

PLANNING COMMITTEE	DATE: 19/12/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Number: 2

Application Number: C16/0677/11/LL

Date Registered: 30/06/2016

Application Type: Full - Planning

Community: Bangor

Ward: Deiniol

Proposal: Erection of four-storey building to provide two shops and 15 living units for students

Location: 146-152 High Street, Bangor, Gwynedd, LL571NT

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

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1. Description:

- 1.1 The proposal concerns erecting a four-storey building with a pitched roof to create two shops on the ground floor and 15 self-contained units above for students. The site forms part of a curtilage of a public house and is currently used as a beer garden.
- 1.2 The site is located on a part of the High Street in Bangor, between a public house and a snooker hall. There are commercial units to the front with offices and living units above and a building site with planning permission to create 2 retail units and 49 living units for students. The site's existing car park and terraced houses are located to the rear.
- 1.3 The property is located within the development boundary and the defined Town Centre of Bangor City.
- 1.4 The original application involved the erection of a three-storey flat roofed building to provide 2 shops and 10 living units for students and the erection of a separate two-storey building to provide 8 living units for students. An amended application was received in response to officers' concerns based on the impact on residential amenities, design and also an objection from the Transportation Unit because of a loss of parking spaces and a lack of turning space in the car park at the rear.

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 in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act; in making the recommendation the Council has sought to ensure that present needs 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 A2 – PROTECTING THE SOCIAL, LINGUISTIC AND CULTURAL FABRIC OF COMMUNITIES

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

POLICY B4 – DEVELOPMENTS IN OR AFFECTING THE SETTING OF CONSERVATION AREAS

Ensure that proposals within conservation areas, or proposals that affect their setting, are refused unless they aim to maintain or enhance the character or appearance of the conservation area and its setting.

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POLICY B22 - BUILDING DESIGN

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

POLICY B23 - AMENITIES

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

POLICY B25 - BUILDING MATERIALS

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

POLICY B26 – SHOP-FRONTS AND COMMERCIAL UNITS IN THE TOWN CENTRES

Ensuring that proposals that are approved respect the scale, size, materials and architectural style of the building and the local vicinity.

POLICY B32 – INCREASING SURFACE WATER

Refuse proposals that do not include appropriate flood minimisation or mitigation measures that will reduce the volume and rate at which surface water reaches and flows into rivers and other water courses.

POLICY C1 - LOCATING NEW DEVELOPMENT

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

POLICY 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 CH18 – AVAILABILITY OF INFRASTRUCTURE

Development proposals will be refused if there is no adequate provision of necessary infrastructure for the development, unless they can conform to one of two specific criteria which require that appropriate arrangements are made to ensure adequate

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provision, or that the development is carried out in phases in order to conform to any proposed scheme for the provision of infrastructure.

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 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.

POLICY CH43 – PROVISION OF OPEN SPACES OF RECREATIONAL VALUE IN NEW HOUSING DEVELOPMENT

Expect that new housing developments of 10 or more dwellings, in areas where the existing open spaces provision cannot meet the needs of the development, provide suitable open spaces of recreational value as an integral part of the development.

POLICY D22 - NEW DEVELOPMENTS WITHIN DEFINED TOWN CENTRES

Permit proposals for new retail developments or extensions to existing establishments within defined town centres if they conform to criteria regarding the appearance, viability and vitality of the centre, the balance between retail uses and non-retail uses, highway and traffic issues, arrangements for servicing the unit and availability of facilities.

The Gwynedd and Anglesey Joint Local Development Plan which is currently being prepared is subject to an ongoing Public Examination. At present, it is not a relevant planning consideration for determining planning applications.

2.4 National Policies:

Planning Policy Wales 2016 (Edition 9)

NCT 12: Design

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

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3. Relevant Planning History:

3.1 C07A/0008/11/LL – Creation of external seating area. Approved 05/04/07

4. Consultations:

Community/Town Council: **Response to the original application** - Objection. Over-development of the site and too many houses in multiple occupation in the area already.

Response to the amended application - Not received.

Transportation Unit: **Response to the original application** - Note a concern regarding parking provision indicated with this application.

Currently, it appears that approximately 11 parking spaces have been provided on site and are in use, in connection with the Varsity business nearby.

The proposed buildings on the car park site would reduce parking to 5 spaces. It is unclear whether or not parking is for use by Varsity or by the new development. Also, it is unclear how it is intended to deal with mitigating the reduction in the existing parking provision.

The plan notes 5 parking spaces in a narrow yard, with a winding and narrow access and it is recommended that the applicant submits an additional 'swept path analysis' plan to demonstrate that it is possible to have easy access with a vehicle to this yard.

The statements also note '...students can be expected to make use of non car modes...' as justification for reducing the parking, although it does not state the intention to encourage students to sign a contract not to bring vehicles to the city. Should the application be approved, I recommend including a condition along these lines in order to reduce any impact on local parking pressures.

Response to the amended application - I refer to the application and confirm that I have no objection to the proposal.

The amended plans indicate an access track as present to (existing) parking provision at the rear, and this parking provision indicates space for 9 vehicles, if not more.

Welsh Water: **Response to the original application** - Condition to agree on land drainage plan required.

Response to the amended application - Not received.

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Public Consultation:

A notice was posted on the site and nearby residents were notified. The advertising period has ended and several correspondences were received objecting to the original proposal on the following grounds:

- Over-development of the site.
- The development would intensify use of an area by students.
- Reduction of parking spaces and displacement of cars to other places.
- Customers would have to smoke on the street.
- Narrow rear access, insufficient for fire service.
- Cause difficulties for larger vehicles.
- Lack of space to store and dispose of waste.
- More bins would have a negative impact on the area's amenities.
- Disturbance and noise.
- Loss of open area on the high street.
- No need for commercial units.
- Lack of distance between block A and houses on Lôn Pobty, causing an overbearing and dominant impact.
- Block A not respecting the development pattern of the area.
- Block A an unsuitable back land development.
- Detrimental impact on the character and amenities of the area.
- Unsuitable access from Lôn Pobty with insufficient visibility.
- Lack of parking spaces and a turning space within the site.
- Too much student accommodation and houses in multiple occupation in the area already.

Observations were also received noting:

- No objection should the development only involve the commercial units and student units at the front of the site with pedestrian access for students from the front of the site.

The application was re-advertised in response to the amended plans. The advertising period has ended and no further observations were received.

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5. Assessment of the material planning considerations:

The principle of the development

- 5.1 The proposal concerns erecting a four-storey building to create two shops on the ground floor and 15 self-contained units for students. The existing site forms part of the curtilage of Varsity public house. The site is within the development boundary of the City and is within the defined town centre. This site has not been designated for any specific use.
- 5.2 Policy C1 of the Unitary Development Plan refers to the location of new developments, and states that land within town and village development boundaries and the developed form of rural villages will be the main focus for new developments. In this case, the proposal involves developing previously developed land within the development boundary of Bangor city sub-regional centre; and therefore, the proposal conforms with this specific policy. The proposal also complies with policy C3 which approves proposals that prioritise re-using previously developed land or buildings which are located within or around development boundaries.
- 5.3 There is no specific policy in the UDP which deals with a development of this type and the UDP's housing policies (policies CH3 and CH6 specifically) nor policy CH39 (Further and Higher Education Developments) that refer to developments on higher education sites, are not entirely relevant.
- 5.4 Consequently, there is a need to weigh up material considerations when determining whether or not the principle of the proposed development is acceptable in this particular location. Specifically, bearing in mind what is stated in Policy CH39, the reasoning for not locating the proposed accommodation on the University campus needs to be considered.
- 5.5 Looking at the student figures for 2014/2015, it is noted that there are 9186 full-time students at the University. The University states that 577 students have a home address on Anglesey and 970 in Gwynedd but there is no information on how many are undergraduates or graduates, or if they are living at home or in student accommodation in Bangor itself.
- 5.6 The University has 3648 built bed-spaces, which includes the recent development at the St. Mary's site (602). In the private sector there are approximately 802 built accommodation units, and 49 are currently being built (137 High Street, Bangor). There are 161 additional units which have received planning permission, but have yet to be commenced (including 3 permissions through recent appeals - the Three Crowns site for 15 units, the former Railway Institute site for 48 units and the Lôn Pobty site for 18 units) and 145 units on the Former Post Office site are currently under consideration by the planning inspector. Including this application, this gives a total of 1172 private units under consideration that are either available or have already received planning permission.
- 5.7 The Joint Planning Policy Unit is currently updating the information dating from 2013 on houses in multiple occupation with 2016 data, but there are problems in relation to plotting the information on maps, which means that it is not yet available. The available information has been collected from the Council's Housing Department and Tax Department in September 2013, and these figures are based on the number of houses within different parts of Bangor that have been registered by the Housing Department as a HMO and those that do not pay Council tax. These figures do not

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refer specifically to the numbers of students living in private houses or houses in multiple occupation, therefore, it is only an indication from the available information.

- 5.8 This information shows that there are 1012 houses in Bangor that are either in multiple occupation or do not pay Council tax, as there are a total of 6597 houses in Bangor, this is equivalent to 15.3% of the housing stock.
- 5.9 The information also shows that 168 houses in the Deiniol ward (where the application is located) are either houses in multiple occupation or do not pay Council Tax, and as there are a total of 606 houses in the Deiniol ward, this is equivalent to 27.7% of the ward's housing stock.
- 5.10 It therefore appears that the student accommodation currently supplied is a mix of purpose-built student accommodation (3648 university units and 1172 private units available/approved/under consideration), houses in multiple occupation (an estimate of 1012 houses) and private houses or home addresses (1547 - although it is possible that some of these are duplicated in the houses in multiple occupation information).
- 5.11 It also appears that there is a change in relation to the type of accommodation that students are seeking, and that there is an increase in demand for purpose-built accommodation. It also appears that houses in multiple occupation will continue to be popular among students in the areas which are most convenient for the University.
- 5.12 It is acknowledged that some people are concerned about the number of purpose-built student accommodation that has been built in the Bangor area, and there is a suggestion that a number of the available rooms are empty. But, from the above figures, it appears that only a comparatively low percentage of the total provision available is supplied by this type of unit at present, and therefore it is not considered that it would be reasonable to refuse the proposal on the grounds of a lack of need for this type of accommodation. It appears that the demand for the different types of accommodation changes from year to year, especially in comparing different times within the same year (e.g. the beginning and end of the academic year).
- 5.13 Providing more purpose-built student accommodation and quality facilities for students which are managed formally, could possibly lead to a more positive impact on the local housing market as it could release houses which are currently in multiple occupation to be changed into use by local households that require such houses (e.g. small units, one-bedroom flats etc.). 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.
- 5.14 The proposal also involves the provision of two commercial units (A1 Shops) on the ground floor of the building. As the site is located within the Defined Town Centre, policy D22 of the UDP is relevant. Policy D22 approves new commercial developments within defined town centres. The size of the units is relatively small (42m² and 39m²) and the location is also close to the main shopping area. As a result, it is considered that the proposal is in accordance with the policy's criteria.
- 5.15 Therefore, it is considered that the principle of the development in its entirety is acceptable.

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Open Spaces

- 5.16 In accordance with the requirements of the Supplementary Planning Guidance 'Housing Developments and Open Spaces of Recreational Value', there will usually be a need to provide an element of an open play area for Youths and Adults associated with this proposal. In this case, the open play area cannot be provided within the site, however, it is currently reasonable to expect that student accommodation is able to depend upon the University's play provision and its relevant clubs and also that use is made of playing lands and facilities that are already available locally. Therefore, for this reason, it is considered that the proposal conforms with the requirements of policy CH43 of the UDP and the Supplementary Planning Guidance 'Housing Developments and Open Spaces of Recreational Value' and there is no need to contribute towards additional provision.

Linguistic Matters

- 5.17 A Linguistic and Community Impact Assessment was submitted with the application assessing whether the development will have a positive or negative impact, or no impact at all on existing communities and on the Welsh Language in particular.
- 5.18 The Joint Planning Policy Unit has confirmed that there is a fairly low percentage of Welsh speakers in Bangor, however, it does not believe that the scale of the proposed development is likely to cause a significant increase in the population that could have a detrimental impact on the Welsh language. Bangor has a high population, especially in terms of student population. As a result the size of the development and the subsequent growth in population is unlikely to have a significant impact on the Welsh Language. In addition, this proposal does not lead to any change in the City's population as students already exist and the availability of purpose-built student living units is likely to release private housing on the open market and therefore to local residents.
- 5.19 Therefore, on the whole it is considered that the nature of Bangor, in terms of the size of the population, linguistic pattern, the variety of services and facilities available there mean that the development should not have a detrimental impact on the Welsh language. Therefore, it is considered that the proposal is in accordance with policy A2 of the UDP and the SPG – Planning and the Welsh Language as well as TAN 20: Planning and the Welsh Language.

Visual amenities

- 5.20 The site is located in an area with a mixture of various uses on the peripheries of the City's main retail area and Conservation Area. The rear of the site abuts Lôn Pobty houses that elevate towards higher lands and Mynydd Bangor. Policies B22, B23, B24, B25 and B26 of the Unitary Plan are relevant and involve design, materials, protection of visual amenities and shop fronts. Policy B4 is also relevant due to the proximity of the site (approximately 36m) to the Conservation Area. Also, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Authorities to give particular attention to the fact that it is desirable to retain or improve the character or appearance of conservation areas.
- 5.21 The proposed building would have four storeys and face the High Street. The High Street is characterised by a mixture of building styles and sizes that include modern developments which are also higher than this proposal. The proposed design is modern but there is a wide variety in terms of built forms on the High Street. The design and choice of finishes also reflect some design features of the Varsity building

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in order to better incorporate the building to the streetscene. When looking from the High Street, it is considered that the bulk of the building would be successfully incorporated between adjacent buildings or visible against higher lands to the rear. Consequently, it is considered that the proposed building would complement the pattern of the existing streetscene in an acceptable manner. It is considered that proposed retail use on the ground floor would be in accordance with adjacent land uses and that it could contribute in a positive manner towards the appearance and vitality of the high street.

- 5.22 The site is close to the boundary of the Bangor Conservation Area. The Conservation Area is vast and includes many grade I listed buildings. The topography of Bangor means that parts of the city are visible from a distance, e.g. views from the main University building (which is a grade I listed building) from across the city. From the University, the area surrounding the application site shows many common elements in the area's architecture with slate pitched roofs and developments that follow the street patterns. It is possible that the roof of the development will be visible from elevated locations.
- 5.23 The original plan included two flat roofed buildings. Although the overall impact on the Conservation Area would be relatively minor, it was considered that the flat roofs did not respect the setting or appearance of the nearby conservation area or the streetscene. In order to respond to the concerns, amended plans were received only to erect one building with a slate pitched roof. As a result, the structure itself would be considerably higher than the flat roofed structure but it is considered that the building would be more in keeping with the streetscene and correspond with the development pattern and character of the area and that it would not appear as an incompatible feature. Consequently, it is not considered that the development would be contrary to policy B4 which protects conservation areas.
- 5.24 From this perspective, it is not considered that the proposal would have an impact on, or cause substantial damage to the setting of the Conservation Area or the character or appearance of the streetscene. Therefore, it is considered that the proposal complies with Policies B4, B22, B23, B25 and B26 of the GUDP.

General and residential amenities

- 5.25 Policy B23 of the Unitary Development Plan involves safeguarding the amenities of the local neighbourhood by ensuring that proposals must conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area. The existing site is used as a beer garden for the adjacent public house. This area has a mixture of uses which include flats, shops, eateries (including hot takeaway businesses), pubs and other businesses. Therefore, the area can be lively during the day and night and it is not considered that the proposed use would be incompatible in this location or worsen any existing impacts emanating from using the site as a beer garden.
- 5.26 Several objections were received to the original proposal which were mainly on the grounds of the two-storey unit at the rear of the site. In response to the objections and an objection from the Local Planning Authority to this aspect of the application, amended plans were received which deleted this element of the application. The application was re-advertised but no further objections to proposal were received. It is considered that amended plans have responded to the objections in a satisfactory manner by ensuring sufficient distance between the rear of Lôn Pobty houses and the new development, no loss of parking spaces or turning space within the site and as a result there would be sufficient space to store bins within the curtilage. Although

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concern regarding rear access to the living units is recognised, it is not considered that the coming and going from 15 one bedroom units would cause much worse movements than what could already occur from the public house.

- 5.27 It is not considered that the proposal would have any negative impact in respect of general and residential amenities due to the nature of the site's existing use and surrounding area. Therefore, it is considered that the proposal complies with the requirements of policy B23 above.

Transport and access matters

- 5.28 Policy CH33 of the Unitary Development Plan ensures safety on roads and streets, and it permits development proposals provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures. The proposal does not provide any additional parking spaces as part of the development; however, the Transportation Unit did not have any objection to the amended proposal as the proposal does not involve the loss of existing spaces and its central location in a city, its proximity to public car parks and University amenities. Nevertheless, it is considered that a condition to agree on student accommodation agreements is still necessary to ensure that the development will not be damaging to the existing site and the surrounding area. It is considered that the proposal complies with all the requirements of policies CH30, CH33 and CH33 of the Unitary Development Plan.

Infrastructure matters

- 5.29 Policies B32 and CH18 are relevant to this element of the application. The policies relate to managing surface water and ensuring that there is sufficient provision of infrastructure for the development. Subject to conditions, Welsh Water did not object to the proposal.
- 5.30 In order to comply with the above policies, a condition must be imposed to ensure that the development cannot be commenced until a water drainage plan for the site has been submitted, which complies with the requirements of Welsh Water. It is believed that, by imposing such conditions, it can be ensured that the development will not create a flood risk and also that the proposal is in accordance with policies B32 and CH18.

6. Conclusions:

- 6.1 This site is located within the development boundaries of the city of Bangor as designated in the GUDP and policy CH15 approves applications to convert floors above shops and commercial units into flats. It is not considered that the proposal would be damaging to the streetscene or setting of the nearby conservation area or have an unacceptable detrimental impact on the residential amenities of the area.
- 6.2 In light of the above, and having given full consideration to all relevant planning matters including 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 – conditions

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1. Time
2. In accordance with the plans
3. Materials
4. Slate
5. Student Management Plan (accommodation agreements)
6. Parking facilities in accordance with the plans