

<b>PLANNING COMMITTEE</b>	<b>DATE: 13/03/2017</b>
<b>REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER</b>	<b>DOLGELLAU</b>

**Number: 9**

**Application Number: C16/1675/11/LL**

**Date Registered: 21/12/2016**

**Application Type: Full - Planning**

**Community: Bangor**

**Ward: Menai (Bangor)**

**Proposal: Change of use of existing house (C3 class use) to bed and breakfast/hotel accommodation (C1 class use)**

**Location: Coed Menai, Menai Avenue, BANGOR, LL57 2HH**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## **1. Description:**

- 1.1 This application is for the change of use of an eight bedroom residential house (C3 Class Use) to a ten bedroom bed and breakfast accommodation (C1 Class Use). Planning permission was refused in 2016 to convert the building into a house in multiple occupation as it would create an over-provision of houses in multiple-occupation and would be detrimental to the amenities of local residents (C16/1015/11/LL).
- 1.2 The site is located within the development boundary of the city of Bangor and within a Conservation Area characterised by substantial houses in mature gardens. The house in question is a semi-detached and the attached dwelling has been split into three flats. On the other side stands a substantial detached house that is partly used as a House in Multiple Occupation and partly as a flat. The building is in close proximity to the Ffriddoedd site where a substantial number of Bangor University student halls of residence are situated.
- 1.3 The current use of the house is as a residential dwelling and the floor plans show that it is proposed to refurbish the internal space by creating an additional bedroom on the first floor and to convert an outbuilding in the rear garden to create another bedroom. It is also proposed to upgrade the existing bedrooms by providing 'en suite' facilities in each one. No external changes are proposed except for creating a bin storage area and to clear vegetation to create six additional car parking spaces in front of the building. There are six parking spaces already at the side of the building.
- 1.4 Further information was provided by the applicants explaining the nature of the business they propose to undertake. This includes:
- The services provided to the guests will include breakfast, room cleaning and laundry services.
  - There will be serviced rooms as well as an office, welcome desk and a utility room, however, no staff will live on site although staff will be on-call during the night.
  - The development will support 2 full time posts.
- 1.5 The application is submitted to the Planning Committee following the receipt of more than three objections that are contrary to the officer's recommendation.

## **2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are

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met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

### **2.3 Gwynedd Unitary Development Plan 2009:**

#### **POLICY B4 – DEVELOPMENTS IN OR AFFECTING THE SETTING OF CONSERVATION AREAS**

Ensure that proposals within conservation areas, or proposals that affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

**POLICY B23 - AMENITIES** - Safeguard the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

#### **POLICY CH33 - SAFETY ON ROADS AND STREETS**

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

**POLICY CH36 – PRIVATE CAR PARKING FACILITIES** - Proposals for new developments, extension of existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council’s current parking guidelines and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the distance from the site to a public car park.

#### **POLICY D14 – SERVICED HOLIDAY ACCOMMODATION**

New proposals, or adaptations to existing buildings or extensions to existing serviced holiday accommodation establishments will be approved provided the design, setting and appearance of the development are of a high standard and that they conform to criteria regarding the location and scale of the development.

### **2.4 Gwynedd and Anglesey Joint Local Development Plan (Composite Version including Changes to Matters Arising, January 2017)**

**POLICY PCYFF 1: ‘ DEVELOPMENT CRITERIA**

**POLICY PCYFF 2: DESIGN AND PLACE SHAPING**

**STRATEGIC POLICY PS 11: THE VISITORS' ECONOMY**

**POLICY TWR 5 - HOLIDAY ACCOMMODATION**

**POLICY PS17: SAFEGUARDING AND DEVELOPING COMMUNITIES**

**POLICY AT 1: CONSERVATION AREAS, WORLD HERITAGE SITES AND LANDSCAPES, PARKS AND REGISTERED HISTORIC GARDENS**

**POLICY TRA 2: PARKING STANDARDS**

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## 2.5 National Policies:

Planning Policy Wales : Edition 9, November 2016

Technical Advice Note 13 – Tourism (1997)

## 3. Relevant Planning History:

C16/1015/11/LL: CHANGE OF USE FROM 8 BEDROOM DWELLING TO A 11 BEDROOM HOUSE IN MULTIPLE OCCUPATION FOR STUDENTS - Refused 05/10/16

C06A/0856/11/CT: PROPOSED WORK TO TWO TREES WITHIN A CONSERVATION AREA - Approved 12/02/07

C02A/0323/11/LL : CHANGE OF USE FROM RESIDENTIAL DWELLING TO PART RESIDENTIAL USE AND PART CLASS D1 USE AS A PHYSIOTHERAPY AND SPORTS INJURIES CLINIC: Approved 03/07/02

3/11/1239A : ERECTION OF GARAGE: Approved 14/03/91

## 4. Consultations:

Community/Town Council: No objection

Transportation Unit: No objection

Welsh Water: Observations for the developer

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

- The development would place too much pressure on the drainage system
- The creation of the parking area would be detrimental to the Conservation Area
- Concern regarding traffic hazard with cars going in and out of the site on a bad bend.
- A commercial development will change the residential character of Menai Avenue and will be detrimental to the Conservation Area's character.
- The development will be harmful to the amenities of neighbours.
- Concern regarding noise

The following observations were also received; these are not material planning matters for this application:

- The property should be used either as a family home or split into two or three flats.
- The property is suitable for its current use and there is

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no need to change its use.

- Loss of light to the property next door if the height of the external building is increased.
- Concern that the conversion of the external building will create a precedent to site residential developments in gardens.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The main policy when considering this application is policy D14 of the UDP which approves proposals to adapt existing buildings or extensions into serviced holiday accommodation of high standard provided that in the case of a development within the development boundary, that the the development is suitable considering the site, location and the settlement in question.
- 5.2 This site is located within the development boundary of the city of Bangor and, although Menai Avenue is mainly residential, the site stands near to the Ffriddoedd site that has many University facilities such as halls of residence and leisure and social facilities and therefore there is a great deal of activity in the area. In addition, several buildings on the street are used for purposes that are not residential including the University Chaplaincy and Bodnant Surgery. Therefore, considering the nature of the site and the surrounding area, it is deemed that the principle of the development meets with the requirements of Policy B14 of the UDP.
- 5.3 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (Joint LDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the Joint LDP will be adopted during July 2017.
- 5.4 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The Joint LDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:  
*"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ..."*
- 5.5 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector presents his binding report.
- 5.6 Paragraph 2.14 of Planning Policy Wales states:  
*" Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances."*

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- 5.7 In this case, the LDP Policies listed in 2.4 above are material and on the whole are consistent with the policies of the Unitary Development Plan, however, there is some inconsistency between Policy D14 of the UDP and Policy TWR 2 in the Joint Local Development Plan and this is discussed below.
- 5.8 The TWR 2 Policy in the JLDP: Holiday Accommodation states that proposals to convert existing buildings into new self-serviced holiday accommodation will be approved as long as the proposal meets with a series of criteria. Although this proposal meets with the majority of these criteria there are two criteria where there is inconsistency, namely:
- 5.9 *Criterion 6: That the proposal does not lead to a loss in the permanent housing stock*  
The development would entail the loss of one house from the housing stock, although it is not deemed that there would be any objection to convert the building back into a house if the enterprise does not succeed and therefore the loss would not necessarily be permanent. Looking at other buildings in this area, many of the substantial houses have changed from being one substantial house either by dividing them into flats or by converting for alternative use. Therefore it appears that houses of this size at this location do not meet with the requirements of the current housing market. It is also noted that many similarly sized houses in Upper Bangor have been converted into houses in multiple occupation which again suggests that there is no current demand for such residential dwellings in the area. In addition, it is not considered that the loss of one house from the housing stock would have a significant impact on the city's housing supply.
- 5.10 *Criterion 7: That the development is not located in a mainly residential area, and does not cause substantial harm to the residential character of the area;*  
Although we accept that this is mainly a residential area, when we look at the nature and location of Coed Menai and taking into consideration the proximity of the Ffriddoedd site buildings and the alternative uses that are already on Menai Avenue, it is considered that the change of use of this property which is in many ways similar to an usual residential use, would not have a significantly harmful impact on the area's character.
- 5.11 The appropriate National Policy, namely TAN 13 Tourism, states:  
*"Hotel development can bring benefits for the local community and support amenities and activities for residents and tourists. Such development should be compatible with neighbouring uses..."*  
This policy reflects the UDP policy, i.e. that the provision of serviced accommodation provision should be supported if that use is in keeping with the area. There is no extensive provision of visitor serviced accommodation in Bangor and it is considered that there is the potential for this development to contribute towards the aim of ensuring local economic benefits from visitors to the city without being harmful to the amenities of residents.
- 5.12 On the whole, it is considered that the inconsistencies between the emerging planning policies and the adopted development plan in terms of the possible impact of the proposed development, are insufficient to justify going against the Unitary Development Plan policy or national policy which is fairly unambiguous, and we support the principle for this type of development.

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### **General and residential amenities**

- 5.13 Policy B23 of the Gwynedd Unitary Development Plan involves safeguarding the amenities of the local neighbourhood. It is important to consider the possible impact on amenities compared with the current legal use as an eight bedroom house. By accepting that there may be some increase in the number of people who use the building, when considering the nature of the hotel use with the main activity for short periods of the day only, the likelihood of disturbance to local residents may be reduced from this type of use. It is unlikely that the guests will stay on the site during the day and they are unlikely to use the external areas for extensive periods. Staff activities such as cleaning and cooking would be similar to what would be expected in a residential property.
- 5.14 There is some concern that it is proposed to convert the outbuilding into an additional bedroom, however, it is important to bear in mind that there is nothing to prevent the use of this building for residential use at the moment and it could be converted into an additional bedroom in relation to the residential use of the existing house without the need for planning consent. It is proposed to improve the structure of the building and to install more robust walls and a roof. It is considered that if anything, this will reduce the potential for noise and disturbance to emanate from the building compared to the existing situation.
- 5.15 Bearing in mind that this was currently an eight bedroom house, it was not deemed that adding two bedrooms would change the potential to create a disturbance in any significant way. Indeed, the fact that it is proposed to have 24 hour control of the facility is likely to mean that there would be a procedure in place to deal with issues such as noise in a direct way.
- 5.16 Given the above, it is not considered that the proposal would cause significant harm to the amenities of local residents and it is therefore considered that the proposal is consistent with the requirements of Policy B23 above.

### **Transport and access matters**

- 5.17 Policy CH36 of the Gwynedd Unitary Development Plan involves private car parking facilities. There is some private parking provision already on the site and it is proposed to create additional parking spaces in front of the house and it total there would be 12 parking spaces. In addition, the property is located within easy walking distance to Upper Bangor and the train station is fairly convenient. Therefore it is a good location to use alternative modes of transport. The Transportation Unit has not raised any objection to the proposal and therefore it is considered not to be contrary to Policies CH33 and CH36.

### **Impact on the Conservation Area**

- 5.18 There are no proposed changes to the external appearance of the building and although some concern has been stated by objectors that the development would lead to a decline in the quality of the Conservation Area, it is not considered that the proposal is likely to have a significant visual impact that would be detrimental to the important features of the designated area. It is proposed to clear some vegetation in

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order to create parking spaces in front of the building, however, it is not proposed to fell mature trees and due to the Conservation Area designation there will be control over any future proposal to fell trees. It is therefore considered that the proposal is consistent with the requirements of Policy B4 of the UDP that encourages the refusal of proposals if they do not maintain the quality of the Conservation Area.

### **Response to the public consultation**

- 5.19 A number of observations were received regarding this application with the main relevant concerns dealing with highway matters and possible impact on amenities. It is considered that the above discussion has appropriately addressed these matters.

### **6. Conclusions:**

- 6.1 It is considered that the proposal to convert this eight bedroom house into a ten bedroom bed and breakfast accommodation is acceptable in respect of the relevant policies noted above and it is not considered that it would have an adversely harmful impact on the area's residential amenities or on the quality of the the Conservation Area. Furthermore, it is considered that the location and form of development is acceptable and in keeping with the context of its location. Having given full consideration to all the relevant planning matters and all the objections received, the development is considered suitable and acceptable for the site and complies with the local and national policies and guidelines noted.

### **7. Recommendation:**

- 7.1 To approve – conditions
1. Five years
  2. Work in accordance with the plans
  3. Agree on materials for the external building
  4. A porous surface is required for the parking area to ensure that there is no change in surface water flow.
  5. All the parking will be provided prior to commencement of the business use.