

**Number: 4**

**Application Number: C20/0250/11/LL**

**Date Registered: 17/03/2020**

**Application Type: Full**

**Community: Bangor**

**Ward: Hiracl**

**Proposal: Change of use of ground floor from public house to residential flat**

**Location: Mostyn Arms, 27 Ambrose Street, Bangor, Gwynedd, LL57 1BH**

**Summary of the Recommendation: Approve with conditions**

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## 1. Description:

- 1.1 This is a full application for a change of use of the public house (Class A3 Use) on the ground floor to a residential flat (Class C3 Use) in the Hirael area to the north of the city centre. Internally the proposal will involve the provision of an internal passageway, living room, dining room, two bedrooms, bathroom and kitchen. Externally, the intention is to undertake minor changes to the western and rear elevations of the building by installing two new windows with opaque glazing for one bedroom, along with the demolition of the existing one-storey roof which covers the exit below.
- 1.2 The property is serviced from an unclassified county road (Ambrose Street) and although there is no parking provision within the curtilage of the site, the current situation is that local residents park on the carriageway on nearby streets due to the high-density developed nature of this part of Bangor. The property is located within the development boundary of the Bangor Sub-regional Centre as contained in the LDP but the surrounding area has not been designated for any particular land use. To the north of the site there is a footpath to dwellings in Bro Seiri with the Capel Seion flats further afield, to the east is Ambrose Street with residential dwellings further afield, to the south are residential dwellings on Ambrose Street and Fairview Road, and to the west are the Bro Seiri flats.
- 1.3 A Design and Access Statement was submitted in support of the application along with correspondence from local estate agents stating that no interest had been shown after the ground floor of the property had been marketed as a public house for over 12 months. The application was submitted to the Committee as the applicant is an Elected Member.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and 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 Local Development Plan.
- 2.2 The Well-being of Future Generations (Wales) Act 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:**

PCYFF1: Development Boundaries

PCYFF2: Development criteria

PCYFF3: Design and place shaping

PS5: Sustainable development

ISA2: Community facilities

PS17: Settlement strategy

TRA2: Parking standards

TAI1: Housing in the Sub-regional Centre and the Urban Service Centres

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## 2.4 National Policies:

Planning Policy Wales (Edition 10 - December 2018)

Technical Advice Note 12: Design

## 3. Relevant Planning History:

Application number C01A/0603/11/LL – first floor extension to flat approved December 2001.

Application number C01A/0406/11/LL – extension and alterations to public house approved September 2001.

## 4. Consultations:

Community/Town Council: No objection.

Transportation Unit: No recommendation as it is deemed that the proposal will not have a detrimental impact on any road or proposed road.

Natural Resources Wales: No observations to make on the application.

Welsh Water: Condition regarding the disposal of surface water from the site.

Public Protection Unit: No response.

### Public Consultation:

A notice was placed on the site and neighbouring residents were informed. The notification period has already ended but no objections had been received from the public to the proposal following the statutory advertisement period.

## 5. Assessment of the material planning considerations:

### The principle of the development

- 5.1 The principle of creating a residential unit causing the loss of use as a public house is based on Policies PCYFF1, TAI2 and ISA2 of the LDP. Policy PCYFF1 states that proposals will be approved within development boundaries in accordance with the other policies and proposals in the Plan, national planning policies and other material planning considerations. As referred to above, the site is located within the development boundary of the Bangor sub-regional centre. Policy TAI1 states that in the Bangor Sub-regional Centre and urban service centres that housing to meet the Plan's strategy will be secured through housing designations along with suitable windfall sites within the city.
- 5.2 The indicative housing supply for Bangor over the Plan period amounts to 969 units (which includes a 'slippage allowance' of 10%) and between 2011 and 2019 a total of 572 units have been completed in Bangor (224 on designated sites and 348 on windfall sites). The windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 173 units as of April 2019, with further permission for 119 units on sites designated for housing in the LDP. Taking the information above into consideration, the total number of residential units in Bangor is 864, which is much lower than the indicative supply of 969 units.
- 5.3 A survey of the situation in relation to the windfall provision within the Sub-regional Centre and Urban Service Centres in April 2019 indicated that, based on the 1,785 units (not including the 10% slippage allowance) foreseen on windfall sites, 835 units had been completed, and there were 452 additional units in the land bank (and likely to be completed). Thus it can be seen that there is

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a shortfall of 498 units in terms of windfall provision. Based on the completion rates to date within the Sub-regional Centre and Urban Service Centres (April 2018), this proposal is acceptable.

5.4 Criterion 2(iii) of Policy ISA2 states that the LDP aims to withstand the loss or change of use of an existing community facility, which in this case is a public house. There are, however, exceptions to this criterion if the developer can show that:

- the current use is no longer financially viable - confirmation was received from the applicant's accountant that the viability of the business had been discussed following receipt of the figures for the year 2018-2019. According to the accountant, the only option would have been to reduce opening hours to save on heating bills, but that the profit from doing so would be insufficient to pay overhead expenses or to provide a living wage for the applicant. There was no other way to make savings and the accountant has confirmed that it is no longer viable or profitable to run the public house business at the property. Consequently, the applicant will retire at the end of this year and the public house will close permanently.
- there is no reasonable expectation for it to become financially viable - as referred to above, confirmation was received from the applicant's accountant that it is no longer viable or profitable to run the public house business at the property, and the applicant himself states that the situation will not improve in the light of the social distancing measures currently in force in response to Covid-19. It is also a small, local pub with physical limitations to the site/building that would prevent the applicant or any prospective purchaser from improving the facilities for customers.
- no other appropriate community use could be established - bearing in mind the constraints of the existing facility in terms of design/form and the extent of the floor area, along with the fact that there is already a residential unit on the first floor, it is deemed that the choice of suitable alternative community use would be extremely limited. The applicant notes that similar community facilities exist within walking distance from the Mostyn Arms in Hirael ward itself and in the city centre.
- there is evidence of genuine attempts to market the facility, which have been unsuccessful - evidence was submitted with the application which shows that the property (including the flat upstairs) has been widely marketed in accordance with the Red Book guidance by two experienced estate agents since 2017. In May 2018 the asking price for this commercial/residential property was £295,000; in June 2018 the price was reduced to £270,000 and reduced further to £255,000 in October 2018. The property was taken off the market due to lack of interest in August 2019 and one of the estate agents confirmed that there was no local market for a facility of this size, also taking into account the impact of Brexit on small businesses and the fact that people were not prepared to work long hours for meagre financial returns.

5.5. Taking the assessment above into consideration, the proposal is deemed acceptable in principle, but it shall be required to comply with other relevant policies as discussed below.

#### **Visual amenities**

5.6 As referred to above, the intention is to undertake minor changes to the western and rear elevations of the building by installing two new windows with opaque glazing for one bedroom, along with the demolition of the existing one-storey roof which covers the exit below, and installing a new north-facing window. A turning space and amenity area for the occupants of Bro Seiri is to the rear of the site, and taking into consideration the nature and scale of the alterations to the rear elevations of the building, it is not believed that they would have a substantial impact on the visual amenities of this part of the urban streetscape. It is therefore deemed that the proposal complies with the requirements of Policy PCYFF3 of the LDP.

**General and residential amenities**

- 5.7 Residential dwellings are located in all four directions, including flats and terraced houses. Nevertheless, taking into consideration the scale of the proposal (creation of a 2-bedroom flat), the current use as a public house and the fact that the site is located in an established high-density residential area, it is not deemed that converting the public house into a residential unit will undermine the general and residential amenities of adjoining occupants on the basis of loss of privacy and the creation of noise disturbance. To this end, therefore, it is deemed that the proposal is acceptable based on the requirements of Policy PCYFF2 of the LDP.

**Transport and access matters**

- 5.8 Since the site is located within a high-density residential area, there are very few opportunities for occupants to park their cars off the local roads network. Due to the scarcity of off-road parking provision, people customarily park on the carriageway of local streets, and this will be the case with this particular application. Bearing in mind the parking constraints along with the nature and scale of the proposed development, the Transportation Unit has no objection to the application based on parking standards and road safety. It is also noted that the site's central location would be accessible to several modes of transport, such as walking, cycling and public transport to reduce the need to use a car. It is therefore deemed that the proposal complies with the requirements of Policy TRA2 of the LDP.

**6. Conclusions:**

- 6.1 Having considered the above assessment, it is believed that the proposal for a change of use from a public house to a residential two bedroom flat is acceptable on grounds of location, scale, density, use, road safety, visual amenities and residential amenities and therefore complies with relevant national and local planning policies and guidance.

**7. Recommendation:**

- 7.1.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions:
1. Five years.
  2. In accordance with the plans and details submitted with the application.