

PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

**Number: 6**

**Application Number: C17/0432/11/LL**

**Date Registered: 11/05/2017**

**Application Type: Full - Planning**

**Community: Bangor**

**Ward: Deiniol**

**Proposal: Change the use of the ground floor of the building from a four bedroom flat to student accommodation with five bedrooms together with building an extension and external alterations.**

**Location: Old Glan, Glanrafon, Bangor, LL571LH**

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

PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

## 1. Description:

- 1.1 This is a full application to change the use of the first floor of the building from a four bedroom flat to student accommodation with five bedrooms together with building an extension and external alterations.
- 1.2 The existing building has been empty after its last use as a pub and flat above recently came to an end. A variety of buildings surround the building which vary from attached terraced cottages, two-storey terraced housing, two-storey commercial buildings and the Pontio development. It is proposed to adapt the original building and build a small extension in the form of a link corridor on the first floor, blocking a window to enable the link corridor and opening a new window in its place on the rear elevation. The proposed accommodation would include five bedrooms, two bathrooms and one open-plan kitchen and dining room, all on the first floor. It is intended to finish the extension with render to be in keeping with the existing building along with a flat roof.
- 1.3 The following statements / assessments have been submitted as part of the application.
- Access Statement
  - Planning Statement
  - Flood Consequence Assessment

## 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.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council not only has a duty to carry out sustainable development, but to also take every reasonable step in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.
- 2.3 **Gwynedd Unitary Development Plan 2009:**

### POLICY B20 – SPECIES AND THEIR HABITATS THAT ARE INTERNATIONALLY AND NATIONALLY IMPORTANT

Refuse proposals that are likely to cause unacceptable disturbance or harm to protected species and their habitats unless they can conform to a series of criteria aimed at safeguarding the recognised features of the site.

### 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.

<b>PLANNING COMMITTEE</b>	<b>DATE: 24/07/2017</b>
<b>ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD</b>	<b>DOLGELLAU</b>

#### **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 B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE**

Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value 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 B29 – DEVELOPMENTS ON LAND AT RISK FROM FLOODING**

Manage specific developments in the C1 and C2 flood zones and direct them towards suitable land in zone A, unless they conform to a series of criteria that are relevant to the features on the site and to the purpose of the development.

#### **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 SITES THAT BECOME AVAILABLE AND ARE UNALLOCATED 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.

#### **POLICY CH30 – ACCESS FOR ALL**

Proposals for residential/business/commercial units or buildings/facilities for public use will be refused 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, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the

PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

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.

**POLICY CH39 - FURTHER AND HIGHER EDUCATION DEVELOPMENTS**

Proposals for specific developments on a further or higher education site will be approved provided that specific criteria can be complied with relating to amenity and highway matters and in terms of the character of the area and the accessibility of the site to various modes of transport.

**2.4 Gwynedd and Anglesey Joint Local Development Plan. (July 2017) (As amended by the Inspector's Report, 30 June 2017)**

- POLICY ISA 1: INFRASTRUCTURE PROVISION
- POLICY PCYFF 2: DEVELOPMENT CRITERIA
- POLICY PCYFF 3: DESIGN AND PLACE SHAPING
- POLICY PCYFF 4: DESIGN AND LANDSCAPING
- STRATEGIC POLICY PS 17: SETTLEMENT STRATEGY
- HOMES POLICY 12: PURPOSE-BUILT STUDENT ACCOMMODATION
- STRATEGIC POLICY PS19: PROTECT AND/OR ENHANCE NATURAL ENVIRONMENT
- STRATEGIC POLICY PS4: SUSTAINABLE TRANSPORT, DEVELOPMENT AND ACCESSIBILITY
- POLICY TRA 2: PARKING STANDARDS
- POLICY TRA 4: MANAGING TRANSPORT IMPACTS
- STRATEGIC POLICY PS5: SUSTAINABLE DEVELOPMENT
- POLICY PS6: MITIGATE AND ADAPT TO THE IMPACT OF CLIMATE CHANGE

**2.5 National Policies:**

- Planning Policy Wales 2016 (Edition 9)
- TAN 12: Design
- TAN 15: Development and Flood Risk

**3. Relevant Planning History:**

- 3.1 C08A/0051/11/LL - RETROSPECTIVE APPLICATION TO INSTALL A CANOPY - APPROVED - 20.02.2008.
- C06A/0880/11/LL – ERECT A RETRACTING CANOPY TO CREATE AN OUTDOOR DRINKING AND SMOKING AREA - REFUSED - 08.03.2007

**4. Consultations:**

Community/Town Council: Object on the grounds of an over-development and the lack need for student accommodation in the area.

Transportation Unit: I refer to the above application and wish to state that I do not intend to submit a recommendation as it is assumed that the proposed development would not have a detrimental impact on any road or proposed road.

PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

- Biodiversity Unit: I believe it is highly unlikely that bats would be affected by this development. The annex roof is in a good condition with a velux window showing that there is no attic space. In addition, only a fairly small area of the roof would be affected. Because of this no bat survey will need to be undertaken prior to determining the application.
- Natural Resources Wales: No objection. Note that the site is located near a designated C2 flooding zone and that bats had been discovered near the site.
- Welsh Water: Information note
- Cymdeithas Ddinesig: Flood Issues
- Fire and Police Emergency Planning Services and the Health Service: Not received
- Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and a number of correspondences were received objecting on the following grounds:
- Overdevelopment
  - Waste Problems
  - Flooding

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 In line with the presumption in favour of sustainable development, applications for planning permission or to renew planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Policies in an emerging development plan are material considerations. Planning Policy Wales states that all applications should be considered in relation to current policies. In terms of an emerging plan there is no certainty regarding its contents until the Inspector presents his final report. The Inspector's binding report was received on 30 June 2017. The Inspector's recommendations for amendments are binding. The policies and proposals of the Plan will not be further amended. On this basis, the policies and proposals of the Plan, as amended by the Inspector, are material considerations that carry substantial weight.
- 5.2 The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001 - 2016) and the Joint Local Development Plan for Gwynedd and Anglesey (JLDP) will totally replace the Unitary Plan as the 'development plan' once it is formally adopted. It is likely that the JLDP will be submitted before the Council to consider its adoption during July 2017.
- 5.3 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 significant planning consideration for the purposes of development control. Paragraph 3.1.3 of Planning Policy Wales states:

PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

"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 ...".

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."

- 5.4 The site is within the development boundary of the City. This site has not been designated for any specific use and although close, it falls outside the designations of Town Centre, Main Shopping Area and outside of the Conservation Area.
- 5.5 There is no specific policy in the UDP which deals with a development of this type and the UDP's housing policies (namely policies CH3 and CH6 specifically) or policy CH39 (Further and Higher Education Developments) that refer to developments on higher education sites, are not entirely relevant. However, the proposal complies with the requirements of policy C3 that relate to the use of previously used sites.
- 5.6 The merits of this application must be considered against the current situation, namely that the A3 use would continue on the ground floor and the proposal involves converting the existing four bedroom living unit into student accommodation with five bedrooms. Consequently, there is a need to weigh up material considerations when determining whether or not the principle of the proposed development in this particular location is acceptable.
- 5.7 It is acknowledged that student accommodation developments have raised concerns in Bangor. Nevertheless, the scale of this proposal is considered to be fairly small compared to previous applications submitted in Bangor, and therefore is unlikely to have a damaging or significant impact on the student accommodation situation or the city's housing stock. The considerations are also similar to the application approved on appeal on the Three Crowns site, yet, it is also acknowledged that the aforementioned application resulted in the loss of A3 use whilst this proposal is considered as an improvement by keeping the current A3 use. In order to ensure a satisfactory arrangement for letting the units and to establish a contact point for any amenities problems in future, and to ensure reasonable use of the units in accordance with the proposal (i.e. students), it is considered that it would be reasonable to include a condition to agree the accommodation contracts beforehand with the Local Planning Authority.
- 5.8 Considering the above discussion it was considered that the principle of the development was acceptable under the policies of the current Unitary Development Plan noted above.
- 5.9 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.
- 5.10 The LDP Policy, TAI 6 states that proposals for new purpose-built student accommodation in suitable locations will be approved as long as the proposal meets

PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

with a series of criteria. Although this proposal meets with the majority of these criteria there are two criteria where there is inconsistency, namely: Criterion 1: 'The proposal must include an assessment of the number of additional undergraduate and post-graduate students who are in need of accommodation, and the higher education establishment must support the application.'

- 5.11 Considering that this application is for one student accommodation with five bedrooms and adaptations to the building's appearance, it is considered that it would be unreasonable to ask the applicant to meet this requirement. However, a recent letter received from the University which considers the general situation in terms of student accommodation, confirms that the number of students accommodated within the different categories (the University's accommodation, private accommodation, HMO) vary considerably from year to year, depending on the number of students who are at the University and their personal choice of accommodation.
- 5.12 Similarly, if the UDP's housing policies do not apply to this proposal, the LDP housing policies (PS 17: Settlement Strategy) do not apply either.
- 5.13 In its entirety, it is not considered that the proposal is contrary to the policies of the Local Development Plan which is yet to be adopted but does carry considerable weight, or the adopted Unitary Development Plan, it is therefore considered that the principle of the proposal is acceptable and the other aspects of the development will be discussed in the following sections of this report.

#### **Visual, general and residential amenities**

- 5.14 As discussed above, the site is located within the development boundary of the city of Bangor and within a mixed area of residential units and commercial buildings. The lower floor of the building had been used until recently as a pub and came under A3 usage - this usage will continue.
- 5.15 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, B24 and B25 are also relevant and involve design, materials and protecting visual amenities.
- 5.16 The proposal involves constructing a small extension in the form of a link corridor on the first floor and on the rear elevation. The extension will be hidden between the two ridges and therefore it would not be clearly visible.
- 5.17 The existing flat provides four bedrooms, and there is an intention to add one bedroom to provide a total of five bedrooms within the proposed unit. It is therefore considered that the increase of individuals accommodated in the unit would be comparable to the present, and it is unlikely that it would cause a significant different effect from the present. The application's agent has confirmed that the accommodation would be let subject to the students signing an agreement that will include student accommodation management plan. This is a general plan for this type of accommodation and is supported by Inspectors in appeals in similar larger developments. As noted above, it is considered reasonable to impose a condition that the accommodation agreements should be agreed upon in advance with the Local Planning Authority.
- 5.18 In terms of dealing with rubbish, it appears that there are currently procedures in place to deal with the pub's commercial waste, and this is not expected to change. It is

PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

expected that the accommodation agreement will highlight the way in which the students should deal with their waste (e.g. store their waste indoors until collection day).

- 5.19 It is intended to finish the extension with render to be in keeping with the existing building along with a flat roof. Although the concern raised by objectors is acknowledged, it is not considered that this plan is an over-development of the site and it would not have a substantial detrimental impact on residential amenities. Based on the above, it is, therefore, considered that the proposal conforms with the requirements of policies B22, B23, B24 and B25 of the GUDP.
- 5.20 In this case, the LDP Policies listed in 2.4 above are material and are consistent with the policies of the Unitary Development Plan.
- 5.21 Criterion 11 of Policy PCYFF 2: Development Criteria ensures that the development would not have a detrimental impact on health, safety or the amenities of local occupiers, and policy PCYFF 3: Design and Place Shaping includes criteria which ensure that every proposal exhibits a high-quality design and uses materials appropriate to its surroundings; and policy PCYFF 4: Design and Landscaping ensures that every proposal integrates to its surroundings. On the basis of the above assessment, it is considered that the proposal also complies with the requirements of these LDP policies.

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

- 5.22 The proposal does not provide any parking spaces as part of this development. The site is located near to a short-stay car park under the Council's ownership, and on-street parking can be found in the vicinity. Due to the current use of the building as a pub with a four bedroom flat above, compared with the proposal to retain the A3 usage and provide a five bedroom accommodation above, the Transportation Unit has confirmed that there is no objection to the proposal in terms of road safety and parking provision.
- 5.23 Therefore, on the above grounds, it is considered that the proposal complies with the requirements of policies CH30, CH33 and CH36 of the UDP and also with policies TRA 2 and TRA 4 of the LDP which refer to parking standards and road safety, and policy PS4: Sustainable transport, development and accessibility which ensures support for developments which will maximize accessibility for all types of travel.

#### **Biodiversity matters**

- 5.24 Natural Resources Wales has noted that there is a record of bats in the area; but the Biodiversity Unit has confirmed that the roof intended to be extended is of a good condition and currently has a velux window installed, therefore, it is unlikely that the proposal would have an effect on bats in this case. Therefore, it is considered that the proposal complies with the requirements of policy B20 of the UDP and policy PS19 of the LDP which safeguards protected species.

#### **Infrastructure and Flooding Matters**

- 5.25 Although the site is not located within an area which is at risk from flooding (it is within Zone A), the culvert of the river Adda runs through the site and the building is surrounded by an area which is within a C2 flooding zone. A Flood Consequence Assessment report has been submitted as part of the application and has been assessed



PLANNING COMMITTEE	DATE: 24/07/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	DOLGELLAU

by Natural Resources Wales. Natural Resources Wales do not object to the proposal on the basis that the building itself is not located within a C2 zone, and that changing the use from a four bedroom flat to a five bedroom student accommodation is not a significant change in the site's usage density. On the basis of Natural Resources Wales' observations and the contents of the Flood Consequence Assessment, therefore it is considered that the proposal conforms with the requirements of policy B29 of the UDP, criterion 15 of the ISA 1 policy: Infrastructure Provision, criterion 9 of the PS5 policy: Sustainable Development and criterion 4 of the PS6 policy: Mitigate and adapt to the impact of climate change from the LDP and TAN 15: Development and Flood Risk; which are all to do with dealing with flood risk.

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

5.26 Concerns were highlighted regarding the over-development of the site, waste problems and flooding.

5.27 We believe that full consideration has been given to these observations in the above report.

### **6. Conclusions:**

6.1 In light of the above, and having given full consideration to all relevant planning considerations including the site's current useage, letters of objection and the submitted observations, it is considered that this proposal is acceptable and that it complies with the requirements of local and national policies and guidance.

### **7. Recommendation:**

7.1 To approve with conditions.

1. Five years
2. In accordance with the Flood Consequence Assessment
3. External finishes to match the existing building
4. Agreement on the accommodation contracts to include students only, a public contact point and a restriction on the use of cars.

Welsh Water Note  
Bats discovered note