

PLANNING COMMITTEE	DATE: 02/03/2020
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 1

Application Number: C19/0444/11/LL

Date Registered: 21/06/2019

Application Type: Full - Planning

Community: Bangor

Ward: Deiniol

Proposal: Conversion and change of use of the rear section of the former Debenhams store to form six residential units (5 x 1 bedroom and 1 x 2 bedroom).

Location: 196-200, High Street, Bangor, Gwynedd, LL57 1NU.

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 Members will recall that this application was deferred at the January 2020 Committee in order to receive additional information regarding the rent prices of the living units.
- 1.2 A full application for the change of use of the rear section of the building, which was formerly the Debenhams store in Bangor, to form six self-contained residential units, along with minor alterations to the building, namely the installation of new windows and eight skylights. Internally, it is proposed to create six living units which will include five units with one double bedroom, and one unit with one double bedroom and one single bedroom. The units will vary in size from 50m² to 98m² for the two-bedroom unit. There is no intention to build any extensions to the building and there will be no increase in the current floor area of the building.
- 1.3 It is intended to provide a bin and recycling store by the side of the building for these units, which will be off-street and away from public view. The site is located within the development boundary, off the High Street in the City Centre and within the Conservation Area. The site also lies within the Town Centre and Main Shopping Area as designated in the LDP. The building is fairly modern in design, being a two-storey building with a flat roof to the rear of 196-200 High Street, which is a traditional listed building. The site is located off the High Street with shops on both sides and residential housing to the south of the site. Access to the site is from the High Street, where double doors between two shops lead to a footway to the site.
- 1.4 As part of the application, a Design and Access Statement and a Housing Mix Statement were submitted. A Listed Building application has also been submitted for the site.

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 Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven 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, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

Policy PS 1 - The Welsh Language and Culture
 Policy ISA 1 - Infrastructure Provision
 Policy TRA 2 - Parking Standards
 Policy PCYFF 1 - Development boundaries
 Policy PCYFF 2 - Development Criteria
 Policy PCYFF 3 – Design and place shaping
 Policy PS 15 - Town centre and retail developments
 Policy MAN 2 - Primary retail areas

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Policy PS 16 - Housing provision
 Policy PS 17 - Settlement Strategy
 Policy TAI 1 - Housing in the Sub-regional Centre and the Urban Service Centres.
 Policy TAI 8 - Housing mix
 Policy TAI 9 - Sub-dividing existing property to self-contained flats and houses in multiple occupation
 Policy PS 18 - Affordable housing
 Policy TAI 15 - Threshold of affordable housing and their distribution
 Policy PS20 - Preserving and where appropriate enhancing heritage assets
 Policy AMG 5 - Local Biodiversity Conservation
 Supplementary Planning Guidance (SPG): Housing Mix
 SPG: Affordable housing
 SPG: Planning for sustainable building
 SPG: Planning and the Welsh Language
 SPG: Open Spaces in New Housing Developments

2.4 National Policies:

Planning Policy Wales (Edition 10) 2018
 Technical Advice Note 12: Design 2016
 Technical Advice Note 18: Transport 2007
 Technical Advice Note 22: Planning for sustainable buildings 2010

3. Relevant Planning History:

3.1 C18/1087/11/LL 196-200 High Street, Bangor - Conversion and change of use of first and second floors to form four living units in addition to the existing living unit, and the creation of new shop frontages - Approved - 14-6-19.

C18/1092/11/CR 196-200 High Street, Bangor - Interior and exterior alterations to create three shops and five living units - Approved 23-7-19.

4. Consultations:

Community/Town Council: Not received

Transportation Unit: No objection - the site is in a central location within the city and is within walking / cycling distance of many facilities including colleges / shops / workplaces, with several pay and display car parks also locally.

Natural Resources Wales: We have reviewed the planning application submitted to us, and from the information provided, we are not of the opinion that the proposed development impacts any matters listed on our Check List, *Advice Service on Development Plans: Consultation Topics* (September 2018). Therefore, we have no observations to make on the proposed development.

Welsh Water: No objection but propose standard conditions regarding sewerage and any additions to the roof causing an increase in

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rain water. In this case, the second condition would be irrelevant as the proposal does not include the creation of new extensions.

- Biodiversity Unit: Following a site visit, it can be confirmed that no bat survey is required in this case as there is low potential of bats being present on site. Nevertheless, it is felt that it would be prudent to impose a condition to prevent any work commencing on the site during the period from May to September, and to stop work if any bats are discovered.
- Housing Strategy Unit: Figures held by the Council's Housing Options Team show that there are 51 applicants on the Tai Teg waiting list in need of 1- and 2-bedroom units, and 26% of applicants on Gwynedd Council's general housing register are in need of 1- and 2-bedroom flats. Based on the information submitted with the application it seems that the housing mix proposed partly addresses the need for such units, and it is expected that 20% of the units will be affordable, but it is expected that these units would be affordable in any case, due to their location and size.
- Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has expired and correspondence was received stating the following:
- There will be no increase in the size of the building.
 - The new windows will not overlook neighbouring properties.
 - Access would be gained to the site from the High Street only, and not from the rear.
 - The area to the rear of the site is used by wildlife, and no mention is made in the application of how building machinery and supplies would be delivered to the site.
 - Lack of parking spaces for the units, which will exacerbate existing parking issues for residents.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 As referred to above, the site is located within the development boundary of Bangor sub-regional centre and, therefore, the application complies with the requirements of Policy PCYFF1 of the LDP. Policy MAN 2 refers to primary retail areas where proposals for the change of use of the ground floor of an A1 shop may be permitted if it can be shown that the premises is no longer viable for use as a shop, and that all efforts have been made to maintain A1 use.
- 5.2 It is noted in this case that the first floor of the building has been used as a warehouse/shop which was accessed through the main Debenhams store on the High

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Street. There was no separate access to this part of the shop, and it must be stated that three shops remain on the ground floor of the main building on the High Street. It is a complex situation where there are several owners of the 'site' formerly occupied by Debenhams. This creates difficulties in terms of public access to various areas (were they to remain as shops), including the area to which this application relates, and the building is now deteriorating having been unoccupied since the last shops closed some time ago. On these grounds, it is not considered that the proposal is contrary to the requirements of policy MAN 2 since it cannot be considered to be a ground floor shop, and also that its use as a shop is dependent on access through a third party property.

5.3 Policy TAI 9 permits the sub-division of existing properties into self-contained flats provided they fulfil the relevant criteria:

- Criterion 1 - the property should be suitable to be sub-divided for the type and number of units proposed without having to make substantial alterations and extensions - there is no proposal to extend the existing building and the only changes to the external appearance of the building will be the installation of new windows along one side of the building.
- Criterion 3 - ensure that the proposal will not have a detrimental impact on the amenities of nearby residents - although residential dwellings and commercial properties are located around the application site, it is not believed that the proposal would have an unacceptable impact on the residential amenities or general amenities (on the grounds of overlooking and noise nuisance), considering the central location of the site within a busy and established retail area. It should be noted that a letter was received expressing concern about the proposal, and the points raised are detailed below.
- Criterion 4 - the proposal should not exacerbate existing parking problems in the local area - considering the central location of the site in the city and its proximity to local facilities such as car parks and public transport, it is not anticipated that the proposal would contribute towards parking problems within the local area.

5.4 Policy TAI 15 states that every development is required to achieve an appropriate mix based on occupancy, types and sizes of affordable housing and this is reiterated by Policy TAI 8 along with the SPG: Housing Mix. The threshold for affordable housing in Bangor is 20%, and as the proposal includes the provision of six residential units, the figure of 20% means that 1.2 units would need to be affordable according to local need. However, an open market valuation report was submitted for the proposed units which was based on the requirements of the 2017 Red Book which states that the valuations submitted for the six proposed units are lower than the affordable level for the area, and therefore none of these units would need to be bound by an affordable agreement. In terms of the housing mix proposed, it is believed that the provision of such units as proposed here is acceptable based on figures submitted by the Council's Strategic Housing Unit, which state that there are 51 applicants on the Tai Teg waiting list in need of 1- and 2-bedroom units, and that 26% of applicants on Gwynedd Council's general housing register are in need of 1- and 2-bedroom flats. The Council's Strategic Housing Unit concludes that this proposal is a means to partly address the recognised substantial need which exists for such accommodation in the City.

5.5 Further to the above, the applicant has provided information based on the Gwynedd and Anglesey local housing market assessment, which states that there is a current need

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for 1- and 2-bedroom flats in the area, and this is confirmed by the comments submitted by the Strategic Housing Unit.

- 5.6 Considering the above assessment and subject to the proposal's compliance with the other relevant policies within this assessment, it is considered that this application is acceptable in principle.

Visual amenities

- 5.7 The alterations to the external elevations of this building are minimal, being limited to creating openings for the units where none exist at present, and the installation of eight skylights in the flat roof. This is a two-storey, flat-roofed building which stands in a hidden location behind the main premises on the High Street, and is also sub-standard in appearance and design. It is believed that installing windows will improve the appearance of the building as opposed to plain walls, and it is not believed that the proposal would unduly impair the visual amenity of this part of the area, nor would it have any impact upon the character of the Conservation Area, since it is away from public view. The proposal would ensure long-term use of the building, which is to be welcomed. It is considered that the proposal is acceptable based on the requirements of Policies PCYFF 2, PCYFF 3 and PS 20 of the LDP.

General and residential amenities

- 5.8 Policy PCYFF 2 of the LDP states that proposals should be refused if they have a significant detrimental impact on the health, safety or amenities of the occupants of local property, land uses or other property due to an increase in activities, disturbance, noise etc. In terms of noise nuisance, it is believed that residential use of the rear building would not have a significant detrimental impact on the general amenities of nearby residents, considering the site's location within a very busy commercial area which already includes public houses and restaurants, and it is not believed that this proposal would give rise to any situation that would be worse than the current one.
- 5.9 In terms of overlooking, the new windows would open out to the south, where the building is in a slight depression with a green area to the rear, which is overgrown at present. In addition, there is a wall along the boundary between the building and the green area. An objection was received on the grounds of overlooking issues, due to residents living to the rear of the site. However, the nearest residential properties are approximately 19m to the south, and also on higher ground than this site, and therefore any overlooking would be from the existing houses over the proposed development, rather than from the development itself. It is not considered that this type of situation is uncommon or unacceptable in such an urban location. Access to all the new units would be provided through a gateway off the High Street, and all six units would have their own front doors rather than sharing an entrance. Concern has also been expressed about this building being extended. There is no extension being proposed as part of this application, and if any extension were to be proposed in the future, it would need planning permission. To this end, it is believed that the proposal complies with the requirements of Policies PCYFF 2 and TAI 9 of the LDP.

Transport and access matters

- 5.10 The site is located centrally within the City and consequently, there are no parking facilities within the curtilage of the site itself and this situation is mirrored in other sites in the City. The residential units will be very close to local facilities which include car

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parks and public transport and, therefore, the Transportation Unit does not object to the application as submitted. It is believed that the proposal is acceptable on the grounds of the requirements of Policies ISA 1 and TRA 2 of the LDP.

Affordable housing matters

- 5.11 Policy TAI 15 of the LDP seeks to ensure an appropriate provision of affordable housing in the Plan area, and the threshold for affordable housing in Bangor is 20%. As the proposal includes the provision of six residential units, the figure of 20% means that 1.2 units would need to be affordable according to local need. As part of the application and in accordance with Policy TAI 15, an open market valuation report was submitted for the proposed units which was based on the requirements of the 2017 Red Book. The valuation report states that the open market prices of all the units would be lower than the affordable level in the area, which is £50,000, and all the units, therefore, fall within the definition of affordable. Consequently, this development would not require a legal agreement or a planning condition to ensure the provision of affordable housing, since the units would be affordable in any case. This valuation, based on the location, size and type of units proposed, shows that all these units would be affordable, and in this regard it is considered that the proposal complies with the relevant policies, which are TAI 15 in the LDP and the SPG.
- 5.12 Following the deferral of the application in order to obtain information on the rent prices of the affordable units, further information was received by the agent and the Joint Planning Policy Unit. The agent has confirmed that five of the six units provided (namely units 1, 2, 3, 4 and 6 which are one bedroom units) has an open market of £400 per month.
- 5.13 Paragraph 3.3.2 of Supplementary Planning Guidance 'Affordable Housing' (April 2019) states that householders are expected to pay 25% or less of their gross income on rent for units described as affordable.
- 5.14 Given how affordable the proposed rent levels are, it is important to compare them with income levels in Bangor. In this respect, comparing the rent levels with the median Bangor income would give a picture of how affordable the proposed rent levels are given the requirement of the Supplementary Planning Guidance.
- 5.15 It is also important to consider what type of units are affordable to rent, of which are applied for here. Comparisons with current comparative rent levels in Bangor would be important in this regard.
- 5.16 TAN 2 'Planning and Affordable Homes' (June 2006) by Welsh Government divides the term, affordable housing, into two sub-categories:
- **social rented housing** - provided by local authorities and registered social landlords where rents consider Welsh Government guideline rents and benchmark rents;
 - **intermediate housing** - where the prices or rents are higher than social housing rents but lower than the prices or rents on the open market. This may include shared equity schemes (for example, Help to Buy). Intermediate housing is different to low cost market housing, that the Government do not consider as affordable housing for land use planning system purposes.

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- 5.17 From information by the Housing Options Team, it is understood that social rent for 1 and 2 bedroom flats in the centre of Bangor (i.e. near the High Street) is approximately £80 - £85 per week or £320 - £340 per month.
- 5.18 No information has been submitted noting that the units are to be rented on a social basis and, therefore, it must be considered whether or not the units provide for the intermediate affordable market, i.e. households that are not eligible for social rented housing but cannot afford open market rents. Therefore, it is unlikely that these units will meet the requirements of the social rented market. In this regard, the Supplementary Planning Guidance 'Affordable Housing' (para. 3.3.4) notes that Private Rented Housing are units where the developer proposes to construct and manage affordable housing to rent without the Council or a Registered Social Landlord. Although the definition in TAN 2 notes that low cost market housing is not considered as affordable housing in land use planning system terms, it can be established whether or not market rent levels are aligned with levels deemed affordable in terms of intermediate rent. In this regard, it is noted that affordable rent levels will be determined in the context of private rent levels in an area.
- 5.19 Information from the Rent First - Intermediate Rent (2011) (Welsh Government) document notes that intermediate rent should be at an 80% level of the open market rents. This is the information used by Tai Teg. Information in the document (point 65) notes *"Providers may levy service charges, but the sum of service charges and rent must be at or below a target maximum of 80% of average private market rents for comparable properties in the relevant locality within the local authority area"*. It is noted *"Intermediate rents are to be charged within the Market Rent Envelope, calculated as the sum of service charges and rent, which must be at or below 80% of average private market rents for that local authority area and should also be targeted to be below the Local Housing Allowance"*.
- 5.20 It is noted that the Local Housing Allowance Rate for the North West Wales area for one bedroom units is £71.41 per week (£285.64 per month) and £91.43 per week for two bedroom units (£365.72 per month).
- 5.21 It is noted that these figures are low and comparative (per one and two bedroom units) to the information for social rent in Bangor as noted above. Therefore, it would make more sense to compare intermediate rent levels against comparative open market rent.
- 5.22 It is important to consider this against guidelines in the Supplementary Planning Guidance, namely that householders are expected to pay 25% or less of their gross income on rent for units described as affordable. What is important to establish is that rent levels are genuinely affordable bearing this information in mind and in terms of considering information on the area where the proposal is located.
- 5.23 In this respect, given the nature of Bangor, i.e. a Sub-regional Centre (as defined in the Joint Local Development Plan) which includes a number of wards, it is considered relevant to consider the median Bangor income in its entirety [namely, the wards of Deiniol, Dewi, Garth, Glyder, Hendre, Hiraël, Marchog and Menai (Bangor) on a joint basis] rather than the median income of the specific ward where the proposal is located, i.e. Deiniol in this case. It is noted that information for the Pentir ward has been omitted from the figures used for Bangor. This is on the basis that it includes areas which are outside Bangor that could affect the figure for the whole of Bangor.
- 5.24 Whilst it is noted that median income varies between wards, it is believed that the proposal needs to be considered in relation to Bangor in its entirety as a development

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in one location can serve the need within the entire city. There is an easy and natural movement between wards in Bangor and a suitable development of affordable price/rent in one area would serve the city region on a wider scale. It is understood that this is how the Housing Strategic Unit deals with such planning applications in Bangor.

5.25 It is believed that consistency is required and to not differentiate between the different wards in Bangor. The median income varies between wards which means that there is a difference between acceptable rent levels on the basis that 25% or less of their gross income is on rent for units described as affordable. It is believed that one cannot differentiate between different wards in Bangor given the nature of the settlement (i.e. as one location) and based on the proximity of wards to each other. It makes sense to consider the Bangor figure in its entirety and not to pick and choose what is affordable between individual wards.

5.26 Based on what is noted in paragraph 3.3.2 of Supplementary Planning Guidance 'Affordable Housing' (April 2019), householders are expected to pay 25% or less of their gross income on rent for units described as affordable, and the following is noted:

Median Bangor income (2018): £22,290

Based on this figure, the monthly and weekly income is noted as follows:

Monthly: $22,290 / 12 = £1,857.50$

Weekly: $22,290 / 52 = £429$

5.27 In considering this information in terms of the wording of the SPG, it is noted that householders are not expected to pay more than the following rent levels in order to ensure that they are affordable:

Monthly: $1,857.50 \times 0.25 = £464$

Weekly: $429 \times 0.25 = £107$

5.28 The rent values of similar flats from the Rightmove website on 7/2/20 are noted as follows: It is also noted what would be 80% of these rent levels, i.e. intermediate rent levels:

Location	Monthly Rent	Number of bedrooms	80% of the rent
Garth Road	£525	1	£420
Former Tabernacl Chapel	£736	2	£589
Y Bae	£875	2	£700
Former Chapel, Garth Road	£918	2	£734
Garth Road	£1214	2	£971
Glanrafon	£695	2	£556

5.29 Therefore, it is believed that it is important to consider the proposed rent levels against the above information taking into account whether or not they are acceptable in terms of providing an affordable rent level.

5.30 In considering whether or not the proposed rent levels can be considered as affordable, it is believed that they need to be considered in terms of intermediate rent rather than

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social rent. A consideration of the values against the figure of £464 per month for Bangor, which derives from the SPG, would be important, along with consideration against the comparative rent levels in Bangor.

- 5.31 Therefore, to summarise, and although only one affordable unit is required to be provided as part of the application for six living units, it is considered that the rent of five of the six units is affordable anyway, without the need to control this further by means of a planning condition.

Educational matters and open spaces/play areas

- 5.32 The relevant policy within the context of educational contributions for residential developments is Policy ISA 1 of the LDP. It is also pertinent to consider the content of the SPG: Housing Developments and Educational Provision in discussing this application. In this case, the Joint Planning Policy Unit confirmed that since the proposed units are all flats, there would be no need to consider a contribution in respect of educational provision. There is no requirement to include open spaces / play areas as part of this application, as it falls below the threshold of 10 new units or more as defined within the SPG: Open Spaces in Residential Developments.

Linguistic and Community Matters

- 5.33 Since there is no intention for this proposal to provide more units than the indicative housing provision, there is no need for the applicant to submit a Language and Community Statement in compliance with the requirements of Policy PS 1 of the LDP.

Biodiversity Matters

- 5.34 The potential for bats to be present on the site is low, and there was no need to submit a wildlife report as part of the application. Nevertheless, there is a green area to the rear of the site, and it is suggested that a condition be imposed to regulate building work outside the breeding season (May to September) and to stop work immediately if any bats were to be discovered, and in this regard it is felt that the proposal complies with the relevant policy, which is AMG 5 of the LDP.

6. Conclusions:

- 6.1 Having considered this assessment and all the relevant matters, including the update on the rent situation, along with the local and national policies and guidance, it is considered that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To approve in accordance with the following conditions:

1. Five years
2. In accordance with the plans
3. Agreement on external materials
4. No windows to be installed apart from those shown
5. Welsh Water Sewerage
6. Work to commence outside the breeding season (May-September)
7. Provision of a bin store prior to the units being occupied, to be retained for that purpose.