropriate condition, that the plan would be acceptable under the requirements of policy PS 19 as it relates to protecting the natural environment.

The Welsh Language

- 5.17 It is noted that some specific types of developments will require the proposal to submit a Welsh Language Statement or Welsh Language Impact Assessment Report. The thresholds in terms of when it will be expected to submit a Statement/Report have been highlighted in Policy PS1 of the Joint LDP, along with Diagram 5 of the SPG: Maintaining and Creating Distinctive and Sustainable Communities (SPG). The development in question does not meet any of the thresholds in Policy PS 1 of the LDP.
- 5.18 The Planning Statement submitted notes, when considering that the plan would move an existing facility, that the impact on the language would be neutral. Having said that, they highlight the organisation's commitment to providing appropriate services for Welsh speakers. Policy PS 1 seeks to promote and support the use of the Welsh language and consequently, it is believed that it would be reasonable to impose a condition on any permission, demanding that all signage on the site is bilingual. In doing so, it is believed that the proposal is acceptable under policy PS 1.

6. Conclusions:

- 6.1 On the grounds of the above assessment, and despite the concerns noted by objectors to the plan, it is considered that a hostel development to offer support to those with alcohol or drug dependency would be acceptable in relation to the relevant planning policies noted above, and it is not considered that it would have an additional significant detrimental impact on the amenities of the area or nearby residents. In addition, it is considered that the location, nature and form of the development is acceptable and in-keeping with the civic context of its location. Having given full consideration to all the relevant planning matters, it is considered that the development is suitable for the site and complies with the local and national policies and guidelines noted.

7. Recommendation:

To approve the application subject to the following conditions:

1. Commence within five years.
2. In accordance with the submitted plans.
3. All internal and external signs to be in Welsh only or bilingual with a priority given to the Welsh language.
4. The recommendations of the Ecological Assessment Report must be observed
5. Welsh Water Condition

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6. Photographic survey in order to record archaeological features

Welsh Water Note