

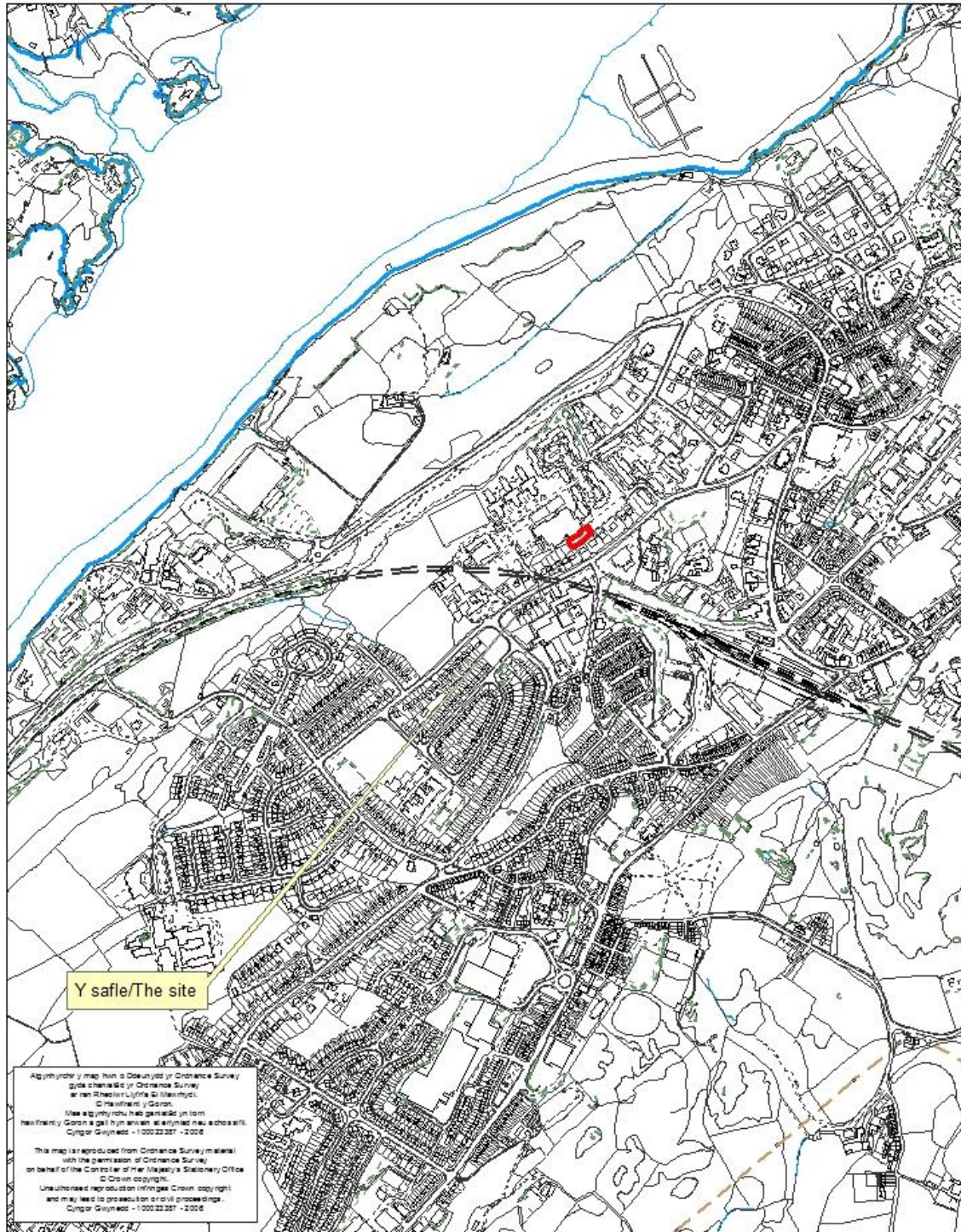
PLANNING COMMITTEE	DATE: 18/05/2015
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	DOLGELLAU

Number: 5



Rhif y Cais / Application Number : C14/1234/11/LL

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Application Number: C14/1234/11/LL
Date Registered: 09/02/2015
Application Type: Llawn - Cynllunio
Community: Bangor
Ward: Menai (Bangor)

Proposal: CADW LLAWR CALED A LLOCHES BEIC BWRIADEDIG
Location: MAES GLAS, CANOLFAN BRAILSFORD, FFRIDDOEDD ROAD, BANGOR,
GWYNEDD, LL57 2EH

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

1. Description:

- 1.1 This application is a part retrospective application for the retention of slate waste hard standing area and proposed bike stand on a site in front of Canolfan Brailsford which forms part of the Bangor University campus off Ffriddoedd Road, Bangor.
- 1.2 The proposal includes the retention of the existing slate waste hardstanding which is located near Canolfan Brailsford and which measures approximately 37m by 9.5m. It is intended that the retention of the slate waste hardstanding will allow the University to hold events at the site in the future. The application also includes a proposed bike stand near the entrance to the building measuring approximately 2m by 2m to a height of 2.1m with polycarbonate roof.
- 1.3 The proposal also involves the siting of 8 bollards along the north easterly side of the slate waste area and will be placed approximately 1.5m apart to a height of 550mm. The first two posts near the bike stand are drop bollards for emergency vehicles to enter the site. The bollards are proposed so as to prevent vehicles from parking on the slate waste area
- 1.4 An existing car parking area is located to the north east of the application site, and there are a number of private residential properties at lower level fronting Ffriddoedd Road, to the south east of the site. There is an existing hedge along the south eastern and south western boundary of the site. The area has been used as ad-hoc car parking in the past.

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 in accordance with the Development Plan, unless material planning considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

2.2 Gwynedd Unitary Development Plan 2009:

STRATEGIC POLICY 6 - LAND REDEVELOPMENT AND REUSE - Priority will be given to making appropriate and suitable use of previously developed land, which is suitable for development, or buildings that are vacant or not used to their full potential. Development should make the most efficient and practicable use of land or buildings in terms of density, siting and layout.

POLICY B22 - BUILDING DESIGN - Promote the design of good buildings by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES - Safeguard the amenities of the local area by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

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POLICY B25 - BUILDING MATERIALS - Safeguard the visual character by ensuring that the building materials are of high standard and in keeping with the character and appearance of the local area.

POLICY C3 - RE-USING PREVIOUSLY DEVELOPED SITES - Proposals which give priority to the use of land or buildings previously developed and located within or adjacent to development boundaries will be permitted if the site or the building and use are appropriate.

POLICY CH30 - ACCESS FOR ALL - Refuse proposals for residential, business/commercial units or buildings/facilities for public use unless it can be shown that full consideration has been given to the provision of appropriate access for the widest possible range of individuals.

POLICY CH31 - PROVIDING FOR CYCLISTS - Development proposals which do not provide specific facilities for cycling where there are obvious opportunities for doing so will be refused.

POLICY CH33 - SAFETY ON ROADS AND STREETS - Development proposals will be approved if they can conform with specific criteria regarding the vehicular entrance, standard of the existing road network and traffic calming measures.

POLICY CH39 - FURTHER AND HIGHER EDUCATION DEVELOPMENT - Proposals for specific developments on further or higher education sites will be permitted if they conform with specific criteria related to amenity and highways and also the character of the area and accessibility of the site for different modes of travel.

2.3 **National Policies:**

Planning Policy Wales (Edition 7, July 2014)

Technical Advice Notes (TAN):

TAN 12: Design

TAN 18: Transport

3. **Relevant Planning History:**

3.1 Application C13/0340/11/LL - To erect a roof over existing tennis and netball course together with the erection of a link extension and associated plant store – approved 08.05.13

3.2 Application C13/0661/11/LL - Erection of extension, entrance canopy, fire stairs and alterations to some openings – approved 03.10.13

3.3 Application C15/0086/11/LL - Provision of 5 modular buildings for the storage of ancillary sports equipment – currently being considered

3.4 As well as the above applications there are numerous other historical applications pertaining to the site as a whole.

4. **Consultations:**

Community/Town Council:

Recommend refusal – The City Council is of the opinion that the proposed development detrimentally affects the amenities of the area and the residential properties adjoining the site. It is also of the opinion that the grassed area should be re-instated.

Transportation Service

The development is not considered to have an adverse effect on any highway, or proposed highway

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Public Consultation:

A notice was posted on the site and nearby residents were informed. The period of public consultation has expired and objections were received on the grounds of:

- Was previously informed by the University that the slate waste hard standing was to be removed and grass reinstated when the temporary containers were removed from site.
- Coaches, Lorries and various other vehicles parking on site on regular basis.
- The use of land for temporary events and folding of tarpaulins will cause more noise than there is existing from the site together with noise emanating from the vehicles which is disturbing the amenities of neighbouring properties.
- Existing fire exit granted on previous application being blocked by the parking of vehicles and the proposed events.
- Unsightly and maintenance of the site.
- Existing bike stands within the grounds that are not being used.
- Effect of noise and air pollution on neighbouring residential properties.
- Concerns that the site will be used as a car park, sufficient parking existing on the site
- The land subject to the permission was previously undeveloped despite the noted policies by the applicant referring to previously developed land.

5. Assessment of the material planning consideration:

5.1. Additional information

5.1.1 This is a part retrospective application following complaints received by the Enforcement Unit that the land to the south east of the main entrance to Canolfan Brailsford, and to the rear of the residential properties fronting Ffriddoedd Road, was being used as a car park for the parking of vehicles and buses. A previous planning application was granted for improvements to the centre and during the construction period an area of hardstanding to site containers was established under permitted development rights (in accordance with the Town and Country Planning (General Permitted Development) Order 1995). This allows the siting of movable structures on land adjoining a development site for the duration of any work, provided that once work is completed, all movable structures are removed and the land reinstated to its original condition. The containers have been removed but the hardstanding remains, and is now the subject of this application, together with proposed bike stand.

5.2 The principle of the development

5.2.1 The site is located within the development boundary of Bangor, and the curtilage of the centre itself, and can be defined as previously developed land. However, despite being classed as a previously developed land, the site previously provided green open space which also acted as a buffer between the existing development and adjoining residential properties at lower level to the south east.

5.2.2 It is considered that the development complies with the general requirements of strategic policy 6 and policy C3 of the GUDP which encourages and supports proposals which re-use previously developed land located within or near development boundaries. However, whilst the application accords with these two policies full consideration must be given to the other policies referred to in section 2.2 of this report as well as any other relevant material planning considerations.

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5.3 Visual amenities

5.3.1 Canolfan Brailsford is a sport and leisure centre which is used by students and members of the public. The application site is located to the south east of the main entrance, and between the centre and adjoining residential properties, which lay at a lower level fronting Ffriddoedd Road. There is an existing hedgerow between the application site and those residential which extends to approximately 1.8 metre in height on average, together with further mature trees to the south west.

5.3.2 Neither the hardstanding nor proposed bike stand are readily visible beyond the university campus, and therefore do not have a detrimental effect on the visual amenity of the area. It is considered that the development is acceptable in terms of visual amenities, given its location, size, form and appearance, and it does not have an unacceptable detrimental effect on the form and character of the surrounding townscape, or the local or historical environment. In addition, it is not considered that the distinctive visual character of the area will be diminished by the use of the proposed building materials. The development is therefore not in conflict with policies B22 and B25 of the GUDP.

5.4 General and residential amenities

5.4.1 Concerns have been expressed by adjoining residents that the land will be used for the parking of vehicles. A letter from the University has been included in the Design and Access Statement (DAS) stating there is no intention to use the hardstanding for car parking, and that bollards will be erected to prevent access for that purpose. There is, however, an intention to use the area for outdoor 'events'. Clarification was sought from the applicant's agent as to the nature of these 'events', and a reply was received stating that the types of events to be held would include Health Centre related events, events by students for advertising their societies and events to other students; and an open day meeting place for guided tours. It is not intended for such events to be held on a regular basis, and are more likely to be held on days such as open days or when other facilities around the campus have overspill.

5.4.2 Evidence has been submitted from local residents clearly showing that the area has been used for parking of vehicles as recently as the end of March 2015. Because the adjoining residential properties sit at a lower level from the application site, both the unauthorised vehicle parking and the intended 'events' use encourages unacceptable overlooking of those properties, despite the existence of the boundary hedge, and which in turn affects the residents' privacy and their enjoyment of their properties. In addition, it is likely that unacceptable higher noise levels may be generated because of the proximity of the application site to the residential properties, and the existence of the boundary hedge is unlikely to subdue noise and disturbance generated by such events to a level which would not be considered detrimental to amenities of adjoining residents.

5.4.3 In order to try and resolve this unacceptable aspect of the development, it is considered that conditions should be attached to any permission preventing the hardstanding area from being used as a vehicle parking area, or for the holding of any outdoor event, function or activity. In the event of such conditions being imposed, this would overcome any planning objection to the application, and would result in an acceptable form of development, and one which would not be in conflict with Policy B23 of the GUDP.

5.5 Transport and access matters.

5.5.1 There is existing vehicular parking adjacent to the centre, and a regular bus service runs along Ffriddoedd Road. The present application introduces a bike store for the site so that cyclists can reach the centre without having to revert to the use of motor vehicles.

5.5.2 The bike stand will consist of clear plastic cladding on a steel frame; this will ensure clear visibility for security. It is sited by the entrance of the building on a slate waste hardstanding.

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The bike stand is located approximately 25 metres from the nearest residential property and therefore will unlikely create any overlooking and its visual intrusion will be minimal. There are other bike stands on the campus, and a clear and safe access into the site for cyclist is already in existence. Such a provision is to encouraged and as a result, it is considered that the proposal satisfies the requirements of Policy CH31 of the GUDP

5.5.3 The Transportation Service has no objection to the proposal. The provision of a bike stand ensures that there is access to the site for a wide range of users. It is therefore considered that the proposal complies with the requirements of Policies CH30, CH31, CH33 and CH39 of the GUDP.

5.6 Response to the public consultation

5.6.1 One of the main concerns of adjoining residents is that the site has been used for the parking of vehicles and coaches which resulted in noise emanating from the site, and also air pollution from the running of engines, resulting in a detrimental affect on residents' amenities and the enjoyment of their properties. The proposed use of the land for temporary events will also create noise and disturbance and will lead to unacceptable overlooking and noise impact, due to the significant difference in levels between the application site and the adjoining properties.

5.6.2 Complaints about the site being used for the parking of motor vehicles were received prior to the submission of the current application. This use has now ceased as temporary fencing has been erected. However, it is intended to erect bollards along the site boundary to provide a more permanent barrier to stop vehicles from using the site for parking purposes in the future. Evidence has been submitted to show that the unauthorised parking use was continuing as recently as March 2015. Therefore, in order to prevent any future disturbance to adjoining residents, it is recommended that the bollards should be installed as soon as possible in order to make the situation acceptable in planning terms.

5.6.3 The holding of events on the site is considered to be unacceptable because it would create noise and disturbance and therefore significantly harm the privacy of nearby properties. In addition to including a condition preventing the use of the land for the parking of vehicles, a condition can also be attached which prohibits the use of the site for the holding of any event, function or activity.

6. Conclusion:

6.1 The objections from local residents have received full consideration as noted above. Based on the above assessment, and having considered all the relevant matters, including the objections, it is considered the application complies with the vast majority of the local and national policies and guidelines noted in the assessment. However, there are concerns relating to issues regarding overlooking and unacceptable noise generation that the resultant use would have on the amenities of adjoining residents contrary to Policy B23 of the GUDP. In order to overcome these concerns, it is considered there should be conditions included in any approval to ensure that the boundary hedge is retained at all times; that the proposed bollards are installed within 1 month of the date of permission and retained thereafter, and that the use of the hardstanding area for vehicle parking, or for the holding of events, functions or activities, is prohibited.

7. Recommendation:

7.1 Approve – conditions -

1. In accordance with plans
2. Hedge to be retained
3. Bollards to be erected within 1 month
4. The hard standing area not to be used for the parking of vehicles at any time.
5. The site shall not be used for any form of event, function or open air activities.