

PLANNING COMMITTEE	DATE: 06/09/2021
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	

Number: 10

Application Number: C20/1056/25/LL

Date Registered: 16/12/2020

Application Type: Full

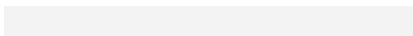
Community: Pentir

Ward: Pentir

Proposal: Change of use of building from Use Class B1 (offices) to Use Class D1 (non-residential establishments) together with changes to the external elevations of the building, creating an access road, bus parking and footpaths

Location: Tŷ Menai, Ffordd Penlan, Parc Menai, Bangor, Gwynedd, LL57 4HJ

Summary of the Recommendation: Submit an appeal statement to the Planning Inspectorate recommending to REFUSE the planning appeal



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1. Description:

- 1.1. A full application was received for the change of use of the Tŷ Menai/*Technium* building located on the Parc Menai Employment site, which is currently empty, from its existing Use Class B1 (offices) to Use Class D1 (education non-residential establishment). The proposal also involves creating an access road, bus parking, footpaths and alterations to the external elevations of the building.
- 1.2. The development is on a scale which means that the application would usually be determined by the planning committee. There was an intention to submit the application to the planning committee on 6 September, 2021. However, the applicant resolved to submit an appeal to the planning inspectorate on the grounds of a lack of decision.
- 1.3. When an appeal is submitted on the grounds of a lack of decision, the local planning authority has an additional period to determine an application during the first four weeks after the appeal is received.
- 1.4. The appeal was submitted on 4 August 2021 and, therefore, the four week period comes to an end on 1 September 2021. Due to the timetable and the fact that no meeting of the Planning Committee is held in August, it was not possible for the application to be determined within the four week period. Under such circumstances, the appeal then continues on the grounds of a lack of decision and the system does not allow the Council to determine the application.
- 1.5. As part of the appeal process, the planning inspectorate gives the local planning authority the opportunity to submit an appeal statement, where the authority can express opinions and recommend a decision. As officers have no delegated rights to determine the application, the application is submitted to the committee in order to receive the opinion of the Committee, therefore, the advice on the application will then be submitted to the planning inspectorate as part of the appeal statement. In order to facilitate this, this report has been prepared giving full consideration to all material planning considerations.
- 1.6. The application can be split into several elements, which include:
 - 7,146 square metres of the current offices' floor space would be used for educational purposes by Grŵp Llandrillo-Menai, with minor alterations to the external elevations, which include closing some of the existing openings, replacing doors with windows and installing new windows and doors.
 - It is anticipated that the main proposed campus would provide for a total of approximately 521 students, with 200 relocated from the Llangefni campus to Parc Menai. It would be open for approximately 35 weeks per year with teaching hours from 9:15 until 16:15 in order to avoid traffic congestion, with evening classes taking place between 17:30 and 21:00. The new campus would also be open between 09:00 and 17:00 on Saturday.
 - There is current provision for 274 parking spaces, 10 disabled parking spaces and five spaces for mini-buses and this provision would continue. However, a new walkway access would be created to the north of the site in order to link the proposed bus stop with the existing internal roads network.
 - Create a walkway to link the Tŷ Menai and Llwyn y Brain sites with the existing footpath to the north of Ffordd Penlan in order to link with the bus stop located adjacent to Ffordd y Parc.

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- 1.7 The site is at the south-western corner of the Park Menai Employment Site, which is protected for B1 Business Use in the Gwynedd and Anglesey Joint Local Development Plan, 2017 (LDP). The proposal involves a substantially sized building that is served by an unclassified county roads network as far as the Parc Menai roundabout and the A487 trunk road. The site measures approximately 2.9ha (including Llwyn Brain) and is partially located within a Special Landscape Area and within a Site of Outstanding Historic Interest. Trees protected by a tree preservation order are found close to the site and a number of listed buildings are within 500m of the site of the application.
- 1.8 The application has been submitted as Grŵp Llandrillo-Menai is seeking a site to relocate its main campus, currently on Ffriddoedd Road (including the former Friars School grade II listed building) in Bangor. According to the information submitted, the main reason for relocating is the deterioration of the buildings and associated structures on the existing campus and because they no longer adhere to current teaching and health and safety standards. A significant investment would be required to upgrade the buildings and this would not be viable to achieve considering that there is urgency to resolve the situation by 2022. The applicant states that relocating to a new campus would enable the educational establishment to create a Centre of Excellence for creative and digital media, relocate approximately 200 learners from Llangefni to Bangor, avoid duplication of the service industry curriculum across the Group in north-west Wales and improve teaching standards.
- 1.9 In order to support the application, the following documents were submitted - Design, Access and Planning Statement, Assessment of Office Supply and Employment Land in Gwynedd and Anglesey, Assessment of Bangor City Centre Economic Benefit, Sequential Test Assessment, Welsh Language Impact Assessment and Transport Assessment. It was confirmed that the applicant had undertaken a pre-application consultation in accordance with Article 1 of the Town and Country Planning Act (Development Control Procedure) (Wales) (Amendment) 2016, as the proposal is considered to be a major development. A Pre-application Consultation Report (PAC) has been included with the application to reflect this consultation.

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 (LDP) adopted 31 July 2017:-**
- Policy PS1 - the Welsh language and culture.
- Policy ISA1 – infrastructure provision.
- Policy ISA2 - community facilities.
- Policy ISA3 - further and higher education developments

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Policy TRA1 - transport network developments.

Policy TRA2 – parking standards.

Policy TRA4 – managing transport impacts.

Policy PS4 - sustainable transport, development and accessibility.

Policy PS5 - sustainable development.

Policy PCYFF1 – development boundaries.

Policy PCYFF2 – development criteria.

Policy PCYFF3 – design and place shaping.

Policy PS13 - providing opportunities for a prosperous economy.

Policy CYF1 - safeguarding, allocating and reserving land and units for employment use.

Policy CYF5 - alternative use of current employment sites.

Policy PS20 - preserving and where appropriate enhancing heritage assets.

Policy AT1 - conservation areas, world heritage sites and landscapes, parks and registered historic gardens.

Supplementary Planning Guidance (SPG): Change of Use of Community Facilities and Services, Employment Sites and Retail Units (2021).

2.4 **National Policies:**

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Welsh Government, Building Better Places: The planning system delivering resilient and brighter futures (July 2020).

Technical Advice Note (TAN) 18: Transportation.

TAN20: Planning and the Welsh Language.

TAN23: Economic Development.

TAN24: The Historic Environment.

3. **Relevant Planning History:**

3.1 Application number 3/25/147E - extension to the business park approved in September 1990.

3.2 Application number 3/25/147X - construction of an office and parking spaces approved in April 1995.

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- 3.3 Application number 3/25/147Y - construction of a storage building approved in July 1995.
- 3.4 Application number 3/25/476 - construction of a storage building and a new office approved in November 1995.
- 3.5 Application number C99A/0655/25/LL - construction of a single-storey building for B1 use, parking spaces and landscaping, approved in February 2000.
- 3.6 Application number C01A/0660/25/LL - construction of a building for an advanced technology business, parking spaces and landscaping, approved in December 2001.
- 3.7 Application number C02A/0479/25/LL - construction of a building for an advanced technology business, parking spaces and landscaping (amended plan) approved in September 2002.
- 3.8 Pre-planning application consultation number Y19/000391 for Use Class D1 (non-residential establishments). The Local Planning Authority responded by stating:
- The proposal would be contrary to the requirements of Policy ISA3 of the LDP regarding further and higher education developments. Any planning application would have to include a comprehensive assessment of the suitability of the current Grŵp Llandrillo-Menai sites, and the reasons those sites could not be used after undertaking improvement and maintenance work. Consideration must also be given to sites that are close to the current campus, windfall sites and other sites within the development boundary of Bangor.
 - The proposal would be contrary to the requirements of Policies PS13 and CYF1 of the LDP, which safeguard and protect sites within Employment Sites for employment/business enterprises (B1 use in the case of Parc Menai).
 - The proposal would be contrary to many criteria within Policy CYF5, regarding alternative use of existing employment sites.
 - Transportation - elements of the Transport Assessment submitted with the pre-planning application enquiry require further investigation.
- 3.9 Application number C19/0716/25/LL - change of use of building from Use Class B1 (offices) to Use Class D1 (non-residential establishments) together with additional car parking, pedestrian links, bus stop and access road. The application was withdrawn by the applicant based on the objections of the Local Planning Authority regarding (i) failure to use the sequential test to select the site; (ii) protect land and units on employment sites for employment/business enterprises; (iii) no exceptional circumstances exist to release the unit for Use Class D1 and (iv) the site is not sustainable for further education use.
- 3.10 Application number C20/0114/25/TC - proposed certificate of lawful use to use a Llwyn y Brain building for Use Class B1 (offices/research work and light industry) approved in March 2020.
- 3.11 Pre-planning application consultation number Y20/0809 for Use Class D1 (non-residential establishments). The Local Planning Authority responded by stating:
- A concern remains regarding the relocation of the main campus from Bangor city centre to a site on the outskirts of the city despite the submission of a sequential method to select the site in Parc Menai.
 - Land and units in Parc Menai continue to be safeguarded for employment/business enterprises.

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- The proposal of locating a further education campus on the site would undermine the image of the Park on the grounds of general disturbance and associated noise.
- Concerns remained regarding locating a further education campus on the outskirts of the city as such a site is not sustainable based on the accessibility for all travel modes with the exception of using a private car.

4. Consultations:

Community/Town Council: No response.

Transportation Unit: Confirmed that the Transport Assessment has been updated by the applicant and rectified to correspond with the observations provided on the original version. There is no objection to the proposal any more although we do not agree that the site would be sustainable, with the vast majority of students and staff likely to select a car or a bus as their main mode of travel to the site.

Natural Resources Wales: A suggestion to follow the advice of the ecologist on the survey that is required to support the application.

Also, advising that the applicant should prevent pollution to the local water environment during the demolition and construction work.

Welsh Water: Observations regarding Welsh Water asset protection and inclusion of a condition in any planning permission regarding surface water drainage from the site.

Public Protection Unit: No response.

Water and Environment Unit: Due to the size and nature of the development, a sustainable drainage system application will need to be submitted to the SuDS Approval Body for approval before construction work commences.

Biodiversity Unit: Having received a Preliminary Ecological Assessment from the applicant, there is no objection to the development subject to compliance with the contents of Section 5 (advice and recommendations) of the Ecological Assessment.

CADW: No response.

Welsh Historic Gardens Trust: No response.

Language Unit: After receiving additional information for the Welsh Language Impact Assessment from the applicant, the Unit agrees that the proposed development is likely to bring positive benefits to the Welsh language and offer more opportunities to promote the language.

North Wales Police: No response.

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Economy and Infrastructure
Department (Transport) Welsh
Government: No response.

Economy and Community
Department:

1. Bangor City Centre Regeneration Scheme

Bangor city is facing several challenges - and the condition and performance of the city centre undermines its function as a regional centre. Over the years, the city has seen a range of investments on the outskirts (e.g. Caernarfon Road), which have had a detrimental impact on the viability of the city centre. Part of the scheme to regenerate the city is to increase activities and use in the city centre.

Coleg Menai is an important employer and service provider in the city. The existing site is within reach of the city centre with access to convenient links. Relocating the campus to the outskirts of the city would be likely to undermine the business and function of the city centre and would reduce the number of people visiting the centre. As a result, it is considered that the application would undermine the 'Town Centre First' principle, which involves locating services and buildings in town centres where it is possible to do so.

2. Impact on Parc Menai

The Parc Menai site is one of the most successful employment sites in Gwynedd. It offers an environment of quality and provides sites and property to a wide range of employers. It must be ensured that the proposed development would not have a detrimental impact on the estates pattern of use and thus make it less attractive and competitive. There is concern that aspects related to D1 developments (including colleges) would affect the quality of the site and it must be ensure that measures are in place to manage them.

3. B1 Employment Use

Parc Menai has been designated as a **Main Employment Site** within the Local Development Plan, and Policy CYF 1 protects employment use on these sites. It is understood that matters arise in terms of the design / current setting of Tŷ Menai, and it is possible that responding to these matters would facilitate employment viability. It is not considered that there is an over provision of employment properties within the boundaries already, especially property that is greater than 2,000 square metres. However, it is also noted that there is uncertainty regarding the level of demand for office space in future due to the impact of COVID-19 and the change in work patterns.

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Public Consultation: A notice was placed on site and in the press and the advertising period has already expired and correspondence was received objecting on the following grounds:

- Approving the application would add to existing congestion in Parc Menai during the mornings and afternoons.

Correspondence was received supporting the application on the following grounds:

- Supportive of the proposal to move the campus to a more suitable location with better resources to train students in the film and television field.

5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The principle of providing an educational facility on the site of the application is set out in Policy ISA3 of the LDP, which involves further and higher education developments. In line with the requirements of this policy, proposals for new facilities or extensions to existing buildings for academic and for ancillary purposes are permitted, subject to being acceptable in terms of such matters as scale, location, design, amenity and transportation. In considering the suitability of this site in Parc Menai for educational use, it must be ensured that the sequential test has been undertaken and priority given to: - 1. Firstly, existing further and higher education sites; or 2. Secondly, sites that have a close connection with an existing campus.
- 5.2 It is confirmed that the proposed development is not located on the existing site of the college (Ffriddoedd Road and Ysgol Friars campus), and, therefore, the proposal does not comply with the first criterion. Regarding the second test, it is not considered that a close physical link exists between the site of this application and the current Grŵp Llandrillo-Menai site in Parc Menai. The distance between the two sites is approximately 230m, if the connecting roads network/footpaths are followed, with various constructions and open areas between them. In addition, it is a small site that specialises in Art and Design that Grŵp Llandrillo-Menai currently has in Parc Menai, not a campus as exists in Ffriddoedd.
- 5.3 Although a proposed certificate of lawful use was approved in 2020 to use a Llwyn y Brain building for Use Class B1, no evidence has been received that the College has started to commence its administrative function from the site thus far and, to this end, it is not possible to argue that the Tŷ Menai site has a close connection to Llwyn y Brain as use there has not yet been established. It is also noted that a proposal to locate the administrative element of the College in Llwyn y Brain is under consideration here, and not a proposal to provide any education.
- 5.4 Due to the above, it is considered that the proposal does not comply with the two locational priorities set out in Policy ISA 3 and, consequently, a sequential test assessment will need to be undertaken in order to discover whether the principle of the proposal complies with the guidance noted in Policy ISA 3 or not. In terms of the sequential test principle, particularly in view of the use in question, it is considered that the priority in terms of another alternative site should be within the development boundary first (giving priority to previously developed land) and then, secondly, that consideration should be given to sites located immediately near the development boundary.

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5.5 To this end, the applicant has submitted a Sequential Test with this latest application and the document includes assessments of a number of alternative options to relocate the campus, which include:

- Renovating the existing Ffriddoedd Road site.
- Site of former Hillgrove School.
- Developing the former Ysgol Friars site and the adjacent site designated for housing.
- The former Normal site (George site), Bangor University.
- Parc Bryn Cegin, Llandygai.
- Dean Street Site, Bangor University.
- Aldi Site, Garth Road.

5.6 It is noted that the sites considered in the Sequential Test are acceptable and these assessments that have been submitted by the applicant come to the conclusion that a number of physical, practical and financial restrictions are associated with modernising/upgrading these sites. In addition to the sites noted above, other sites within Bangor were considered - the former *Crosville* site, a site to the south from the train station and Deiniol Centre but it was resolved that these sites were not suitable either for a new campus based on the availability of some of the sites, limited size and mainly costs associated with relocating to these alternative sites.

5.7 In relation to the Sequential Test, the following observations should be noted:

- The former Ysgol Friars site and the adjacent site designated for housing - it is considered that no detailed or clear-sighted observation has been provided for this option and the option was disregarded (by the applicant) on the grounds that it was a listed building and as it would lead to making use of housing designation reference T2 within the LDP. Although the site has been designated for housing, and given the fact that relocating the Ffriddoedd Road campus would mean an empty site that could potentially meet the need for housing that had been earmarked for T2 designation, it is considered that this option needs further consideration. The Sequential Test notes that it would not be cost effective to develop the site but no cost details have been received to support this basis. In addition, consideration should be given to the general benefit that would derive from relocating to a campus near an existing site and to an accessible site for all sustainable modes of travel.
- As part of the Sequential Test, a document prepared by a company specialising in property and infrastructure was submitted, which assessed the viability of some of the alternative options noted above in order to relocate the College. These assessments mainly examined sites that had been disregarded within the main report as they are too restricted for College use or not available within the specific timetable.
- In accordance with the contents of the Sequential Test, it appears that the cost of relocating the campus is the primary factor when considering the alternative sites. Although it is recognised that a development needs to be cost-effective (due to the educational use in question), cost should not only be the main consideration when undertaking a sequential test but it is also essentially important that the proposal is located in a sustainable location, which is accessible for all sustainable modes of travel as referred to above.

5.8 Within the 'Future Wales: The National Plan 2040 (2021)' document and in accordance with Policy 21, Bangor is recognised as a Regional Growth Area. In accordance with the guidance included in this document, regional growth areas should be a focus for housing, employment, tourism, public transport and key services in their wider areas and support their continuous function as focal points for sub-regional growth. One of the main outcomes sought via 'Future

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Wales: The National Plan 2040 (2021)' is to create "A Wales where people live and work in towns and cities that are a focus and springboard for sustainable growth".

- 5.9 This objective is reiterated by Policy 2: Shaping Urban Growth and Regeneration, which notes that "growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure."
- 5.10 In the context of educational facilities, Policy 6 (Town Centre First) of Future Wales: The National Plan 2040 (2021) notes as follows:
- "Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans."*
- 5.11 The aim of Welsh Government is to ensure that educational developments are led to the town centres in the first instance, namely the most sustainable and accessible locations for the use. As well as the advantage of having sustainable and accessible links, leading developments to towns and cities is advantageous as a springboard for urban regeneration. It is noted that the health and vitality of town centres should be placed at the core of locating decisions. It also ensures that it is easy for users to reach facilities and services by walking, cycling and/or using public transport.
- 5.12 The principles included in Policy 6 are in keeping with the principles included in Policy 2 (Shaping Urban Growth and Regeneration) and Policy 3 (Supporting Urban Growth and Regeneration). It is noted that the principle of leading developments to town centres is well-established in national and local development plans in relation to retail developments; however, good planning work can help to re-think the future of town and city centres, which moves away from their traditional retail roles. The impact of COVID-19 on the retail sector is a further driver towards making our town centres multi-functional places. Town centres remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, and the focus for public services such as health and education, and a location for new collaborative spaces.
- 5.13 Furthermore, the importance of securing developments that serve a town, city, catchment area or entire region benefiting from active travel infrastructure and public transport is noted. The principles included in 'Future Wales' are supported by the 'Building Better Places: The Planning System Delivering Resilient and Brighter Futures' (July 2020) document. The document in question notes as follows:
- "The planning system must ensure the chosen locations and resulting design of new developments support sustainable travel modes and maximise accessibility by walking and cycling. New developments should improve the quality of place and create safe, social, attractive neighbourhoods where people want to walk, cycle and enjoy. We should not be promoting sites which are unlikely to be well served by walking, cycling and public transport. Urban design skills must be brought to bear and better space and capacity built on existing routes as well as new ones."*
- 5.14 Despite the fact that the existing Coleg Menai site in Ffriddoedd Road is not located within the Bangor city centre boundary in the LDP, the site is located within the development boundary and is in a location that is accessible on foot and via public transport (train and bus) links.

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Furthermore, the site contributes towards the prosperity of the Upper Bangor area. Therefore, whilst mindful of the restrictions associated with the alternative sites referred to in the information pack, it is not considered that appropriate consideration has been given to all potential options. Considering the context of the policy that is outlined above, it is not considered that matters associated with the cost of relocating to a location that would be more costly compared to the Tŷ Menai site would outweigh the benefit of locating the type of use in question in a location that is central and accessible to Bangor city centre. The observations of the Economy and Community Department confirm this stance by stating that it is considered that the application would undermine the 'Town Centre First' principle, which involves locating services and buildings in town centres where it is possible to do so.

- 5.15 The principle of ensuring town centres that are full of vibrancy and prosperity is reiterated by Strategic Objective SO13 of the LDP, which emphasises the need to maintain and rediscover the purpose of urban centres (including Bangor) as locations to work and receive a service that is full of vibrancy and are attractive places for people to live and visit.
- 5.16 In addition to Policy ISA3, above, which specifically relates to establishing the propriety of the principle of the proposal, Policy PS13 and Policy CYF1 of the LDP are also relevant. These two policies protect the site and the unit therein (Tŷ Menai) for employment use in Use Class B1 (light industry, research and development, and offices). The proposed development would involve changing the use of the unit to Use Class D1 (non-residential educational establishment). The safeguarded and designated employment sites within the LDP are based on the findings of the Employment Land Review, 2012. The LDP attempts to ensure that a sufficient and appropriate provision of lands are available for employment purposes. In this context, it is considered vital to ensure that these are retained as far as is possible as they are located in places that are close to where people live, and as these sites support local economic growth. Furthermore, the North Wales Regional Employment Land Strategy has been prepared, which identifies a portfolio of strategic employment land and attempts to identify how these sites can satisfy the demand during the lifetime of the Regional Plan. Within the North Wales Employment Land Strategy, the Parc Menai site is recognised as a **Sub-regional Strategic site** and in accordance with Policy CYF1, it is defined as a **main employment site**.
- 5.17 In accordance with Policy CYF5 of the LDP along with the content of TAN23: Economic Development (para. 4.6), proposals to release land on existing employment sites safeguarded for Use Classes B1, B2 or B8 in accordance with Policy CYF1 for alternative uses will be granted **only in special circumstances**, provided they conform to one or more of the following criteria:
- i. If the site is vacant, that it is unlikely to be used in the short and medium term for the original use or the safeguarded use, or;
 - ii. There is an over provision of employment sites within the vicinity, or;
 - iii. The current employment use is having a detrimental effect on amenity and the environment, or;
 - iv. The proposal would not have a detrimental effect on employment uses at adjacent sites, or;
 - v. There is no other suitable alternative site for the proposed use, or;
 - vi. If the site is used in the short term (on a temporary basis) it should be assured that there are appropriate restoration measures in place to the satisfaction of the Local Planning Authority.

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- 5.18 The SPG: Change of Use of Community Facilities and Services, Employment Sites and Retail Units (2021) provides further details on the considerations associated with releasing employment sites for alternative uses. An assessment was submitted by a local chartered surveyors' company assessing the need for office and Use Class B1 provision in Gwynedd and Anglesey, along with the suitability of the site in question and its compliance with the requirements of Policy CYF5. The assessment states that Tŷ Menai has been empty since January, 2020.
- 5.19 Considering the need to comply with the criteria included in Policy CYF5, it is noted in Section 3.8 of the SPG that the guidance in this policy refers to the need to meet *one or more* of the criteria.
- 5.20 In order to ensure transparency and in response to the information submitted by the applicant as part of the information pack associated with the application, the following contains an unbiased assessment of the proposal's compliance with the criteria contained in Policy CYF 5. Should the principle of the proposal fully comply with Policy ISA 3 and were the Council persuaded that this proposal was an *exceptional case*, then it is appropriately considered that the proposal in this case would comply with one or more of the criteria included in the policy.
- 5.21 The **first criterion** states in this case that the site is vacant and is unlikely to be used in the short and medium term for the original use or the safeguarded use. It is noted in the Assessment of Office Supply and Employment Land in Gwynedd and Anglesey that a failed attempt had been made by Welsh Government to market the building and the units therein but there is no detailed supporting evidence in terms of the details of the marketing process. Information has been received noting interest from a private sector company back in 2018 to occupy the building/site but that this proposal had failed due to a financial investment that would be associated with the enterprise. It appears that no current effort is made either to market the unit on websites that market business units in Parc Menai. Robust confirmation must be received regarding the effort to market Tŷ Menai (in its entirety rather than vacant units only) for a specific period of time in accordance with paragraph 6.3.43 of the explanation for Policy CYF5, along with the advice included in the SPG stating that the process to market the unit must continue seamlessly for a 12 month period and that submitting evidence that efforts have been made to market the unit for safeguarded use would ensure that the unit is unlikely to be re-used in the short and medium term for the use the unit is safeguarded for, i.e. Use Class B1, B2 and/or B8. To this end, the Local Planning Authority has not been persuaded that the information submitted with this application highlights the effort that has been made to market the unit.
- 5.22 The **second criterion** states the need to prove an over provision of employment sites in the vicinity. An Assessment of Office Supply and Employment Land in Gwynedd and Anglesey was submitted in order to response to this particular guidance and it concludes that: (i) the greatest need for office units is based on start-up and small businesses and Tŷ Menai is unsuitable for these types of businesses (based on its design and construction) and (ii) there is more than enough land for offices/industry in order to respond to market requirements. The needs assessment and enquiries are based on a database that is retained by the Legat Owen company only. Although this information is a useful information source, it is also considered appropriate to hold a more comprehensive assessment of the need and the demand for employment sites within the vicinity. The submitted information is based on the whole of Gwynedd and Anglesey. Therefore, the data is possibly misleading and does not recognise Bangor's role as a sub-regional centre (Policy CYF1) and one of the most attractive locations for economic investments within the area.
- 5.23 In addition to this concern and as referred to above, the Council's Economy and Community Department states that there is no over provision of employment property in the vicinity of the application site, especially property/units that are greater than 2,000m². Therefore, approving this application would lead to a loss of units/business property of high quality and may deprive businesses that could be interested in establishing themselves on this site in future.

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- 5.24 The **third criterion** states that existing employment use should not have a detrimental impact on amenities and the environment. The legal and established use for the site (including Tŷ Menai itself and Llwyn y Brain) is B1 Business Use, which complies with the protected use of the unit/site for light business use along with offices/research and development and Llwyn y Brain has already received a certificate of lawful use for this specific use. These uses comply and are in keeping with the business use of Parc Menai as a whole. To this end, therefore, it is not believed that B1 use or associated activities deriving from the site of the application (the site is now disused and all tenants have left) have had a detrimental impact on the character, quality or image of the business park itself.
- 5.25 The **fourth criterion** notes that the use should not have a detrimental impact on the employment use of nearby sites along with the need to ensure that the integrity of the employment site is not compromised (paragraph 6.3.44 of the policy explanation). Furthermore, it should be ensured that the proposed use would not conflict with the employment use that would continue on the site. The aims of this guidance are reflected in paragraph 4.6.7 of TAN23: Economic Development, which states - *in managing the retention and release of existing employment sites, authorities should aim to ensure that the integrity of remaining employment sites is not compromised*. Planning Policy Wales, Edition 11 (para. 5.4.11) expands on the above advice by stating - *Careful consideration should be given to the attributes of strategic employment sites to ensure that they have unique selling points and provide a differentiated offer across the region...and by virtue of their nature these sites should be protected from alternative non employment uses*.
- 5.26 The Design, Access and Planning Statement submitted with the application states that the proposed use would be self-contained and would not directly affect other units in Parc Menai. It is also noted that the existing Grŵp Llandrillo-Menai facility that is currently located in Parc Menai does not create nuisance and disturbance at the expense of the integrity of the Park itself. It states that National Advice promotes businesses from the same industry or that have a similar interest to be located together, sharing resources and infrastructure, and that Policy ISA3 also approves educational and training facilities or similar organisations that improve the training and skills base to be located on protected or designated employment land.
- 5.27 As referred to above, the applicant refers to the attempt to justify the proposal to relocate the main Grŵp Llandrillo-Menai campus to Parc Menai on the grounds that the second part of Policy ISA3 justifies educational and training facilities or similar organisations that improve the training and skills base are located on protected or designated employment land. However, the second part of this policy relates to improving the standard of training and skills, which encourages information-based or specialist businesses that are not associated with a higher education institution that currently exists. This application involves the provision of a further and higher education establishment and, as such, this part of the policy is not a material consideration.
- 5.28 The applicant is already aware of the Planning Officers' concern about the possible impact further and higher educational use would have on the employment use of the business park. The Council's Economy and Community Department states that there is no doubt that Parc Menai is one of the most successful employment sites in the County as it offers a high quality environment and provides employment sites/buildings for a wide range of employers. They are keen to ensure that the proposed development would not have a detrimental impact on the estate's usage pattern and consequently make it less attractive and competitive. They are also concerned that elements associated with D1 developments (including colleges) would have an impact on the quality of the site and measures must be imposed to manage them. In considering this application, it is believed that locating educational use on the site would undermine the image and integrity of this part of the business park on the grounds of the nature of the proposed use (where movement back and forth is an unavoidable activity in the proposed use) along with general disturbance (a mixture of vehicles and students) that would derive from the facility on a daily basis. It is anticipated that the

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proposed main campus would provide for approximately 521 students, 41 full-time lecturers and part-time lecturers and, although they would not all be on campus at the same time, the Officers have not been persuaded that this type of density and nature of use would not have a detrimental and negative impact on the existing employment use within the Park or the opportunities to attract investment and to develop the employment site in future. This concern is voiced in Test number 7 and 8 of Policy PCYFF2 of the LDP, which states that proposals will be refused if: (i) they have a significant detrimental impact on health, safety or amenities of the owners of local property, land uses or other property or the features of the local area due to an increase in activities, noise disturbance, litter or other forms of pollution or disturbance and (ii) land that has been designated for other developments.

- 5.29 The **fifth criterion** involves ensuring that no other alternative site exists for the proposed use. The requirements of this criterion are in keeping with the requirements of the sequential test within Policy ISA3. As reiterated in the above assessment, Officers have not been fully persuaded that the sequential test states why the college cannot be relocated to other, more suitable sites, with priority being given to existing further and higher education sites or on sites with close links with the existing campus. The Economy and Community Department has already expressed concern about the negative impact of relocating the main campus from Bangor City to Parc Menai, as this type of proposal would undermine the Bangor City Centre Regeneration Scheme, which aims to regenerate the centre of the city. The city centre faces many challenges with its condition and performance undermining its function as a regional centre. As already referred to, the existing site is within reach of the city centre with a variety of good access and transport links. For some years, the city has seen a range of investments to the outskirts (e.g. Caernarfon Road), which have had a detrimental impact on the viability of Bangor city centre. The aim of the Regeneration Scheme is to increase activities and uses in the centre of the city. It is, therefore, considered that the proposal to relocate the main campus of the college from a site within the city to a site on the outskirts of the city would undermine the hustle and bustle, the function, the role and viability of Bangor city centre, which is considered to be a Sub-regional centre in the LDP and this would be contrary to current national guidance that has been stated in 'Future Wales: The National Plan 2040 (2021)' and Building Better Places: The Planning System Delivering Resilient and Brighter Futures' (July 2020) document.
- 5.30 Considering the above assessment, it is believed that the principle of the proposal, based on the information and evidence submitted, is not acceptable and, thus, it is not considered that the proposal complies with the requirements of Policy ISA3, CYF1 or CYF5 of the LDP and the guidance included in SPG: Change of Use of Community Facilities and Services, Employment Sites and Retail Units (2021), Planning Policy Wales, Edition 11, TAN23: Economic Development, 'Future Wales: The National Plan 2040 (2021)' and Building Better Places: The Planning System Delivering Resilient and Brighter Futures' (July 2020) document.

Visual amenities

- 5.31 The site is located on the south-western boundary of Parc Menai and contains a substantial vacant building, roads network and footpaths, parking spaces and established landscaping. The main public views of the site are from an easterly direction and from within Parc Menai. A backdrop of coppices lie to the south and west of the site and the site itself has buildings/structures of a contemporary design and appearance. Although there is an intention to change parts of the external elevations of the building, these will be minor and insignificant and they will not detrimentally affect the current character of the building. Any exterior work would be restricted to refurbishing parts of the existing infrastructure in order to provide foot/cycle paths and a parking/turning bay for transport that would serve the educational facility. This work will be confined to the curtilage of the existing site. It is believed that such work would not undermine the visual amenities of this part of the local landscape. Consequently, the proposal is acceptable based on the requirements of Policy PCYFF3 of the LDP.

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General and residential amenities

- 5.32 Although the site is located on the south-western boundary of Parc Menai, there are a range of B1 business uses nearby. Previous uses of the buildings on the site of the application range from office use, light industry, laboratories and research and development work. Although B1 use of the site generates some noise disturbance based on vehicle and pedestrian movements (on a level and scale that reflect the nature and movements of the activities of the business park in general), and although users of the business park have not submitted any response to this end following the statutory consultation, it is believed that providing a further and higher education facility on the application site would change the nature of the daily movements within and beyond the application site. Although the Design, Access and Planning Statement, along with the Transport Assessment, refers to the fact that there would be a reduction in the numbers of vehicular journeys to the site and a reduction in the number of students (compared to the number of 700 students cited in the previous application), it is anticipated that the nature of the use of the further and higher education facility would increase the noise/disturbance and movements of pedestrians/students within and around the site, e.g. during lunch hours or free lectures. It is anticipated that such a situation, in turn, would undermine not only the general amenities of the local workplace but would also have a detrimental impact on the image and character of this part of the business park. It is, therefore, considered that the proposal because of its nature is contrary to the requirements of Policy PCYFF2 of the LDP regarding the need to protect, not only the amenities of the occupiers and users of nearby properties, but also to safeguard land uses and the characteristics of the local area.

Sustainable transport and parking matters

- 5.33 As part of the application, a Transport Assessment was submitted to support the application, which comes to the following conclusions:
- An examination of transport policies on a national, regional and local level has shown that the proposal to locate a further education facility on the Tŷ Menai site complies with the requirements of planning policies.
 - An examination of different modes of travel along with associated facilities has shown that alternative travel modes to this particular site without reliance on a private car would be feasible and practical. Current provision based on public transport, facilities for cyclists and pedestrians creates conditions that are suitable to promote sustainable travel.
 - The college, currently, runs buses on contracts for students to its various centres in Gwynedd and Anglesey and such a service would continue for the site in Parc Menai. In addition to this, a shuttle bus would run from the train station in Bangor to the site in Parc Menai, which would improve the accessibility of this site.
 - Updating the Grŵp Llandrillo-Menai Travel Scheme would help to improve the accessibility of the site and broaden the choice of different travel modes to the site itself.
 - Within the past 5 years, it does not appear that the local area has been the subject of any unusual pattern of accidents.
 - Using the site as a higher education facility would generate less traffic in and out of the site than the current business use.
 - Considering the above, it is believed that the proposal is acceptable on the basis of traffic flow, traffic and road safety.

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5.34 After receiving additional information from the applicant, the following observations are submitted by the Transportation Unit following the statutory consultation period:

- An analysis was received of travel modes and commuting distance by students and staff, along with the details of bus services that are provided by the college that are within the reach of the vast majority of students. The majority of staff are likely to travel individually in a vehicle but it is assumed that this is the current situation in other College centres.
- Although an element of concern remains regarding the accessibility of the site with reliance on private cars, it is assumed that this is the mode of travel to College centres regardless. It is possible to reach Parc Menai on foot or by bicycle with reasonable provision along the nearby trunk road but the provision is not ideal within the Park itself. However, following discussions, the applicant is open to suggestions from the Transportation Unit regarding improving the internal cycling network either by undertaking improvements to the existing network or by making a financial contribution to the Council to undertake these improvements.
- Parking provision for staff and students along with the drop-off and turning bay for buses is satisfactory and meets relevant parking standards and is unlikely to lead to displacement to other parking spaces within the Park.
- Concern has been submitted under the previous application by the Transportation Unit and by a third party with this application on the grounds of increased traffic that would add to current congestion in the vicinity of the A487 roundabout. The additional information and the Transport Assessment refers to the college operating different hours to other businesses within the Park and how the difference in hours means that it would not create additional congestion problems. It is agreed that the proposal to transport the vast majority of students in buses means that this element would not add much traffic but it is likely that the staff element would generate an increase as the vast majority work during usual working hours. It is noted that the applicant states that *Tŷ Menai/Technium* has never operated to its capacity and that the element of traffic generated by college staff would only be a small proportion of what would be generated by the original use when it would have operated to its full capacity.
- The Transportation Unit agrees with this analysis of the traffic increase situation and having weighed up the potential impact of the proposal against the potential impact of the existing building, it is confirmed that there is no objection to this latest application.

5.35 Officers had concerns regarding the accessibility of the site based on the information submitted with the previous application but the applicant, in this current application, has submitted more detailed information regarding the accessibility of the site to different modes of travel by submitting an updated Transport Assessment. Although officers have not been fully persuaded of the accessibility of the site on the outskirts of Bangor, considering the observations of the Transportation Unit, along with the contents of the latest Transport Assessment and by careful consideration, it is not believed that this application could be refused on the grounds of sustainable transport and accessibility. To this end, therefore, it is believed that the proposal complies with the requirements of Policy PS4, TRA1 and TRA4 of the LDP.

Biodiversity matters

5.24 The site is located in close proximity to coppices protected under 3/TPO/A38a Y Faenol along with a site designated as the Parc Menai Woodland Wildlife Site. Although the Biodiversity Unit

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has no objection to this element of the proposal, they have stated that a Preliminary Ecological Assessment will need to be submitted with the application as the northern part of the site, where it is intended to locate the bus parking spaces, is a habitat where important plant species are present and that it is also a good reptile habitat. After receiving the Survey, the Biodiversity Unit has no objection to the application subject to the inclusion of a condition for the applicant to comply with Part 5 of the Survey, which relates to mitigation measures regarding the protection of birds, newts, amphibians, badgers, habitats, trees and bats. Therefore, the proposal is acceptable on the basis of the requirements of Policy AMG5 of the LDP.

Heritage assets

- 5.25 There are several heritage assets within 3km of the application site, including various listed buildings at Y Faenol and Plas Newydd, and the Landscape and Historic Park and Gardens at Y Faenol along with ancient monuments. However, considering the nature and scale of the changes to the external elevations of the unit, along with the improvements to the existing infrastructure, it is not believed that there will be a substantial impact on the setting of these historic assets. Therefore, the proposal is acceptable on the basis of the requirements of Policy PS20 and AT1 of the LDP.

Linguistic matters

- 5.26 Policy PS1 of the LDP relating to the Welsh language and Welsh Culture sets guidance as to when applicants or developers will be required to submit Welsh language statements or Welsh language impact assessments in support of planning applications. In this case, as the proposal involves the provision of an educational facility, such evidence will not be necessary. However, the applicant has submitted a Welsh Language Impact Assessment and after receiving additional information to the Assessment itself, the Unit agrees that the proposed development is likely to bring positive benefits to the Welsh language and offer more opportunities to promote the language.

6. Conclusions:

- 6.1 Given the above assessment, which is based on information submitted as part of the application, it is not considered that providing a further and higher education facility/main campus (for Grŵp Llandrillo Menai) on a site that is designated and safeguarded for use within Use Class B1 and which is designated under the LDP as a Sub-regional Strategic Employment site is acceptable on policy grounds. To this end, it is recommended that the Council submits a statement to the Planning Inspectorate recommending that the appeal is refused for the reasons noted below.

7. Recommendation:

- 7.1 Recommend that the appeal is refused on the following basis:

1. The proposal is contrary to the requirements of Policy ISA3 of the Gwynedd and Anglesey Joint Local Development Plan (2017) which states that the sequential test should be adopted when determining the location of proposals for further and higher education with priority given firstly to existing further or higher education sites or, secondly, on sites which have a close association with an existing campus. On this basis, it is considered that the proposal does not comply with criteria 1 and 2 of Policy ISA3 of the LDP or with national policies based on the requirements of 'Future Wales: The National Plan 2040 (2021)' and 'Building Better Places: The Planning System Delivering Resilient and Brighter Futures' (July 2020).
2. The proposal is contrary to the requirements of Policy PS13 and CYF1 of the Anglesey and Gwynedd Joint Local Development Plan (2017) which states that land and units on existing

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employment sites (Parc Menai is listed in the Policy) are safeguarded for employment/business enterprises.

3. The proposal is contrary to the requirements of Policy PCYF 5 of the Gwynedd and Anglesey Joint Local Development Plan 2017 and Supplementary Planning Guidance: Change of Use of Community Facilities and Services, Employment Sites and Retail Units (2021), which states that proposals to release land on existing employment sites that are protected for Use Class B1, B2 or B8 in accordance with Policy PCYF1 for alternative use will only be approved in exceptional circumstances. Based on the information submitted with the application (and the separate reason for refusal, based on Policy ISA 3), the Local Planning Authority does not consider that exceptional circumstances have been proven. Furthermore, and without robust marketing activity and robust evidence regarding why buildings cannot be adapted to overcome the matters identified, there is no evidence that the site is unlikely to be used in the short or long term for the original use or safeguarding use, and that there is no viable business or industrial use for the site. In addition, there is no over-provision of employment sites within the vicinity; educational use would have a detrimental impact on employment use in nearby sites and the Local Planning Authority is not convinced that other suitable alternative sites exist for the proposed purpose.

4. The proposal is contrary to the requirements of Policy PCYFF2 of the LDP, which states that proposals will be refused if: (i) they have a significant detrimental impact on health, safety or amenities of the owners of local property, land uses or other property or the features of the local area due to an increase in activities, noise disturbance, litter or other forms of pollution or disturbance and (ii) land that has been designated for other developments. It is anticipated that the nature of the use of the further and higher education facility would increase the noise/disturbance and movements of pedestrians/students within and around the site, e.g. during lunch hours or free lectures.