

PLANNING COMMITTEE	DATE: 20/03/2023
REPORT OF THE ASSISTANT HEAD OF DEPARTMENT	

**Number: 1**

**Application Number: C18/0238/11/LL**

**Date Registered: 11/05/2018**

**Math y Cais: Full**

**Community: Bangor**

**Ward: Bangor Centre**

**Proposal: Redevelopment of the site to provide 55 residential units, together with the creation of a new vehicular access, estate roads and associated paths, parking spaces and landscaping**

**Location: Former Dickies Boatyard, Beach Road, Bangor, LL57 2SZ**

**Summary of the Recommendation: To Refuse**

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## 1. Description:

- 1.1 This is a full application for the erection of 55 residential units together with the creation of a new vehicular access, estate roads, parking, paths and landscaping. The mix of houses will be constructed with two, three and four storey buildings which will provide:
- 10No. 3 Bed Houses
  - 10No. 3 Bed Houses
  - 5No. 4 Bed Houses
  - 25No. 2 bed apartments
  - 5No. 3 bed apartments
- 1.2 The site is located the within the settlement of Garth, immediately south of Bangor Pier. It is located within the development boundary of Bangor but it has not been designated for any particular use. The application site itself comprises of previously reclaimed land on the Port Penrhyn foreshore, forming part of a larger brownfield site having a historic industrial/commercial use. Planning permission for the erection of 72 residential units and associated works has been implemented on adjoining land which was previously used as a boat yard and is referred to as Phase 1.
- 1.3 The site was used as a builder's compound and temporary repository for material derived from excavation works associated with the Phase 1 residential development. Planning permission has previously been granted to raise the site levels and install a rip-rap sea defence. Works have commenced on site to achieve the maximum cap level of 6.98m AOD, enabling the developer to submit an application to Natural Resources Wales which removed most of the site from the C2 flood risk designation on the development advice maps of TAN 15 (Development and Flood Risk). The site has also been subject to preparatory works to strip back the slate cap in order to expose, map and treat the growth of Japanese Knotweed. Although the preparatory works have commenced, works to install the rip-rap has not commenced.
- 1.4 The application is supported by the following documents & assessments:
- Affordable Housing Statement
  - Community and Linguistic Impact Assessment
  - Design and Access Statement
  - Drainage Statement prepared
  - Flood Consequence Assessment
  - Ground Investigation Report
  - Habitat Regulations Assessment Screening Opinion
  - Heritage Impact Assessment
  - Invasive Weed Management Plan

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- Landscape and Visual Impact Assessment
- Planning Statement prepared
- Pre-Application Consultation Report
- Preliminary Ecological Appraisal
- Transport Statement
- Winter Bird Survey

## 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 decisions should be in accordance with the Development Plan, unless material considerations dictate otherwise. Planning considerations include National Policy and the Unitary Development Plan 2001-2016 and the emerging Anglesey and Gwynedd Joint Local Development Plan.

2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the 7 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 set out below, 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 (31<sup>st</sup> July 2017)

PS 1 - Welsh language and Culture.

PS 2 - Infrastructure and Developer Contributions.

ISA 1 - Infrastructure Provision.

ISA 5 - Provision of Open Spaces in New Housing Developments.

PS 4 - Sustainable Transport, Development and Accessibility.

TRA 1 - Transport Network Developments

TRA 2 - Parking Standards.

TRA 4 - Managing Transport Impacts.

PS 5 - Sustainable Development.

PS 6 - Alleviating and Adapting to the Effects of Climate Change

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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.

PS 16 - Housing Provision

PS 17 - Settlement Strategy.

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

TAI 8 - Appropriate Housing Mix.

PS18 - Affordable Housing

TAI 15 - Affordable Housing Threshold and Distribution.

PS19 - Conserving and where Appropriate Enhancing the Natural Environment

AMG 3 - Protecting and Enhancing Features and Qualities that are Distinctive to the Local Landscape Character.

AMG 4 - Coastal Protection.

AMG 5 - Local Biodiversity Conservation.

AMG 6 - Protecting Sites of Regional or Local Significance

PS 20 - Preserving and where Appropriate Enhancing Heritage Assets.

AT 1 - Conservation Areas, World Heritage Sites and Registered Landscapes, Parks and Gardens.

Gwynedd Design Guidance (2003).

Supplementary Planning Guidance (SPG):

SPG: The Slate Landscape of Northwest Wales World Heritage Site

SPG: Housing Mix.

SPG: Maintaining and Creating Unique and Sustainable Communities.

SPG: Planning Obligations.

SPG: Affordable Housing.

SPG: Housing Developments and Educational Provision.

SPG: Open Spaces in New Housing Developments.

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## **2.4 National Policies**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

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

TAN 5: Nature Conservation and Planning

TAN 12: Design.

TAN 14: Coastal Planning

TAN 15: Development & Flood Risk

TAN 16: Sport, Recreation & Open Space

TAN 18: Transportation.

TAN 20: Planning and the Welsh Language.

TAN 24: The Historic Environment (2017).

## **3 Relevant Planning History:**

C09A/0410/11/LL – Demolish the existing buildings on the Dickies Boatyard site, creation of roundabout and a new vehicular access from Beach Road via Medway Road to the site, creation of footpath from the site to Garth Road and erection of 72 living units. Approved 06/01/2012.

C12/1141/11/LL to vary condition 2 on planning approval C09A/0410/11/LL relating to finished floor levels of plots 1 to 38 and reduction of ridge heights. Approved 26/11/2012.

C14/1072/11/LL – Application to import inert materials in order to raise existing land levels. Withdrawn 25/06/2015.

C15/1081/11/LL – Re-submission of a previous application to import inert materials in order to raise existing ground levels. Approved 20/12/2016.

C17/1086/11/LL - Application under Section 73 to vary condition 2 on planning permission C15/1081/11/LL to extend the timescale to complete the development in accordance with the application plans (submission of further information to support a variation of condition 3, cut and fill operations). Approved 06/11/2018

C17/1203/11/AC - Application to discharge planning conditions 5, 13 & 21 on planning permission ref. C15/1081/11/LL. Approved 02/02/2018

C18/0084/11/LL – Full application for engineering operations, including cut and fill, to deliver an extended rip-rap embankment on the northern development parcel of Phase II, in addition to further works to reinforce the old sheet piling around the dock wall. Approved 11/02/2019

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#### 4. Consultations:

City Council: 11/04/18 – Objection, the proposals are considered too large, too high and unacceptable for the area. It would therefore represent an over development of the site.  
05/06/18 - Objection as this was overdevelopment of a site with many environmental issues.

Transportation: Not received

Welsh Government – Trunk Roads – The Welsh Government as highway Authority for the A55 does not issue a direction in respect of this application.

Welsh Water: Standard advice & conditions.

Language Unit: No response

Isle of Anglesey County Council: Landscape and Visual

The AONB Management Plan (JLDP Policy AMG 1: AONB Management Plans) states:

CCC 3.1 All development proposals within and up to 2Km adjacent to the AONB will be rigorously assessed to minimise inappropriate development which might damage the special qualities and features of the AONB or the integrity of European designated sites.

CCC 3.2 All new developments and re-developments within and up to 2Km adjacent to the AONB will be expected to adopt the highest standard of design, materials and landscaping in order to enhance the special qualities and features of the AONB. Proposals of an appropriate scale and nature, embodying the principles of sustainable development, will be supported.

In each of the images the development would be viewed against the coastal built or nautical environment and mountain views. Garth pier is distinct in Viewpoints 9 and 10, and Viewpoint 9 (taken from a seat along the Wales Coast Path) is the closest of the three viewpoints. The effects from Viewpoint 9 are we consider greater than negligible adverse given the scale of the development proposed on the headland (Block 12) and would affect views of the mainland in the context of Garth pier. With Viewpoint 9, summer views are more enclosed by vegetation and views of existing built development restricted. The change would be greater than predicted but would not as per the LVIA methodology in the report, be significant.

Conclusion:

Effects of the AONB Special Quality ‘Extensive Views / Seascape from a number of sensitive viewpoints would be negligible / slight adverse. We

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would recommend that appropriate weight is given in your decision to these adverse effects from the Ynys Mon AONB as required by policy AMG 1.

CADW:

11/10/22

Further to your email to Cadw's Senior Historic Environment Planning Officer on 15 September, please see Cadw's updated comments on the above application. This advice is given in response to a planning application for the redevelopment of the former Dickies Boatyard to provide 55 residential units, together with the creation of a new vehicular access, estate roads and associated paths, parking spaces and landscaping.

Scheduled Monuments:

AN072 Pen-y-Maen Standing Stone

CN073 Pier Camp CN153 Henge Monument and Cursus

CN335 Ogwen Fish Weir

CN380 Cegin Viaduct (Penrhyn Railroad)

Registered Parks and Gardens:

Penrhyn Castle

World Heritage Sites:

Slate Landscape of Northwest Wales

In response to a number of previous consultations in regard to this application Cadw have identified a number of designated historic assets which had not been considered in the submitted Heritage Impact Assessment. Since Cadw's last response, Wardle Armstrong have submitted a letter (dated 13th July 2018), which Cadw has not previously been consulted on. This letter has considered the impact of the proposed development on the settings of these designated historic assets, concluding that in none of these cases there will be a significant impact.

However, the letter does not provide any more information that will mitigate Cadw's concerns in regard to the impact of the proposed development on the candidate Slate Landscape of Northwest Wales World Heritage Site stated in our letter of the 2nd May 2018. Since Cadw's concerns were raised the Slate Landscape of Northwest Wales has been inscribed by UNESCO as a World Heritage site and Cadw now have significant concerns that the proposed development could have an adverse impact on its Outstanding Universal Values.

As such the LPA should carefully consider the benefits of the proposed development against the adverse impact of the World Heritage Site.

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**02/05/18**

Further to our letter of 25 April, we have noted that the Heritage Impact Assessment (HIA) has been included on your website and we are therefore providing additional comments.

### **Advice**

We have carefully considered the content of the HIA and are concerned that it does not include an impact assessment for scheduled monuments Pier Camp and Cegin Viaduct. Similarly, we are concerned about the moderately adverse impact that the proposed development is predicted to have on the candidate World Heritage Site (WHS) for the Slate Industry of North Wales.

We recommend that an impact assessment should be undertaken for the two scheduled monuments and the scheme should be subject to further design work to mitigate the effect on the WHS with particular consideration to reducing the scale, height and massing of Block 12.

Once this information has been provided Cadw should be re-consulted accordingly. We have not considered the likely impact of the development on listed buildings or conservation areas as these are matters for the local planning authority.

### **Assessment**

For the most part the Heritage Impact Assessment has been undertaken to a satisfactory standard. However, the assessment has not been carried out for all scheduled monuments which could be impacted upon by the scheme. In the case of the Slate Landscapes of North Wales candidate WHS where a moderate adverse impact has been identified, no mitigation proposals have been offered to reduce this impact to a more satisfactory “slight” level.

### **Scheduled Monuments**

There is no specific assessment of impact on the setting of CN073 Pier Camp hillfort which lies within the 1km search area. We assume that Pier Camp is one of the two scheduled monuments referenced in paragraph 4.1 (the other being Cegin Viaduct) but neither subsequently appear in paragraph 4.4 which identifies those heritage assets for which impact assessments are provided. No explanation is given for the failure to include these scheduled monuments. If it is based on topographic assessment of potential for impact then evidence should be included to demonstrate that there would be no / negligible impact, otherwise this remains open to question.



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### **Registered Parks and Gardens**

The HIA does assess the impact of the proposed development on the registered park and garden at Penrhyn Castle. We note that para 5.67 of the HIA states that the proposed development site is located to the north east of Penrhyn Park but it is actually located to the north west of it. The HIA concludes in para 6.5 that the proposed development would interrupt and change views between Garth Head and the Penrhyn Estate from certain locations and the impact is considered to be slight. We agree with this assessment and do not consider there to be a significant impact on the setting of the registered park and garden at Penrhyn Castle.

### **Candidate World Heritage Site**

The assessment (paras 5.86-5.94) recognises the importance of protecting the Outstanding Universal Value of the candidate WHS and notes that while the boundaries of the site have yet to be finalised, there is a strong likelihood that the development site would be in its Buffer Zone. For this reason it is important to ensure that the design of the development is sensitive to the protection of the candidate site and would not adversely impact on its Outstanding Universal Value.

The HIA notes that historically the development site has not contained elements with a direct functional relationship with the components of the candidate WHS as it has been defined. Port Penrhyn is a key component of the bid, and the development site is on the opposite side of the bay and would be clearly visible from it. The HIA concludes that impact of the development on the setting of the WHS would be “moderate adverse” as a result of change in its wider setting (para 5.94). Cadw does not dispute this assessment but it is higher than desirable. Therefore, we advise that mitigation options must be investigated that will reduce this impact.

The historical assessment of the development site has clearly demonstrated that the site has a reasonably long history of industrial use – with associated change and adaptation to make it fit for purpose. There is no reason why this site should not be suited to the residential use proposed through this development – but the scale of the new buildings must be sympathetic with the surroundings and history of the site. Of particular concern is the proposal to install four-storey buildings on the site (Block 12) and the prominence of their position.

The HIA states that the development should form a “continuation of the townscape within wider views into and out of the nomination site” – para 5.92. We support this objective. However, the present scale and massing of some of the buildings – in particular those at the front (seaward looking) side of the development is such that the development stands out against its backdrop rather than blending comfortably into it and therefore the objective is not in our view being achieved.

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The main difficulty is the prominence and height of the buildings comprising Block 12 which draws too much attention to the development and changes the visual relationship between the site and neighbouring Porth Penrhyn and Garth Head – both of which are recognised for their high historic value. The massing, scale and prominence of Block 12 places too much visual emphasis on the new development when considered against the lesser scale of surrounding buildings and wider townscape.

Conservation officer: 02/02/23

Further to my previous comments on the application (dated 12.10.2018), please note that the Slate Landscape of North West Wales was officially inscribed by UNESCO as World Heritage Site in July 2021. The comments made reference to the candidate site and should now be read as an actual World Heritage Site, but the contents of the previous comments remain the same in relation to planning policies.

12/10/18

- 1.1 This report relates to Planning Application C18/0238/11/LL for 55 residential units on the site of the former Dickies Boatyard, Hiracl Bay, Bangor. The application represents the proposed second phase development of the site.
- 1.2 The scheme proposes the development of the site in thirteen blocks. These range in proposed height from two to effectively five storeys. Many of the blocks are articulated and some vary in height. The general arrangement of the massing is lower to the landward side reaching 4/5 storeys at the eastern part of the site on the seaward promontory.
- 1.3 The Application has been supported by the submission of a Heritage Impact Assessment and a Landscape and Visual Impact Assessment.

## **2.0 Heritage Impact Assessment**

- 2.1. The Heritage Impact Assessment (HIA) sets out the National and Local Policy Context in a clear way and follows an accepted pattern for such an Assessment. In particular the HIA refers to the Cadw publication, Conservation Principles for the Sustainable Management of the Historic Environment in Wales (2011), and the Design Manual for Roads and Bridges (DMRB) 2007 as tools for the assessment of the significance of Heritage Assets.
- 2.2 The HIA states correctly that no statutory designated Heritage Assets lie within the boundary of the site, section 1.8, therefore it is the impact of the proposed development on the setting of surrounding Assets which is considered.

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- 2.3 Section 4.1 enumerates the designated Heritage Assets within 1km of the site. It is not to be expected that all these Assets would be subject to detailed assessment, but it is perhaps surprising the two Scheduled Ancient Monuments, Pier Camp and the Cegin Viaduct, are not considered further.
- 2.4 Section 4.4 details those assets which are to be considered further and in Section 5. Assessment of Significance, these are individually assessed using the four categories of importance, Evidential, Historical, Aesthetic and Communal, which are detailed in the 2011 Cadw Report, together with the DMRB 2007 criteria, to assess the impact.
- 2.5 The one exception from this is the Gwynedd Slate Industry Candidate World Heritage Site which is not assessed using the same methodology. The reason for this is not explained.
- 2.6 In the case of each of the Assets an assessment is reached of the impact of the proposals on those Assets.
- 2.7 It is not always clear how these individual assessments have been reached. In particular, although the DMRB methodology is referred to and the methodology itself is reproduced in full as Appendix 1, how the conclusions were arrived at for each of those Assets is not explained.
- 2.8 It is noticeable that the matrices through which the DMRB assessment are usually reached does not form part of the report. This is something of an omission and makes it more difficult to understand how the assessment conclusions are reached.
- 2.9 The conclusions on the impact on individual Assets may be questioned and that the impact on the setting of those assets is understated. In particular the impact on the listed 1-7 Glandwr Terrace is assessed as minor. This is highly disputed as the form and scale of the proposal fundamentally affects the relationship between the Terrace and the sea, essential to the positioning and planning of the listed terrace.
- 2.10 It is acknowledged in section 6.3 of the HIA that there is a moderate adverse impact on the setting of the Candidate World Heritage Site. Again there is no specific explanation of how this conclusion is reached through the operation of the criteria and tests outlined in Cadw's Conservation Principles or the DMRB publication.
- 2.11 Crucially, no specific mitigation for this moderate adverse affect is proposed. The HIA considers that sufficient mitigation is provided by the proposed design, scale and materials of the development. This is strongly disputed and examined further in 5.3 where the scale,

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massing and design are discussed.

### **3.0 Policy Considerations.**

- 3.1 As outlined in 1.3 the proposed development is arranged in thirteen proposed blocks which vary in scale from two storeys to the landward part of the site to effectively five storeys on the seaward promontory.
- 3.2 The existing development adjacent to the site is predominately of two to three storeys. The proposed development, both in terms of scale and massing, is a departure from the existing urban grain of this part of the city.
- 3.3 The decision to make such a strong focal point on the most visible seaward projection has a dramatic and adverse impact on the built form of the area.
- 3.4 Policy PCYFF 3: Design and Place Shaping, point 1 in relation to proposed development requires that, 'It compliments and enhances the character of the site, building or area in terms of siting, appearance, scale, height massing and elevation treatment;'
- 3.5 The proposed development does not comply with Policy PCYFF 3 and its basic design concept conflicts with this policy. The proposed development seeks to impose its own scale and massing on the site and the area. It seeks to establish the highest scale on the most visible and exposed part of the site in conflict with the existing townscape.
- 3.6 Strategic Policy PS 5 Sustainable Development, point 5 requires development to, 'preserve and enhance the quality of the built historic environment assets (including their setting).'
- 3.7 Strategic Policy PS 20: Preserving and Where Appropriate Enhancing Heritage Assets, Points 1-6, requires development to preserve and where appropriate enhance a number of named assets including Scheduled Ancient Monuments, Listed Buildings, Candidate World Heritage Sites and Historic Landscapes.
- 3.8 Section 2.3 of this report notes that the two Scheduled Ancient Monuments noted as being within 1 km of the site are not considered in the submitted Heritage Impact Assessment.
- 3.9 The listed buildings closest to the site are 1-7, Glandwr Terrace. This terrace was added to the statutory list, Grade II, in May 2013. The non-statutory listing description informs that a 19<sup>th</sup> Century census return shows a number of occupiers in the maritime or slate industries and that the orientation of the terrace and the use of first floor oriel windows is thought to be specifically located to give maritime views in general and views of Porth Penrhyn in particular.
- 3.10 This relationship will undoubtedly be affected by the proposed

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development and to a greater degree than stated in the Heritage Impact Assessment. This effect is exacerbated by the scale and massing of the proposal with its focal point on the eastward promontory and runs contrary to Strategic Policy PS 5 and Strategic Policy PS 20.

- 3.11 Porth Penrhyn lies to the immediate east of the proposed development across Hirael Bay. Porth Penrhyn contains several listed buildings including the Grade II\* listed quay of the New Dock. The development of Porth Penrhyn from the mid 18<sup>th</sup> to the mid 19<sup>th</sup> centuries is of undoubted importance to the development of the slate industry in North West Wales. The port itself is a collection of dispersed buildings of relatively low scale and massing.
- 3.12 The development of the application site to the scale and massing proposed would undoubtedly have an adverse impact on the setting of the listed buildings and therefore runs contrary to Strategic Policy PS 5 and Strategic Policy PS 20.
- 3.13 Section 5.51 of the submitted Heritage Impact Statement states that the ‘...aesthetic value of the port’, might be enhanced by making it more visible from the proposed private housing development. This itself is questionable but would in any event not compensate for the damage caused by that development to the setting of Porth Penrhyn.
- 3.14 The Gwynedd Slate Industry is being developed for consideration by UNESCO as a World Heritage Site. At present it is a Candidate site, and until the designation is confirmed the exact boundary of the WHS and the surrounding Buffer Zone is not known but it is highly likely that the proposed development site would fall within the Buffer Zone. Any development here must be considered in terms of possible impact upon the Candidate site. Porth Penrhyn is a key component of the bid and by means of its scale and massing the proposed development has an adverse impact on the setting of Porth Penrhyn.
- 3.15 The Heritage Impact Assessment concludes that the proposed development has a ‘moderate adverse impact’ on the setting of the Candidate World Heritage Site. It is not entirely clear how this conclusion is reached and the HIA proposes no mitigation other than the scale and design of the proposed development.
- 3.16 This is not felt to be acceptable or credible and the proposal runs contrary to Strategic Policy PS 20 point 5 in relation to the Candidate World Heritage Site.
- 3.17 In addition to impacts on the setting of the Candidate World Heritage Site the impact of the proposed development on the wider landscape and its setting must also be considered, including views of and from the designated Assets of the Snowdonia National Park and the Anglesey Area of Outstanding Natural Beauty as well as non-

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designated local landscapes and views.

- 3.18 Strategic Policy PS19 Conserving and Where Appropriate Enhancing the Natural Environment, points 1-3 and 7, requires development to, safeguard coastlines and landscapes, their settings and significance and retain or enhance the Landscape Character Areas.
- 3.19 Policy AMG 3: Protecting and Enhancing Features and Qualities That are Distinctive to the Local Landscape Character, points 2 and 3 in relation to proposed development requires that, it does not, ‘... have significant adverse impact upon landscape character.’
- 3.20 The submitted Landscape and Visual Impact Assessment states that the impacts vary from slight- negligible beneficial to negligible-moderate adverse. However, this stated impact of the proposed development is underpinned by the LVIA’s assessment of the site in its current state that it is abandoned and derelict and that development is inherently preferable to non-development. These underpinning assumptions are disputed, as are the conclusions. The proposed development is of such a scale and massing particularly in the most sensitive part of the site that development in this form would have a marked adverse impact on the local and wider landscape and therefore would conflict with Strategic Policy PS 19 and Policy AMG 3.

#### **4.0 Conclusions**

- 4.1 The proposed scheme relates to 55 residential Units in thirteen blocks on the site of the former Dickies boatyard, Bangor.
- 4.2 The scale of the development ranges from two to five storeys and is massed with the higher elements to the seaward and the highest element to the eastward promontory.
- 4.3 This results in a development which is contrary to the existing urban grain and which creates a strong focal point in a visually intrusive location with consequent adverse effects on the townscape, nearby listed buildings, the Candidate World Heritage Site and the Landscape character.
- 4.4 Having given full consideration to all material planning considerations, including the Heritage Impact Assessment and Landscape and Visual Impact Assessment submitted in support of the scheme, it is considered that this proposal has unacceptable adverse impacts on the designated and undesignated Heritage Assets of the area and should be refused.

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Land Drainage Unit: 17/07/18

Satisfied with the submitted calculations but would recommend the following informative:

Drainage calculations indicate that the system would surcharge and exit the manholes in the 1% +CC critical storm event. This would lead to flooding of the site road in two discreet locations – associated with surface water manholes S1 and S3/S4. Drawing No. 505 Rev. P6 indicates that the ponding of water on site road would not exceed 80mm in depth. We are satisfied that the depth of flooding in the 1% +CC event would not pose any significant concerns, provided the water remains within the site.

Due to the fact that surface water issues are an existing concern in the Hirael area, it is important that the site roads are contoured as shown in the above drawing, to ensure that surface water remains on site and does not flow towards Beach Road.

03/07/18

Thank you for providing us with drawing No. 505 Rev. P6 which somewhat clarifies the intended surface water drainage route and confirms that discharge will be directly to Hirael Bay via an existing outfall. Both legs of the surface water drainage connect to the existing system, however, it is not clear whether that system has sufficient capacity to accommodate the additional flows from the two 225mm ø pipes. We would therefore request confirmation of the return period to which the network has been designed to, including confirmation that the receiving system has sufficient capacity to accept the additional flows without surcharging. As indicated previously, Hirael has a history of surface water flooding problems; we would wish to see no additional flows leaving the site in the direction of the A5 – in all events up to the 1% +CC storm.

Biodiversity Unit: **Bae Hirael Wildlife Site**

The proposed development site is adjacent to the Bae Hirael Wildlife Site designated for mudflats, a section 7 habitat and its wintering bird population in association with the Traeth Lafan SPA.

#### **Traeth Lafan SPA Features**

Traeth Lafan qualifies as an SPA as it supports significant concentrations of three non-breeding species listed in Annex I of the Birds Directive. (JNCC Data Sheet)

- Oystercatcher *Haematopus ostralegus* 4931 wintering birds, representing 1.4% of the population in Great Britain (based on 5 year peak mean 1991/92-1995/96)
- Curlew *Numenius arquata* 1231 wintering birds, representing 1.1% of the population in Great Britain (based on 5 year peak mean

1991/92-1995/96)

- Great crested grebe *Podiceps cristatus* 260 moulting / wintering birds (no population statistics available)

The JNCC data sheet in addition lists Redshank (*Tringa totanus*) and Red-breasted merganser (*Mergus serrator*), both listed on Annex II of the Birds Directive.

### Winter roosting birds

The sea banks of the former Dickie's Boat Yard have significant numbers of roosting waders in the winter (300 redshank, 15 oystercatcher, 50 dunlin).

### Ecological Impacts

Roosting waders are sensitive to disturbance. Construction works and activities once the site is operational is likely to have significant impact on roosting waders associated with the Traeth

Lafan SPA.

### Habitats Regulation Assessment

This development proposal is likely to have a significant impact on a site of international importance for birds. No information has been provided to inform a HRA, therefore no assessment can be made. Under the Habitats Regulations, Cyngor Gwynedd is the competent authority and must refuse this proposal.

### Summary

I object to this proposal because it will have an ecological impact on the Wildlife Site and Traeth Lafan SPA.

Housing Unit:

01/06/18

Mae gennym dystiolaeth i ddangos mai mwy o unedau llai ydym angen ym Mangor, fel gwelir o'r tabl isod (Tîm Opsiynau Tai):

Dewis	Bungalo	Fflat	House	Mais.	Total
1	263	683	519	543	2008
2	341	657	829	512	2339
3	64	134	547	118	863
4	0	12	124	12	148

\*Cyfanswm ceisiadau: 440

\*263 ymgeisydd wedi nodi byngalo ym Mangor fel eu dewis cyntaf, 341 ymgeisydd wedi dewis byngalo ym Mangor fel eu hail dewis ayb..



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Dengys yn glir fod galw sylweddol uwch am unedau 1 a 2 stafell wely, ond mae gennai bryder nad yw'r unedau yn cyfarch DQR.

Environmental Health & Public Protection: Conditions required – contaminated land desk study, investigation and remediation if required.

Menai Straight Fishery Order Management Association: 17/04/18 – We are concerned that the frequency of combined sewerage outfall (CSO) discharges will increase as a result of this development. The receiving waters in the easter Menai Straight are a designated European Shellfish Water. This statutory designation is in place to ensure that the quality of the marine environment in this area is maintained. An increase in CSO discharges may nor be compatible with this designation and could threaten the viability of shellfish farming in the area.

Anglesey County Council: 17/04/18 – Effects on the AONB Special Quality ‘Extensive Views / Seascape’ from a number of sensitive viewpoints would be negligible/slight adverse. We would recommend that appropriate weight is given in your decision to these adverse effects from the Ynys Mon AONB as required in policy AMG 1.

Fire Service: 29/05/18

No comment for access for fire appliances under normal conditions.

With respect to flood conditions the “Flood Consequences Assessment” Section 3.4 Emergency Access/Egress makes reference to a pedestrian access of approximately 1.8 – 1.9m off Garth Road which would allow the passage of narrow motorised vehicles to enable Emergency Services to evacuate people. This footpath was measured by North Wales Fire & Rescue Service on the 27.5.18 on being 1.6m wide (further restricted to 1.2m by a lamp post on the path). North Wales Fire & Rescue Service do not have any motorised vehicles narrow enough to negotiate this footpath.

Natural Resources Wales: 12/09/22

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected sites should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

NOTE: As previously advised, we would require that the mitigation methods are completed within permissions C17/1086/11/LL, and C18/0084/11/LL, before the commencement of this development. It will be for your Authority to ensure that the necessary mitigation measures from those permissions are secured before commencement of this development,

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if granted.

### **Protected Sites**

We continue to have significant concerns that the proposed development will affect the Traeth Lafan Site of Special Scientific Interest (SSSI).

We advise that full details of the mitigation measures in relation to the high tide, wintering wader bird roost within the recommendations within the wintering bird survey report, Middlemarch Environmental, January 2018, RT-MME-126872-02-REV A are included within this planning application. Due to the time that has elapsed since the report, you may now wish to request an updated survey.

The importance of the high-tide wintering, wading bird roost on the south side of the main promontory at the former Dickies boatyard site has been highlighted in the Winter Bird Survey report (RT-MME-126872-02), and the Habitats Regulations Assessment: Stage 1 Screening report (RT-MME-126872-03). There is a clear connection between the birds using this roost site and the interests stated in the NRW SSSI citation document for the nearby Traeth Lafan SSSI, as well as connections with interests of the Traeth Laven Special Protection Area.

A condition is included within existing permission, C15/1081/11/LL condition 19 iii) that requires the submission of a restoration and biodiversity management plan, which includes measures to enhance habitat for waders and other birds. If the proposed development shall be constructed such habitat may be lost. Table 5.2 of the report specifies that this habitat would impact 28% of the population of the local Redshank. We draw your attention to recommendation 2 of the wintering bird survey report, Middlemarch Environmental, January 2018, RT-MME-126872-02-REV A that requires the provision of alternative roosting habitat for redshank. No such alternative provision has been included within this application. This application will require the provision of alternative roosting habitat for redshank, both during the construction period, and possibly permanently, should the current high-tide roost be subject to any disturbance.

The development of this site as proposed would be expected to directly result in serious adverse effects on this high tide, wintering wading bird roost site during the construction phase and the operational phase of the housing development without mitigation/compensation, with there being a high risk of significant or complete abandonment of the roost site due to physical changes in the area and ongoing disturbance factors. We would need to see measures taken to maintain or enhance the functioning of the high tide roost and/or otherwise mitigate/compensate for any adverse effects on it. In determining this planning application, you will need to consider risks of impact on SPA features when undertaking a test of likely significant effect under regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the impact on SSSI interests in compliance with the requirements of section 28 of the Wildlife and Countryside Act 1981 (as amended). You will also need to take into account your broader biodiversity duty, set out in Section 6 of the Environment (Wales) Act 2016, and secure appropriate avoidance/ mitigation/ compensation

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measures in relation to the roost.

The wintering bird survey report includes some mitigation measures, but the suggestions there do not correspond with the proposed site layout which includes housing close to, and overlooking the roost site, as well as a publicly accessible cycle/footpath immediately on/above the current roost area. NRW site visits in relation to a Marine Licence application recorded large numbers of birds roosting beyond the area shown in the winter bird document map, extending onto the top of the level promontory area subjected to land raising during 2017. We expect further survey and assessment, and development of options will be required to properly develop a solution to the expected impact on the high tide roost. The Pre-application Consultation Report Addendum, May 2018, advises that a meeting between the applicants and the Local Planning Authority and NRW will be arranged, but to date, such a meeting has not been held.

The ecological report (RT-MME-126872-01-Rev A) mentions the Traeth Lafan Site of Special Scientific Interest (SSSI) in section 6.2, but states that matters relating to this UK statutory site have been covered in the Traeth Lafan Special Protection Area (SPA) discussion in the Habitats Regulations Assessment: Stage 1 Screening report (RT-MME126872-03). The SPA and SSSI are not the same site, albeit covering virtually the same area, with the interest features differing between the two designated sites. This situation should be integrated into the text of the ecological report(s). To be consistent, there should be discussion of the potential impacts on the interests of the Traeth Lafan SSSI separately under section 6.2 (UK Statutory Sites) of the above-mentioned ecological report. The site's Citation, which specifically mentions that a broad range of wintering wading birds utilise Traeth Lafan, and other information relating to the SSSI can be found on the NRW website at <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-andbiodiversity/find-protected-areas-of-land-and-seas/designated-sites/?lang=en>, with a search made for 'Traeth Lafan' in the search box.

Significant impacts on the Menai Strait and Conwy Bay SAC would not be expected from the proposed development provided that potential pollution sources are controlled and not allowed to enter the marine environment, either indirectly or directly, without appropriate treatment. Appropriately managed site drainage both during construction and operational phases will need to be secured in this regard. We therefore recommend, to minimise any risk to the above protected sites, that the following condition be included within any permission:

Condition 1 - Before commencement of the development, the applicant will submit a Construction Environmental Management Plan (CEMP) to the satisfaction of the LPA, in consultation with NRW.

The proposed development site currently hosts Japanese knotweed. NRW would recommend that a longer-term management plan for the eradication of Japanese Knotweed be agreed with the Local Planning Authority before the construction of the proposed residential development commences. We would expect to see appropriate measures put in place to avoid this species spreading from the site either during construction or during the operation phases of the housing, to avoid the risk of spread of this species to

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protected sites and/or the wild, inadvertently or otherwise.

### **Invasive Species**

The documents that are associated with this application are out of date and have been superseded by further versions due to ongoing concerns. The ‘final’ Ground Investigation Report compiled by Tier Environmental Ltd (Ref: T/14/1390/GIR) is dated 15th September 2017. Table 2:1 of this report (Current Site Overview) lists that under Invasive Plant Species, “None were recorded during the site investigation; however, this should be confirmed by a suitably qualified specialist”. It is however known that the presence of Japanese Knotweed was identified on site in April 2017 by a ‘suitably qualified’ ecologist. The exact spatial distribution of Knotweed was never recorded at this time.

The Invasive Weed Management Plan (dated 5 th April 2018) associated with this application will also be subject to change. The Preapplication Consultation Report, May 2018, paragraph 3.6. states that “Discussions are on-going with a Japanese Knotweed specialist and a revised strategy will be submitted to the Council in due course, for consideration as part of the planning application”. To date, we are not aware that such a revised strategy has been submitted.

It is worth noting that on-site management of Japanese Knotweed may require an Environmental Permit from NRW. Exemptions from the need for a permit are available in some circumstances and are set out in Schedule 2 and 3 of the EPR. Exempt waste operations must comply with the general rules governing operations and must register with the relevant Authority.

Japanese Knotweed plant material and/ or any knotweed contaminated soil which is discarded, intended to discard or are required to discharge is likely to be classified as ‘controlled waste’. As such it must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1990. If taken off the Dickies site, it must be disposed of at a suitably licensed landfill site and buried to a depth of at least 5 metres. Waste must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal.

Section 34 of the EPA imposes a duty of care on persons who produce, import, dispose of, or treat controlled wastes. The movement off site of controlled waste must be covered by a waste transfer notes. The transfer notes must be completed and signed, giving a written description of the waste and a waste code. This description must be comprehensive enough to allow the receiver of the waste to handle it in accordance with their own duty of care. These provisions are set up in the Environmental Protection (Duty of Care) Regulations 1990.

It is important to note that wastes can only be accepted at a landfill if they meet the Waste Acceptance Criteria (WAC) for that class of landfill. Before a waste is accepted at a landfill site, the landfill operator must be satisfied that the waste meets the permit conditions, the waste acceptance procedures (WAP) and waste acceptance criteria (WAC). These procedures need to be adhered to, or the operator may refuse to accept the

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waste.

As a waste producer, the controlled waste from the Dickies site will need to be characterised for its Duty of Care description. This involves making an assessment as to how hazardous it is. Given the contaminated nature of the land at Dickies, the contaminated soil may exceed the hazardous WAC for landfill acceptance. The operator may therefore refuse to accept the waste and alternative facilities would be required to be sought.

**The Hazardous Waste Regulations 2005 (HWR 2005)** contain provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred. They must include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary.

Untreated Japanese knotweed is not classed as hazardous waste. However, material containing knotweed which has been **treated with certain herbicides, may be classified as hazardous waste.**

During on site meetings with Watkin Jones (23rd April 2018), it was proposed that the copper-based geomembrane that would “be installed to provide additional protection for the plots” would only be provided within the footprint of the residential units proposed under application ref. C18/0238/11/LL. The use of any copper membrane / root barrier system does need careful consideration as piled foundations are likely to puncture any barrier, thus making knotweed regrowth a major risk. Similarly, Japanese Knotweed rhizome may remain dormant for at least 20 years. As such, it is important that a root barrier membrane carries a guarantee well beyond that time.

Currently, the treatment options listed for the removal of Japanese Knotweed is not recommended as an effective long-term management solution for the Dickies site. The short-term methodology that has been proposed in order to facilitate the residential development is not recommended. The developer has not allocated enough time within the project timescale to develop and apply a successful Japanese Knotweed Eradication Plan. Consideration into phasing the development to allow more time to treat the problem may need to be considered.

### **Flood Risk**

You will be aware that following publication of the Flood Map for Planning a proportion of the site (within the red line boundary) is shown to be within flood zone 2/3. We acknowledge that the majority of the site was previously raised.

Welsh Government required that when we published the FMfP it accounted for the impacts of climate change for all sources of flood risk. The site is partially at risk from the sea. We would therefore recommend that the Flood Consequence Assessment dated 12/01/2018 be revised/updated to reflect changes in estimating sea levels and climate change allowances. Once an updated FCA is provided, we will advise on the actual flood risk posed to the site using current best available

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information along with comments relating to access/egress so that your emergency planners can advise on effective emergency plans and procedures.

The FCA has used extreme sea levels from the 2011 Coastal Flood Boundary Data. A new dataset was released in August 2019 namely the Coastal Design Sea Levels - Coastal Flood Boundary Gauge Data (2018) - data.gov.uk. It is suggested that the absolute change in levels between the 2018 and the 2011 dataset for this section of coastline has reduced for the 0.5% annual exceedance event (1 in 200) by between 0.1m and 0.25m for the baseline year.

The application of climate change has also been updated since that time with Welsh Government publishing the following in September 2021, Climate change allowances and flood consequence assessments | GOV.WALES. The sea level rises provide greater confidence in future projections (to those used previously and in the 2018 FCA) and provide a mean sea level rise for each local authority coastline in Wales. Previously a constant allowance was applied for the whole of Wales' coastline; this constant is what has been used in the FMfP. Therefore, an updated FCA should be site specific and reflect the most up to date extreme sea levels and climate change allowances.

We accept that the 2018 FCA advises that finished floor levels and the external ground levels should be set no lower than 7.1m Above Ordinance Datum and this is likely to be above the updated site-specific values. Thus, it is expected that the flood risk concerns will continue to revolve around the Emergency access/egress route and future advice from your emergency planners. However, we would advise that the applicant should be given the opportunity to update the FCA and we shall provide a more detailed repose upon receipt.

### **European Protected Species (EPS)**

From a European Protected Species perspective, e.g. bats and otters, we are satisfied that the proposed development will not affect these species. However, we would recommend that lighting is directed away from the seaward side of the development (which would also be of benefit to the protected sites listed above). Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website.

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Gwynedd  
Archaeological  
Planning Service:

Thank you for consulting us on the above application. Having reviewed the submitted documents, we consider that the proposed development has adverse historic environment implications.

We would note that it is not the purpose of a Heritage Impact Statement

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to weigh perceived economic or other merits of proposals against historic environment impacts (cf paragraphs 6.5 and 6.9). However, the Heritage Impact Statement does provide a detailed assessment of the impact of the proposed scheme on the settings of the existing and proposed designated sites in the locality. In general we would agree with the conclusions, although we consider that the importance of historical and fortuitous associations has been undervalued in the context of the proposed development, particularly in the case of the listed buildings at Porth Penrhyn and 1-7 Glandwr Terrace. The significance of these buildings is mutually enhanced by the appreciation of views across the bay between and encompassing the buildings together with an understanding of their historical connections. These attributes are inseparable and will inevitably be diminished by development which encroaches upon these views.

We would dispute the assumption upon which the Landscape and Visual Impact Assessment has been based, that development is inherently preferable to an undeveloped site. We find this particularly unconvincing since the former boatyard was cleared with a view to the present scheme. In fact, it could be argued that the remaining boatyard features within the unoccupied site are part of an industrial heritage narrative that would be obscured following redevelopment.

The photomontages that accompany the application are extremely useful. These illustrate the scale and appearance of the proposed scheme against the existing landscape. Currently, as illustrated by Photoviews 02-05, 08 and 10, the line of built development descends from the landmark Grade I listed university Main Arts building (Cadw ref. 3963) towards the coast, following the natural topography. A variety of 19<sup>th</sup> and 20<sup>th</sup> century architectural styles exist, but of essentially consistent proportions, of two or three storey houses that sit comfortably against the rural surroundings and give this part of the city its generally understated character, reflecting its gradual historical development.

In all the photomontages, but particularly those viewing the site from the east, the architectural intent to create a new focal point at the headland is apparent. The 4-5 storey Block 12 is highly prominent, being significantly taller than the surrounding buildings and due to its advanced position, and this is increased further by the effect of perspective. We would disagree with the assessment in paragraphs 5.50 and 5.92 of the Heritage Impact Statement that this would not be out of place in the existing townscape setting. The increasing height of the new buildings towards Block 12 disrupts the rhythm of the existing built environment and contrasts abruptly with the surrounding historic landscape character.

Although it is noted that some regard has been had to the materials of neighbouring historic buildings, coupled with the already constructed Phase 1 development, the scheme constitutes a locally significant block of larger, modern, urban style development, for which the main parallels in Bangor are other schemes by the same developer. The waterfront industrial history of the site certainly lends itself to redevelopment using a mix of architectural styles and materials. However, it is considered that the present palette and scale do not respond successfully to the site's historic context in the same way as has been achieved for example in the design for Cei Llechi in Caernarfon.

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Finally, as noted in the Heritage Impact Statement, Porth Penrhyn forms part of both the Dyffryn Ogwen Registered Landscape of Outstanding Historic Interest and the candidate World Heritage Site of the Slate Industry of North Wales. The application site can be considered to fall within the setting of these areas as part of their immediate landscape setting and by historical association with harbourside activities. We would agree with the conclusion of paragraph 5.94 of the Heritage Impact Statement that the proposed development would have a moderate adverse impact upon this landscape setting. In light of this, we would advise in the first instance that consideration should be given to an alternative, less intrusive development design and should this not be forthcoming, that due regard is had to this impact in the determination of the application.

Public Consultations:

A notice was posted in the local press, near the site and nearby residents/properties were notified. At the time of writing the report the second advertising period had expired and a significant number of objections had been received objecting on the following grounds:

- Area has a rich industrial heritage.
- Very visual site with strong links to the Menai.
- The development should be of high quality if the site is suitable for development, not an estate of overlarge, dense development that is discordant with the architecture and environment.
- The development is discordant with the Hiraol Bay Landscape.
- Will be visible from a number of sensitive visual receptors.
- Overdevelopment of the site
- No need for a development in this location when dwellings could be built on suitable, stable ground instead of on a dangerous site that was formally the sea bed.
- The development protrudes beyond the natural development line of the area.
- The development will spoil this special coastline forever.
- Will result in a loss of sense of place with the coastline, natural & historical environment.
- The montages / viewpoints submitted by the developer do not represent the true impact.
- Concern regarding the impact on the Welsh Language. Contrary to policy PS 1.
- A Welsh Language statement has not been submitted.
- The dwellings are not suitable for families.
- Likely that the end of the site will have been eroded in 20 years.
- The development will undermine the setting of the Listed Building's Glandwr Terrace, in terms of location, massing and the



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quality of the building next to a discordant development.

- Would result in the loss of visual connections and setting between important heritage assets.
- The historic coastline is important to tourism, which includes the amenity views.
- Not a single day when people don't stop by Glandwr Terrace to take photos of the view, this would be lost forever.
- Development will harm the view and aspect of the Listed Pier and the piers association with the bay.
- Porth Penrhyn is part of the proposed Unesco World Heritage Site and there is serious concern this proposal would harm that application.
- Site is not stable or suitable for development.
- Polluted site that is a risk to health.
- Contrary to TAN 15, concern the site will form an island. There is photographic evidence of Lon Glandwr under sea water.
- Loss of habitat for birds.
- No certainty that the Japanese knotweed on the site will be treated properly.
- Design lacks aesthetic appeal but is the scale that offends the eye.
- Development will disfigure the landscape.
- Far too prominent.
- Questions raised regarding the accuracy of the bird counts undertaken.
- Too large & too high.
- Will create problems with increased traffic.
- Effect of increased sewerage / pollution to the marine environment.
- Negative cultural impact.
- No detail regarding affordable housing.
- Possible flooding of access roads.
- Phase 1 is dominated by student lets, only 1/3 are owner occupied, rest are owned by investors.
- Building a tower block at the edge of the shoreline will be detrimental to the beauty of Bangor.
- Already insufficient parking in the area and the proposal will

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further this problem.

- Flood defence is required, the tide touches phase 1 already.
- Four stories are inappropriate in this location.

Comments were also received in support on the scheme which included:

In addition to the comments received above, the following were received that weren't material planning matters, which included:

- No need for another large chain company opening another café in Bangor.
- No need for another company that avoids paying Tax.
- A small park or picnic area would be better use of the site.
- The company's products are overpriced.

## 5. Assessment of the material planning considerations:

### Background information

- 5.1 The application was originally submitted in March 2018. The application followed the standard statutory consultation and publicity procedures. Following this, officers raised concerns with the applicant regarding several aspects of the development. Meetings and discussions were held to try and move the development forward and at that time the application was being progressed in a positive manner and several extension of time agreements were made to facilitate this.
- 5.2 During the Covid pandemic, quite understandably the agent requested additional extension of time agreements given that many staff were furloughed and also the economic uncertainty at the time. Late 2021 the applicant requested an additional 7 months extension of time to conclude the research, surveys and reports and to amend the scheme, however no additional or amended information has been received to date.
- 5.3 In agreeing to the latest extension of time agreement (up to the end of March 2023) officers requested a timetable or plan regarding the application and how it would be progressed. No response was received to this request and therefore a decision was made to present the application to the planning committee to determine the application in its current format.

### The principle of the development

- 5.4 The site is located within the Bangor development boundary as contained in the LDP but it has not been designated or protected for any particular use in the Plan. Bangor has been identified as a Sub-regional Centre, which in terms of settlement hierarchy, is the highest in the plan area. Policies PCYFF 1 and TAI 1 of the LDP are therefore relevant in assessing the principle of development.
- 5.5 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 2011-2022 period, a total of 718 units have been completed in Bangor (266 on designated sites and 452 on windfall sites).

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- 5.6 The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 166 units as of April 2022 (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.
- 5.7 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 November 2021, an application was approved for 36 residential units at Blenheim House, Bangor. Taking into consideration all the above information collectively Bangor has already exceeded its indicative growth level and this current proposal will take Bangor further beyond that level.
- 5.8 That said, consideration should be given to the units that have been completed thus far within the main centres. Policy PS 17 in the LDP states that 53% of the housing growth will be located within or adjacent to the existing sub regional centre and the urban service centres. A review of the situation in relation to the windfall provision within the sub regional centre and the urban service centres in April 2022 indicates that 1047 units from the total of 1983 units have been completed, and that 614 were in the land bank (and likely to be completed), leaving 322 units short within this category. Given this, support can be given to this development against general provision (based on the completion rate so far) within the sub regional centre and the urban service centres.
- 5.9 However, in light of the position of windfall sites in Bangor, justification should be submitted with this application outlining how the proposal would address the needs of the local community. This matter was raised with the applicant in May 2021 but no further information or justification for the development was received.

### **Affordable Housing**

- 5.10 Policy TAI 15 which refers to affordable housing threshold and distribution requires new housing developments in Bangor to provide 20% contribution to affordable housing. In this case the application is for 55 dwellings, therefore 11 units should be affordable. The proposal as submitted proposes to provide 2 affordable units, which is clearly well below the requirements of policy TAI 15. However, the policy goes on to state ‘where the viability of individual schemes fall short of the policy requirements, the onus will be on the applicant / developer to clearly demonstrate on a viability assessment pro-forma the circumstances justifying a lower affordable housing contribution
- 5.11 The application has been supported by an ‘Economic Viability Assessment and Affordable Housing Statement’ to justify the level of affordable housing being offered. Table 4.3 of the report refers to ‘abnormal development costs’ which includes the construction of the rip rap sea defence, sheet piling, piled foundations, capping of the piles and eradication of Japanese knotweed.
- 5.12 The supplementary planning guidance (SPG) that refers to Affordable housing states:  
*“1.43 Applicants/ developers will be expected to show evidence that they have taken known development costs into account in agreeing realistic land values, and only costs that were unforeseeable at the time of acquisition will be considered abnormal for the purpose of the appraisal.”*

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- 5.13 Appendix 1 of the SPG Planning Obligations also gives guidance as to what the Authority will generally not consider being ‘abnormal’ development costs. Amongst other things, this includes:
- Provision of retaining walls and retaining structures on a sloping site.
  - The eradication /treatment of Japanese knotweed or other invasive plant species.
- 5.14 The guidance is clear that the eradication of invasive species is not considered an abnormal development cost. Although the site is not sloping, the site requires the construction of a rip / rap sea defence to safeguard the site. In addition, the site is mainly made up of made up ground and the developer is therefore unable to construct the houses using traditional foundations and so it is proposed to use sheet piling and piled foundations. These costs are not dissimilar to the first bullet point listed above, furthermore the costs were known by the developer as this is demonstrated through previous applications where consent was given to raise the ground levels and install the rip rap. It is also shown through the lower price attributed to this part of the site (in comparison to the price paid for the whole of the Dickies Boat Yard site).
- 5.15 Concerns regarding the schemes viability and ability to provide affordable housing on the site was raised with the developer. However, given the other outstanding issues on the application and the possibility of looking at an amended scheme in terms of design and unit numbers this matter was not resolved. Consideration should also be given to the fact that the Economic Viability Assessment and Affordable Housing Statement was written in April 2018. Since this time the cost of houses and development costs has altered significantly.
- 5.16 Given that the Economic Viability Assessment and Affordable Housing Statement has not been written in accordance with the guidance contained within the SPG’s relating to Affordable Housing and Planning Obligations and that the identified build costs are now outdated the Authority is unable to fairly assess if the provision of affordable housing on the site would be viable or not. Due to the lack of current information, the proposal is contrary to the requirements of policies TAI 15 of the Gwynedd and Anglesey Joint Local Development Plan and also the SPG’s Affordable Housing and Planning Obligations.

### **Housing Mix**

- 5.17 Policy TAI 8 'Appropriate Housing MIX' seeks to ensure that all new residential developments contribute to improving housing balance and meet the needs identified for the community as a whole. Amongst other requirements the policy states that proposals should contribute to creating sustainable mixed communities by:
- Maximising the delivery of affordable housing (including for local need) across the Plan area in accordance with Strategic Policy PS 18;
  - Contributing to redress an identified imbalance in a local housing market;
  - Ensuring the correct mix of housing unit types and tenures to meet the needs of the Plan area’s current and future communities;
  - Improving the quality and suitability of the existing housing stock;
- 5.18 The Housing Mix SPG requires the submission of a housing statement for developments of more than 5 residential units. The SPG was adopted in October 2018 which is notably after the date of the submission of this application and therefore no statement was received and this has not been directly discussed with the applicant. That said, the information required to comply with the requirements of policy TAI 8 is relevant to the information required by policies PS 17 and TAI 1 in terms of justifying the development and demonstrating that the development meets an

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identified need. Although the development appears to show a broad mix of house types, there is currently insufficient evidence to hand to assess if the proposal complies with policy TAI 8.

## **Flooding**

- 5.19 Policy PS 6 is relevant to the application and requires developments to be located away from flood risk areas unless it can be clearly demonstrated that there is no risk or the risk can be managed. Detailed guidance can be found in Technical Advice Note 15: Development and Flood Risk (TAN 15) which specifically relates to flooding.
- 5.20 According to the development advice maps referred to in TAN 15 the majority of the site is located within Zone B which is recognised as an area known to have been flooded in the past. In such locations highly vulnerable development such as residential may be considered acceptable if site levels are greater than the flood levels used to define adjacent extreme flood outline and if any risks can be acceptably managed.
- 5.21 However plot 15 and areas of the site around the perimeter, within the redline boundary that defines the 'application site' is located within Zone C2. The vehicular access to the site is also within zone C2. Zone C2 is described as areas of the floodplain without significant flood defence infrastructure and where only less vulnerable development should be considered and subject to the justification test, including acceptability of consequences. TAN 15 recognises residential development as highly vulnerable and it makes it very clear that such development in a C2 zone is not acceptable.
- 5.22 Since the application was first submitted the Flood Maps for Planning has been published by the Welsh Government and updates the information contained within the Development Advice Maps relevant to TAN 15. The new Flood Maps for Planning has categorised most of the perimeter of the site within Zone 3, which is areas at most risk of flooding. NRW acknowledge this in their comments and advises that an amended FCA should be submitted in light of the more recent information contained within the Flood Maps for Planning. Whilst the Flood Maps for Planning are a material planning consideration, the revised TAN 15 and it's policy considerations has yet to be adopted. As a consequence, the current TAN 15 (2004) tests should be the main consideration. Even if the FCA was revised the proposal, at this time contains highly vulnerable development within a C2 zone which is contrary to policy.
- 5.23 When considering a planning application, a sites planning history can be a material planning consideration which merits due weight. In the case of this site it was formally located entirely within a C2 flood zone. Planning permission was granted to construct sea defences and raise the level of the land. It must be noted that the works on their own were considered acceptable in planning terms, however the permissions did not consider the acceptability of any future development or uses of the site.
- 5.24 Following the grant of the permissions listed above, the levels of the site were raised with the deposit of slate waste and the developer placed a flood map challenge that altered the classification of the majority of the site from zone C2 to zone B. Although the flood risk classification was changed, to date the rip rap sea defence permitted as part of the scheme has not been constructed. The site therefore remains at risk from erosion.

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- 5.25 It is accepted that planning permission has been granted to raise the levels and to construct the sea defence rip-rap. However, the works have not been completed. If planning permission was granted for this development, it would require conditions to ensure that the sea defence rip-rap is constructed prior to commencing other works on site. Although the planning history is material, it does not alter the fact that this scheme is for highly vulnerable development, the application site (red line plan) includes land within a C2 flood zone and mitigation works have to be carried out as part of the scheme to protect it from coastal erosion.
- 5.26 As discussed above, in dealing with applications in Zone C2 TAN 15 states categorically that highly vulnerable development should not be permitted in the C2 flood zone. There is no provision in TAN 15 where this unequivocal position can be offset by mitigation or the presence of development benefits. This position was reiterated in a letter from the Welsh Government to all Chief Planning Officers in Wales, dated 9<sup>th</sup> January 2014. It is therefore considered that the proposal is contrary to TAN 15 and policy PS6 of the JLDP.

### **Development on the Coast**

- 5.27 As discussed above, the application site forms part of a former boat yard that stretches out into Hiracl Bay, a feature that is quite common for boat yards and maritime activities. Policy AMG 4 is relevant and refers to coastal protection and specifically requires that developments, due to their nature must be located on the coast, or nearby and that there is an overriding economic and social benefit from the development. It also requires developments to not cause unacceptable harm to other environmental considerations.
- 5.28 The authority brought policy AMG 4 to the applicants attention and requested that it was given consideration. In response the planning statement was amended. The applicant acknowledges that residential development has no specific requirement to be located on the coast and the LPA agrees with this viewpoint. The statement however goes onto acknowledge a need for housing and the locational sustainability of the site.
- 5.29 The Authority agrees that the site is sustainable in terms of the location, access to services, public transport etc. It is also acknowledged that the site is located within the development boundary of Bangor and is previously developed land (PDL). Balanced consideration should therefore be given to the desirability of developing PDL and sites with development boundaries and also the desirability of protecting the coastline and also the need to justify new developments on the coast.
- 5.30 Although planning permission exists for the sea defence works, those applications were determined on their own merits based on the application under consideration at that time. However, the presence of such permission does not alone justify locating residential development on the coast.
- 5.31 TAN 15 also gives guidance and acknowledges that relevant sustainable development considerations from the flooding perspective include guiding development to locations at little or no risk from river, tidal or coastal flooding and to bear in mind that government resources for flood defence and coastal defence are directed at reducing risks for existing developments and are not available to provide defences in anticipation of future development.
- 5.32 Policy AMG 4 also requires developments to demonstrate that there is an overriding economic and social benefit to be derived from the development. The planning statement considers that the scheme would strengthen links between the communities of Garth and Hiracl and provision of housing would justify the scheme in terms of overriding social and economic benefits. Although

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the scheme includes public access around the site, the statement has not identified as to how the development would actually strengthen links between the two communities.

- 5.33 The need for housing has been discussed above and from that point of view it is not considered that the provision of housing alone would be sufficient to justify the coastal location. The economic benefits derived by the developers and associated trades in construction of the development is acknowledged but those benefits would be in the short term for the duration of the build and would not provide any long term sustainable economic benefit.
- 5.34 The viability assessment submitted demonstrates that the scheme is only able to offer two affordable housing units, when policy TAI 15 requires a 20% contribution to affordable housing, which equates to 11 units. A key aim of both the LDP and national policy is to create sustainable mixed communities for current and future residents. The provision of two affordable units would not achieve this and from that perspective there would be little social benefit derived from the scheme.
- 5.35 The planning statement also refers to the sites former designation as part of the UDP as a redevelopment site. Whilst this may have been the case, the LDP has now been adopted and the land has no specific land use designation. Furthermore, the former redevelopment designation referred to the possibly of a number of varying possible land uses and did not confirm or otherwise acknowledge the acceptability of residential use specifically on this site.
- 5.36 Policy AMG 4 also requires developments not to have an unacceptable harm to the areas biodiversity interests (including European Protected Area such as SAC's and SPA's) due to their location, scale, form, appearance, materials, noise, emissions or due to an unacceptable increase in traffic. As discussed in paragraphs 5.57 to 5.73 below, the application has failed to comply with this criteria.
- 5.37 Based on the current submission and information to hand, it is considered that the proposal fails to meet the requirements of Policy AMG 4.

#### **Design and visual impact.**

- 5.38 The scheme proposes the development of the site in thirteen blocks. Many of the blocks are articulated and some vary in height from two to five storeys. The general arrangement of the massing is lower to the landward side reaching 4/5 storeys at the eastern part of the site on the seaward promontory. The Application is supported by the submission of a Heritage Impact Assessment and a Landscape and Visual Impact Assessment.
- 5.39 The application site itself is not located within a protected landscape but it is surrounded by numerous designations and heritage assets that contributes towards the visual sensitivity of the setting of the site. These include:
- World Heritage site – The Stale Landscape of North Wales which is approximately 400m away to the east and includes Porth Penrhyn.
  - The boundary to the Ogwen Valley Landscape of Outstanding Historic Value is approximately 100m away to the east and cover Porth Penrhyn.
  - Ynys Mon Area of Outstanding Natural Beauty (AONB) approximately 1.4 km to the north.
  - The listed buildings closest to the site include 1-7 Gandwr Terrace, 1-19 Seiriol Road and numerous buildings in Porth Penrhyn. The Dock Wall at Porth Penrhyn and Bangor Pier are both Grade II listed structures.

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- 5.40 In assessing the visual impact, there are numerous relevant policies which includes policy PCYFF 3 which requires that developments complement and enhance the character of the site, building or area in terms of siting, appearance, scale, height massing and elevation treatment. Policy PCYFF 4 requires developments to integrate into their surroundings, to demonstrate how the proposed development respects the natural contours of the landscape and demonstrate how it respects and protects local and strategic views.
- 5.41 Strategic Policy PS 20 requires developments to preserve and where appropriate enhance a number of named assets including Scheduled Ancient Monuments, Listed Buildings, Candidate World Heritage Sites and Historic Landscapes. Strategic Policy PS 5 which requires development to, 'preserve and enhance the quality of the built historic environment assets.
- 5.42 Strategic policy PS 19 is relevant to Areas of Outstanding Natural Beauty and seeks to manage development so as to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question.
- 5.43 Numerous comments were received with regards to the application, from both consultees and the public raising objection to the scheme due to the scale and massing of the development, especially the prominence of block 12 which as GAPS states, disrupts the rhythm of the existing built environment and contrasts abruptly with the surrounding historic landscape character.
- 5.44 When viewing the site in its wider context the level surrounding the site is relatively flat and is not dominated by large or prominent buildings. The built form of Bangor rises with the natural landform, mainly to the South and West and any higher buildings for the most part are assimilated into the landscape with a backdrop of higher land behind.
- 5.45 Given that this proposal is located away from the higher surrounding land in Bangor, it is not considered that the natural landform will assimilate the development into the townscape. The development would impose its own scale and massing on the site and the area with a strong focal point on the most visible seaward projection. It seeks to establish the highest scale on the most visible and exposed part of the site in conflict with the existing townscape. It is considered that the proposal would have a dramatic and adverse impact on the built form of the area, contrary to policies PCYFF 3 and 4.
- 5.46 Cadw have also raised significant concerns that the development could have an adverse impact on the setting of the Slate Landscape of Northwest Wales, World Heritage site and have advised that the Council should carefully consider the benefits of the proposed development against the adverse impact upon the World Heritage site.
- 5.47 Cadw's comments also note that a variety of 19<sup>th</sup> and 20<sup>th</sup> century architectural styles exist but are of essentially consistent proportions, of two and three storey houses that sit comfortably against the rural surroundings and give this part of the city its generally understated character, reflecting its gradual historical development. The Council's Conservation officer also notes that Porth Penrhyn is a collection of dispersed buildings of relatively low scale and massing. The closest listed buildings to the site is 1-7 Glandwr Terrace which are grade II listed. The non-statutory listing description informs that a 19<sup>th</sup> Century census return shows a number of occupiers in the maritime or slate industries and that the orientation of the terrace and the use of first floor oriel windows is thought to be specifically located to give maritime views in general and views of Porth Penrhyn in particular. When visiting the site and surrounding area it is evident that the setting and intervisibility between the heritage assets will be adversely affected by the proposed development. It is considered that the application has failed to comply with policy PS 20 as it



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does not preserve or enhance heritage assets, their setting and significant views into and out of the area.

- 5.48 The proposal will be visible from the Ynys Mon AONB. The primary objective for designating AONB's is to conserve and enhance the natural beauty of the landscape. Different to the localised impacts discussed above, comments received from Anglesey County Council acknowledge that the development would be viewed against the coastal / nautical environment and mountain views. Whilst they disagree with the scale of impact afforded upon the AONB within the LVIA they agree the impact would not be significant, but they consider that it would be negligible / slightly adverse.
- 5.49 As with other matters relating to the application, the visual impact was discussed with the applicant and options were being looked at to reduce the seaward prominence with a reduction in scale and a buffer zone between the sea and developed area on the furthest eastern point. This formed part of the options being considered which may have reduced disturbance upon nesting birds. Unfortunately, no amended plans were received.
- 5.50 It is therefore considered that the proposal due to its scale and prominence would have adverse effects on the characteristics of the townscape and landscape character which includes the setting of listed buildings, World Heritage Site and Area of Outstanding Natural Beauty. The proposal does not add to or enhance the character and appearance of the site and it does not respect its context or the setting. It is therefore considered contrary to the requirements of policies AT 1, PS 20, AMG 4, PCYFF 3 and PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan 2017.

### **Residential Amenity**

- 5.51 Policy PCYFF 2 seeks to protect the health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance.
- 5.52 The nearest residential dwellings are immediately to the west of the site on what is often referred to as 'Dickies phase 1' and are a mix of two and three storey terraced dwellings. They will be separated from the development by virtue of the existing access road serving those properties. The existing access road will also serve the proposed development. It is acknowledged that the increased use of the access road will impact on the existing dwellings by virtue of additional traffic movements and pedestrians. That said the site is located on the edge of the City and whilst the impacts will change they are not of a type unexpected in a city location or unduly harmful.
- 5.53 Due to the raising of the site levels, the proposed development will be located on land higher than the existing adjacent dwellings. At present the raised site levels appear to be at odds with its surroundings. However, from the details submitted and indicative visuals, it is proposed to landscape and soften that impact. The proposed dwellings sited closet to phase one are two storeys in height with the height of the development increasing towards the coast. The dwellings are also orientated with their gables facing phase one in order to preserve some open aspect for the exiting dwellings. This also ensures that the impact will not be unduly overbearing and there will be no loss of residential privacy. It is acknowledged that the aspect currently enjoyed by the residents on phase one will alter but it is not consider that the impact would be significantly adverse that would warrant refusal of the application.
- 5.54 As with all developments, the impacts during the construction phase will be greater and different in comparison to a completed development. That said the impacts can be sufficiently controlled

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via relevant conditions should the development be approved e.g. construction environment management plan which would deal with matters such as construction hours, noise, dust.

- 5.55 Although the concerns of local residents has been taken into consideration it is considered that the proposal conforms with policy PCYFF 2 in regards to impacts upon residential amenity.

### **Highway Impacts**

- 5.56 The application was supported by transport statement and in response to the statutory consultation process there was no objection to the proposal from the Welsh Government in terms of any impacts upon the A55. Although no formal response was received from the Council's highways unit, this was mainly due to the fact that discussions were on going and it was known that the developer was looking at alternative layouts in response to the design and biodiversity comments. That said highways unit replied to the formal pre-application consultation and did not object to the scheme. The comments related to technical and layout matters only.
- 5.57 Phase 1 of the Dickies development had been designed with a standard road and roundabout to serve the development and it is intended to utilise this for the scheme currently under consideration. The proposal as submitted offers 86 parking spaces (including garages) which includes 2 parking spaces per house, 1 parking space per apartment and 4 visitor spaces. An additional space has also been provided for plots 48 and 23. The site is located within sub-regional centre, it is close to a main bus route, is within walking distance of the city centre services and is located close to a public car park. Given this it is considered that the access and parking provision offered is sufficient and in accordance with policies TRA 2 and TRA 4 of the Gwynedd & Mon LDP.

### **Biodiversity**

- 5.58 The area around the site forms part of a candidate wildlife site (Porth Penrhyn & Menai – 1632) being an inter-tidal area listed under Section 42 (NERC Act 2006) by Welsh Government as a habitat of importance to the biodiversity of Wales (intertidal mud used by waders in the winter such as oystercatcher, curlew, dunlin & widgeon) and which supports the Traeth Lafan SPA. The Traeth Lafan SSSI & SPA is located just over 300m away to the northeast of the site and the Menai Straight and Colwyn Bay SAC is located to the North.
- 5.59 Ecological assessments, bird surveys and habitat regulations screening reports have been submitted as part of this application. As can be seen from the most recent comments submitted by NRW, their initial significant concerns regarding the scheme remains. Given the time lapsed since the last Wintering Bird Survey was carried out, they advise that updated surveys should now be submitted.
- 5.60 NRW's comments note the importance of the high-tide wintering, wading bird roost on the south side of the main promontory at the former Dickies boatyard site which has been highlighted in the Winter Bird Survey and the Habitats Regulations Assessment: Stage 1 Screening report. They note there is a clear connection between the birds using this roost site and the interests stated in the NRW SSSI citation document for the nearby Traeth Lafan SSSI, as well as connections with interests of the Traeth Laven Special Protection Area. NRW raised concerns that the information submitted has failed to assess the impact on the Traeth Lafan SSSI separately within the submitted ecological report.

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- 5.61 In permitting the works to raise the levels of the site and construct the rip-rap, conditions were imposed that required a restoration and biodiversity management plan which included measures to enhance habitat for waders and other birds. NRW also note from their visits to the site that they recorded large numbers of birds roosting beyond the area shown in the winter bird document map, extending onto the top of the level promontory area subjected to land raising during 2017.
- 5.62 NRW has concern that the development of this site as proposed would be expected to directly result in serious adverse effects on this high tide, wintering wading bird roost site during the construction phase and the operational phase of the housing development. Without mitigation/compensation there would be a high risk of significant or complete abandonment of the roost site due to physical changes in the area and ongoing disturbance factors.
- 5.63 Given the concerns raised by the Council and other consultees with regards to the design of the scheme and associated ecological impacts. Discussions were held with regards to an amended scheme that could have reduced the impact on birds and provided mitigation. To inform this process additional winter bird surveys were required to fully understand the use of the site by birds. The Council's Biodiversity Unit had also been advising the developers as to what information is required (including a draft appropriate assessment) and possible mitigation solutions.
- 5.64 In 2021 the developer confirmed that additional winter bird surveys would be carried out that winter and the necessary extensions of time for them to complete this work was agreed but no additional information was received following this and the scheme was not amended.
- 5.65 As a result of the above, it is not considered that sufficient current information has been submitted as part of the application to ensure that the proposal would not adversely affect nesting birds or the adjacent sites of ecological and biodiversity value. The application is also supported by insufficient information to inform a Habitat Regulations Assessment. The application, as currently submitted is contrary to the requirements of policies PS19, AMG 4 and AMG 5 of the LDP together with TAN 5: Nature Conservation and Planning.

### **Drainage / Infrastructure**

- 5.66 Although concerns were raised by the Menai Straight Fishery Order Management association, NRW did not consider there would be significant impacts on the Menai Straight and Conwy Bay SAC provided that potential pollution sources are controlled and not allowed to enter the marine environment, either indirectly or directly, without appropriate treatment. Appropriately managed site drainage both during construction and operational phases would have to be secured in this regard and they suggested that a Construction Environmental Management Plan should be submitted. In addition Welsh Water posed no objection to proposal stating that the foul and surface water arrangements appear acceptable. Their comments stated that no problems are envisaged with the Waste Water Treatment Works for the treatment of discharges from the site. Given this it is considered that the application, if approved can comply with policies ISA 1, PCYFF 2, PCYFF 3 with the imposition of appropriate planning conditions.

### **Non-Native Invasive Plant Species**

- 5.67 Policy PCYFF 2 requires proposals to include, where applicable, provision for the appropriate management and eradication of invasive species and also states that proposals should be refused if a development would have an unacceptable adverse impact upon health, safety or amenity of occupiers of local residences or other forms of pollution or nuisance.

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- 5.68 As can be seen from the comments received by NRW and comments from the public there is concern regarding the development and the presence of Japanese Knotweed on the site. It was present and assessed as part of the previous applications for raising the site levels and construction of the rip-rap. Those consents contained conditions in regard to compliance with a Japanese Knotweed Treatment Strategy. It is noted that the proposed strategy was suitable for the applications under consideration at that time but it did not consider or otherwise demonstrate that the strategy would make the land suitable for residential development.
- 5.69 NRW have raised concern with regards to the treatment options listed and have advised they are not recommended as an effective long-term management solution. They also advise that the use of any copper membrane / root barrier systems needs careful consideration as piled foundations are likely to puncture any barrier, thus making knotweed regrowth a major risk. Japanese Knotweed rhizome may remain dormant for at least 20 years and therefore any root barrier membrane should carry a guarantee well beyond that time. They have also advised that the submitted reports are out of date.
- 5.70 It's important to note therefore that the removal or treatment of Japanese Knotweed in itself does not require planning permission and may not need an environmental permit. Provided that a strand of knotweed is sufficiently contained within the boundary of a property to prevent its spread into the wild, prevent nuisance or encroachment onto adjacent property, there is no obligation to remove or treat the infestation. In addition, it should also be noted that there is no regulatory requirement on part of the Gwynedd Council to certify that any given treatment programme for the removal of Japanese Knotweed is subject to formal approval. That said the application should be supported by sufficient information to detail proposed works and demonstrate that it can comply with policy PCYFF 2. Section 6.9 of Planning Policy Wales also requires developments to take a de-risking approach and advises that development does not take place without appropriate remediation or precautions.
- 5.71 PPW also makes it clear that the responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners. However, by taking a de-risking approach at the plan level planning authorities will create the conditions for risks to be addressed and opportunities to be gained.
- 5.72 Based on the information submitted to date and the advice given by NRW it is not considered that the application has been supported by sufficient and update information to ensure the scheme complies with policy PCYFF 2.

### **Language and Culture**

- 5.73 In accordance with the Planning (Wales) Act 2015 there is a duty to consider the Welsh language when making a decision on a planning application, where it is relevant to that application. This is reinforced further by paragraph 3.28 of Planning Policy Wales (Edition 11, 2021) together with Technical Advice Note 20.
- 5.74 The Supplementary Planning Guidance (SPG) 'Maintaining and Creating Distinctive and Sustainable Communities' (adopted July 2019) provides further guidance on how Welsh language considerations are expected to be incorporated into all relevant developments.
- 5.75 In accordance with policy PS 1 a Welsh Language Impact Assessment Report was submitted as part of the application. To date no response has been received from the Councils Language Unit.

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However, given the time lapsed since its submission in 2018 the assessment is now considered outdated and the latest housing figures have not been taken into consideration. As discussed previously in the report, it has not been demonstrated how the development will meet the needs of the local community or if the housing mix is appropriate and the viability case for the provision of less affordable houses has not been demonstrated and it is not clear what social benefits could be derived from the scheme. Given this, the application has not shown full compliance with policy PS1 and the LPA has not been convinced the scheme would not have a detrimental impact on the Welsh language.

## 6. Conclusions

- 6.0 The application was submitted to Gwynedd Council in March 2018. Officers, including those within other services have invested considerable time over the years advising on this site. However, despite working practices returning to normal following the covid pandemic and the applicant requesting further extensions of time to address outstanding matters, the LPA has received no further information and received no response when the applicant was asked what their intention was regarding the application. Given this, it is considered reasonable to determine the application in its current format.
- 6.1 It is acknowledged that the site is previously developed land sited and the site is located within Bangor's development boundary which has been identified as a Sub-regional Centre and in terms of settlement hierarchy, is the highest in the plan area. From a policy perspective there is therefore positive support in regenerating such sites. That said it does not make a site suitable for all types of development and an application has to conform with all other relevant policies.
- 6.2 In terms of housing figures, Bangor has already exceeded its indicative growth level and this current proposal will take Bangor further beyond that level. Support can be given to this development against general provision (based on the completion rate so far) within the sub regional centre and the urban service centres but justification should be submitted with this application outlining how the proposal would address the needs of the local community and this has not been demonstrated. In addition, there is insufficient information to assess if the scheme is offering an appropriate housing mix.
- 6.3 Policy TAI 15 which refers to affordable housing threshold and distribution requires new housing developments in Bangor to provide 20% contribution to affordable housing. The application is only offering two affordable units which falls well below the policy requirement. Given that the Economic Viability Assessment and Affordable Housing Statement has not been written in accordance with the guidance contained within the SPG's relating to Affordable Housing and Planning Obligations and that the identified build costs are now outdated, the Authority is unable to fairly assess if the provision of affordable housing on the site would be viable or not. Given the outstanding information required regarding the provision and justification of housing on the site and the age of the Welsh Language Impact Assessment Report, the authority has not been convinced that the proposal would not adversely affect the Welsh Language and Culture.
- 6.4 Parts of this site lie within the C2 flood zone and TAN 15 states categorically that highly vulnerable development (which includes houses) should not be permitted in the C2 flood zone. There is no provision in TAN 15 where this unequivocal position can be offset by mitigation or the presence of development benefits. In addition to this, policy AMG 4 also requires developments on the coast to be justified. Given the numerous outstanding matters relating to the application, as it stands the application fails to meet the requirements of policy AMG 4.

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- 6.5 Although the application site is not located within any designated landscapes, it is located close to statutorily protected landscapes and numerous listed heritage assets. The cultural and historical value of this part of Bangor is highly valued by its residents and this is reflected in the high volume of objections received. Consultees have also raised significant concerns regarding the proposal mainly in relation to its scale and prominence. It is considered that the proposal due to its scale and prominence would have adverse effects on the characteristics of the townscape and landscape character and the proposal does not add to or enhance the character and appearance of the site and it does not respect its context or the setting.
- 6.6 Despite the issues regarding design and visual impact, the scheme with conditions could comply with policies with regards to the impact upon residential amenity. The scheme also complies with the relevant highway policies and an acceptable drainage scheme can be achieved without detriment to the environment.
- 6.7 In dealing with the application there has been many discussions regarding the developments impacts upon birds and its connection and importance to the nearby SSSI and SPA. Additional winter bird surveys were expected from the applicant in 2022. In addition, amended housing layouts and mitigation was discussed but nothing was submitted. As the application currently stands it is contrary to numerous policies as insufficient current information has been submitted as part of the application to ensure that the proposal would not adversely affect nesting birds or the adjacent sites of ecological and biodiversity value. The application is also supported by insufficient information to inform a Habitat Regulations Assessment.
- 6.8 There has been considerable concerns raised with regards to the presence of Japanese knotweed on the site. Policy PCYFF 2 requires proposals to include, where applicable, provision for the appropriate management and eradication of invasive species and also states that proposals should be refused if a development would have an unacceptable adverse impact upon health, safety or amenity of occupiers of local residences or other forms of pollution or nuisance. Based on the information submitted to date and the advice given by NRW it is not considered that the application has been supported by sufficient and update information to ensure the scheme complies with policy PCYFF 2.

## **7. Recommendation**

- 7.1 To refuse the application for the following reasons:
1. The proposal is contrary to the requirements of Policies PS 17, TAI 1 and Tai 8 of the Anglesey and Gwynedd Joint Local Development Plan (2017) as this proposal exceeds the indicative housing growth level of Bangor for windfall sites and the applicant has not submitted evidence to demonstrate that the proposal would meet the needs of the local community and there is insufficient evidence to assess if an appropriate housing mix is being provided.
  2. Based on the information submitted, the Authority is unable to fairly assess if the provision of affordable housing on the site would be viable or not. Due to the lack of current information, the proposal is contrary to the requirements of policies TAI 15 of the Gwynedd and Anglesey Joint Local Development Plan and also the SPG's Affordable Housing and Planning Obligations.
  3. Based on the information as submitted and the accompanying reports and assessments, it is highly likely that the proposal will adversely effect the high tide wintering bird roost site on the site and the use of the site by wintering birds is not fully understood. The reports submitted to support the application are now dated and may not reflect the current situation. Given this the full impact of the development on species and also upon the adjacent SSSI and SPA is unclear and there is insufficient information to inform a Habitat Regulations Assessment. The proposal is therefore,

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contrary to the requirements of policies PS19, AMG 4 and AMG 5 of the Gwynedd and Anglesey Joint Local Development Plan 2017 together with TAN 5: Nature Conservation and Planning.

4. Based on the information to hand, the application fails to meet the requirements of policy AMG 4 of the Gwynedd and Anglesey Joint Local Development Plan 2017 as it has not been demonstrated that there is an overriding economic and social benefit from the development that would justify its location on the coast. The application has also failed to demonstrate that it would not cause unacceptable harm to the built environment and the areas biodiversity interests.
5. The proposal due to its scale and prominence would have adverse effects on the characteristics of the townscape and landscape character which includes the setting of listed buildings, World Heritage Site and Area of Outstanding Natural Beauty. The proposal does not add to or enhance the character and appearance of the site and it does not respect its context or the setting. It is therefore considered contrary to the requirements of policies AT 1, PS 20, AMG 4, PCYFF 3 and PCYFF 4 of the Gwynedd and Anglesey Joint Local Development Plan 2017.
6. Based on the information submitted to date, it has not been demonstrated that the Japanese Knotweed on site can be effectively eradicated in a manner that ensures that the development would not have an unacceptable adverse impact upon health, safety or amenity of occupiers of local residences or other forms of pollution or nuisance contrary to policy PCYFF 2 of the of the Gwynedd and Anglesey Joint Local Development Plan 2017.
7. It is not considered that sufficient and current information has been submitted as part of the application to ensure that the proposal would not adversely affect the Welsh Language and Culture. The proposal is therefore contrary to the requirements of policy PS1 of the Gwynedd and Anglesey Joint Local Development Plan 2017 together with the SPG on Maintaining and Creating Distinctive and Sustainable Communities and TAN 20 Planning and the Welsh Language.
8. The application is for residential development which is defined as highly vulnerable development. Parts of the site are located within a C2 flood zone. TAN 15 states categorically that highly vulnerable development should not be permitted in the C2 flood zone. There is no provision in TAN 15 where this unequivocal position can be offset by mitigation or the presence of development benefits. In addition the locating such a development on the coast has not been justified. It is therefore considered that the proposal is contrary to TAN 15 and policy PS6 and AMG 4 of the JLDP.

<b>PLANNING COMMITTEE</b>	<b>DATE: 20/03/2023</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	