

PLANNING COMMITTEE	DATE: 29/04/2019
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION SERVICE MANAGER	CAERNARFON

Number: 4

Application Number: C19/0009/11/LL

Date Registered: 09/01/2019

Application Type: Full - Planning

Community: Bangor

Ward: Deiniol

Proposal: Change of use of the current building from a nightclub into 3 retail units, along with 8 self-contained flats and installation of new openings (amended application to that approved under ref. C18/0116/11/LL)

Location: 358-360, High Street, Bangor, Gwynedd, LL571YT

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full application for the change of use of the current building from a nightclub into 3 retail units on the ground floor, along with three self-contained units to the rear, 4 self-contained units on the first floor and one self-contained unit on the second floor. The proposal will include providing 5 one-bedroom units, as well as 3 two-bedroom units.
- 1.2 Externally, the proposal will include making improvements to the front elevation on the ground floor where the proposed retail units/shops will be located, and the creation of various new openings and altering current openings. The bin storage area and recycling point for the units and shops will be located in two areas at the rear, namely between the property and Ffordd y Mynydd, and in an area below the current fire escape.
- 1.3 The building is located on a site opposite the High Street, to the north-east of the centre of Bangor, and the building is of a substantial size.
- 1.4 To the north of the site, commercial buildings and residential dwellings are located, to the east, an unclassified county road is located and, further away, residential dwellings are located (Ffordd y Mynydd). To the south, commercial buildings are to be found and to the west, the unclassified county road of the High Street is located, along with student flats further afield (Tŷ Glynne Studios) and Elias Garage.
- 1.5 A Design Statement was submitted as part of the application.

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 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 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 adopted 31 July 2017:-**

Policy PS1 - the Welsh Language and Culture.

Policy ISA1 - infrastructure provision.

Policy PS4 - Sustainable Transport, Development and Accessibility

Policy TRA2 – parking standards.

Policy PS5 - sustainable development.

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Policy PCYFF1 – development boundaries.

Policy PCYFF2 – development criteria.

Policy PCYFF3 – design and place shaping.

Policy PS15 - town centre and retail developments

Policy MAN1 - proposed developments in town centres

Policy MAN 2 - primary retail areas

Policy PS16 - housing provision.

Policy PS17 - settlement strategy.

Policy TAI1 - housing in the Sub-regional Centre and the Urban Service Centres

Policy TAI8 - Housing Mixture.

Policy TAI9 - Sub-dividing Existing Property to Self-contained Flats and Houses in Multiple Occupation

Policy PS18 - Affordable housing

Policy TAI15 - threshold of affordable housing and their distribution.

Supplementary Planning Guidance (SPG): Housing Mix.

SPG: Affordable Housing.

SPG: Planning for sustainable building

SPG: Planning and the Welsh Language.

2.4 **National Policies:**

Planning Policy Wales, Edition 10, (2018).
Technical Advice Note (TAN) 12 Design (2016).

TAN 18 – Transport (2007)

TAN22: Planning for sustainable buildings (2010)

3. **Relevant Planning History:**

3.1 Application number C18/0116/11/LL - change of use of the current building from a nightclub into 8 retail units on the ground floor and 4 self-contained flats on the floors above and the installation of new windows - approved in April 2018.

3.2 Application number C15/0161/11/LL - change of use of a building and use of dance studios (ground floor) and beauty salon (first floor) into a cabaret club with changes to the first floor front windows - refused in October 2015 based on a lack of information

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in relation to the ability to thoroughly assess the impact of the development in terms of noise on general and residential amenities.

- 3.3 Application number C11/0629/11/LL - change of use of a former nightclub into dance studios on the ground floor and a beauty salon with sunbeds on the first and second floors - approved in November 2011.

4. Consultations:

Community/Town Council:	No objection.
Transportation Unit:	No objection as the site is in a central location within the city and is close to local facilities, including car parks and regular public transport services. The proposal can be accepted without a parking provision.
Natural Resources Wales:	No response.
Welsh Water:	Condition relating to the disposal of additional water from impermeable surfaces within the site and into the nearby public system.
Public Protection Unit:	No response.
Housing Strategy Unit:	According to the figures of the Council's Housing Options Team, it appears that 540 are on the waiting list for 1-bedroom flats, 428 for two-bedroom flats and 91 for three-bedroom flats in Bangor. From this information, it appears that a need for this type of flats exists in the city, with 66% of the population priced out of the market for flats. A discount of 10% would need to be considered unless they are affordable in the first place.
Public Consultation:	A notice was posted on the site and nearby residents were notified. 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 **Retail** - Policy PS15 of the LDP seeks to protect and improve the vitality and viability of town centres and their retail, service and social functions. Bangor is recognised as an *Urban Retail Centre* in this Policy and a varied mix of suitable uses is encouraged within the urban centres, which are of high quality and attract a broad range of people at various times of the day.

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5.2 Policy MAN1 states that proposals that would lead to a loss of current retail/leisure use within a city centre would be refused unless it can be shown:-

- That the current use is inappropriate or unnecessary - the property is currently used as a nightclub and the applicant has stated that it is not possible to continue with this use as it is not practical in terms of viability. In addition, it is noted that the previous permission for the eight commercial units (application number C18/0116/11/LL) is also impractical considering the nature of the current commercial market and this stance has been confirmed by a local estate agents, by referring to the *secondary* location of the property as well as high levels of empty commercial units along the High Street.
- The current use has ceased to be viable - the applicant has stated that the property is not viable for use as a nightclub, despite the efforts made to re-open the nightclub.
- No other suitable retail/leisure use can be established - this latest proposal includes the provision of three retail units in the front of the property and it is believed that this number of units (in comparison with the eight previously permitted) would be more likely to be occupied.
- Evidence of genuine efforts made to market the facility being unsuccessful - the applicant has not attempted to sell the property as the proposal on the ground floor would involve changing the use of the nightclub to a shop use (commercial) and from this perspective, the proposal does not lead to the loss of a use that is promoted and encouraged on such a site.

5.3 **Housing (self-contained flats)** - As referred to above, the site is located within the development boundary of Bangor sub-regional centre and the application conforms with the requirements of Policy PCYFF1 of the LDP. Policy TAI 9 permits the subdivision of existing properties to self-contained flats provided they conform to the relevant criteria:-

- Criterion 1 - the property should be suitable to be sub-divided for the type and number of units proposed without having to make substantial alterations and extensions - there is no proposal to extend the current building and the only changes to the building will be made to its external elevations by installing new openings and changing the current openings.
- Criterion 3 - ensure that the proposal will not have a detrimental impact on the amenities of nearby residents - although residential dwellings and commercial uses are located around the application site. It is not believed that the proposal would have an unacceptable impact on residential amenities or general amenities (on the grounds of overlooking and noise nuisance), in addition, it must be borne in mind that the building is currently used as a nightclub and that residential use would be likely to have less of an impact on the amenities of nearby residents.
- Criterion 4 - the proposal should not exacerbate existing parking problems in the local area - considering the central location of the site in the city and its proximity to local facilities such as car parks and public transport, it is not anticipated that the proposal would contribute towards parking problems within the local area.

5.4 Policy TAI15 states that every development is required to achieve an appropriate mix based on occupancy, types and sizes of affordable housing and this is reiterated by

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Policy TAI8 along with the SPG: Housing Mixture. To this end, it is believed that this application, considering the type and size of the proposed self-contained units, provides an appropriate mix of accommodation that meets an acknowledged need for housing in the City.

- 5.5 Considering the above assessment and subject to the proposal's compliance with the relevant policies within this assessment, it is considered that this application is acceptable in principle.

Visual amenities

- 5.6 The alterations to the external elevations of the three-storey building are minimal and include changing the form/design of some of the openings, along with creating new openings and re-painting walls. No changes will be made to the front elevation facing the High Street, apart from changing the design of the two front doors and installing fascia signs above the two existing windows. To this end, it is not believed that the proposal disrupts the visual amenities of this part of the streetscape. Ensuring suitable use will be a way of securing the building's use and long-term condition. It is considered that the proposal is acceptable on the grounds of the requirements of Policy PCYFF 2 and PCYFF3 of the LDP.

General and residential amenities

- 5.7 Policy PCYFF2 of the LDP states that proposals should be refused if they have a significant detrimental impact on the health, safety or amenities of the occupants of local property, land uses or other property due to an increase in activities, disturbance, noise etc. In terms of noise nuisance, it is believed that residential and commercial (shops) use would have a lesser impact on the residential and general amenities of nearby residents than the property's legal use as a nightclub. In addition, it is considered that the use would be more in keeping with the uses currently seen around the property. It must also be considered that the site is located in an established part-residential and part-commercial area opposite a busy road network.
- 5.8 It is not believed that the proposal would exacerbate the current situation substantially in terms of overlooking and loss of privacy, particularly considering the location and layout of the proposed windows/openings on the building's exterior elevations. The vast majority of the new windows on the first floor to the rear will look directly above the roofs of nearby commercial buildings or will use/adapt existing openings. It must also be considered that community and passive overlooking already exists between the various uses in the catchment area of the application site and that approving this proposal would not exacerbate this situation to such an extent so that the application would have to be refused on the grounds of its detrimental impact on residential amenities. To this end, it is believed that the proposal complies with the requirements of Policy PCYFF2 and TAI9 of the LDP.

Transport and access matters

- 5.9 The site/building is located centrally within the city and consequently, there are no parking facilities within the curtilage of the site itself and this situation is mirrored in other sites within the city. The residential units will be very close to local facilities, including car parks and public transport, therefore, the Transportation Unit does not object to the application as submitted. It is believed that the proposal is acceptable on the grounds of the requirements of Policy ISA1 and TRA2 of the LDP.

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Affordable housing matters

- 5.10 Policy TAI 15 of the LDP seeks to ensure an appropriate provision of affordable housing in the Plan area and the threshold for affordable housing in Bangor is 20%. As the proposal includes providing 8 residential units, the figure of 20% means that two units would need to be affordable. However, unless two of the units can be affordable, then, in line with the Policy, consideration will need to be given to a pro-rata contribution. The Housing Strategic Unit has responded to the receipt of additional information from the applicant in relation to the rental prices and sale prices of the proposed flats (presented by a local estate agents), which states that despite the fact that the rental levels for the flats is slightly higher than the lowest rate (the applicant quoted intermediate rental levels), this does not cause concern as the flats would continue within the reach of a vast majority of the local population.
- 5.11 In relation to the sale of the units, and when comparing prices for similar flats in Bangor that were recently sold, the prices presented by the applicant are much lower and it is assumed that these low prices are likely to reflect the potential size, location, quality and ownership features of the flats themselves. Taking this into account and due to the site's location in a commercial area of the High Street, the layout of the residential units/flats opposite and above the proposed commercial units and the fact that there is no amenity/garden space as part of the development, it is very likely that the units would be affordable anyway. Consequently, there is no justification to restrict two of the flats as affordable housing through a 106 agreement or to request a financial contribution as part of this application. The applicant has submitted the following documents to support this element of the proposal:
- The cost of purchasing the building, construction/adaptation costs and the expected value of the residential units would make the plan viable.
 - The intention here is to provide low-cost housing for people who are possibly ineligible for affordable housing themselves, but who are also unable to access general open market housing due to the costs involved.
 - The housing supply figures held by the Council's Housing Options Team (for rented housing in accordance with the applicant's proposal) for Hirael, shows that 133 persons need a one-bedroom house, 213 persons need a two-bedroom house, 133 persons need a three-bedroom house and 29 persons need a four-bedroom house. These figures show that there is a significant shortage of one-bedroom and two-bedroom units in the local area and this proposal would contribute towards the particular need for smaller residential units within the Hirael ward.

Educational matters

- 5.12 The relevant policy within the context of educational contributions for residential developments is Policy ISA1 of the LDP. To this end, it is material to consider the SPG: Housing developments and educational provision, when discussing this current application. Based on the relevant formula, it is anticipated that one primary school-age pupil would derive from the proposed development (one-bedroom units are not being considered for the need to provide a contribution for educational establishments and therefore, to this end, only three of the units apply here). The SPG notes that consideration should be given to the situation in the school that serves the catchment area where the development is located and in this case, the relevant school is Ysgol

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Hirael, and the Education Department has already confirmed that there is sufficient capacity at the local school to cope with additional pupils. To this end, therefore, no educational contribution will be required and it is considered that the proposal complies with the requirements of Policy ISA1 of the LDP as well as the requirements of the relevant SPG.

6. Conclusions:

- 6.1 Having considered this assessment and all the relevant matters including the local and national policies and guidance, as well as all the observations received, it is believed that this proposal is acceptable and satisfies the requirements of the relevant policies as noted above.

7. Recommendation:

- 7.1 To approve in accordance with the following conditions:-
1. Five years.
 2. In accordance with the plans.
 3. Agree materials/colour for the external walls.