

PLANNING COMMITTEE	DATE: 05/06/2017
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE	SIAMBR DAFYDD ORWIG, CAERNARFON

Number: 3

Application Number: C16/1421/11/LL

Date Registered: 14/11/2016

Application Type: Full - Planning

Community: Bangor

Ward: Hirael

Proposal: A full application to demolish the existing building and erect a three-storey building to provide six living units

Location: 390, High Street, Bangor, Gwynedd, LL57 1YT

Summary of the Recommendation: TO DELEGATE THE POWERS TO ACT TO APPROVE THE APPLICATION

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1. Description:

- 1.1 This is a full application to demolish an existing building and associated structures at the rear of the site and construct a new three-storey building which would provide 6 self-contained living units with two bedrooms in every unit. The application is submitted to Committee as the size of the proposed development is greater than that which can be dealt with under the delegated procedure.
- 1.2 The proposed development site is located on the 'lowest' part of the High Street in Bangor and within the city's development boundaries which has been designated as a sub-regional centre in the Gwynedd Unitary Development Plan (2009).
- 1.3 The existing site is described in relation to its use as the applicant's roofing business centre with the building being used as offices and the yard to the rear is used to park vehicles and to store materials and equipment. There is an electricity sub-station opposite the site on its eastern boundary and the striking Plas Meuryn building beyond that, while a terrace of sizeable and striking houses (which are grade II listed buildings) abuts the western boundary.
- 1.4 The location of the site directly abuts the High Street and is surrounded by various residential and commercial uses.

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 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 Gwynedd Unitary Development Plan 2009:

DESIGN STANDARD – STRATEGIC POLICY 4 - Development will be expected to be of a good design in order to ensure that it makes a positive contribution, wherever possible, to the landscape, the built environment and sustainable development.

REDEVELOPING AND REUSING PREVIOUSLY USED LAND – STRATEGIC POLICY 6 - High priority will be given to making appropriate and suitable use of previously developed land, which is suitable for development, or buildings that are

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vacant or not used to their full potential. Development should make the most efficient and practicable use of land or buildings in terms of density, siting and layout. A development should make the best and most effective use of land or buildings in terms of density, location and setting.

A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS - Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impacts in the form of an environmental assessment or assessments of other impacts.

POLICY B1 – DEMOLITION OF LISTED BUILDINGS

Safeguard Listed Buildings against proposals for their total or partial demolition unless there is outstanding justification for doing so, in accordance with a number of criteria regarding the condition and ownership of the building.

POLICY B2 – ALTERATIONS TO LISTED BUILDINGS OR BUILDINGS IN THEIR CURTILAGE - Ensure that proposals do not cause substantial damage to the special architectural or historical character of Listed Buildings.

POLICY B3 – DEVELOPMENTS AFFECTING THE SETTING OF A LISTED BUILDING - Ensure that proposals have no adverse effect on the setting of Listed Buildings and that they conform to a series of criteria aimed at safeguarding the special character of the Listed Building and the local environment.

POLICY B20 - SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT - Refuse proposals which are likely to cause disturbance or unacceptable damage to protected species and their habitats unless they conform to a series of criteria aimed at safeguarding the recognised features of the site.

B22 – BUILDING DESIGN - Promote good building design by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

B23 – AMENITIES - Safeguard the amenities of the local area by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of high standard and in-keeping with the character and appearance of the local area.

C1 – LOCATING NEW DEVELOPMENTS – Land within town and village boundaries 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.

C3 – RE-USING PREVIOUSLY USED 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.

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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 Dwellings on each designated site in the plan area and on undesignated sites that become available within the development boundaries of the Sub-regional Centre and the Urban Centres – Approve proposals to develop housing on sites that have been designated for housing or sites at random for five units or more within the development boundaries of the sub-regional centre and the urban centres that provide a suitable element of affordable housing.

POLICY CH30 – ACCESS FOR ALL - Refuse proposals for residential/business/commercial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

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 proximity of the site to a public car park.

In addition to GUDP policies, full consideration is given to Gwynedd Design Guidelines which are material and relevant planning considerations.

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

PS 1: The Welsh Language and Culture

PS 2: Infrastructure and Developer Contributions

ISA 1: INFRASTRUCTURE PROVISION

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

PCYFF 1: Development criteria

PCYFF 2: Design and place shaping

PCYFF 3: Design and landscaping

PS13: Housing provision

PS 14: Affordable housing

PS 15: Settlement strategy

TAI 14: Housing in the Sub-regional Centre and the Urban Service Centres

TAI 9: Threshold of Affordable Housing and their Distribution

PS 16: Protect and/or enhance natural environment

PS 17: Safeguarding and/or enhancing heritage assets

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2.5 National Policies:

Planning Policy Wales 2016 (Edition 9)

NCT 12: Design

The Welsh Office Circular 61/96 "Planning and the Historic Environment: Historic Buildings and Conservation Areas"

3. Relevant Planning History:

3.1 C15/0797/11/CR - Demolish existing buildings and repair wall where buildings touched. Approved 21/12/15

C15/0507/11/LL - Application to demolish existing building together with the construction of a four-storey building which provides 7 self-contained living units and the provision of an access and associated parking. Refused (21/10/15) on grounds of:-

- Design.
- The impact on the setting of the listed building.

3/11/361 - conversion of a shop into a dwelling – approved 26.04.93

21/70/24a - amended application to install a roof over an existing open yard - approved 17.09.71

21/70/24 - install a roof over an existing open yard - approved 29.06.70

4. Consultations:

Community/Town Council: **First response:** Object on grounds of traffic safety and lack of parking.

Response to the second consultation: Not received.

Transportation Unit: **First response:** Object on grounds of lack of parking.

Response to the second consultation: I confirm that I have no objection to the proposal or for the proposal of including one drop off /pick up space to be acceptable. The site is on the outskirts of the City and close to a number of local facilities including shops, surgery, school and regular public transport. It is therefore presumed that the lack of parking is acceptable and unlikely to have any significant impact on the local roads network.

However, I recommend making minor amendments to the dropping off area. Rather than providing the dropping off area behind the footway it is recommended to locate this provision on the line of the footway and to provide the footway around it and into the site. By providing the drop off area within the highway boundary rather than behind it, it will be possible to include a waiting/parking restriction on it and

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manage the use.

Natural Resources Wales: **First response:** First response: Happy with the bat survey. Need to complete the development in accordance with the recommendations in the report.

Response to the second consultation: No further observations to offer.

Welsh Water: **First response:** Standard advice and conditions.

Response to the second consultation: Standard advice and conditions.

Biodiversity Unit: No objection. Need to complete the development in accordance with the recommendations in the report.

Conservation Officer: The application is a submission following refusal of the previous application. Friar's Terrace nearby is Grade II listed and I have no objection in principle as it is considered that the proposal is a significant improvement on the previous one and it will not dominate the site. The proposal has been set further back and it will not compete with the listed building or affect its appearance or setting.

Affordable Housing: **First response:** Need evidence to show the units are affordable without restrictions.

Response to the second consultation: The evidence submitted suggests that the development as a whole is not viable for the provision of affordable homes.

For information, the following shows the need for two bedroom units in the Hirael area of Bangor:

2 bedroom flat: 134

2 bedroom house: 146

*Note that figures could be duplicated

Archaeological Trust: Need a condition to ensure photographic record.

Lead Flooding Local Authority: Not received.

Public Consultation: A notice was posted on the site and nearby residents were notified. The initial advertising period ended on 14/12/17 and the second ended on 26/05/17. At the time of writing the report, correspondence was received objecting on the following grounds:

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- Concern about sufficient privacy for flats 3 and 5.
- Some of the rooms would not benefit from much natural light.
- Plans do not show current land levels.
- Reduce current living standards.
- Overlooking from private areas.
- Loss of privacy with windows facing each other.
- Shadowing and loss of light due to the height and size of the building.
- Proximity of the building to other buildings.
- Will add noise and disturbance to the area.
- Detrimental impact on Plas Meuryn as a building of historic interest.
- Design is out of character with surrounding buildings.
- Over-development.
- No need for this type of accommodation.
- Raise concerns about the work to renovate Number 1 Friars Terrace.

As well as the objections above, objections were received that were not material planning objections and these included:

- Loss of views across Bangor.
- Reduces the value of property and the ability to sell the property in future.

Correspondence was received providing observations on the application on the grounds of:

- Overall, no objection to the amended proposal should it be built with sympathetic materials and will offer an improvement to the streetscape.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The proposed development site is located within the development boundaries of the city of Bangor and is outside, but close to the defined town centre boundary. This site has not been designated for any specific use.
- 5.2 The proposal involves demolishing the existing buildings which are physically joined to a grade II listed building. Policies B1, B2 and B3 involve demolishing and changing listed buildings and developments that affect the setting of listed buildings and are therefore pertinent to the proposal. The Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas is also relevant.
- 5.3 The circular and policy B1 ask for significant justification to demolish listed buildings. The building to be demolished is not listed, however it is joined to a listed building and the development involves work to repair the listed building following the demolition work, and it therefore requires Listed Building Consent. The planning

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history shows that a Listed Building Consent already exists for this and it is considered that significant weight could be put on this when assessing the principle of demolishing the buildings as the Council and Cadw have already accepted the principle of demolishing it. Consequently, it is considered that the principle of demolishing the existing buildings on the site continues to be acceptable and in accordance with policies B1, B2, B3 and Circular 61/96.

- 5.4 Policy C1 of the Unitary Development Plan refers to the location of new developments, and states that land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. In this case, the proposal involves developing previously developed land within the development boundary of Bangor city regional centre; and therefore, the proposal conforms to this specific policy. The proposal also complies with policy C3 which approves proposals that prioritise re-using previously developed land or buildings which are located within or around development boundaries.
- 5.5 The basic requirements of policy CH3 approve new houses on unallocated sites within the development boundary of the sub-regional centre. Similarly, policy CH6 approves housing developments on windfall sites for five units or more within the development boundaries of a sub-regional centre which provide the appropriate element of affordable housing unless the Planning Authority can be satisfied, having considered all the relevant factors, that it would be inappropriate to provide affordable housing on the site. An objection to the proposal has been received that states that there is no need for this type of accommodation. The policies do not ask the developer to prove need for the development, however, the information submitted by the Housing Strategic Unit shows there is a significant need for two bedroom units.
- 5.6 As part of the application, an assessment was submitted of the scheme's viability which showed that it would not be viable to provide affordable units on the site due to the construction costs and the final value of the units. The floor surface area of each unit is approximately 57m². The Supplementary Planning Guidance – Affordable Housing restricts single-storey houses with two bedrooms to 80m². Therefore the size of the proposed units is somewhat less than the maximum size of affordability of this type of unit. Also, there is no parking provision for cars on the site; the amenity/external space of each unit is limited to small balconies. The site is located on the outskirts of the defined city centre with higher land/wooded area rising behind it, views of the high street to the front and there are no open or attractive views from the site. Due to all of these factors, it is considered that all of the units will be naturally affordable in any case and consequently it is considered that it is neither reasonable nor necessary to ask for a provision of affordable housing through a formal arrangements such as a 106 Agreement for this specific site.
- 5.7 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.

Joint Local Development Plan

- 5.8 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material 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

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(JLDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.

- 5.9 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 JLDP 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 ..."
- 5.10 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. 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."
- 5.11 In this case, the JLDP policies as noted in 2.4 above are material and, as these policies are consistent with the policies of the Unitary Development Plan, the recommendation of this report is considered to be consistent with the emerging policy.

Linguistic Matters

- 5.12 Policy A2 of the UDP aims to protect the social, linguistic and cultural fabric of communities, and it is considered that by providing quality resources for community use, the development can make an important contribution to the community and therefore contribute towards protecting and strengthening the community's social, linguistic and cultural fabric. 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 concludes that the development would respond to the needs for local homes and therefore the development should not have a detrimental impact. However, we await the response of the Joint Planning Policy Unit on the assessment and we hope that it will have arrived by the date of the Committee.

Visual amenities

- 5.13 Policies B22, B23 and B25 are also relevant and involve design, materials and protecting visual amenities. The proposal is near a listed building and consequently policies B1, B2 and B3 involve demolishing and changing listed buildings and developments that affect the setting of listed buildings and are therefore pertinent to the proposal. The Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas is also relevant.
- 5.14 The previous application was refused on grounds of the design of the building and also the impact of the development on the setting of the Listed Building. There is already a listed building consent in place to demolish the existing buildings on the site and complete work to renovate the listed building. The main issues under consideration

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are the impact of the development on the setting of the listed building and also the impact on the streetscape.

- 5.15 The site is located in a relatively prominent location, adjacent to the lowest part of Bangor High Street. The site is surrounded by buildings of various sizes, design and appearances which have a mainly residential use to the east of the site and more business uses to the west of the site.
- 5.16 The application that was refused for constructing a four-storey building extended beyond the front of Friars Terrace and was therefore dominating and would have a detrimental impact on the setting of the listed building. The proposed development has responded to the previous refusal by reducing the size of the building to three-storeys. Plans were received showing that the height of the ridge of the proposed building will be lower than the listed building and also Plas Meurnyn to the east of the site. The soffit would also be lower than these buildings. The building has been set back from the road and in accordance with the Friars Terrace development line. Therefore, it is considered that the development would be lower than Friars Terrace and that it would not dominate the listed building.
- 5.17 It is proposed to install a terrace to the front with natural slate cladding to cope with the change in level between the front and rear of the site and also to be in keeping with the front of Friars Terrace. The development continues to be a modern one with the use of glass and balconies, however the style and pattern of the windows have been amended to have more traditional qualities. The natural slate gable and the dormer windows also reflect other buildings around the site. The concern raised about the impact of the development on the setting of Plas Meurnyn is acknowledged, however, based on the above assessment it is not considered that the development would be harmful to the setting of the building. Generally, it is considered that the appearance and setting of the building is acceptable and in accordance with policies B22, B23 and B25.
- 5.18 Raise concerns about the work to renovate Number 1 Friars Terrace. Although this concern is acknowledged, there is already a listed building consent for this and it is considered that the conditions set through that consent will ensure that the renovation work will be completed in accordance with the approved details.
- 5.19 Observations were received from the Conservation Officer which acknowledged that this proposal is a significant improvement on the previous proposal as it will not dominate the site. The proposal has been set further back and it will not compete with the listed building or affect its appearance or setting. It is therefore considered that the proposal complies with policies B1, B2 and B3 as well as circular 61/96.

General and residential amenities

- 5.20 Policy B23 of the Unitary Development Plan safeguards the amenities of the local neighbourhood and private amenities by ensuring that proposals must conform to a series of criteria aimed at safeguarding recognised features. Policies B22 and B25 are also relevant and involve design, materials and protecting visual amenities.
- 5.21 Many of the observations relate to matters of privacy and overlooking. Upon assessing the proposal, it is obvious that the gardens / backyards of the Friars Terrace are not completely private. The height and location of the windows of Friars Terrace itself contributes to this. Additionally, the windows of Plas Meurnyn and Cysgod y Mynydd look across the

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rear of the site. It is acknowledged that the development will change the situation, especially with the use of balconies, however, it is not considered that the impact would be significantly detrimental on residential amenities to such an extent that it would lead to the refusal of the application on this basis alone. Additionally, observations were also received raising concerns about the privacy of units 3 and 5. The kitchens and living rooms of units 2, 3 and 5 are open plan with a number of different openings on three elevations. This provides different options for the residents and also plenty of natural light. Again the layout of units 1, 4 and 6 is similar with openings on two elevations and balconies facing the high street. Upon assessing the proposal and surrounding buildings it is considered that these living units would afford the residents a sufficient standard of living and privacy.

5.22 An objection was received from a resident of Plas Meurnyn on the grounds of loss of direct privacy through the windows and loss of amenities. The plans show that there would be a substantial number of side windows facing the side elevation of Plas Meurnyn. The distance of the building from Plas Meurnyn will vary from 13m to 19m away. In assessing the location and the type of windows against other windows it is considered that the proposal will cause loss of direct privacy between the windows of the main living rooms e.g. the number of windows service private corridors within the flats or from community access stairs. Because of this and the distance between the windows it is not considered that the impact would be significantly harmful. It is acknowledged that the residents of Plas Meurnyn would lose some of its openness from the side windows and the development would cause some shadowing late in the afternoon, due to the distance from the site and levels (Plas Meurnyn on a higher level than the application site) it is not considered that the impact would be intrusive or significantly harmful.

5.23 An objection was received stating that the development would add to the noise and would create further disturbance to nearby residents. Currently the site is being used by a construction/roofing company for jobs and a storage yard. It is considered that this use could generate more noise and nuisance than the proposed residential use. To each side of the application site there are residential houses or flats and therefore it is considered that a residential use of the site is more suitable than its current use. Therefore, it is not considered that the proposal is contrary to policies B22, B23 and B25.

Transport and access matters

5.24 Unlike the previously refused proposal, there is no parking provision as part of this proposal. Initial observations were received from the Transportation Unit objecting to the proposal on grounds of lack of parking. Objections to the proposal were also received from nearby residents on grounds of lack of parking. In response to this, observations were received from the agent highlighting that national policies supported development with less or no parking provision in accessible locations as the development would encourage a reduction in the number of motor vehicles. Policy CH36 encourages parking on sites or close to the site, however the policy also acknowledges that less provision could be acceptable in town centres where there is a good choice of facilities, services and other effective methods of travel apart from private cars.

5.25 During a site visit, it was obvious that there is not a convenient space for vehicles to park outside the site for short periods e.g. to deliver post and the site gates were closed. The site is on a bend in the road and therefore vehicles that park on the roadside (despite the double yellow lines) are a hazard for other vehicles trying to

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pass through. It is considered that a residential development of this type in this location could be acceptable without resident parking, however it must be acknowledged that the development would be serviced by various vehicles on a regular basis e.g. post, supermarket goods, taxis, refuse lorries etc. It is considered crucial that the development should provide for this and following discussions an amended plan was received showing the pull-in from the road for this purpose. In response to the amended plant, the Transportation Unit had no objection to the proposal but it did recommend changes to the layout of the pull-in area and the pavement. It is considered that this could be ensured by imposing a condition asking the layout to be agreed before work commences on site. Therefore, it is considered that the proposal is acceptable and that it is not entirely contrary to policies CH33 and CH36.

Biodiversity matters

5.26 When demolishing the existing buildings, there will be a potential impact on protected species. The land at the rear of the site is more elevated with substantial woodland. The presence of the trees means there is potential for bats and nesting birds to inhabit the site. Policy B20 is therefore relevant and involves protecting species and their habitats that are internationally and nationally important. The policy states that proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats should be refused unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

5.27 As part of the application, a bat and nesting birds survey undertaken by an ecologist was received. Observations were received from Natural Resources Wales and the Council's Biodiversity Unit after receiving the findings of the assessment but were eager to see the recommendations of the report followed, and this includes installing a bat box as part of the development. With the use of planning conditions, it is considered that the proposal meets with the needs of B20 and that the proposals would not cause damage to protected species.

6. Conclusions:

6.1 The objections from local residents have received full consideration as noted above. Based on the above assessment, and having considered all the relevant matters, including the objections, it is not considered that the proposal is contrary to the local and national policies and guidelines noted in the assessment, nor are there any other material planning considerations that state otherwise. Based on the above, it is considered that the proposal is acceptable subject to relevant conditions.

7. Recommendation:

7.1 To delegate the right to the Senior Planning Manager to approve the application, subject to receiving favourable observations from the Joint Planning Policy Unit on the Language Statement and also subject to material planning conditions relating to:

To approve – conditions

1. Time
2. In accordance with the plans and the ecology report
3. Materials and finishes.
4. Submission details and provide the drop off point prior to occupancy of flats.
5. Welsh Water conditions.

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6. Submit a photographic record of the building before its demolition.