

PLANNING COMMITTEE	DATE: 14/01/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	PWLLHELI

**Number: 4**

**Application Number: C17/0835/11/MG**

**Date Registered: 05/09/2017**

**Application Type: Reserved Matters**

**Community: Bangor**

**Ward: Hiracl**

**Proposal: Reserved matters from outline permission C14/1248/11/AM to erect four block of flats to include 70 living units**

**Location: Jewson Ltd Penlon Works, High Street, BANGOR, LL57 1DH**

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

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## 1. Description:

- 1.1 This application is a reserved matters application following the granting of outline permission under reference C14/1248/11/AM to erect four buildings (one two-storey building and three block of flats), to include 70 self-contained living units, with 13 of them being affordable units.
- 1.2 This reserved matters application deals with the scale, appearance and landscaping of the site. Access and appearance have been approved under the outline permission. The proposal provides 24 one-bedroom units and 46 two-bedroom units. The outline application is for 77 units but in order to comply with housing association building standards ('DQR' standards), and in response to a change in the housing market, the floor area of the units has been increased which has resulted in a reduction of seven units on the site.
- 1.3 Since the application was submitted originally, the plans have been adapted in order to:
- Amend the location of windows to avoid and reduce overlooking.
  - Amendments to the design, mainly to rationalise the shape and form of the buildings.
  - Alterations to the materials and colours intended to use.
  - Changes to the arrangement of units in order to ensure an acceptable living standard for all units, e.g. windows and natural light.

In addition, cross-sections and elevations were received to show how the development will sit within the site and its relationship with nearby buildings. Also, a montage was received to show the appearance of the development from more distant views across the city.

- 1.4 The High Street in the City of Bangor runs past the southern boundary of the site, Beach Road to the east, Gerddi Penlon to the west, Fountain Street to the north and Ambrose Street to the north-west. The site is surrounded by residential dwellings, which are mainly terraced or semi-detached dwellings. The site was most recently used as a builders merchant business (Jewsons), this use has now come to an end, all the buildings have been demolished and the entire site lies dormant.

## 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 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.

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### 2.3 Anglesey and Gwynedd Joint Local Development Plan 2011 - 2026, July 2017

ISA 1: Infrastructure Provision

TRA 2: Parking Standards

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PCYFF 4: Design and landscaping

TAI 8: An appropriate mix of housing.

TAI 15: Affordable Housing

Supplementary Planning Guidance Affordable Housing 2009

### 2.4 National Policies:

TAN 12 Design

Planning Policy Wales, (Edition 10) 2018

### 3. Relevant Planning History:

- 3.1 C14/1248/11/AM - An outline application with some reserved matters for constructing four buildings to provide 77 living units, creating a new vehicular access with associated roads, parking spaces and ancillary facilities - Approved 31.03.2015.

C13/0723/11/LL - amended application to a previously refused application for the redevelopment of the former Jewsons site by erecting four separate buildings to provide 109 student living units, creation of a new vehicular access, creation of parking facilities and site landscaping - Refused - 20.12.13.

C10A/0614/11/LL – demolish buildings, erect seven new buildings and create 161 student living units (and one warden living unit), create new access for vehicles and landscaping work – refused 29.11.11 and also refused on appeal.

### 4. Consultations

Community/Town Council: Object on the grounds of lack of parking on the site and near the site. The extra floor appears to be an over-development and out of character in the nearby area. The application is completely different to the previous application and it should be dealt with as a new application.

#### Second consultation

The City Council supports the observations of the local member and the previous observations remain relevant.

Transportation Unit: No objection to the proposal.

Welsh Water: No objection to the application for reserved matters subject to compliance with conditions attached to the outline planning permission.

Problems are not anticipated with the foul water treatment work deriving from the site.

#### Second consultation:

Previous observations remain relevant.

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Gwynedd Archaeological Planning Service: No specific observations regarding the reserved matters application but eager to draw the applicant's attention to condition number 8 of the outline permission which requires a programme of archaeological work.

Housing Strategic Unit: Confirm that the proposal meets local need.

North Wales Police: The proposal's design ensures natural surveillance of the plots within the site and contributes to the site's safety. The proposal would improve the situation substantially.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertisement period ended and a number of observations were received objecting / raising concern about:

**First consultation period:**

- Over-development of the site.
- Area unsuitable for flats.
- Parking problems in the area already.
- Hazardous access.
- Overlooking and loss of privacy.
- Loss of light due to the height of buildings.
- Infrastructure unsuitable for 70 flats, problems with sewerage and drainage in the area already.
- Anti-social behaviour caused by students or individuals living in so many one-bedroom units and conflict about parking.
- Disturbance and noise caused in a residential area.
- Concerned that 70 green bins will attract pests.
- Problems already caused with one-bedroom flats and their bins in the area.
- Bangor needs affordable housing for families.
- Coincides with the observations of the Town Council and the Local Member.
- A four-storey development completely out-of-character with the heritage and culture of the area.
- That the units are not affordable and contrary to policy. There would be maintenance costs as well.
- The development does not provide for families.
- Materials are not in keeping.
- Out of character.
- It would worsen the access to Beach Road.
- Concern about the safety of the boundary wall.
- Ambrose Street is one level lower already, four-storeys would dominate the houses.
- The development would be harmful to the health and well-being of the nearby residents.

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**Second consultation period:**

- Less light in the winter.
- Much higher than the houses around the site and no privacy for anyone.

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

**The principle of the development**

- 5.1 The principle of the proposal has already been approved through the outline application under reference C14/1248/11/AM. This permission includes the appearance and access to the site. The reserved matters which form part of this application are the scale, appearance and landscaping of the site.
- 5.2 Objections received in relation to the type of accommodation being offered are acknowledged, along with the need for affordable housing; however, these matters have been considered during the outline application. Usually, development principles cannot be discussed when considering reserved matters, unless the details submitted show a development that is substantially different to the outline permission. In this case, the plans do not show a proposal or use that is different to the outline permission. For clarity, the outline permission is for residential living units, namely C3 use. The development is not bespoke student accommodation and it does not provide units in multiple occupation and there is no planning permission for such uses on the site.

**Affordable Housing**

- 5.3 The outline permission has ensured a provision of 13 affordable units on the site and the applicant must submit a separate application to release the needs of the condition. Although the plans do not show the location of the affordable units, the agent has confirmed that the size and layout of the units comply with housing association building standards ('DQR' standards), therefore, this would ensure that the plans would not need to be changed to release the affordable housing condition. Therefore, it is considered that the proposal complies with policy TAI 8 and TAI 15 and the Supplementary Planning Guidance for affordable housing.

**Infrastructure Matters**

- 5.4 Following a consultation period, a number of observations were received in objection to the proposal due to local problems with the sewerage system and concerns about the system's capacity to cope with the substantial increase deriving from the development. These matters have been considered during the outline application and the outline application includes conditions to reach agreement on the drainage plan for the site. Consequently, these matters are not material when assessing the reserved matters.
- 5.5 Nevertheless, the developer must submit and receive formal approval for this before commencing any development work. Although no detailed drainage plan has been submitted to date, Welsh Water have responded to this current application and they confirm that they do not anticipate problems with the foul water treatment systems due to this development and that there is no objection to the proposal, subject to compliance with the conditions imposed on the outline planning permission.

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- 5.6 A number of the objections have also raised concerns regarding the waste deriving from the development and the impact of up to 70 green bins. The agent has confirmed that bespoke storage areas will be provided on the site and that these areas will be sufficient for the waste bins and recycling bins and this will be shown on the site plan before the application is discussed by the Planning Committee. From this perspective, and in accepting such plans, it is considered that the proposal is in accordance with the needs of policy ISA 1.

### **Design and Visual Amenities**

- 5.7 Policies PCYFF 2, 3 and 4 of the Local Development Plan promotes good building design by ensuring that proposals conform to a series of criteria by aiming to safeguard the recognised features and character of the landscape and the local environment, safeguard the amenities of the local neighbourhood and the visual character by ensuring that building materials are of a high standard and in keeping with the character and appearance of the local area and suitably landscapes the site.
- 5.8 It is considered that the main public views from the development will be from the High Street and Beach Road. The site looks shabby at the moment and this substantially takes away from the character and the appearance of the area. The appearance of block 4 (namely the building that would face the High Street), would commence by the side of number 18 Gerddi Penlon. This building is a residential house with its front facing the High Street. The height of the first part of block 4 is not higher than this house, and it is considered that this would ensure that the house would not be dominated and then the higher sections to follow would be able to blend in satisfactorily. The highest part of the building includes four storeys; however, the roof ridge and the eaves are slightly lower than the adjacent houses on the High Street which are in accordance with the requirements of the outline permission, as well as the observations of the Inspector in the previous appeal. It is also considered that the use of the slate 'mansard' roof and the proportion and detail of the windows respect the more traditional features that are to be seen on the High Street nearby. It is also considered that the combination of red brick and white cladding is acceptable and the mix of these materials and colours can be seen through the whole development.
- 5.9 The land facing the High Street is relatively level, but by following the road to Beach Road, the land drops down to a relatively lower level and the site abuts the residential property of 32 Beach Road, which is a two-storey house. The level of this house and its curtilage, is much lower than the site. Between the new access and 32 Beach Road, it is intended to erect a block of two-storey flats (block 1), with slate ridge roofs. It is acknowledged that the bulk and height of this building will be larger than the nearby residential houses, but it is considered that the building would form a visual transformation of the bulk and size of block 4 and the height will run down to follow the change in land levels. From this perspective, it is considered that block 1 is acceptable in terms of its appearance, size and bulk.
- 5.10 From the proposed access, the land level also falls to the north and the north-west. It is intended to erect two blocks of four-storey flats (namely block 2 and 3), with flat roofs. Although these blocks would have flat roofs, the height of the buildings is within the parameter/restrictions of the outline permission and from this perspective, it is not considered that the height itself is unacceptable. It is acknowledged that flat roofs of this height are not a feature in this part of the city and that this form is mainly more obvious towards the city centre. Nevertheless, these blocks would be seen in the context of block 1 and 4 and the other nearby houses, as well as the surrounding built area.

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- 5.11 Other public views of the proposed development would be restricted, on the whole, to a snapshot of parts of the new buildings, and those views would likely be ones available between existing buildings from nearby streets. Such snapshots are likely to be restricted and bearing the height of the buildings in question in mind, along with the partial views seen in such cases, it is not considered that the proposed development would look out of place, be dominant or oppressive in character.
- 5.12 Although it is acknowledged that block 2, which is four-storey, would be set on land on a substantially higher level than the nearby dwellings in Ambrose Street and Fountain Street, which means that block 2 would therefore be elevated in relation to the nearby built form, there are examples of similar differences in building height in the area already. There are no significant public views where the height of block 2 would appear excessively incompatible or incongruous in the surrounding built form.
- 5.13 Further views of the site can be seen specifically from the Garth area and following an assessment of this area, as well as consideration to the photographic montage received, it is considered that the scale and bulk of the development can sit comfortably within the site without causing substantial harm to the townscape. Although the development is mainly a flat-roof development, the montage shows that the use of grey colours on the highest parts of the blocks will be a very important element to enable this development to blend-in in an acceptable way. From this perspective, it is considered that block 2 needs grey cladding on the second floor, as well as the third floor as shown, in order to reduce the prominence of the floors from more distant vistas and a planning condition can be imposed to ensure that.
- 5.14 The reserved matters application also needs to consider the landscaping of the site. The information received gives an idea of the hardcore and the green areas and the intention to plant trees; however, firm details were not received in relation to what exactly will be planted. Should the Committee approve the application, a request is made for the right to act to approve the application subject to the receipt of more detailed landscaping details. Having weighed up all policy considerations, as well as the observations received, it is not considered that the proposal, in terms of its appearance, is contrary to the requirements of policies PCYFF 2, 3 and 4 and PS20.

#### **Impact on Residential amenities**

- 5.15 One of the main concerns raised by nearby residents is the impact of the development on living conditions. Block 4 faces the High Street and number 18, Gerddi Penlon, is by its side. This building is a residential house with its front facing the High Street. The height of the first part of block 4 is not higher than this house, and it is considered that this would ensure that the house would not be dominated. The location of side windows includes a number of windows on the ground floor and first floor, but it is considered that the boundary wall is a way of ensuring privacy for 18, Gerddi Penlon (the height of the wall is shown on the plans). There are two rooflights on the second floor; however, the windows are adjacent to the gable end of 18, Gerddi Penlon and are therefore very unlikely to cause overlooking. Although the width of block 4 is close to the length of 18, Gerddi Penlon as a whole (namely the house, the front garden and the rear garden), the back of the property would still have an open feel to the north (rear of the house), and thus it is not considered that the impact of block 4 would be oppressive.
- 5.16 To the front, the distance between block 4 and the houses on the High Street varies from 17m to 30m and observations were received raising concerns about loss of

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privacy. Although it is acknowledged that the proposal would change the current situation, it is not considered that these distances between the front windows would be an unacceptable distance in such a location in a city. The houses are also on a much higher level than the road and the cross-sections show that the roof ridge or eaves of the development would not be higher than the adjacent houses. The concerns of the residents of these houses are acknowledged, however, considering that the impact will only be experienced to the front of the houses, it is not considered that the impact is so substantial that it merits the refusal of the proposal on these grounds.

- 5.17 Block 1 abuts number 32, Beach Road, and as discussed above, the level of 32, Beach Road is much lower than the application site. During the application, the appearance of block 1 has been altered to ensure that there is no overlooking from the new building. It is considered appropriate to have a condition to reach agreement on the boundary wall/fence to ensure that there is no overlooking from the ground floor windows. On the first floor, the plans show two windows facing 32, Beach Road, but has a note showing that these windows will have opaque glass. These windows are bedroom windows, but these windows could be considered as secondary as there are other windows in each room. This means that it would be possible to impose a condition to ensure that the windows would have opaque glass and also be windows of a type that do not open. Also, four rooflights face the property, but two are located above a lobby and access stairwells and the other two provide light to the kitchen of one unit; however, they are located opposite the gable end of number 32, Beach Road, and are therefore unlikely to cause overlooking.
- 5.18 Block 3 will be located in the middle of the site, between block 4 and block 2, and Gerddi Penlon will be located to the west. It is intended to locate this building approximately 13m from the boundary. The width of the building at its largest point is approximately 18m and the section closest to Gerddi Penlon is 11m. There would be relatively substantial gaps between block 4 and block 3 and then between block 3 and block 2 and this would ensure that there is a break in the built form against the houses of Gerddi Penlon. Consequently, it is not considered that the impact of this block would be substantially harmful to the residential amenities of the Gerddi Penlon houses.
- 5.19 There are no windows from habitable rooms facing the Gerddi Penlon houses, but there are glazed panels on each floor of the communal stairwells. Although the windows on the stairwells are not windows in habitable rooms, there would still be a regular presence of people as they use the stairwells. Although the distance of the windows is approximately 22m from the boundary, it is considered reasonable for this glass to be of opaque type, in particular considering the type and size of windows and the fact that curtains will not be hung and that this would highlight the presence of people on the stairwells during the hours of darkness. Opaque glass will also reduce the impact of any light coming from the stairwells.
- 5.20 Block 2 is in the far end of the site to the north, with its gable ends facing Gerddi Penlon and Fountain Street and its rear elevation facing Ambrose Street. The gable end facing Fountain Street, at its closest point, is approximately 20m away from the boundary. Bedroom windows are located on this gable end; however, due to the shape of the building, the windows have been set further back and there is a distance of over 30m between the windows of the development and the rear of Fountain Street houses. The remainder of the windows on this elevation are quite small and serve bathrooms and communal stairwells. Therefore it is not considered that this elevation will lead to any unreasonable overlooking or loss of privacy. In addition, due to the distance from the boundary and considering the width of the building, it is not considered that the

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presence of the building would be substantially harmful to the living conditions of these houses.

- 5.21 The western gable end facing the houses of Gerddi Penlon are at a distance of approximately 6m from the boundary. This elevation has been altered in order to change the windows on each floor and the details of the balcony on the third floor to ensure that no unacceptable overlooking occurs. The plans now only show opaque windows with a note confirming that the windows will not open more than 100mm and the balcony side has been removed. By using conditions to ensure this, the impact can be managed to an acceptable degree.
- 5.22 The greatest impact of this gable end is likely to be on the living conditions of numbers 11 and 12 Gerddi Penlon. A high boundary wall already exists between the site and the boundary and from this perspective, it is not considered that the impact on the ground floor windows will be substantial. The greatest impact will be on the first floor windows but due to the building's location, an element of open feel will be retained to each side of the building. 11, Gerddi Penlon has a longer curtilage than the other houses that extends to the north and away from the development.
- 5.23 A number of objections have been received regarding the appearance of the rear of block 2 which faces Ambrose Street. The appeal at the site was previously refused due to the development's impact on the residential amenities of Ambrose Street. This application involved erecting a building varying from 0.5m to 9m from the boundary of the site, with a distance of approximately 25m between windows.
- 5.24 The proposal in question has responded to the concerns raised on appeal by changing the angle of the building and setting the building further away from the boundary. The plans show that the distance would vary between 17m-24m from the boundary with distances of between 33m and 51m from window to window. The appearance of the rear of the building includes a mix of windows, juliette balconies and open balconies on the third floor. The level of Ambrose Street houses is approximately 3m lower than the application site, and with a solid boundary wall or fence it is considered that this would mitigate the impact of the ground floor and the first floor of the development and the presence of parking spaces between the building from Ambrose Street houses.
- 5.25 It is acknowledged that the windows of the second and third floors will be completely visible to the residents of Ambrose Street and this will change the current living conditions of the residents. Due to the distance and the change in level, it is likely that views from the flats pan out across the roofs of Ambrose Street houses rather than downwards or immediately towards the windows. Upon visiting the rear of Ambrose Street, it is also obvious that the rear of the houses is not completely private due to the access for vehicles and gates of rear gardens. On the whole, it is considered that the distance between the houses and the development is now to an acceptable scale.
- 5.26 To reduce the impact of the balconies on the third floor, the handrails of the balconies have been set back to be located under the roof space. In considering distances and levels, it is unlikely that these balconies would have a substantially harmful impact on the living conditions of Ambrose Street residents. Having given full consideration to all observations and having visited the site and the surrounding area on many occasions, it is not considered that the impact of the development will be so harmful so that it merits refusal on the grounds of policy PCYFF 2, 3 and 4.

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## Transportation Matters

- 5.27 The access to the site has already been approved under the outline application, and the Transportation Unit has confirmed that it has no objection to the proposal. Many objections were received due to the lack of parking spaces within the site and the current parking problems in the area. The proposal provides 70 living units with a mix of one and two bedroom units and the site plan shows 67 parking spaces. Parking standards require one parking space for each living unit; however, the standards refer to a maximum and acknowledge that a smaller number can be acceptable in some places. Given the location of the site in a city and the links to public transport and other facilities, it is considered that 67 parking spaces are sufficient and acceptable and that the impact of the development is unlikely to cause additional parking problems on nearby streets. It is considered that the proposal therefore complies with the requirements of policy TRA 2 of the LDP.

## 6. Conclusions:

- 6.1 As discussed above, the site currently looks dormant and shabby and it therefore substantially takes away from the character and appearance of the area. It must also be acknowledged that the provision of new flats would be a positive contribution to the housing stock, and would meet the identified needs, and would contribute to the affordable housing needs. The observations of the police also acknowledge that the layout is also a way of ensuring good natural surveillance which is one of the main forms of eradicating crime. Full consideration has been given to the observations received from local residents and it is acknowledged that a development of this size will substantially change the local environment. Nevertheless, it must be borne in mind that outline permission is already in place, and when assessing the whole proposal, no substantial harmful impact that is contrary to the policies of the Local Development Plan was identified, and consequently, it is considered that the proposal is acceptable to be approved.

## 7. Recommendation:

- 7.1 To authorise the Senior Planning, Environment and Public Protection Manager to approve the application subject to the receipt of a soft landscaping plan, along with a plan and details showing the arrangements for the storage of bins and to conditions relating to:
1. External finish and colours.
  2. Agreement on boundary treatments.
  3. Ensuring opaque windows as well as windows that do not open on specific elevations.
  4. In accordance with the plans.