

<b>PLANNING COMMITTEE</b>	<b>DATE: 20/03/2023</b>
<b>REPORT OF THE ASSISTANT HEAD OF DEPARTMENT</b>	

**Number: 2**

**Application Number: C22/0950/11/LL**

**Date Registered: 20/10/2022**

**Application Type: Full**

**Community: Bangor**

**Ward: Bangor - East**

**Proposal: Change of use of former night club to nine self-contained one-bedroom flats**

**Location: 340 High Street, Bangor, Gwynedd, LL57 1YA**

**Summary of the Recommendation: TO APPROVE WITH CONDITIONS**

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## **1. Description:**

- 1.1 This is a full application to convert the three highest floors of a four-storey building, that was formerly a nightclub on Bangor High Street, into nine one-bedroom flats (the ground floor is retained as a retail unit). Permission was granted in 2017 to change the use of the former club into a shop on the ground floor and three self-contained flats and 11 bedroom student accommodation (House in Multiple Occupation - HMO) on the floors above. Work on this development has commenced and, therefore, the planning permission remains operational.
- 1.2 The building is located towards the eastern end of Bangor High Street, within the development boundary of the Sub-regional Centre as defined by the Anglesey and Gwynedd Joint Local Development Plan. It is also located within the Defined Town Centre but outside the Main Shopping Area.
- 1.3 Each unit would include a bedroom, a bathroom and kitchen / living room and units would vary in floor area size from 24m<sup>2</sup> to 39m<sup>2</sup>.
- 1.4 The information submitted for consideration as part of the application includes:
  - Planning and Housing Statement
  - Access Statement
  - Valuations from a local estate agent
- 1.5 This application is submitted to Committee as it is for five or more new dwellings - in this case, there will be a total of five new separate living units (9 flats instead of 3 flats and one large HMO).

## **2. Relevant Policies:**

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 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, and in making 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. 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.

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### 2.3 Anglesey and Gwynedd Joint Local Development Plan 2011-2026 adopted 31 July 2017:-

PCYFF 1: Development Boundaries

PCYFF 2: Development criteria

PCYFF 3 : Design and place shaping

PS 17: Settlement Strategy

TRA 2: Parking standards

TRA 4: Managing transport impacts

TAI 1: Housing in the Sub-regional Centre and the Urban Service Centres

TAI 9: Sub-dividing existing property to self-contained flats and houses in multiple occupation

TAI 15: Threshold of affordable housing and their distribution

### 2.4 National Policies:

Future Wales: The National Plan 2040

Planning Policy Wales (Edition 11 - February 2021)

Technical Advice Note 18: Transport

Technical Advice Note 2: Planning and Affordable Housing

### 3. Relevant Planning History:

- C22/0330/11/AC - Vary Condition 3 of planning permission C17/0251/11/LL to enable a reduction in accommodation units from 11 to 9 with resultant amended details for the internal layout and use the roof space as a bedroom on the third floor. : The application was withdrawn 02/08/22.
- C21/0329/11/RA - Application to discharge condition 3 of planning application C17/0251/11/LL which relates to a Management Plan - Approved 25/05/21
- C17/0251/11/LL - Change the use of a former nightclub into a shop (A1) on the ground floor and provide student accommodation on the first and second floor with three self-contained flats and 11 bedroom student accommodation, as well as adaptations and the installation of new windows. Approved 22/05/17
- C13/1272/11/LL : Install a new shop-front: Approved 05/02/14

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#### 4. Consultations:

City Council: Bangor City Council supports this application for the following reasons:

1. This application will improve the image of Bangor High Street.
2. It will reduce the currently oversubscribed amount of student flats.
3. It is in keeping with Welsh Government policies to transform previous commercial premises into living accommodation in Town Centres.
4. It mirrors the City Council's objectives to re-generate that area of the City.

Transportation Unit: No observations to submit

Housing Unit: The development would address the recognised local need

Welsh Water: Guidance for the applicant

Public Consultation: A notice was posted on the site and neighbours were notified. No observations were received in response to the public consultation.

#### 5. Assessment of the material planning considerations:

##### **The principle of the development**

- 5.1 The property is located within the Bangor development boundary as included in the LDP and as the site is located within the development boundary of Bangor, which has been identified as a Sub-regional Centre, the principle of developing the site must be considered against Policy PCYFF 1 and Policy TAI 1 of the LDP.
- 5.2 The indicative housing supply level for Bangor over the Joint Local Development Plan period amounts to 969 units (393 on designated sites and 576 on windfall sites). During the period between 2011 and 2022, a total of 718 units were completed in the city and the windfall land bank, i.e. sites with extant planning permission on sites not designated for housing, stood at 166 units as of April 2022, with further permission for 70 units on sites designated for housing in the JLDP. It is noted that the Plan notes an indicative figure of 115 houses on two further sites that have been designated for housing in Bangor but have not received planning permission.

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5.3 In such circumstances, consideration will be given to the units that have been completed thus far within the Main Centres. Policy PS 17 in the LDP states that 53% of the housing growth will be located within the Main Centres. A survey of the situation in relation to the provision within the tier of Sub-regional Centres, Urban Service Centres and Main Centres in April 2022 indicates that 1,047 units from the total of 1,983 units have been completed, and that 614 were in the land bank (and likely to be completed). This therefore means there is a shortfall of 322 units in terms of the windfall provision within this tier. Currently therefore, support can be given to approve this site against general provision (based on the completion rate so far) within the Main Centres category.

5.4 The Planning and Housing Statement submitted with the application states that the latest land bank information, dated April 2022, notes that there is a total of 296 units with planning permission in the Bangor catchment area. However, 235 were not commenced which leaves a total of 61 completed with 3 currently being constructed. The statement alleges that the provision of housing units available is substantially lower than what is required. It is also noted that a high proportion of permitted developments is for the social rented sector, including the homeless and people aged over 55, which means that there is a shortage of flats for the open market.

5.5 The case that there is an existing shortage in housing provision in Bangor is reinforced by a recent appeal decision for 36 flats on the Tŷ Blenheim site on Holyhead Road (appeal ref. CAS-01718-X3N7Y1 when the Inspector noted:

*"13 : The Council's Annual Monitoring Report 2020-2021 confirms that the number of houses completed was 12.3% short of the indicative Housing Provision Route in Appendix 10 of the LDP. The Council has provided an explanation for this. However, it is substantially lower than what had been planned.*

*14 : In the context of the general route, the target noted in the LDP's settlement strategy, namely 53% of housing development within Bangor and the Urban Service Centres, was not reached either. During the period between 2011 and 2021, the LDP provided 41.8% of its housing growth in the Main Centres (Sub-regional and Urban Service Centres)."*

The Inspector also noted:

*"the land bank dwellings have not yet been provided and it is uncertain whether this will happen. The windfall site indicative provision for Bangor in the JLDP is not a high number either.)"*

5.6 Another matter to consider in this case is the fact that extant permission already exists on the site for four living units that would include 14 bedrooms and that, in essence, this is a plan to re-design the internal layout to meet the requirements of the local market by creating nine one-bedroom units with washing and self-catering facilities. The Housing Strategic Unit confirms that there is a local need for this type of dwelling units.

5.7 Given the above, it is considered that this development would help to contribute towards the LDP's housing targets in a way that responds positively to the requirements of the local housing market and, therefore, it is believed that the proposal can be accepted under TAI 1 and PS 17 of the LDP.

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5.8 Policy TAI 9 of the LDP approves the sub-division of existing properties into self-contained flats provided they conform to a number of criteria and this proposal is considered in accordance with this criteria as follows:

1. The proposal involves using the existing structure without the need for extensions but with changes to the windows and internal layout (the windows would be similar in terms of layout to what has already been permitted while there would be two new roof-lights in the rear elevation and a side window instead of a roof-light in the north-eastern side elevation).
2. The property would slightly reduce the percentage of houses in multiple occupation in the area by getting rid of one house in multiple occupation and increase the number of other dwelling units.
3. The development is unlikely to have a detrimental impact on residential amenities, especially given that this development is a reduction in terms of use density compared to what has already been permitted (in terms of the number of bedrooms) and it would certainly be a significant improvement to the general amenities of neighbours compared to the site's previous use as a night club.
4. Considering the central and accessible location of the property in the city and the presence of nearby public parking spaces, it is not believed that the proposal would exacerbate the parking situation in this part of the city.

5.9 Given the above assessment, it is believed that the proposal is acceptable based on the requirements of Policy TAI 9 of the LDP.

### **Affordability Matters**

5.10 As two or more units are proposed as part of the proposed development, Policy TAI 15 ('Threshold of Affordable Housing and their Distribution') notes that it is expected for at least 20% of the units to be affordable. In this case, this would be equivalent to 1.8 affordable units. The Supplementary Planning Guidance 'Affordable Housing' notes that when the affordable housing requirement is calculated, a proportion of the total houses that need to be affordable is rounded-up to the nearest whole number (where half will be rounded upwards). This means that it would be expected for this proposal to provide two affordable units.

5.11 Despite the above, a question is raised as to whether it is possible to consider these units as affordable already without the need for a formal agreement to ensure this. In light of discussions with the applicant, market valuations of selling and renting the flats were submitted. Although they are not a full "Red Book" valuation, they were completed by a RICS accredited valuer. Based on the information in the SPG: Affordable Housing and a comparison with recent sales and rentals of similar flats in the area, it is believed that the market value of these flats can be deemed affordable. Given the size and location of these flats, it is not expected that their prices will be out of reach of local residents and that all of these flats will be "affordable by design". It is, therefore, not considered that there is justification for having a formal arrangement to ensure the affordability of a proportion of these units.

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### **General and residential amenities**

- 5.12 There is a mix of land uses in the vicinity of the application site including commercial/business uses and residential uses. Proposed changes to window openings will not significantly change the situation in terms of overlooking another property compared to what has already been agreed. It is therefore not considered that the proposal would have a substantial impact on the amenities of neighbouring property owners based on loss of privacy. Bearing in mind also that the development will be for residential use rather than a night club, it is likely that there will be a substantial reduction in noise impacts and general disturbance. Therefore, it is believed that the proposal is acceptable based on residential and general amenities and complies with the requirements of Policies PCYFF 2 and PCYFF 3 of the LDP.

### **Transport and access matters**

- 5.13 There is no land within the site to provide any type of car park and there is only access on foot to the property off the High Street and Ffordd y Mynydd to the north. The Transportation Unit noted that the proposal would not have a detrimental impact on any road, or proposed road and, taking into account its central location within the city (which includes a number of public and private car parks nearby) together with its accessibility, it is considered that the proposal is acceptable on the basis of parking and road safety requirements and complies with the requirements of Policies TRA 2 and TRA 4 of the LDP together with relevant national advice.

### **Other matters**

- 5.14 It is important to note that a 'fall back' situation exists in this case where the applicant can continue to implement the original plan which would, although include fewer individual dwelling units, be more dense (14 bedrooms) than the plan in question here (nine bedrooms). In this case, it is believed that this is an attempt to respond to the demand of the local market in a way, if anything, that will be an improvement to the amenities of neighbours compared to what has already been permitted.
- 5.15 As this proposal has been assessed against the expected growth level of Bangor to prepare residential units in C3 class use (Dwellings, used as sole or main residences), it is considered that it would be reasonable to impose a condition on the permission removing the permitted development rights within C Class to change use to C5 Class (Dwellings not used as sole or main residences) or C6 Class (Short-term lets).

## **6. Conclusions:**

- 6.1 Given the above assessment, it is believed that the proposal to create nine one-bedroom flats above the retail unit in this location, is acceptable based on its use, location, scale and potential impacts on the general amenities of the area and on the amenities of individuals. It is therefore considered that the application satisfies the requirements of the relevant local and national policies stated in the report.

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**7. Recommendation:**

7.1 To approve subject to conditions:

1. Time - Five years
2. In accordance with the plans
3. Restrict the use to C3 use class residential dwellings only

Note: Welsh Water