

PWYLLGOR CYNLLUNIO	DYDDIAD: 18/12/2017
ADRODDIAD UWCH REOLWR GWASANAETH CYNLLUNIO A GWARCHOD Y CYHOEDD	CAERNARFON

**Application No: 4**

**Cais Rhif: C16/0436/11/LL**

**Date 22/04/2016**

**Registered:**

**Application Type: Full - Planning**

**Community: Bangor**

**Ward: Deiniol**

**Proposal: Erection of a A3 (cafe) with drive-thru, construction of parking spaces and two new vehicular access and felling of trees**

**Location: Land at Deiniol Road, Bangor, LL57 2UX**

**Summary of Recommendation: TO REFUSE**

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## 1. Description

- 1.1 The application is a full application for the erection of a Class A3 unit described as being a coffee house with a drive-thru facility, and associated works including parking, access road for the drive through that wraps around the building and two accesses (one to enter and one to exit the site).
- 1.2 The application site is located on a triangular piece of land on Deiniol Road, Bangor, just off the roundabout that serves Asda, Sackville Road and the rest of Deiniol Road. The site is in a prominent location in an area that serves as one of the main access points into and out of the City. There are numerous trees on the site that are protected by a tree preservation order
- 1.3 The building is proposed to be sited towards the northeast end of the site with the rear of the building facing the university building and the frontage facing the roundabout. The access into the site is to the front of the site with the drive-through access road exiting the site to the rear of the building.
- 1.4 The proposed building is single storey with a mono-pitch roof (higher to the front and lower to the rear) and has flat roof elements to the side and rear. The frontage is to be mainly glazed and materials comprise of a mix of grey composite metal cladding and natural / random Welsh Slate cladding.
- 1.5 The application is supported by the following documents & assessments:
- Design & Access Statement.
  - Arboricultural assessment.
  - Landscape Maintenance and Management Plan.
  - Tree assessment for Bat Roost Suitability.
  - Planning Statement
  - Transport Statement.
  - Amended Traffic statement.
- 1.6 When the application was first submitted the proposal aimed to retain some of the existing trees on the site. Following the receipt of consultation responses and a request by the LPA for additional information to show if the trees could be protected and their health maintained, the application was amended. The proposal as submitted now proposes to fell all the existing trees on the site and re-plant with semi mature trees.

## 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 decisions should be in accordance with the Development Plan, unless material considerations dictate otherwise. Planning considerations include National Policy and the Unitary Development Plan 2001-2016 and the emerging Anglesey and Gwynedd Joint 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 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the

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“sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### 2.3 Anglesey and Gwynedd Joint Local Development Plan (31<sup>st</sup> July 2017)

PS 2: Infrastructure and developer contributions

ISA 1: Infrastructure provision

ISA 4: Safeguarding Existing Open Space

PS 4: Sustainable transport, development and accessibility

TRA 2: Parking standards

TRA 4: Managing transport impacts

PS 5: Sustainable development

PS 6: Alleviating and adapting to the effects of climate change

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

PS 15: Town centres and retail developments

MAN 1: Proposed Town Centre Developments.

MAN 7: Hot Food Takeaway uses

PS 19: Conserving and or enhancing the natural environment

AMG 5: Local Biodiversity Conservation

PS 20: Preserving and or enhancing heritage assets

### 2.5 National Policies

Planning Policy Wales, Edition 9, November 2016

TAN 4: Retail & Commercial Development

TAN 5: Nature Conservation and Planning

TAN 12: Design

TAN 10: Tree Preservation Orders

TAN 16: Sport Recreation & Open Space

TAN 18: Transport

TAN 20: Planning & the Welsh Language

TAN 23: Economic Development

TAN 24: The Historic Environment

Guidance:

CSS Wales Parking Standards 2014

### 3 Relevant Planning History:

- 3.1 C15/1290/11/LL - Erection of an A3 unit (cafe) with 'drive-thru', construction of parking spaces and two new vehicular accesses and felling of trees. Withdrawn 21/01/16

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- 3.2 C12/0059/11/LL - Erection of a new 4 storey building to include a restaurant and associated services on the ground floor including a bar and hot food takeaway facilities with 25 self-contained 1 and 2 bedroom apartments on the upper floors as well as the creation of a new vehicular and pedestrian access, 19 parking spaces, site clearance works including tree felling and site landscaping works. Refused 26/11/12
- 3.3 C07A/0627/11/LL – Erection of mixed development consisting of retail units, leisure facilities, student accommodation and restaurant – Approved 28.01.09.
- 3.4 C06A/0738/11/AM – Demolition of football stadium and erection of leisure units (class D2) and class A3 (food and drink) – Approved 26.02.07.
- 3.5 C06A/0410/11/LL – Variation of condition 2 of planning permission C03A/0184/11/AM (erection of food retail store) to extend the time allowed to submit a detailed application with reserved matters from 27.11.06 to 27.05.08 – Approved 06.07.06.
- 3.6 C04A/0600/11/LL – Construction of a food retail unit, including road changes – Approved 16.01.06.
- 3.7 C03A/00184/11/AM – Demolition of existing football club and nursery, Masonic Hall, clinic and existing commercial garage, including abolishing the car hire business and constructing a food retail store, which includes road changes, the addition of a roundabout at the junction between Deiniol Road and Sackville Road, widening of vehicular entrance on Farrar Road (for the use of services) and a pedestrian entrance off the high street – Approved 23.10.03.
- 3.8 3/11/388A – Additional car park for the science library on the Deiniol Road and Sackville Road junction - Approved 05.11.80.
- 3.9 3/11/388 – Erection of bus shelter – Approved 05.04.78.
- 3.10 In addition to the above planning history, it is relevant to refer to a planning application relating to redeveloping a site on Farrar Road, which did not include this site:
- C11/0013/11/LL – demolition of football stadium and erection of a new food retail store along with parking spaces, access road, service yard and landscaping – approved 22.07.11.

#### 4. Consultations:

City Council:

**First Response:**

Objection as this is an over development of the site, exacerbating the traffic problems at the roundabout and traffic flow. The quality of life and visual amenity would be reduced and detrimentally affected with the removal of so many trees.

**Second response:**

Objection as this is an over development of the site, exacerbating the traffic problems at the roundabout and traffic flow. The quality of life and visual amenity would be

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reduced and detrimentally affected with the removal of greenery, trees and a protected poplar. Pedestrian safety would also be affected.

Transportation:

**First Response:**

Concern raised regarding traffic impacts and would advise that the Transport Statement is amended to assess the worst case scenario for the use class being applied for.

**Second Response:**

The parking provision for the staff and customers is satisfactory and conforms to the levels as noted in the CSS Wales 2014 Parking Standards, i.e. 1 parking space per 7 square metres of dining area. The application shows approximately 85 square metres of dining area therefore the 18 spaces shown is more than the 12 spaces as recommended in the parking standards.

No specific space has been provided for a commercial vehicle, however it's possible that this type of vehicle could reverse into the site, or park for short periods.

At present its possible to park with restriction alongside the development site, along Sackville Road, therefore it would be necessary to extend the double yellow line restrictions to prevent parking between both proposed entrances in order to secure sufficient visibility, and I'd recommend including a suitable condition is included for this purpose.

In addition I'd recommend revising the plans to include tactile paving on both junctions, and a panel or visirail at the opening to the pedestrian access to the west of the site.

I also note the presence of a bus shelter to the west of the site, however there is no reference to this on the drawings.

The above observations are on the basis that the site is utilised as per the application, i.e. as a Starbucks drive thru.

I also have concerns regarding the uses, or more specifically the other companies, that could make use of the development site under the same use class, and the effect these could have on the local road network. My concern is the site could effectively be changed to a 'fast food drive thru' like Mcdonalds for example, and the transport assessment submitted as part of the original application in 2015 does not reflect the worst case scenario, such as a development that sells fast food rather than drink.

The Transport Assessment states the TICS database does not include categories comparable to 'drive thru coffee houses, and therefore the report has used comparisons with two Starbucks of a similar size to establish traffic data. In order to establish the worst case scenario I'd recommend undertaking the assessment utilising drive thru fast food restaurant, such as KFC or Mcdonalds for baseline data, as in my opinion this is the worst case scenario for the site.

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### **Third Response:**

The parking provision within the site for staff/customers is acceptable and conforms with CSS Wales Standards, however it is noted that there is no specific parking provision for commercial vehicles to unload. The developer proposes to use the entrance and vacant parking provision for deliveries and time the deliveries during quiet periods. The lack of a specific delivery bay and turning space within the site for heavy vehicles raises concerns of the Transportation Unit as the delivery vehicles will have to back into or out of the site onto the adjacent highway.

It is also noted that there are no parking restrictions along this side of Sackville Road and it is likely that restrictions would have to be imposed (such as double yellow lines) to protect the necessary visibility splays for the proposed entrance. As it is not possible to secure this through the planning process (a formal consultation process must be carried out under the Highways Act) there is no certainty of providing a safe access to the development.

In addition, the additional report received that has been submitted by the applicant notes that similar sites that specialise in selling coffee, provide a service faster than businesses that provide a hot-food takeaway. Given that I have no evidence to contradict their claim, I can confirm that the additional information responds to the concerns previously raised to the possibility of the site changing hands to a hot-food establishment.

### **Fourth Response:**

The CSS Wales Parking Standards, which are used by the Authority to assess parking requirements, state on page 31, note 7, under the category for *Hotels and Restaurants: Café & Drive-Thrus*, that:

*7. In addition to the operational parking requirements for servicing purposes, sufficient additional space must be provided to allow servicing vehicles to both enter and leave the curtilage of the premises' servicing area in a forward gear.*

The proposed layout does not have a specific area for commercial delivery vehicles, and instead proposes that this type of vehicle could deliver during quieter periods or when the premises is closed to customers. Whilst this proposal overcomes the lack of a specific provision within the site it does not overcome the requirement for such a vehicle to be able to enter and leave in a forward gear. The site's constraints make turning within the curtilage unfeasible, the drive thru lane would not be passable in a larger vehicle. It is therefore safe to assume a delivery vehicle would reverse in or reverse out to service the site, through a junction located close the roundabout's exit lane.

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In addition to the above the same standards, note 5 of the same page also states that facilities for ordering and collecting food by car must provide a minimum of 6 waiting spaces. Whilst this note refers to food establishments, and the need for waiting spaces may not be as much of an issue for a coffee drive thru development, there is potential for a development of this specific class use to change hands or develop into a hot food drive thru. The waiting space would then not be sufficient and the risk is that customers would be instructed to leave the site and re-enter to wait in the car park. Such arrangement would unnecessarily increase traffic flow and turning movements through the junctions.

Welsh Water:

**First Response:**

Standard advice and conditions required. (Surface & land drainage & install a grease trap)

**Second Response:**

Standard advice and conditions required. (Surface & land drainage & install a grease trap)

Biodiversity Unit:

**First Response:**

This plot of trees in Bangor city centre is extremely important in terms of its visual amenity contribution. The city has lost a number of wooded areas in its centre over the past few years - e.g. nearby, at the Pontio site. This means that the importance of protecting this area and its trees is higher than ever. This is one of the reasons why the area is protected by a Tree Preservation Order (TPO).

The proposed development for building a Starbucks "drive-through" restaurant means a loss of the majority of the trees on the plot as well as a threat to the health of the remaining trees and therefore a significant loss to the amenity value of the site.

**Tree report**

A Tree Report has been submitted with the application by Cheshire Woodlands Arboricultural Consultancy. The report is of good quality as far as it goes and shows that many trees are growing on the sites, which are of varying quality. The report assesses each individual tree according to their health and longevity. No assessment has been made of the value of the trees together and their amenity contribution or suggestions on how to extend the longevity of the trees by management and pruning.

**Plans**

The plans submitted showing that the intention is to cut down the majority of trees on the site including a large poplar tree in the middle of the site (T4 on the tree report). It is intended to protect the large poplar trees on the western end of the site. The Tree Report notes that "hard surfacing" extends into the Root Protection Areas of some of the trees to be retained on the site, stating:

"This surfacing will need to be constructed without any significant excavation of soils into which the trees are rooting"[7.4]

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There is no Method Statement showing how this surfacing will be laid to protect the roots, e.g. Geotextile or a Cellular system, only a suggestion that the work should be done "without any significant excavation of soils"

No plans have been submitted showing cross sections and levels of the site. We can not assess the impact of the work will have on the roots of remaining trees and if the roots protection is adequate.

No plans have been submitted to indicate if a root protection system is to be used. A Tree Protection Plan should have been submitted which included all these details in accordance with the recommendations of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations

There are differences between the various plans submitted. The document **Site Elevations 6852/13** shows the completed building along with trees intended for removal still standing.

The application is contrary to policy B11 of the Gwynedd Unitary Development Plan; Open Spaces Between or in Villages or Towns, which again emphasizes the importance of such sites in towns.

To summarise: this development is not suitable for the site as it will mean a loss of a very valuable plot of trees and insufficient information has been submitted to assess this loss.

### **Second Response:**

This plot of trees in Bangor city centre is extremely important in terms of its visual amenity contribution. The city has lost a number of wooded areas in its centre over the past few years - e.g. nearby, at the Pontio site. This means that the importance of protecting this area and its trees is higher than ever. This is one of the reasons why the area is protected by a Tree Preservation Order (TPO).

The proposed development for building a Starbucks "drive-through" restaurant would result in the loss of all of the trees on site and therefore a significant loss to the amenity value of the site.

### **Tree report**

2 Tree Report have been submitted with the application by Cheshire Woodlands Arboricultural Consultancy:

- Statement On Proposed Retail Outlet Arboricultural On Land For Deiniol Road, Bangor, LL57 LL (DCW/7930-AS-15-. 6 April )



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- Proposed Retail Outlet, Land at Deiniol Road, Bangor. Arboricultural Report. July 2017

The 2<sup>nd</sup> report relies on the tree inspection carried out for the first report.

While the reports assesses each individual tree according to their health and longevity, no assessment has been made of the value of the trees together and their amenity contribution. The two reports do not assess the longevity of the site as it is with some management - trees are assessed individually, not for their combined contribution.

While it is acknowledged that some of the trees, particularly the large Black Poplars have some health issues they are far from the end of their lives and continue to make a valuable contribution. Even only as individual trees, four of the trees in the survey were identified as trees of moderate quality and value (B category).

With some thoughtful management, these trees along with the others on site would be expected to make a significant contribution to the amenity value of the middle of Bangor for a period easily exceeding twenty years.

### Trees

The plans submitted show that the intention is to cut down all of trees on the site and re-plant 12 semi-mature trees, with a hornbeam hedge and mixed shrub planting.

Plan number show A090887 (14/07/17) shows

- a photograph of the existing site,
- a visualization of the site after planting semi mature tree
- a visualization of how the site would look after 10 - 15 years

Both visualizations depict an overly formal urban tree-scape with medium sized trees with substantial gaps between them through which views of development buildings can clearly be seen, even in summer when trees are in full leaf. I therefore disagree with the statement in the application that

*“The proposed trees should partly screen the development and they should have a higher amenity value than the existing trees on the site once the landscaping is established.”*

The visualizations show new tree planting as medium sized, spaced out trees. Even after 10 – 15 years to establish would still not mitigate the loss of the existing trees. I disagree with the statements in the application

*“It is considered that the proposed planting offers adequate mitigation for the felled trees.”*

The development is contrary to the following policy form Anglesey and Gwynedd Joint Local Development Plan 2011 – 2026 (LDP):

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#### **Policy PCYFF4: Design and Landscaping**

All proposals should integrate into their surroundings. Proposals that fail to show (in a manner appropriate to the nature, scale and location of the proposed development) how landscaping has been considered from the outset as part of the design proposal will be refused. A landscape scheme should, where relevant:

3. Demonstrate how the proposed development respects and protects local and strategic views;
4. Respect, retain and complement any existing positive natural features, landscapes, or other features on site;
5. Identify trees, hedgerows, water courses and topographical features to be retained;
6. Provide justification for circumstances where the removal/loss of existing trees, hedgerows, water courses and topographical features cannot be avoided and provides details of replacements;
9. Ensure that selection of species and planting position of any trees allows for them to grow to their mature height without detriment to nearby buildings, services and other planting;

To summarize: this development is not suitable for the site as it will mean a loss of a very valuable plot of trees and the mitigation proposed is not adequate and would result in a substantial reduction in amenity value to the centre of the city indefinitely

#### **Bats**

There are records of Bats from near the site and we have anecdotal evidence of bats using the actual the site. As all the tree are to be felled it is possible that this could have a significant effect on the local Bat population through loss of foraging habitat or, as a commuting “stepping stone” between roost and foraging areas.

The development could therefore be contrary to

#### **POLICY AMG 5 of the LDP : Local Biodiversity Conservation**

Proposals must protect and, where appropriate, enhance biodiversity that has been identified as being important to the local area by

- a. Avoiding significant harmful impacts through the sensitive location of development.
- b. Considering opportunities to create, improve and manage wildlife habitats and natural landscape including wildlife corridors, stepping stones, trees, hedges, woodlands and watercourses.

In order to be able to assess what impact the loss of trees would have on bats, a Preliminary Bat Report should be submitted before the application is decided.

#### **Third response:**

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In agreeance with conclusions of the Protected species survey Carried out by WYG and therefore have no further comments to make. The previous comments regarding the trees still stands.

Environmental  
Health & Public  
Protection:

**First Response:**

Requires that extraction systems are properly designed and a condition is required to control the noise levels with regards to the operation of any roof plant, machinery and equipment.

**Second Response:**

None received.

Natural Resources  
Wales:

**First Response:**

Advised that Bats and their roosts are protected and the Authority should consult with our internal ecologists and general developer advice.

**Second Response:**

Previous comments still apply.

Gwynedd  
Archaeological  
Planning Service:

**First Response:**

Conditions required to secure archaeological investigations.

**Second Response:**

Revised details do not have a significant bearing on their view of the application and would still recommend suitable archaeological conditions.

Public  
Consultations:

A notice was posted in the local press, near the site and nearby residents/properties were notified. At the time of writing the report the second advertising period had expired and a significant number of objections had been received objecting on the following grounds:

- loss of one of the last mature woodland in this part of the city.
- Cause an increase in traffic.
- Loss of green space in an urban area.
- Loss of one of the rarest tree species in Britain, the Black Poplar and non are proposed to be planted in the landscaping scheme.
- Increase in hard surfaced areas close to the River Adda which will lead to an increase in surface water and increase the risk of flooding.
- Loss of protected trees.
- The landscaping works do not mitigate the impacts.
- Impacts would increase noise and litter impacting local residents.
- Construction of a new access close to the busy roundabout would endanger road users.
- Overdevelopment.

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- Loss of trees will impact biodiversity.
- Increase in slow traffic will impact emergency services.
- Sackville road is already narrow and very busy.
- The roundabout is already a 'bottle neck'.
- The trees absorb noise and pollution and help reduce floods and maintain a visually pleasing appearance to the city.
- Scheme should include renewable energy sources to reduce its carbon footprint.
- The transport assessment refers to applications that pre-date the Asda development.
- For any development on this site the roundabout should be re-designed.
- Impact negatively on the visual amenity of the city.
- Contrary to planning policy.
- Empty retail premises already in Bangor.
- Drive-thru facilities already available in Bangor.
- The Tree report is misleading.
- The land owners has purposely let the condition of the site deteriorate to try and justify development.
- Other café facilities available in Bangor.
- Reduce the quality of the environment.
- Drive-thrus are dangerous as people eat & drink whilst driving.
- Pedestrians already struggle to cross the highway due to heavy traffic around the roundabout.
- Loss of green space would set a dangerous precedent.
- Worsen climate change.
- Does not contribute to an increase in high quality jobs.
- Legislation and regulations require the protection of green space.
- Lack of visibility.
- Site is needed to allow species to move around the urban area.
- Trees reduce CO2 emissions.
- Could lead to anti-social behaviour.
- Exiting the site will be difficult with existing on-street parking.
- Loss of habitat, reports of bats feeding at the site.

Comments were also received in support on the scheme which included:

- Will make use of a site that has deteriorated.
- Create new jobs.
- The development represents an investment into the Cities economy.
- Visually improve the site.
- Existing site is full of rubbish.
- Site is appropriate regarding traffic safety.

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- The proposed landscaping will mitigate the loss of trees.
- The design layout makes good use of a prime site within the city centre and improves the image of Bangor.
- The site is currently unused, poorly managed and is an eye-sore sited in a prominent position within the city.
- The design proposal is sensitive to the surrounding area and would be an improvement to the existing site.
- The proposal increases the provision for car parking within the city centre.
- The location of the proposal is suitable for development of this kind.
- Planning permission had previously been approved on the site.
- Existing site offers little to ecosystems.

In addition to the comments received above, the following were received that weren't material planning matters, which included:

- No need for another large chain company opening another café in Bangor.
- No need for another company that avoids paying Tax.
- A small park or picnic area would be better use of the site.
- The company's products are overpriced.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 As outlined above the application is a full application for the erection of Class A3 (food & drink) unit described as being a coffee house with a drive-thru facility. There are number of policies that relate to the principle of this development due to its location and proximity to designations.
- 5.2 Policy PCYFF 1 relates to development boundaries and supports the development of site within development boundaries. The application site lies entirely within the development boundary of Bangor and from that point of view the scheme complies with policy PCYFF 1. The policy does however acknowledge that schemes must comply with other relevant policies and give due weight to material planning considerations.
- 5.3 In terms of the retail hierarchy, Bangor is identified as the sub-regional centre and is therefore at the top of the hierarchy within the Local Plan area. Although the site is located within Bangor's development boundary the site lies outside of the City's retail centre, which is the main focus for retail and commercial provision. Policy MAN 1 requires that retail and commercial proposals outside defined town centres will need to be supported by evidence of need for additional provision and satisfy the sequential

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approach set out in national planning policy. The policy also acknowledges that the primary focus for town centre uses should be A1, A2 and A3 and development should be firstly directed towards sites within the defined town centres.

- 5.4 The planning statement submitted includes a sequential assessment. When the application was initially submitted in April 2016 the Local Planning Authority raised no issues with the application in terms of the sequential assessment as it reflected the planning policy stance at that time and was a current assessment.
- 5.5 However since then there has been significant changes to planning policy. Firstly the whole of chapter 10, Retail and Commercial Development within Planning Policy Wales was updated and published within Version 9 of PPW in November 2016. TAN 4 was simultaneously updated to reflect the changes. On the 31<sup>st</sup> July 2017 the Joint Anglesey and Gwynedd Local Plan (JLDP) was adopted. The JLDP is considered current and reflects the requirements of National Planning Policy and Guidance.
- 5.6 The defined town centre as shown on the JLDP proposals maps shows an extended town centre in comparison to the area shown within the former Gwynedd Unitary Development Plan. Although the Authority raised no previous concern in terms of the potential impacts on the town centre, it is now considered that the planning statement and sequential assessment contained within the application is now outdated as it does not reflect current planning policy and considerations. Retail and commercial site availability can also change at a fast rate and therefore this part of the sequential assessment in particular should be updated for the Authority to make an informed and balanced judgement. Some of the objections received also refer to empty premises in the centre and also question the need for such a development.
- 5.7 Policy MAN 1 also states that the need for new retail or commercial developments outside town centres should be demonstrated, this stance is also reflected in PPW. Whilst the application documentation states that a renowned coffee house wants to locate a drive-thru facility in Bangor, no assessment of need has been discussed or demonstrated. Furthermore, the potential impact of the development on the vitality and viability of the existing centre has not been addressed.
- 5.8 Given that the proposal is for an A3 use with a drive-thru element, policy MAN 7 which deals with hot food takeaway uses is also considered relevant. The policy requires that proposals:
1. Will not generate excessive noise, smells or litter that will have an unacceptable impact on the amenities and character of the area;
  2. The development will not lead to an over concentration of this type of use in the immediate locality. and be detrimental to the vitality, attractiveness and viability of the area;
  3. The use is in keeping with adjacent land uses;
  4. The premises is easily accessible by foot, cycle and public transport;
  5. The development will not result in significant congestion or parking problems to the detriment of highway safety;
  6. Adequate and appropriate waste storage provision must be provided within the curtilage of the site;
  7. Extraction and ventilation systems must be designed so that they do not have an unacceptable impact on visual and residential amenity.
- 5.9 In terms of the requirements listed above, there is not an over concentration of this type of use in the vicinity, the land use is not considered to be discordant with its city

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location, it is located in a sustainable location, accessible by different transport modes and there is sufficient space within the site to accommodate bin storage and with the imposition of suitable conditions suitable extraction systems can be secured. Criteria 5 of the policy will be discussed below in the discussion relating to highway impacts.

- 5.10 Policy ISA 4 is also relevant and safeguards existing open space. The policy states that proposals that will lead to the loss of existing open space including any associated facilities which has significant recreational, amenity or wildlife value will be refused unless they conform to the following criteria:
1. There is an overall surplus of provision in the community;
  2. The long term requirement for the facility has ceased;
  3. Alternative provision of the same standard can be offered in an area equally accessible to the local community in question;
  4. The redevelopment of only a small part of the site would allow the retention and enhancement of the facility as a recreational resource.
- 5.11 In terms of the site, it is considered to be an amenity green space in accordance with the definitions within TAN 16. The fact that the land is privately owned and not open to public access does not preclude the relevance or importance of the policy. The presence of a Tree Preservation Order on the site also demonstrates the amenity value of the site. When the Authority initially raised concerns with the applicant in June 2016, the issue of open space was raised with regards to the then relevant policy within the Gwynedd Unitary Development Plan. Although the local policy perspective has changed the considerations have remained similar. Despite this, the applicant has not addressed the loss of the open space in the application.
- 5.12 The application site is located in a prominent location on one of the main access routes into and out of Bangor. Whilst there is more trees and protected open space further down Deiniol Road a number of the objections to the scheme highlight that a significant amount of trees and open space has been lost as a result of new developments. This is also reflected in the comments received from the Biodiversity Unit. When entering Bangor from the southwest along Caernarfon Road, the application site is one of the few areas of green amenity value seen, with the majority of the streetscape displaying a typically hard urban appearance. It is therefore, not considered that there is an overprovision in the area and no information was received from the applicant to demonstrate otherwise. Although the site is private and not accessible to the public, the large volume of objections to the scheme, stating that the trees have an important amenity value and that the trees should be retained, reasonably demonstrate that the requirement of the site as an amenity feature has not ceased. The application has not been supported with any proposal to offer alternative provision in the locality.
- 5.13 In terms of criteria point 4, the applicant maintains that the landscaping proposal can offer a significant improvement to the visual appearance of the site and in the long term with the proposed landscaping strategy. However, the proposal would still fail to meet the criteria of point 4 as the development covers a significant area of the site with either building or hard surfaces (parking & access). The photomontages submitted are at a distance and whilst they show the site may still have a 'green' appearance, closer views of the site from surrounding pavements will have a far more urban feel and not the natural green site that is presently there.
- 5.14 Although the proposal may be able to satisfy some of the requirements of policy MAN 7, the proposal has failed to demonstrate compliance with the requirements of policy MAN 1 and PPW in terms of justifying the need and location (in terms of the sequential

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test) of the development and satisfying the Authority that the development will not be harmful to the vitality and viability of the city centre. In addition, without any evidence to demonstrate otherwise, it is considered that the proposal fails to meet the requirements of policy ISA 4.

### **Residential Amenity**

- 5.15 Policy PCYFF 2 of the JLDP seeks to protect residential amenities. The nearest residential properties are located to the north east of the site on the opposite side of Sackville Rd. To the north, west and south west of the site there are university buildings, to the south east is a large super market and former medical centre (which has planning permission to be a club and offices) and additional residential dwellings beyond the roundabout to the south on either side of Deiniol Rd.
- 5.16 The application site is located in a mixed use area that can have significant pedestrian and vehicular movements at all times of the day and night. Given this, on the whole it is not considered that the proposal would have an undue impact on residential amenity. Impacts of smell from extractors and noise from plant and machinery can be adequately controlled by the imposition of reasonable conditions as requested by the Public Protection Unit. In terms of residential amenity, it is considered that the proposal could conform with the requirements of policy PCYFF 2.

### **Design**

- 5.17 Policies PCYFF 3, 4 and PS 20 all apply to this aspect of the application. Policy PCYFF 3 asks developments to offer a design of high quality that gives full consideration to the context of the natural, historic and built environment and which creates attractive and sustainable places.
- 5.18 The site is located within the setting of a Listed Building. The building, which is known as the Memorial Building is situated opposite the application site off Deiniol Road. Planning Policy Wales states that there should be a general presumption in favour of safeguarding listed buildings and their settings that could extend beyond their curtilage. Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
- 5.19 The proposed building is single storey with a mono-pitch roof (higher to the front and lower to the rear) and has a flat roof elements to the side and rear. The proposed materials to be used on the building are a mix of more modern materials with some natural features of a type characteristic to the area. It is not considered that the scale or design of the proposed building would be harmful to the visual amenities of the area in general. The design and use of materials will contrast with the more historical and prominent University buildings whilst remaining subservient.
- 5.20 It is not considered that the proposed new building or loss of the existing trees would cause significant harm to the setting of the listed building as the basic shape and form of the site will remain. The listed building would remain visually prominent and its ties with other university buildings would still be apparent. It is not considered that the proposal would be contrary to policy PCYFF 3, 4 or PS 20.

### **Highway Impacts**



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- 5.21 Policies PS 4, TRA 2 and TRA 4 are relevant to the application and relate to parking standards and management of transport impact. Policy MAN 7 is also relevant, and requires that developments do not result in significant congestion or parking problems to the detriment of highway safety.
- 5.22 The proposal involves the construction of an access to the front of the proposed building with the drive through access road exiting the site to the rear of the building. In response to the public consultation numerous objections were received stating that the site and accesses are too close to an already busy and dangerous roundabout and that the proposal would compound matters.
- 5.23 Given the scale and nature of the application, it was supported by a Highways & Traffic Statement. Although the application states it is for a drive-thru coffee establishment, the application is for a class A3 unit which means, if approved it could also be a drive-thru fast food establishment. The Transportation Unit had concerns with the Transport Assessment as it only assessed a drive-thru coffee establishment and not the worst-case scenario. Upon request, the applicant submitted additional information to demonstrate that the assessment, although based on similar drive-thru coffee establishments only, would in fact represent the worst-case scenario as the vehicular movements through the site would be quicker than a fast food establishment.
- 5.24 The highways authority have confirmed that the parking provision within the site for customers and staff is acceptable and conforms with CSS Wales Standards. However, the CSS Wales Parking Standards state that café and drive-thru's should, in addition to the operational parking requirements for servicing purposes, sufficient additional space must be provided to allow servicing vehicles to both enter and leave the curtilage of the premises' servicing area in a forward gear.
- 5.25 The site layout shows no specific provision for service / delivery vehicles and the Transportation Unit have confirmed that lorries would have to reverse into or out of the site as the drive-thru element is unsuitable for larger vehicles. The application site is located in an inner-city location, where it can be busy day and night. The Authority has concerns that delivery lorries reversing into the site could create a conflict with other vehicles leaving the roundabout and turning down Sackville Road. If there was problems for the delivery lorry reversing into the site there would be the potential for vehicles to queue back up towards the Deiniol Road roundabout which would pose a detriment to highway safety. Furthermore, once the delivery vehicle is on the site, it is not clear where it would be parked to unload its delivery and it appears that it would reduce the double lane entry / access to a single lane and also block a number of car parking spaces. The scenario could also be similar for rubbish collections.
- 5.26 The transportation unit has raised concerns with maintaining suitable visibility splays for vehicles exiting the site and that the current roadside parking could impact the visibility. It is likely that parking restrictions would have to be imposed with double yellow lines. This process is beyond the planning process and is dealt with under the Highways Act, where there would be no guarantee that such alterations would be approved. That said, it would not be a reason to withhold consent on this basis as conditions could be imposed requiring certain visibility splays to be secured. It would be a matter for the applicant whether or not this was achievable or not. The applicant has suggest that conditions would be suitable to overcome this matter.
- 5.27 The CSS Wales parking standards require drive-thru facilities to provide a minimum of 6 waiting spaces. For a drive-thru coffee establishment, it is accepted that 6 waiting

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spaces may not be required, however as the drive-thru element feeds directly back into the highway (and not back into the customer parking area as many other drive-thru facilities do), there would be the potential that waiting customers would be directed to leave the site and re-enter to wait in the car park. Such arrangements would unnecessarily increase traffic flow and turning movements through the junctions and onto the public highway.

- 5.28 It is accepted that the site is located in a sustainable location and is easily accessible by numerous means of transportation and is in close proximity to numerous public car parks. It may be the kind of site that could be acceptable with lower levels of customer parking. That said, given its location and proximity to the roundabout, it is considered that suitable service vehicle provision should be provided to allow service vehicles to enter and exit the site in a forward gear and have a designated parking bay that would not conflict with customer car movements within the site. It is also considered that the drive-thru element could be acceptable with lower levels of waiting bays as described in the CSS parking standards if it fed back into the customer parking area, but it appears there is not the space to do so with the current design. On the whole, all these issues demonstrate that the site by virtue of its restricted nature, is not suitable for the proposed scale of use without potentially having a detrimental impact on highway safety.
- 5.29 It is acknowledged previous permissions has been granted on the site but those permissions have not been safeguarded and as such there is no fall-back situation to assess. The planning policy situation has changed significantly since then and also the CSS parking standards were updated in 2014. The Authority has therefore formed its opinion based on current planning policy & guidance and the information currently available with the application and has taken comments received during the consultation period into consideration. Having given all these matters due weight, it is considered that the proposal fails to meet the requirements of policy TRA2, TRA4 and MAN 7.

### **Protected Trees**

- 5.30 There are numerous trees on the site that are protected by a tree preservation order. As explained above the application as originally submitted entailed the felling of some of the trees but retention of the majority. The applicant has advised that the steps that would have been required to safeguard the trees was not a realistic solution as it would have involved raising of the site levels which would have been an impractical design solution, elevating the developments appearance and would have possibly had traffic safety implications as the accesses would have been ramped.
- 5.31 The proposal under consideration therefore entails the removal of all of the existing trees on the site and one tree on neighbouring land. The amended application was supported by an updated arboricultural assessment, revised design & access statement, revised plans and landscaping proposals, photomontages and a landscape maintenance and management plan.
- 5.32 There are a number of policies relevant to this aspect of the application. Policy PS19 of the JLDP seeks to conserve and where appropriate enhance the natural environment. The policy requires developments to be managed so as to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area. The policy requires numerous matters to be taken into consideration but of most relevance to this proposal is the aim to protect, retain or

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enhance trees, hedgerows or woodland of visual, ecological, historic cultural or amenity value.

- 5.33 Policy PCYFF 4 design and landscaping requires applications to justify the removal / loss of existing trees. Policy PS 5 sustainable development requires schemes to protect and improve the quality of the natural environment, its landscapes and biodiversity assets, including understanding and appreciating them for social and economic contribution and sustainable use of them.
- 5.34 The policies listed above and national planning advice advocates a precautionary approach to nature conservation interests and it is clear that proposals that result in the loss of features must be justified. Based on the conflict identified with policies MAN 1 and ISA 4 the authority is of the opinion that the loss of the protected trees on this site is not justified as the principle of developing the site has not been established based on the information submitted.
- 5.35 The Arboricultural report refers to the tree survey carried out by Cheshire Woodlands which has assessed each tree individually. The findings show that the majority of trees are of low and medium quality. Nevertheless the predicted lifespan of those trees is identified as being ten years plus for the low quality trees and over 20 years for the medium quality trees. Based on the report, the trees have the potential to remain for a significant period of time and this alone should be afforded significant weight in the determination of the application.
- 5.36 The Tree Preservation Order was put in place due to the group value of the trees in a prominent location and was of sufficient amenity value that the TPO was justified. The Biodiversity Unit has also stated that whilst the reports assess each individual tree according to their health and longevity, no assessment has been made of the value of the trees together and their combined amenity contribution. The two reports do not assess the longevity of the site as a whole and how that could be improved with careful management of the trees.
- 5.37 The Biodiversity Unit has also identified that whilst some of the trees, particularly the large Black Poplars have some health issues they are far from the end of their lives and continue to make a valuable contribution and could do, for a significant period. Third party comments also raise concern that the poplars require further analysis to identify if they are the rare native black poplar or a more common hybrid. The Forestry Commission states that the black poplar is the most endangered native timber tree in Britain.
- 5.38 As in the case with most protected trees, works to the trees to improve their health and safety could be justified and if individual trees required felling, it would still leave the remaining trees in situ. The Authority would also ensure re-planting. Re-planting as and when needed would also mean that the longevity of trees on the site is extended and would result in a mix of ages, heights and canopies. The resulting impact would remain as a natural looking site. It is acknowledged that the trees and site require maintenance but the lack of maintenance is considered insufficient to justify the loss of the trees on this site.
- 5.39 It is acknowledged that the scheme has been supported by a comprehensive landscaping scheme of a high quality and the intention is to plant with 12 semi-mature trees. However, the proposal as submitted will result in uniform planting mainly around the exterior of the site with trees all of a similar age, visually much more formalised and man-made than the appearance of the existing site. The visualisations show that even

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after 10-15 years growth, the new trees would still not mitigate the loss of the existing trees on the site and would not secure the equivalent amenity value.

- 5.40 It is not considered that the landscaping scheme proposed would overcome the harm identified and would not justify the removal of trees contrary to policies PS19, PCYFF 4, PS 5 and also ISA 4. Even, if additional information was submitted and the policy requirements of MAN 1 were satisfied, the Authority is still of the opinion that the loss of all the trees on this site is unacceptable.

### **Biodiversity**

- 5.41 Policy PS 19 relates to conserving and or enhancing the natural environment and policy AMG 5 protects Local Biodiversity Conservation. The Biodiversity Unit identified that there are records of Bats near the site and as all the trees are to be felled it has the potential to impact the local bat population through loss of foraging habitat or as a 'stepping stone' between roost and foraging areas. In response, the applicant submitted a preliminary bat report which identified the site as having a small potential for suitability to sustaining a bat roost.
- 5.42 Whilst the removal of the trees may not impact roosting bats, as identified by the Biodiversity Unit, the site may be a foraging habitat for bats and also a stepping stone to other areas. Both policy PS19 and AMG 5 favour conservation and the application of the precautionary principle. Policy AMG 5 specifically requires proposals to demonstrate that there are no satisfactory alternatives for the development and that the need for the development outweighs the importance of the site for local nature conservation.
- 5.43 As discussed above, the acceptability of developing this site has not been established as being acceptable. It is therefore not possible to carry out the reasonable balancing exercise required to assess the proposal under policy AMG 5. Based on the information submitted, it is considered that that the proposal fails to meet the requirements of policy AMG 5.

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

- 5.44 The main comments raised by third parties in response to the application have been listed above. The Local Planning Authority has considered both the comments in support and those of objection as material considerations in preparing a recommendation for this application. Furthermore, the material considerations relevant to this proposal have been assessed having regards to the relevant planning policies and guidance.
- 5.45 Whilst the number of comments received for or against a scheme is not generally a material planning consideration, it is the content of the representations that is material. In this instance, it is evident, that there is overwhelming public interest in this application which acknowledges the amenity value of the site and seeks to retain the trees and green space. These matters are material and a conflict with planning policy has been identified and it is not considered that the comments received in support to the scheme would lead the Authority to forming a different opinion.

## **6. Conclusions**

- 6.1 As highlighted above, since the application was first submitted in April 2016 there has been significant changes to the local and national planning policies. At the time of

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writing the report, it is now considered that the sequential assessment first carried out is now dated and does not represent the current retail and commercial conditions within Bangor. Furthermore the application has failed to demonstrate a need for the development and the potential impacts on the vitality and viability of the city centre has not been assessed.

- 6.2 When assessing applications to carry out works to or to fell trees protected by a tree preservation order and schemes that impact sites important to local biodiversity the proposal should be justified. Given that the need or acceptability of the site in terms of retail and commercial policies has not been established, it is considered that there is no justification for the loss of the trees on the site or as a biodiversity stepping stone. Furthermore, even if the retail and commercial policies could be satisfied the Authority does not consider that the total loss of trees on this site or the loss of the site as a green amenity space is acceptable or justified.
- 6.3 Planning policy and guidance is clear and seeks to ensure developments do not have an unacceptable impact on highway safety. Based on the information submitted the proposal has failed to demonstrate that its impacts would not be detrimental to highway safety as it has failed to meet the needs of the CSS parking standards Wales in terms of service vehicle provision and also customer waiting bays for the drive-thru element.
- 6.4 It is accepted that the economic benefits of schemes can at times outweigh conflict with other policies. The creation of 15 full time jobs that could be derived from the development, together with the associated economic benefits is acknowledged and has been given due weight. However, looking at Bangor as a whole and the relatively small nature of this scheme, the economic benefits that could be derived from the proposal are likely to be limited. It is not considered that the economic benefits associated with this scheme would outweigh the harm identified in this report.
- 6.5 Having given full consideration to all material planning considerations, including the objections and submitted observations in support of the scheme, it is considered that this proposal is unacceptable and should be refused.

## **7. Recommendation**

- 7.1 To refuse the application for the following reasons:
1. The proposal has failed to demonstrate compliance with the requirements of policy MAN 1 and PPW in terms of justifying the need and location of the development (in terms of the sequential test) and satisfying the Authority that the development will not be harmful to the vitality and viability of the city centre.
  2. The proposal is considered contrary to policy ISA 4 as the proposal will result in the loss of amenity green space of value within an urban area.
  3. The proposal is considered contrary to the requirements of policies PS19, PCYFF 4, PS 5 and also ISA 4 as the loss of protected trees on this site is not justified and would have an unacceptable impact on the visual amenity of the streetscape and the mitigation proposed would not acceptably overcome the loss.
  4. The proposal is considered contrary to policy PS19 and AMG 5 as the application has not demonstrated that there are no other satisfactory alternatives for the development and it has not been demonstrated that the need for the development outweighs the importance of the site as a biodiversity stepping-stone.

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5. The proposal is considered contrary to the requirements of policies TRA 2, TRA 4 and MAN 7 as there is no provision within the site for service vehicles to park and service vehicles would not be able to enter and exit the site in a forward gear which would be detrimental to highway safety given the sites close proximity to a busy roundabout. The drive-thru element also has insufficient customer waiting bays, which could result in additional vehicular movements out of and into the site for customers to access the customer parking.