

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

**Number: 5**

**Application Number: C17/0084/11/LL**

**Date Registered: 25/01/2017**

**Application Type: Full - Planning**

**Community: Bangor**

**Ward: Marchog**

**Proposal: Demolition of existing social club building and erection of a three-storey building with shop (including café, fascia signage and ATM) on ground floor and 10 single bedroom flats on the floors above together with two storage containers (re-submission of application C16/0157/11/LL)**

**Location: Maesgeirchen Social Club, 90, Penrhyn Avenue, Bangor, Gwynedd, LL57 1LT**

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

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

## 1. Description:

- 1.1 This is a re-submission of a full application for the demolition of the existing Maesgeirchen Social Club building and to erect a three-storey building in its place. Previous application (C16/0157/11/LL) was withdrawn prior to determination. The development would include the following elements:
- Shop on the ground floor including 200m<sup>2</sup> of retail floor area allocated for convenience goods, cafe counter and seating area, along with a storage / office / canteen area for staff - it is proposed to open the shop for 24 hours a day, seven days a week.
  - 10 single bedroom flats on the floors above (5 on each floor). Each flat would include a bedroom, a living /dining room, kitchen, bathroom and hall and each with a floor area of approximately 45m<sup>2</sup>.
  - Seven parking spaces would be earmarked outside, including two spaces for disabled drivers, along with separate spaces to store commercial and residential waste.
- 1.2 The new building would be 9.8m high and would have the same footprint as the existing building. It would have red brick walls whilst the flat roof would be made of slate-hung mansard.
- 1.3 The following additional information was submitted as part of the application:
- Design and Access Statement
  - Community and Language Statement
  - Demolition Method Statement
  - Retail Report
  - Housing Market Assessment
  - North Wales Police 'Secured by Design' statement
- 1.4 The site is located within the development boundary of the Sub-regional Centre of Bangor as defined in the Gwynedd Unitary Development Plan. The site is mainly in a residential area, which comprises a variety of businesses such as service shops and businesses. The location is outside the area that has been designated as Bangor City Centre and it is also located outside the city's Main Shopping Area.
- 1.5 The location of the site is fairly isolated from other developments within Maesgeirchen Estate with two designated Protected Play Areas nearby, one to the north and the other to the south, there is a wooded slope to the west that rises towards Tan y Coed street and Rhodfa Penrhyn is to the east where the Llys Dylan single storey houses stand opposite.

## 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 met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

impact upon the achievement of well-being objectives as a result of the proposed recommendation.

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

#### **POLICY A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES**

Safeguard the social, linguistic or cultural cohesion of communities against significant harm due to the size, scale or location of proposals.

#### **POLICY B22 - BUILDING DESIGN**

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

#### **POLICY B23 - AMENITIES**

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

#### **POLICY B25 - BUILDING MATERIALS**

Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

#### **POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE**

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

#### **POLICY C1 - LOCATING NEW DEVELOPMENT**

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

#### **POLICY C2 – ADOPTING THE SEQUENTIAL APPROACH**

Applications used by a large number of people on sites that have not been designated in the Plan for those specific uses will be refused unless they are located within the development boundaries of the Sub-regional Centre or Urban Centres and that clear evidence can be provided to show that the sequential test has been used when selecting which site to develop.

#### **POLICY C3 - RE-USING PREVIOUSLY DEVELOPED SITES**

Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

#### **POLICY CH3 – NEW HOUSES ON UNALLOCATED SITES WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND URBAN CENTRES**

Approve the construction of houses on appropriate unallocated sites within the development boundaries of the Sub-regional Centre and the Urban Centres.

#### **POLICY CH6 – AFFORDABLE HOUSING ON ALL ALLOCATED SITES IN THE PLAN AREA AND ON UNALLOCATED SITES THAT BECOME AVAILABLE WITHIN THE DEVELOPMENT BOUNDARIES OF THE SUB-REGIONAL CENTRE AND THE URBAN CENTRES**

Approve proposals for housing developments on sites allocated for housing or on random sites for five or more units within the development boundaries of the sub-regional centre and the urban centres, which provide an appropriate element of affordable housing.

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

#### POLICY CH32 – INCREASING ACCESSIBILITY BY PUBLIC TRANSPORT

Proposals that are likely to lead to a substantial increase in the number of journeys made by private motor vehicles will be refused unless there is an adequate public transport service in place as an alternative, or unless the development will be effectively served by public transport in the future and that consideration has been given to promoting the use of public transport services in the planning and design of the development.

#### 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 CH35 – PUBLIC CAR PARKING FACILITIES

Proposals which provide public parking facilities which fill obvious gaps in the existing provision will be approved if they conform with a series of criteria regarding visual, environmental, parking and highways issues, as well as matters regarding the scale and design of the development and its impact on adjoining properties.

#### POLICY CH38 – SAFEGUARDING EXISTING FACILITIES

Proposals to change the use of buildings used to provide educational, health and community facilities will be refused unless they conform to a series of specific criteria related to the need within the community for the existing service, availability of similar facilities within reasonable distance, the viability of the existing service and also considerations related to the environment and amenities.

#### POLICY D27 – COMPARISON AND CONVENIENCE GOODS RETAIL STORES OUTSIDE DEFINED TOWN CENTRES

Proposals for new retail shops selling comparison and/or convenience goods or extensions to existing ones on sites within or near Service Centres but outside the defined town centres will be approved provided they comply with all the criteria relating to establishing a need, the sequential test, the impact on the viability, vitality and attractiveness of the town centre, traffic and parking matters and the availability of facilities.

Supplementary Planning Guidance – Planning and the Welsh language

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

PCYFF 1: DEVELOPMENT CRITERIA

PCYFF 2: DESIGN AND PLACE SHAPING

PS12: TOWN CENTRES AND RETAIL

PS 15: SETTLEMENT STRATEGY

TAI 9: THRESHOLD OF AFFORDABLE HOUSING AND THEIR DISTRIBUTION

TAI 14: HOUSING IN THE SUB-REGIONAL CENTRE AND THE URBAN SERVICE CENTRES

TRA 2: PARKING STANDARDS

MAN 3: RETAILING OUTSIDE DEFINED TOWN CENTRES BUT WITHIN DEVELOPMENT BOUNDARIES -

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

## 2.5 National Policies:

Planning Policy Wales - (Edition 9, November 2016)  
 Technical Advice Note 4: Retail and Commercial Developments (2016)  
 Technical Advice Note 12: Design (2009)  
 Technical Advice Note 20: Planning and the Welsh Language (2013)

### 3. Relevant Planning History:

3.11.309 : Licensed social club, community room and car park - Approved: 05/08/77

3.11.309A : Re-arranging temporary buildings - Approved: December 1985

### 4. Consultations:

Community Council:	<p>Object -</p> <ul style="list-style-type: none"> <li>• The building is too big and likely to dominate the surrounding houses</li> <li>• It is likely that there will be noise and disturbance to the flats for the elderly opposite</li> <li>• A recent community survey indicated that there is no demand for such a shop on the estate</li> <li>• The site has been allocated for the amenities of residents and not for residential or commercial use</li> </ul>
Transportation Unit:	No objection – propose conditions regarding the parking and access arrangement
Environmental Health / Public Protection:	<p><u>Comments</u></p> <p>An air extraction system may be required for the café's kitchen and if so, more details will be needed regarding the system, including a noise assessment.</p> <p>Emphasise the importance of having appropriate arrangements to store and collect commercial waste.</p> <p>A condition is required to control the timing of undertaking the demolition work</p>
Natural Resources Wales;	Ask the Council to assess if a bats report is required
Welsh Water:	Propose standard conditions regarding surface water and protecting the public sewer
Biodiversity Unit	No objections – suggest conditions in order to improve opportunities for wildlife
Strategic Housing Unit	The development addresses the recognised local need
North Wales Police	Not received

**Public Consultation:**

A notice was posted on site and in the press, and neighbours were informed. The following objections have been received that relate to material planning matters:

- Concern regarding the impact on road safety, especially considering the proximity to the children's play areas
- Concern regarding noise and disturbance especially in considering that the homes for the elderly are directly over the road
- The building would be too large and would not be in keeping with other buildings in the vicinity
- Effect on the amenities of the nearby houses at the rear including harming the privacy of residents and prevention of light and views
- The parking shown is insufficient
- The development would be tantamount to an over-development of the site

The following observations were also received; these are not material planning considerations:

- Plenty of other shops already in Maesgeirchen
- Concern regarding competition with existing shops
- Concern regarding who the residents of the flats will be especially bearing in mind the proximity to the children's play areas
- The flats would not be suitable for local families
- Concern regarding who owns the land and their right to sell
- No need for a 24 hour shop selling alcohol in Maesgeirchen
- No ATM needed on the estate
- The flats should not be let to students
- The site needs to be retained for a social club / use for the benefit of the community
- No need for a new café in Maesgeirchen
- Question the applicant's statement that there is a need for a new shop in Maesgeirchen
- A recent survey by Maesgeirchen Partnership did not identify a 24 hour shop as a facility that there was any demand for on the estate.
- The site would be more suitable for housing
- There will be no control over who will live in the property
- CCTV cameras are not sufficient to prevent crime in the surrounding area

## **5. Assessment of the material planning considerations:**

### **The principle of the development**

- 5.1 The site is located within the development boundary of Bangor and Policy C1 of the Unitary Development Plan states that land within town and village development boundaries and the developed form of rural villages will be the main focus for developments.

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

- 5.2 Policy C3 approves proposals that re-use land or buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.
- 5.3 Policy CH38 of the UDP attempts to safeguard existing community facilities by setting four criteria that should be met prior to changing a site's use:
1. Firstly, it is requested that there is clear evidence that there is no substantial demand for the existing facility : the doors of the existing facility closed in August 2015 after several years of financial difficulties and changes in the management. Should there be sufficient demand to keep the social club open, the facility would have been viable and the building would not be empty.
  2. There were other similar facilities within reasonable distance from the new development : whilst this exact type of facility is not available in Maesgeirchen, it is important to note that there is a proposal to provide a café element within the new building and it could be argued that such a facility would generally be more accessible for the public than a club with limited membership. In terms of facilities such as a bar and function rooms, there is no shortage of these in the city of Bangor and whilst some additional travelling would be required it is not considered that this would be unreasonable for such services.
  3. That the existing facility is not viable - see point 1 above
  4. That the change would not cause significant harm to the environment or amenities - see the discussion below regarding impact on the area's amenities and those of individual residents.
- 5.4 Whilst accepting that a community facility has been lost from this site due to problems with the viability of the previous business, it is noted that the new building would also be a community facility in itself, and by providing a broader range of services, there is potential to ensure a more certain future for the site. For these reasons, it is considered that the proposed development is consistent with the aims of Policy CH38 of the UDP.
- 5.5 In terms of the above, the policies of the Unitary Development Plan are supportive of the principle of seeking to ensure positive developments on re-development sites such as this one which is within urban development boundaries. It is also important to consider the current context of the building, namely that the building was used as a licensed Social Club, without any planning restriction on the business operating hours. Whilst the following sections of the report will consider the planning implications of the different aspects of the application, it is also essentially important to consider whether or not the detrimental impacts of this proposed development would be worse in terms of their impact on the amenities of local residents than what could take place if the rights of the previous use were used fully.

### **Visual amenities**

- 5.6 The proposed building would be substantially higher than the existing building, and indeed it would be higher than all of the other buildings in the vicinity. Nevertheless, there are many three-storey buildings in other parts of Maesgeirchen, including blocks of flats of similar size, and it is not considered that a building such as this would be different in nature to other buildings in on the estate. In addition, as the building is at the bottom of a slope, it can be seen from several directions in the context of buildings that are behind it, on top of the slope, and these would continue to have roofs on a higher level than the new building which would mean that the building would not dominate the local townscape.
- 5.7 There are no architectural features to the existing building and it is in poor condition, therefore, it is considered that it is reasonable to demolish it and construct a new, suitable building in its place. Whilst there are no special architectural features to the proposed building, it would be built in accordance with modern construction standards and would not

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

be dissimilar in nature and character to many other buildings on the estate and therefore, it is considered that it would be in-keeping and acceptable for the location.

- 5.8 As the development is on a previously used site for purposes that are acceptable in an urban location and is in an area that has many buildings of the same scale and character, it is not considered that it would look out of place and it is considered that the development's appearance would be acceptable and would conform to the requirements of Policies B22 and B25 of the UDP.

#### **General and residential amenities**

- 5.9 Given that the proposed development is on a site previously used by a Social Club that did not have any restriction in terms of conditions relating to opening hours, whilst accepting that any nuisance caused by previous use had been occasional in nature, it is not considered that use as a shop and flats would be worse in terms of the potential to create noise and disturbance for local residents. Also, there is no reason to assume that a shop and flats on this site would exacerbate the situation in terms of anti-social behaviour than when the club was open.
- 5.10 In terms of the visual amenities of a neighbouring private property, it is accepted that the new building will be larger than the original building and it will be a more prominent feature in the townscape than the existing building, especially when looking from the rear of some of the houses at Tan y Coed. Having said that, given the urban nature of the area it is not considered that the design and size of this development is unsuitable for the location and its visual impact would not be unexpected in an estate with buildings of varying size and design such as Maesgeirchen.
- 5.11 Given the development pattern of the site and surrounding streets, the distance between the rear of the flats and Tan y Coed houses would be 27.5m, which is very similar to the distance between the houses that face each other along the Tan y Coed road. Considering the urban nature of the site and the distance between buildings, it is not considered that there would be unacceptable overlooking between these properties deriving from the development. Also, there is a wooded slope between buildings that already provides a very effective screen between Tan y Coed and the site.
- 5.12 Due to the distance of the development from the nearest houses, it is not considered that any other private property would suffer from any detrimental impact in terms of shadowing and loss of light.
- 5.13 The Public Protection Unit has raised the fact that air extraction systems could cause problems in terms of odours and noise for local residents. Details about the exact nature of the proposed cafe have not been included in the application but should an air extraction system be required, it would involve a development that would require a planning permission in itself and the implications of such a development could be considered when an appropriate application is submitted.
- 5.14 Although local concerns about the proposal are appreciated, the plan must be considered in the context of the site's urban location as well as its previous use. Consequently, and for the reasons above, it is believed that the development would not have an additional significant detrimental effect on the amenities of neighbouring residents and the development would therefore be in-keeping with Policies B23 and B33 of the UDP which aim to protect the amenities of local residents.

#### **Transport and access matters**

- 5.15 To ensure that the parking and access arrangements are completed in accordance with submitted plans, the provision would meet the requirements of the Transportation Unit and it



PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

is therefore considered that the development complies with Policy CH33 and CH35 of the UDP. Given that the application site is in the centre of a housing estate that is served by a regular bus service, it is considered that the site is located in an accessible location for local residents in accordance with the requirements of Policy CH32 of the UDP.

### **Retail Matters**

- 5.16 A Retail Report was submitted with the application and it notes the following points:
- That the current shopping provision in Maesgeirchen is insufficient for its population of approximately 4,000
  - A national commercial company (Costcutter Supermarket Group) agrees that the plan is viable
  - The Sequential Test is not considered to be entirely relevant for this development as the development would not directly compete with shops in Bangor city centre and its intention is to provide a community service for estate residents
  - It is likely that customers would do their "day to day" shop at the new shop and this would not affect their weekly shop at their usual shops
- 5.17 Policy D27 of the UDP approves proposals for new retail shops selling comparison goods and/or a facility or extensions to existing shops on sites within or in close proximity to a service centre but outside defined town centres noted on the Proposal Maps if they comply with all of the following the criteria:
1. that more floor area was required for comparison goods or a facility;
  2. that the sequential test showed that there was no other site that was more suitable, available or likely to become available;
  3. that the proposed development would not significantly harm the viability, vitality and attractiveness of defined town centres or other adjacent shopping centres;
  4. that the site is genuinely accessible to different modes of transport which means that customers and staff could reach the site without having to rely on private cars;
  5. that the development does not have a detrimental impact on travel patterns or creates an unacceptable increase in the use of the private cars;
  6. that there is a provision for refuse collections and recycling facilities on the site (in accordance with the scale and nature of the development).
- 5.18 The requirements of policy D27 are explicit and this is supported by Planning Policy Wales. The relatively small size of the development does not justify submitting a full commercial impact assessment (in accordance with the UDP and TAN 4), but the policy requires the developer to prove the need and to assess the likely impact of the development by using the sequential approach. From this perspective, policy C2 of the UDP is also relevant. Paragraph 10.3.3 of Planning Policy Wales states that, in the relation to an use that is essential to town centres, developers should be able to demonstrate that all possible options in the town centre, and the options on the outskirts of the centre, have been addressed thoroughly using the sequential approach of selecting a site before considering sites outside the town centre. The developer's responsibility is to prove that more central sites have been thoroughly assessed.
- 5.19 As seen above, the applicant has addressed the requirements of policy D27 and the proposed development is discussed below in the context of the criteria within that policy in turn:
1. The existing shopping range within Maesgeirchen includes:
    - Post office
    - Small newspaper shop / convenience goods store
    - Chip shop

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

- Chinese take away shop
- Launderette

The estate currently has small shops and there is no mini supermarket facility which is similar to the one in question. In terms of population size and the fact that it is physically separate from the rest of the city, Maesgeirchen is more or less a separate town and considering the information submitted with the application, there is no reason to doubt the logic of the Retail Report which states that there is currently an under-provision of shopping facilities within the estate.

2. The Retail Report explains the logic why it would not be appropriate to make an application for a site closer to the city centre. And indeed, given that this is a site that has become available at random, and that it is approximately 2km from Bangor's Main Shopping Area (following public roads) it is considered that this would only be a development for the Maesgeirchen Estate and that the impact (if any) on city centre shops would be very small.
  3. Due to the type of shop, its separate location in the centre of a housing estate and its distance from Bangor city centre, it is not considered that the development would have any significant impact on a defined town centre or other adjacent shopping centre. There is a possibility that other shops that already exist on the estate will be affected but commercial competition between individual businesses is not a planning consideration.
  4. Due to its location in the centre of a housing estate that is served by a regular bus service, it is considered that the site is very accessible for different modes of transport and that it would not be over-dependent on customers who use private cars.
  5. It is considered that the likelihood of any change in travel patterns would only be within Maesgeirchen estate and no significant change deriving from the development is expected in the use of private cars.
  6. Submitted plans show a separate provision of refuse collection facilities for the business.
- 5.20 It is considered unlikely that people would walk from the town centre to the shop or from the shop to the town centre due to the distance between them and the fact that there is no visible link between the site and the existing shops. According to the definitions of TAN 4, this site could be considered as an out-of-centre site, namely a location that stands clearly separate to the town centre, but not necessarily outside the urban area. On this basis, it is considered that the development would be unlikely to be detrimental to current convenience stores in the centre of Bangor and that it would not significantly change the travel patterns of the residents of Bangor.
- 5.21 Given the above, it is considered that the retail element of this proposal meets the requirements of policy D27 of the UDP.

### **Housing Matters**

- 5.22 Planning policy CH3 of the Gwynedd Unitary Development Plan supports the principle of developing residential units on unallocated sites within the development boundary of Bangor Sub-regional Centre. In this case, the proposal involves redeveloping a previously used site, in accordance with Policy C3, and providing 10 one-bedroom flats. The site is in the centre of a housing estate and there are no planning grounds for objecting to the principle of providing more living units in this location.
- 5.23 Policy CH6 of the UDP requires that affordable units are provided on all residential unit sites that become available within the development boundary of the Sub-regional Centre that will have more than 5 units unless it would be inappropriate to do so.

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

- 5.24 The Housing Market Assessment submitted with the application claims that there is a deficiency in the local market for one bedroom units for individuals or couples who wish to take their first steps in the housing market. The prices of such units in other areas of Bangor are high due to the extra demand from students with flats currently on the market at between £90,000 and £100,000. Because of their inconvenient location to the University it is considered that the units offered as part of this application will not be attractive to students and the local market would be the main target for the flats. The sale prices are expected to be £50,000 to £60,000 and if it is decided to let the flats rather than sell them, it is expected that the rents would be less than 80% of the market price for Bangor in general. Given the size and location of these flats, it is not expected that their price will be out of reach of local residents and therefore it is considered that a formal arrangement will not be necessary to ensure the affordability of the units.
- 5.25 Generally, it is considered that the site is suitable for living units and these flats would meet with the local demand in an affordable way. The site is accessible and the expected residential services and facilities are available locally. Therefore, it is considered that the proposal complies with the requirements of policies C3, CH3 and CH6 as discussed above.

### **Linguistic Matters**

- 5.26 In accordance with the requirements of the Supplementary Planning Guidance – ‘Planning and the Welsh Language’ a Community and Linguistic Statement was submitted with the application. This comes to the conclusion that it is likely that the residents of the flats will come from the local community and their linguistic structure would reflect what already exists on Maesgeirchen estate. Given the size and location of the proposed development, it is not believed that the scale of the proposed development is likely to cause a significant growth in the population that could have a detrimental impact on the Welsh language in the Maesgeirchen community nor in the city of Bangor. It is therefore considered that the development is in keeping with the aims of Policy A2 of the UDP, that aims to safeguard the social and linguistic fabric of local communities.

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

- 5.27 Several objections to the scheme were raised, some, such as using the site for alternative use and business competition, were not valid planning considerations. The above discussion considers the main planning matters raised, however, there are other matters raised which are also relevant.
- 5.28 Concern was also expressed regarding the intention to keep the shop open for 24 hours a day. Bearing in mind the previous use of the site as a social club without a planning condition restricting its hours, it is not considered that the problems that may stem from a shop are likely to be any worse than those from a social club and therefore in this case there is no planning reason for imposing a condition restricting opening times. If matters do arise concerning the management of the business, there is a licensing system in place that can restrict matters such as the sale of alcohol.
- 5.29 On the whole it is considered that the use and design of the building and the likely effects on amenity are acceptable in terms of the Unitary Development Plan policies, especially considering the current legal use of the site. All material planning considerations that were raised by objectors have been duly addressed when determining this application; however, this has not changed the recommendation.

### **Joint Local Development Plan**

- 5.30 It is a requirement that planning applications are determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current

PLANNING COMMITTEE	DATE: 24/04/2017
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	FRONDEG, PWLLHELI

'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) 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.

- 5.31 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 ..."*

- 5.32 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.

- 5.33 Paragraph 2.14.1 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."*

- 5.34 In this case, the Joint LDP policies as noted in 2.4 above are material and as these policies are consistent with the policies of the Unitary Development Plan, it is considered that the recommendation of this report is consistent with the emerging policy.

## **6. Conclusions:**

- 6.1 Given the above assessment, it is believed that the proposal to demolish the existing social club building and to erect a three storey building with a shop on the ground floor and ten one-bedroom flats above, is acceptable based on its use, location, setting, design, materials, scale and any potential effect on the general amenities of the area and on the amenities of individuals. It is therefore considered that the application satisfies the requirements of the relevant local and national policies stated in the report.

## **7. Recommendation:**

- 7.1 To approve subject to conditions:

1. Five years
2. In accordance with the plans
3. External finish of the building
4. Highways Conditions - Parking to be completed prior to commencement of use
5. Restrict the retail floor area and the café (to ensure that there is no unacceptable change without seeking planning permission)
6. Work to be in accordance with the Demolition Method Statement
7. Condition to limit the demolition and building work to 09.00 - 18.00 Monday to Friday, 09.00 - 13.00 on Saturday and not at all on Sunday or Bank Holidays.

### Notes

1. Highways Notes
2. Public Protection Notes regarding air extractors