
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/4/16

**gan Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 24.05.16

Appeal Decision

Site visit made on 18/4/16

**by Declan Beggan BSc (Hons) DipTP
DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 24.05.16

Appeal Ref: APP/Q6810/A/16/3143218

Site address: Railway Institute, Euston Road, Bangor, Gwynedd, LL57 2YP

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kingscrown Properties Limited against the decision of Gwynedd Council.
 - The application Ref C15/0533/11/LL dated 28 May 2015, was refused by notice dated 21 October 2015.
 - The development is described as 'Proposed demolition of existing building and erection of a three storey student accommodation apartment building to create a total of 27 nr apartments comprising 6 nr one bedroomed Penthouse Apartments, 2 nr self-contained Penthouse Studio Apartments, 15 nr self-contained Studio Apartments and 4 nr Cluster Apartments with 4 bedrooms including communal areas for each Cluster; including the relocation of the pavement along the main frontage along Euston Road to create a lay-by and off road parking for 7 vehicles; and including all associated works'.
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Decision

1. I allow the appeal and grant planning permission for the 'Proposed demolition of existing building and erection of a three storey student accommodation apartment building to create a total of 27 nr apartments comprising 6 nr one bedroomed Penthouse Apartments, 2 nr self-contained Penthouse Studio Apartments, 15 nr self-contained Studio Apartments and 4 nr Cluster Apartments with 4 bedrooms including communal areas for each Cluster; including the relocation of the pavement along the main frontage along Euston Road to create a lay-by and off road parking for 7 vehicles; and including all associated works' at the Railway Institute, Euston Road, Bangor, Gwynedd, LL57 2YP in accordance with the terms of the application, Ref. C15/0533/11/LL, dated 28 May 2015, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. The application as submitted referred to the demolition of the existing building on the appeal site, however, the Council have confirmed that this element of the application has been dealt with by way of a prior notification application and therefore no longer forms part of the proposed works. In addition the Council have confirmed that the submission of amended plans prior to their determination resulted in the proposal no
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longer providing for parking for 7 vehicles. The amended plans also removed from the scheme the need for the relocation of the footway; it is on this basis that I have considered the proposal.

3. The proposed development was considered by the Council's Planning Committee on 19 October 2015 where Members resolved contrary to the officers recommendation to refuse planning permission. The Council's refusal reason refers to the proposal being 'tantamount to the overdevelopment of the site which consequently would be likely to have a detrimental effect on the amenities of the local residents and area, which is contrary to the requirements of policy B23 of the Gwynedd Unitary Development Plan which safeguards the amenities of neighbouring properties and which ensures that proposals do not overdevelop the site'.

Main Issue

4. The main issue in this case is the effect of the proposal on the living conditions of nearby residents with particular reference to noise, disturbance, and overdevelopment of the site.

Reasons

5. The irregular shaped appeal site is located along Euston Road within the centre of Bangor City. The appeal site is located within a predominately residential area; however it lies directly adjacent to a commercial area that includes a postal sorting office and Bangor train station. At the time of my inspection remnants of the demolished structure that used to occupy the site were evident. Residential properties in the general area comprise of a mix of design and materials, however, are generally two storey terraces under slates roofs. The ground level of the site sits below the level of Euston Road. Levels along Euston Road vary considerably in a north to south direction, which reflects the general nature of land levels in the wider area.
6. The Council argue that the number and density of the units proposed is tantamount to the over development of the site which in close proximity to existing dwellings is likely to have a detrimental effect on the amenities of existing residents by virtue of general noise and disturbance, with such activities including music or social activity that may be boisterous or noisy. However as noted in the Council's planning committee report related to the application, whilst the site is mainly located within a residential area, nonetheless it is also on the outskirts of a commercial area which includes a sorting office, a railway station and an oil storage depot. These other business activities will generate a degree of noise and activity that is likely from time to time to be over and beyond what is normally expected in an exclusively residential area. I note the Council's Public Protection Officer did not respond to the proposal when the application was presented to the Council's planning committee, nor has raised any objections in regards to noise related concerns as part of the Council's appeal submission.
7. I also note the application details submitted to the Council include reference to a 'Student Management Plan' (SMP) which states, amongst other matters, that students will occupy the building under the terms of a 'Licence Agreement' which covers matters such as anti-social behaviour including excessive noise. In addition the SMP refers to windows being fitted with restricted opening positions to control noise transmission, the installation of internal and external CCTV to deter anti-social behaviour and the provision of a 24 hour phone line to allow concerned neighbours to report noise related issues.

8. Whilst student accommodation has the potential for a degree of noise or disturbance that may be likely on occasion to be higher than activity associated with ordinary residential occupation, nonetheless, if that student occupation within the site results in a noise nuisance on any regular basis then there are other legislative controls to restrict such anti-social behaviour. Contrary to the Council's opinion, I consider the number of units proposed is relatively modest. Having regard to the fact that the development is set back within the site, is separated from the majority of existing properties by intervening roads, and that the pedestrian access to the building is limited to only two points along Euston Road, I consider the likelihood of anti-social behaviour by students either within the building or outside would be likely to be minor, and unlikely to add unacceptably to levels of general disturbance, bearing in mind the site's proximity to the existing business activities.
9. The Council refer to the amenities of Nos. 11 & 12 Euston Road being particularly compromised as a result of the proposed development. Whilst these properties are closest to the site, nonetheless, the windows from the development that are in immediate proximity of the side and rear elevations of Nos. 11 & 12 are orientated away from these elevations, whilst other windows are sited at oblique angles, with the majority located at a lower level to the properties; the design of the building therefore minimises any impact of potential noise and disturbance that may occur from within it. Bearing in mind the above findings, I therefore consider that these properties are no more likely to be materially detrimentally affected by noise and disturbance than any other property in the locality.
10. The Council's appeal statement provides little in the way of detailed explanation as to the actual harm to local residents caused by the proposed development in regards to the over development of the site. I note that the planning committee report related to the application did not raise any concerns regarding over development of the site. I appreciate that the footprint of the proposed development is larger than the building that previously occupied the site, however to my mind this increase is not excessive and broadly follows the same relationship to the plot boundary as the previous structure. The proposed development is set back from the adjacent road, and whilst it is three storey in height, nonetheless the stepped nature of the design following the adjacent road levels, which when considered in conjunction with the overall footprint, results in a form of development that is broadly reflective of the adjacent terraced dwellings. Due to the relatively modest overall increase in footprint of the proposed development, the fact that it broadly maintains the existing relationship of built form to the site boundaries and to nearby properties as previously existed, the stepped nature of the development, and the extent of site that will not be built upon to the rear, I do not consider it would constitute over development of the site, or would result in any material detriment to existing amenities.
11. I therefore conclude the proposed development is not considered to constitute over development of the site nor would result in any material detriment to the amenities of existing residents in terms of noise or disturbance. In this respect the proposal complies with policy B23 of the adopted Gwynedd Unitary Development Plan 2001-2016 which seeks to safeguard the amenities of neighbouring properties, and which also seeks to ensure that development proposals do not lead to over development of sites.

Other Matters

12. Concerns have been raised that the proposed development would lead to overlooking. I note the Council have not raised the issue of overlooking in their appeal submission

and state in the planning committee report that relates to the application that the proposed development is not considered likely to cause direct or substantial overlooking of adjacent properties; based on my observations on site, and the orientation and separation distances of windows serving the proposed development, I have no reason to take a different view from that expressed by the Council in their planning committee report.

13. Concerns have been raised that the site does not provide on-site car parking spaces and instead will utilise spaces on the public highway that are currently used by residents and visitors to the area. The Council state the public road adjacent to the site is wide enough to accommodate parking provision for the proposal and that such provision will be restricted to 1 hour; to my mind such a provision would still allow residents and visitors the opportunity to park on the highway subject to any restrictions the Council may impose under other legislation.

Conditions

14. I have considered the conditions suggested by the Council, given my decision to allow the appeal. In doing so I have had regard to the tests for conditions set out in Circular 16/14: *The Use of Planning Conditions for Development Management*.
15. I agree that condition 1 is necessary in regards to the imposition of the five year time limit. Condition 2 is necessary as it relates to the listing of the approved plans and documents to facilitate any minor material amendments, and to define the plans with which the scheme should accord for the avoidance of doubt. Conditions 3 & 4 are necessary in the interests of visual amenity. Conditions 5, 6, 7 & 8 are necessary in the interests drainage; I have reworded condition 8 in the interests of precision. Conditions 9 & 10 relate to landscaping matters and are necessary in the interests of visual amenity.

Conclusion

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Declan Beggan

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than five years from the date of this decision.
2. The development hereby permitted shall be carried out in strict conformity with the details shown on the plan(s) numbered 03#01, 05A, 04A, 06A, 01#, 07#, 14J227/001, 02#, and Green Man Protected Species Survey (19.06.2015) submitted to the Local Planning Authority, and contained in the form of the application and in any other documents accompanying such application unless condition(s) to amend them is/are included on this decision notice.
3. The roof of the building shall be covered with new natural Welsh slates, the colour of which shall be agreed in writing by the Local Planning Authority or with slates of equivalent colour, texture and weathering characteristic as may be approved in writing by the Local Planning Authority.

4. The external finish of the building shall be as agreed in writing with the Local Planning Authority before any work is commenced in connection with this approval.
5. Foul and surface water discharges shall be drained separately from the site.
6. No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
7. Land drainage run-off shall not be permitted to discharge either directly or indirectly into the public sewerage system.
8. No development shall commence until details of a scheme for the comprehensive and integrated drainage of the site relating to foul/surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the building and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
9. Before any development commences a landscaping and tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development.
10. All planting, seeding or turfing comprised in the approved details of landscaping and tree planting shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.