

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

AREA 1 DEVELOPMENT CONTROL COMMITTEE

At: Council Chamber - Civic Centre, Swansea

On: Tuesday, 19 August 2014

Time: 2.00 pm

Members are asked to contact Ian Davies (Team Leader) on 635714 should they wish to have submitted plans and other images of any of the applications on this agenda to be available for display at the Committee meeting.

AGENDA

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1 Apologies for Absence.	
2 Disclosures of Personal and Prejudicial Interests.	1 - 2
3 Minutes. To approve as a correct record the Minutes of the Meeting of the Area 1 Development Control Committee held on 22 July 2014.	3 - 8
4 Items for deferral / withdrawal.	
5 Determination of planning applications under the Town and Country Planning Act 1990.	9 - 30



Patrick Arran
Head of Legal, Democratic Services & Procurement
Tuesday, 12 August 2014

Contact: Democratic Services – 01792 636820

**ACCESS TO INFORMATION
LOCAL GOVERNMENT ACT 1972 (SECTION 100) (AS AMENDED)**

(NOTE: The documents and files used in the preparation of this Schedule of Planning Applications are identified in the 'Background Information' Section of each report. The Application files will be available in the committee room for half an hour before the start of the meeting, to enable Members to inspect the contents).

AREA 1 DEVELOPMENT CONTROL COMMITTEE (35)

Labour Councillors: 25

John C Bayliss	Erika T Kirchner
Uta C Clay	Andrea S Lewis
Sybil E Crouch	Clive E Lloyd
Nick J Davies	Paul Lloyd
Phil Downing	Penny M Matthews
C Ryland Doyle	Hazel M Morris
V Mandy Evans	Byron G Owen
Robert Francis-Davies	Neil M Ronconi-Woollard
Fiona M Gordon	Paulette B Smith
Joe A Hale	Ceinwen Thomas
Jane E C Harris	T Mike White
Terry J Hennegan	Lesley V Walton
Beverly Hopkins	

Liberal Democrat Councillors: 6

Chris A Holley	Paul M Meara
Jeff W Jones	John Newbury
Richard D Lewis	L Graham Thomas

Independent Councillors: 4

Keith E Marsh	D Gareth Sullivan
Ioan M Richard	Gordon D Walker

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE AREA 1 DEVELOPMENT CONTROL COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
TUESDAY 22 JULY 2014 AT 2.00 P.M.

PRESENT: Councillor R Francis-Davies (Chair) presided

Councillor(s):

J C Bayliss
U C Clay
S E Crouch
N J Davies
P Downing
F M Gordon
J A Hale
D J Hennigan

Councillor(s):

B Hopkins
J W Jones
E T Kirchner
A S Lewis
C E Lloyd
P Lloyd
P M Meara
J Newbury

Councillor(s):

B G Owen
I M Richard
P B Smith
L G Thomas
G D Walker
L V Walton
T M White

15. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C R Doyle, C A Holley, K E Marsh, D G Sullivan and C Thomas.

16. **DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor R Francis-Davies - Minute No. 19 - Planning Application No. 2014/0628 - 82, The Kingsway, Swansea - Shareholder in Picton Arcade (Swansea) Ltd - personal.

17. **MINUTES**

RESOLVED that the Minutes of the meeting of the Area 1 Development Control Committee held on 24 June 2014 be approved as a correct record subject to the following amendment:

Minute No. 11

Add the following interest for Councillor R Francis-Davies - Minute No. 14 (Item 2 - Application No. 2014/0076) - one of the objectors is known to me - personal.

Minutes of the Meeting of the Area 1 Development Control Committee
(22.07.2014) Cont'd

18. **ITEMS FOR DEFERRAL/WITHDRAWAL**

There were none.

19. **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990**

The Head of Economic Regeneration and Planning submitted a series of planning applications. Amendments to this schedule were reported and are indicated below by (#).

RESOLVED that:

- (1) the undermentioned planning applications **BE APPROVED** contrary to recommendations for the reasons indicated below:

(Item 1) Application No. 2014/0615

Change of use of ground floor into two self-contained flats with external alterations at 80 Oxford Street, Swansea.

Mrs Waygood (Applicant) addressed the Committee.

(**NOTED** a correction of a typing error in paragraph 2, line 4 on page 13. The year should be "2012" not "2010".)

The officer recommendation of refusal was not accepted as the proposal was considered to improve community sustainability and cohesion.

Application approved contrary to recommendations subject to the following conditions:

The development hereby permitted shall begin not later than five years from the date of this decision.

Reasons

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Minutes of the Meeting of the Area 1 Development Control Committee
(22.07.2014) Cont'd

2. Before the development hereby permitted begins arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that no resident of the additional flat shall obtain a residents parking permit within any controlled parking zone which may be in force.

Reason

In the interest of highway safety.

(Item 2) Application No. 2014/0745

Part first floor, part single storey rear extension at 23 Vincent Street, Swansea.

Mr L Thomas (Applicant) addressed the Committee.

Recommendation of refusal not accepted as the proposal was not considered to have an unacceptable impact on the residential amenity of adjoining occupiers.

Application approved contrary to recommendation subject to the following conditions:

1. The development hereby permitted shall begin not later than five years from the date of this decision.

Reason

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external finishes used in the development hereby approved shall match those of the existing building.

Reason

In the interest of visual amenity.

Minutes of the Meeting of the Area 1 Development Control Committee
(22.07.2014) Cont'd

(Item 3) Application No. 2014/0737

Change of use of ground floor garage to a self-contained flat at 14a Brynmill Avenue, Brynmill, Swansea.

Mr G Carlisle (Agent) addressed the Committee.

Recommendation of refusal not accepted as the benefits of the visual amenity of the area as a result of the proposed development were considered to outweigh any harm to highway safety.

Application approved contrary to recommendations subject to the following conditions:

1. The development hereby permitted shall begin not later than five years from the date of this decision.

Reasons

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until a scheme for the reinstatement of the footway to the front of the property has been submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be undertaken in accordance with the approved plans prior to the use hereby approved commencing.

3. In the interests of pedestrian and highway safety.

(2) the undermentioned planning applications **BE APPROVED** for the reasons indicated below:

(Item 5) Application No. 2014/0628

Change of use from a bank (Class A2) to café/take-away (Class A3) at 82, The Kingsway, Swansea.

Recommendation of approval accepted subject to the following additional condition:

Minutes of the Meeting of the Area 1 Development Control Committee
(22.07.2014) Cont'd

4. The premises shall not be open for customers outside of the following hours: Monday - Saturday: 08:00 hours - 01:00 hours the following morning; Sundays: 08:00 hours - midnight.

Reasons

1. In the interests of the residential amenity of current and future occupiers of the nearby area.

(3) the undermentioned planning applications **BE REFUSED** for the reasons indicated below:

(Item 4) Application No. 2014/0764

Change of use from residential (Class C3) to seven bed HMO at 4, Rosehill Terrace, Swansea.

Recommendation of approval not accepted.

Application refused contrary to recommendation for the following reasons:

Reasons

1. The proposal fails to provide adequate off-street parking provision in accordance with adopted parking standards and would result in additional pressure for on-street parking, including existing residents only parking areas, within the vicinity of the site to the detriment of highway safety and the free flow of traffic, contrary to Policies EV1, HC5 and AS6 of the City and County of Swansea Unitary Development Plan.

2. The proposed development, by virtue of the number of bedrooms, represents an over intensive use of the building, and would have a detrimental impact upon the residential amenities of the occupiers of neighbouring properties by virtue of general noise and disturbance. The proposal is therefore contrary to Policies EV1 and HC5 of the Unitary Development Plan 2008.

Minutes of the Meeting of the Area 1 Development Control Committee
(22.07.2014) Cont'd

- (4) the undermentioned planning application **BE REFERRED** to the **DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE** with a recommendation that the application be **APPROVED** for the reasons indicated below:

(Item 6) Application No. 2014/0765

Construction of retail unit (Class A1) (amendment to Planning Permission No. 2013/1616 granted for the construction of four retail units (Class A3) with associated works) at land at Heron Way, Swansea Enterprise Park, Swansea.

In accordance with the recommendation, the application be referred to the Development Management and Control Committee with a recommendation that the application be approved, subject to the following conditions and the applicant entering into a Section 106 planning obligation to provide a contribution of £25,000 to fund regeneration initiatives within Morriston District Centre and subject to the following additional condition:

7. The development hereby approved shall be constructed in conjunction with the adjoining units (units 2-4), as shown on Approved Plan SP311(G)-P106 and shall not be a stand alone structure.

Reason

To ensure the development is implemented as part of a wider scheme to develop the site and to ensure adequate infrastructure to serve the development is provided.

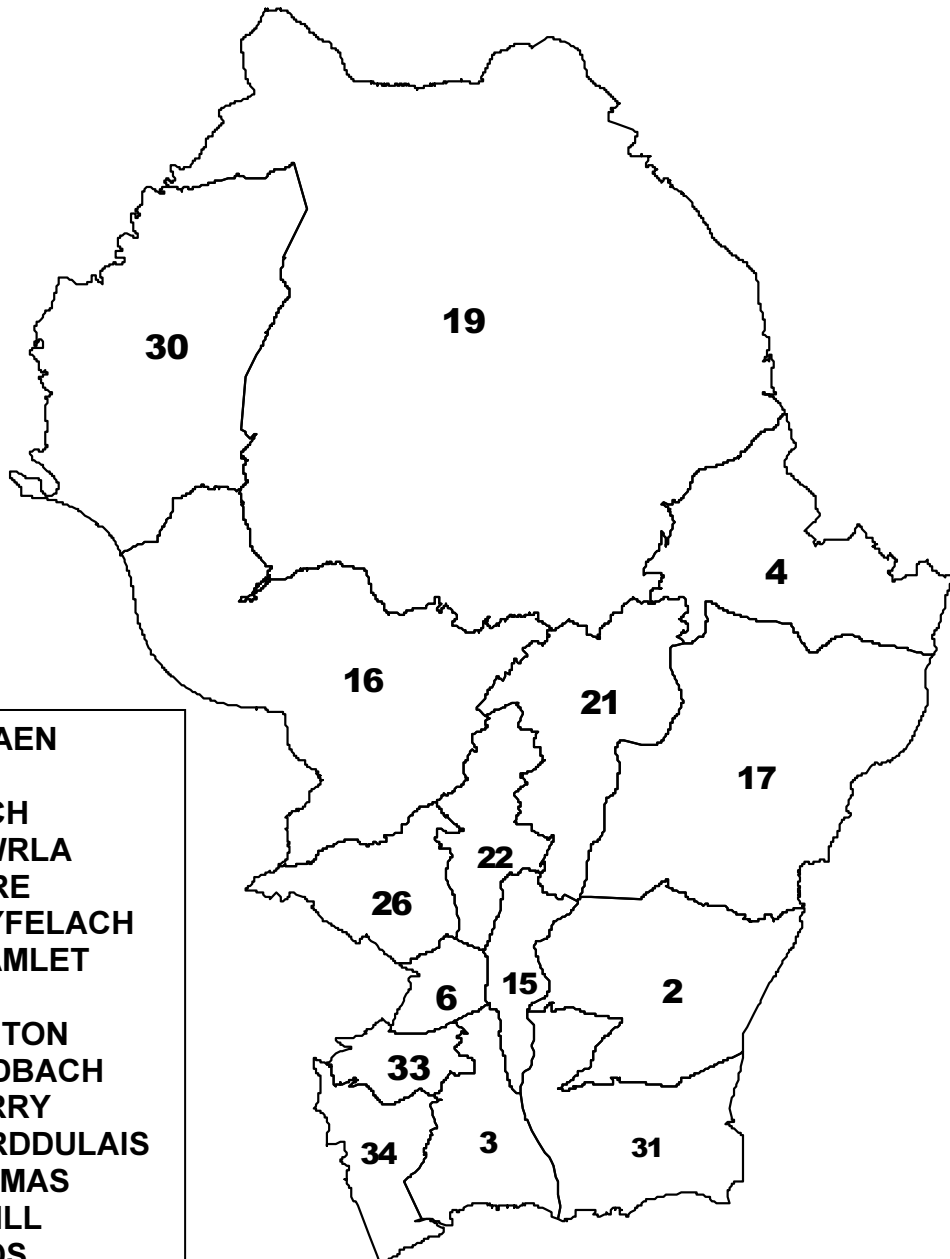
The meeting ended 3.00 p.m.

CHAIR

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration & Planning to Chair and Members
of
Area 1 Development Control Committee

DATE: 19th AUGUST 2014



- 2. BONYMAEN
- 3. CASTLE
- 4. CLYDACH
- 6. CWMBWRLA
- 15. LANDORE
- 16. LLANGYFELACH
- 17. LLANSAMLET
- 19. MAWR
- 21. MORRISTON
- 22. MYNYDDBACH
- 26. PENDERRY
- 30. PONTARDDULAIS
- 31. ST. THOMAS
- 33. TOWNHILL
- 34. UPLANDS

Phil Holmes
BS(Hons), MSc, Dip Econ
Head of Economic Regeneration & Planning



TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members. The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 89 and 90 of the Constitution) will need to be reported to Planning Committee and this report will include any appropriate conditions/obligations.

The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2014/0892	Plot 22 (no. 38) Ladysmith Road Treboeth Swansea SA5 9DL Retention and alteration of detached dwelling house on Plot 22 (amendment to planning permission 2007/0230 granted on appeal 21st July 2008)	APPROVE
2	2014/0589	278 Oystermouth Road, Swansea SA1 3UH Change of use from a guest house (Class C2) to a 10 bed HMO	APPROVE
3	2014/0819	The Bayswater, 322 Oystermouth Road, Swansea SA1 3UJ Change of use from a guest house (Class C2) to a 7 bed HMO, replacement ground floor door with a window, and blocking up of one ground floor window on side elevation	APPROVE

ITEM 1

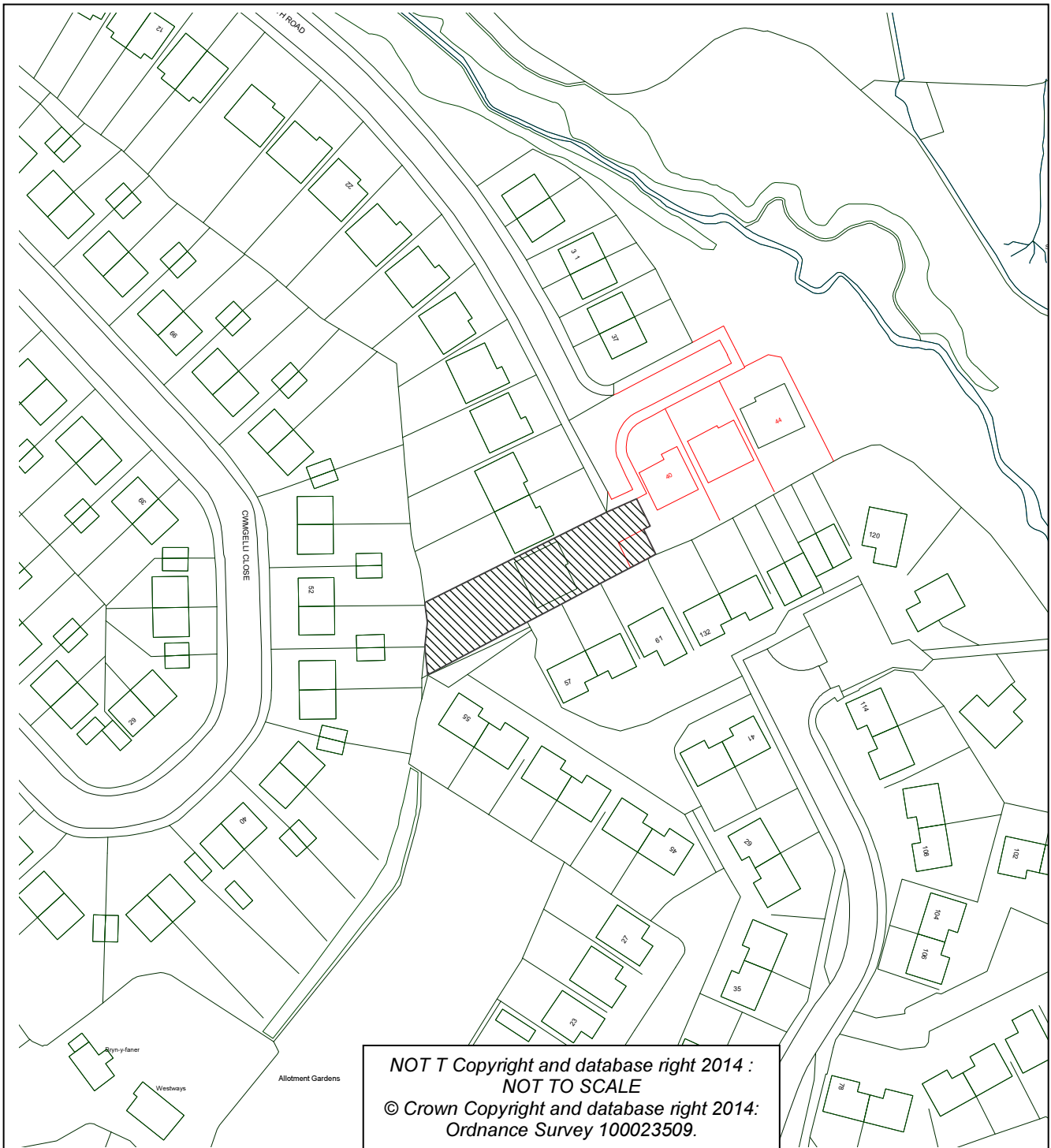
APPLICATION NO. 2014/0892

WARD: Mynyddbach
Area 1

Location: Plot 22 (no. 38) Ladysmith Road Treboeth Swansea SA5 9DL

Proposal: Retention and alteration of detached dwelling house on Plot 22
(amendment to planning permission 2007/0230 granted on appeal 21st
July 2008)

Applicant: Mr Jonathan Hale



BACKGROUND INFORMATION**POLICIES**

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, loss of residential amenity, adverse effect on the character and appearance of the area, loss of urban green space, harm to highway safety, adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2007/0230	Residential development comprising 31 dwelling houses with new access road and associated landscaping Decision: Refuse Decision Date: 15/01/2008
2010/0553	Three pairs of semi-detached dwellings to plots 5 to 10, access road and associated works (amendment to planning permission 2007/0230 granted at appeal 21st July 2008) Decision: Grant Permission Conditional Decision Date: 19/10/2010
2012/0580	Amended plot layout and amended house types on plots 18,19, 21 and 30 (approved plots 19 - 22) (amendment to planning permission 2007/0230 granted on appeal on 21st July 2008) Decision: Grant Permission Conditional Decision Date: 10/08/2012

- 2013/1304 Retention of dwelling on plot 22 (approved plot 23) (Amendment to Planning Permission 2007/0230)
Decision: Refuse
Decision Date: 09/12/2013
- 2008/2003 Revised house types to plots 1 to 3 and 31 and deletion of plot 4 (amendment to planning permission 2007/0230 granted at appeal 21st July 2008)
Decision: Grant Permission Conditional
Decision Date: 12/03/2009
- 2013/1122 Retention and completion of plots 23, 24 and 25 (approved plots 24, 25 and 26) (amendment to planning permission 2007/0230 allowed on appeal 21st July 2008)
Decision: Refuse
Decision Date: 09/12/2013

RESPONSE TO CONSULTATIONS

The application was advertised by site notice and eleven neighbours were consulted. SIX LETTERS OF OBJECTION have been received raising the following concerns:

1. Concerns the proposed amendments would not address the overbearing impacts, loss of privacy and loss of natural light to the occupiers of properties at Gelli Aur.
2. Concerns the design of the dwelling would not be in keeping with the remainder of the development.
3. Concerns the proposal would de-value neighbouring properties.

Highway Observations

Proposals are for the retention and alteration of a detached dwelling house on Plot 22 (amended planning permission 2007/0230 granted on appeal 21st July 2008). Parking provision is unaffected by the amendments. There are no highway objections.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Ceinwen Thomas in order to consider the proposal having regard to the Planning Inspector's reasons for dismissing the appeal. A site visit to allow Members to fully consider the proposal has been requested.

Full planning permission is sought for the retention and alterations to the dwelling constructed on plot 22 (approved plot 23) at the Hale Homes development on Ladysmith Road, Treboeth. The dwelling is completed and occupied.

The differences between the approved dwelling and the proposed dwelling to be retained are as follows:

- The floor level of the proposed dwelling is some 2.14m higher (approved 86.23, as built 88.37).
- The proposed dwelling is some 1.8 metres closer to the rear boundary of Nos. 57 and 59 Gelli Aur (approved some 3m metres from the boundary, as built some 1.2 metres).
- The proposed dwelling is sited some 3.5 metres to the south west of the approved siting i.e. closer to the rear boundary of the plot.
- The garage siting has moved some 3.2m to the south west from that approved and the rear wall of the garage would be some 0.4m closer to the rear boundary of No. 132 Gelli Aur.
- Minor alterations to the fenestration and the provision of quoin details.
- The provision of a hipped roof to the southern gable.

The fundamental difference between the current planning application and the previous refusal is the provision of a hipped roof to the southern elevation in order to try to address the Planning Inspector's reasons for dismissing the appeal on residential amenity grounds.

This planning application has been submitted following the refusal of a previous application to retain the dwelling as built (2013/1304 refers). This application was refused at the Area 1 Planning Committee on 3rd December 2013. The applicant appealed this decision and the appeal was dismissed 29th May 2014.

In the appeal decision the Inspector held the view that the development, by virtue of its close proximity, coupled with the substantial height and depth of the gable elevation, results a dominant and oppressive form of development particularly when viewed from the rear garden area and rear habitable room windows at No. 59, thus causing material harm to the living conditions of the occupiers of No. 59 Gelli Aur. Moreover, the proposal would cause material harm to the outlook of the occupiers of No. 57.

The applicant's planning agent has submitted a Planning Statement in support of the application which discusses the levels issues in relation to this plot. In both the previous Committee Report and the Inspector's appeal decision it has been maintained that the dwelling on plot 22 has been constructed at a level 2.14 metres above the approved levels on the site. The slab levels of the buildings were approved by condition 9 of the original planning permission for the site (2007/0230 refers) which was granted on appeal in 2008. The Planning Statement contents that the information submitted to satisfy condition 9 was not correct and the applicant was not aware of this at the time. Instead the development was constructed at the levels shown on the plans previously approved on appeal (Ref. 2007/0230), albeit some 0.5 metres higher than the approved, according to the Planning Statement. Notwithstanding this, according to the information provided by the applicant's agent in support of the previous planning application, the dwelling has been constructed some 0.74 metres higher than the levels indicated on the approved 2008 plans. Clearly there is some contradictory information regarding the height as constructed against the height as approved at appeal and as approved by condition.

Irrespective of this, both the decision by the Council to refuse the previous planning application and the decision by the Planning Inspectorate to dismiss the appeal, were undertaken following observations of the dwelling and its relationship with neighbouring properties on site.

The main issues for consideration in this instance relate to whether the amendments to the dwelling proposed to be retained would sufficiently address the harm to the residential amenities of neighbouring occupiers identified in the Planning Inspector's appeal decision. In view of the amendments proposed to the roof of the dwelling, consideration must also be given to the impacts of the proposal on the character and appearance of the area. Finally, consideration must be given to the impacts on parking and highway safety.

The relevant City and County of Swansea Unitary Development Plan (UDP) Policies are EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility) and HC2 (Urban Infill Housing). Moreover, the Supplementary Planning Guidance (SPG) 'Places to Live: Residential Design Guide' is also a material consideration to this application. At the time the previous planning application was reported to the Area 1 Planning Committee the SPG had not been adopted and was considered to carry limited weight. However, the guidance was adopted January 2014 and was a material consideration in the Inspector's appeal decision.

Visual Amenity

The site lies within an area consisting primarily of detached and semi-detached properties with bungalows to the north of the site. The area is characterised by houses of a strongly unifying 1970s style that are set back from the street and this is reflected in the wider scheme that was approved on the site.

The principle considerations when assessing this application are the impacts that the proposal would have on the layout and character of the existing dwellings in the vicinity of the site and the visual impact the alterations would have on the character and appearance of the site that was approved at appeal.

In terms of the proposed hipped roof element, currently the dwelling has a duo-pitched gable roof with a front gable that accommodates a window serving a bedroom within the roof void. The proposed amendment would materially alter the appearance of the dwelling by removing a large portion of the roof structure on its southern side. The hip is proposed to be angled to accord with the pitch of the front gable, which will provide some continuity with this existing design feature. When viewed from the front and rear elevations the proposed alterations would result in a somewhat unbalanced design, however, the overall visual impact to the surrounding street scene would not be significant, by virtue of the siting of the dwelling in the south western corner of the development.

In terms of the minor alterations to the fenestration and the provision of quoin details, these elements were considered to be acceptable in visual amenity terms when the planning application was previously considered, as were the alterations to the siting and height of the dwelling.

In light of the above it is not considered the proposed amendments would have a significant detrimental impact on the character and appearance of the area, therefore, the proposal is considered to be satisfactory in terms of its visual impact having regard to UDP policies EV1, EV2 and HC2.

Residential Amenity

The above referenced SPG advises that a minimum distance of 15 metres should be achieved between existing windowed elevations and opposing proposed walls. It goes on to state that only where this relationship exists between two proposed dwellings can the separation be reduced to 12 metres. The Inspector noted in the appeal decision that whilst he would not wish to treat such figures as strict requirements, they provided a useful context for the development subject to the appeal and given that the appeal proposal would affect an existing dwelling, he considered that the 15 metre distance should, in this instance, form the starting point for the assessment.

The dwelling proposed to be retained, when compared to the approved dwelling, is higher and closer to the dwellings on Gelli Aur as described above. In addition, the relative position of the dwelling has changed in relation to these properties. Under the original planning permission the west side gable of the dwelling was sited mainly to the rear of No. 59, with only some 2m projecting past the side boundary of No. 57. The depth of the side gable of the dwelling to be retained is now generally bisected by the dividing boundary between Nos. 57 and 59.

Nos. 57 and 59 are stepped down to follow the drop in levels along Gelli Aur. The application drawings indicate that the floor level of the development is similar to that of No. 57, whereas the floor level of No. 59 is lower by some 0.83 metres.

Turning to the impact on No. 59, the Inspector observed that the dwelling as built results in a dominant and oppressive form of development, which would be particularly evident when viewed from the rear garden and rear habitable room windows and is exacerbated by the fact that No. 59 is stepped down to follow the drop in levels along Gelli Aur.

A separation of 12.2 metres is currently maintained from the rear elevation of No. 59 to the side gable of the dwelling to be retained. Clearly the floor level of the dwelling to be retained, its gable depth and the separation distance to the rear of No. 59 will not be affected by the proposed amendments. Notwithstanding this, it is considered the introduction of a hipped roof to the southern elevation would significantly reduce the dominant overbearing impact of the gable elevation to the occupiers of No. 59. The overall height of the dwelling some 1.2 metres from the boundary with No. 59 would reduce from its current height to the ridge of some 8.8 metres to 5.5 metres (a difference of 3.3 metres). The effect of the alterations would be to remove the significant height of the gable and its close proximity to rear garden boundary. Whilst the roof form would still be clearly visible from the rear garden and rear windows of No. 59 (as would be the case had the development been built in accordance with the approved plans) it is considered that the proposed hip roof alteration would, on balance, ensure that the development would not have a significant overbearing impacts to the occupiers of No. 59 when viewed from the garden or dwelling.

In making this assessment regard has been given to the fact that the gable does not project across the full width of the rear garden of No. 59, which reduces its overbearing impact, whereas the approved siting would have extended across the majority of the rear boundary (albeit at a lower level and some 3 metres from the rear boundary). It is considered this fact together with the mitigating effect of the hipped roof would justify a departure to the separation distances outlined within the SPG.

Turning to the impacts on No. 57, the Planning Inspector found that the dwelling as built causes material harm to the living conditions of the occupiers of No. 57 by reason of its overbearing and oppressive impact. Specifically referred to in the Inspector's decision is that the dwelling is located some 8 metres from the conservatory located at the rear of No. 57. Moreover, the revised siting of the dwelling some 3.5 metres to the rear of the appeal site has resulted in the occupiers of No. 57 being materially worse off relative to the previous scheme.

The garden level of No. 57 rises up towards the rear boundary to the extent that the top of the rear boundary fence is a similar height to the cill level of the first floor gable window. This situation does, to a limited degree, serve to reduce the massing of the gable elevation. As discussed above the floor level of the dwelling to be retained, its gable depth and the separation distance to the rear of No. 57 will not be affected by the proposed amendments. Notwithstanding this, it is considered that the introduction of a hipped roof to the southern elevation would significantly reduce the overbearing impact of the gable elevation to the occupiers of No. 57 and improve the outlook from the property. The oppressive height of the gable and its proximity to the boundary would be significantly reduced by the proposed hipped roof. This amendment, and the fact that the dwelling does not project across the full width of the rear boundary together with the height of the boundary fence in relation to the dwelling as described above would, on balance, ensure that the development would not have a significant overbearing impact to the occupiers of No. 57 and would significantly improve the outlook from the rear conservatory. It is considered these factors serve to justify a departure to the separation distances outlined within the SPG

In light of the above it is considered that the proposed amendments to the dwelling to be retained, specifically the provision of a hipped roof to the southern elevation, would ensure that that, on balance, the dwelling would not have any significant overbearing impacts or result in a significant loss of outlook to the occupiers of Nos. 57 and 59.

In terms of overlooking of Nos. 57 and 59, there is an obscure glazed ensuite window in the side gable facing these properties. Whilst the original scheme did not include a condition that this window should not be openable below a certain height, given the increased height and proximity of this window to neighbours, it is recommended, if approved, a condition is included for the provision of a new window, which would not be openable below a height of 1.7 metres in order to prevent any significant overlooking to neighbouring properties.

In terms of loss of natural light, the dwelling on plot 22 is sited to the north west of dwellings on Gelli Aur there would be no significant loss of natural light to the dwellings on Gelli Aur.

In terms of overlooking of Nos. 61 and 132 Gelli Aur the Planning Inspector noted that whilst some overlooking would be possible, by virtue of the siting and orientation of No 22, he did not consider such an impact to be so significant so as to materially detract from the living conditions of the occupiers. Similarly he did not consider the levels of natural light or outlook to be materially affected and that all other properties in the area would be sited within a sufficient distance or at such an angle that no significant harm would be caused. Moreover, the Inspector held the view that the re-siting of the garage on plot 22 some 3.2 metres from the approved siting and around 0.4 metres closer to the dwellings on Gelli Aur would not have any significant overbearing impacts by virtue of its single storey height and roof design. Having regard to the above it is not considered there are any material reasons to depart from the Inspector's views on these matters.

Overall for the above reasons, on balance, it is considered that the proposed amendments would result in a development that would not have any significant residential amenity impact to the occupiers of properties on Gelli Aur and would accord with UDP policies EV1, EV2 and HC2. Whilst the proposal would not accord with the separation distances referred to within the SPG, such advice is guidance and is not adopted development plan policy and should thus not be treated as determinative. However, the report provides justification where the specified separation distances have not been achieved as such it is not considered the proposals would be contrary to the aims of the adopted SPG document.

Access and Highway Safety

Access is derived off Ladysmith Road and adequate parking is being retained for the dwelling. The Head of Highways and Transportation has raised no objection to the proposal subject to the garage remaining for the parking vehicles in association with the dwelling. The development is therefore in accordance with UDP policies EV3 and HC2.

Other Matters

Concerns have been raised in letters of objection that the development would de-value neighbouring house prices. This is not a material planning consideration.

Conclusion

In light of the above, on balance, it is not considered that the dwelling as amended would result in any significant overbearing, overlooking or loss of natural light impacts. As such, it is not considered that the proposals would cause significant material harm to the living conditions of the occupiers of the properties at 57 and 59 Gelli Aur. Accordingly, the proposal is considered to be in accordance with UDP Policies EV1, EV2 and HC2, which amongst other things, aim to ensure that such development accords with the objectives of good design and does not result in a significant loss of residential amenity. The development is also considered to be acceptable in terms of access, parking and highway safety in accordance with UDP policy EV3. Whilst the proposal would not accord with the separation distances referred to within the SPG, such advice is guidance and is not adopted development plan policy and should thus not be treated as determinative. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for conditional approval.

RECOMMENDATION**APPROVE, subject to the following conditions:**

- 1 The hipped roof to the southern elevation shall be constructed in accordance with the plans hereby approved within 9 months of the date of this planning permission being granted.
Reason: In the interests of residential amenity.

- 2 The first floor ensuite bathroom window in the southern side elevation of the dwelling hereby approved shall be fitted with obscure glazing and shall not be openable below a height of 1.7 metres above internal floor level and shall be retained as such at all times unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of residential amenity.

- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Class A, B and C of Part 1 of Schedule 2 shall not apply.
Reason: The development is such that the Authority would wish to retain control over any future development being permitted in the interests of the residential amenities of neighbours.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, HC2 and the Supplementary Planning Guidance 'Places to Live - Residential Design Guide' (2014)

PLANS

1401-01 site location plan, 1401-02 block plan, 1401-03 proposed floor plans, 1401-04 proposed elevations, 1401-06 garage plans, 1401-08 proposed street scene, 1312-03 existing floor plans, 1312-04 existing elevations, 1312-06 existing street scene dated 18th June 2014.

ITEM 2

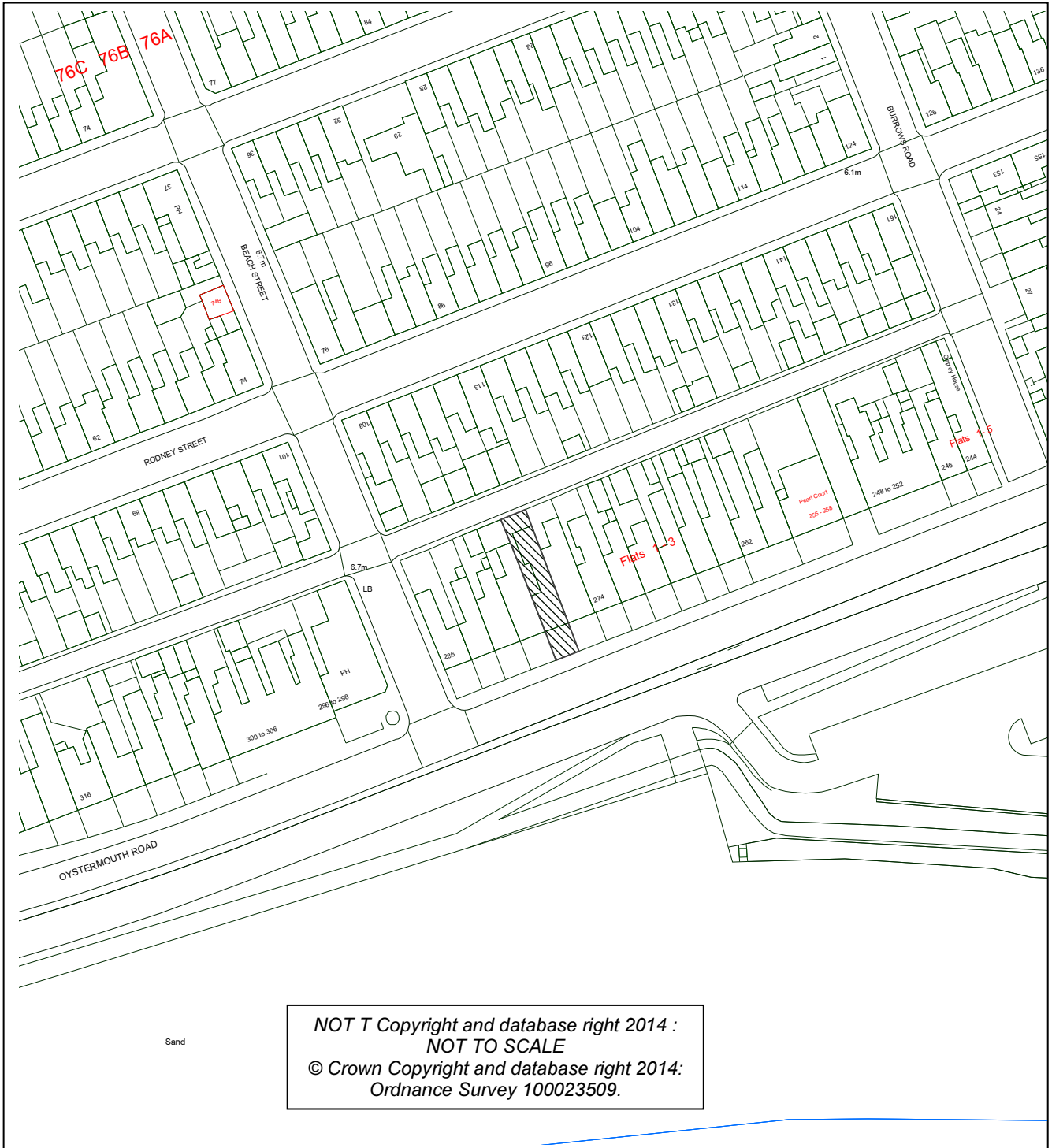
APPLICATION NO. 2014/0589

WARD: Castle Area 1

Location: 278 Oystermouth Road, Swansea SA1 3UH

Proposal: Change of use from a guest house (Class C2) to a 10 bed HMO

Applicant: Mr Gurdas Somal



BACKGROUND INFORMATION**POLICIES**

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
78/0236/11	CHANGE OF USE TO A GUEST HOUSE AND REAR EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 27/04/1978

RESPONSE TO CONSULTATIONS

TWO neighbouring properties were consulted and the proposal was advertised on site. NO RESPONSE.

Highway Observations - Change of use from a guest house (Class C2) to a 10 bed HMO.

The current use as a guest house with 10 bedrooms would generate certain parking requirements that are not currently being met with all parking having to take place on street.

The applicant has applied for a HMO for up to ten persons accommodated in ten bedrooms.

As a guest house there were ten bedrooms but there was no restriction on numbers of occupants per room and as such numbers in excess of ten guests could reasonably be expected. There is therefore a possible argument that there would be less persons staying at the premises should consent be given.

There is no cycle parking indicated but if this could be provided then it would help to mitigate for the lack of parking provision available. There appears to be a small rear courtyard area that could be used for this purpose.

On balance whilst there is no parking available for use by the development I consider that with a restriction of ten persons occupying the dwelling then overall there could be a reduction in person and hence traffic/parking generated by the development.

For the avoidance of doubt and to protect the on street parking provision of residents living in the vicinity a condition will be added to prevent proposed residents from applying for residents parking permits

I recommend that no highway objections are raised to the proposal subject to:

1. Cycle parking in accordance with details to be submitted to the LPA shall be provided and maintained in perpetuity prior to beneficial use of the HMO commencing.
2. Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on Oystermouth Road, Beach Street or Burrows Road at any time.
3. The premises to be used by a maximum of ten persons at any one time, in the interest of highway safety and to minimize car use at the site.

APPRAISAL

This application is reported to committee for decision at the request of Councillor David Phillips to assess the impact upon the area.

Full planning permission is sought for the change of use of 278 Oystermouth Road from a Guest House (Class C1) to a 10 bedroom HMO. The application property is a large terraced property located on a stretch of properties fronting Swansea Bay and currently occupied as a Guest House providing 10 bedrooms. No external alterations are proposed.

The main issues for consideration with regard to this application relate to the acceptability of the proposed use and external alterations, having regard to Policies AS6, EV1, EV2, EV3, EV9 and HC5 of the City and County of Swansea Unitary Development Plan 2008. There are in this case considered to be no additional overriding considerations arising from the provisions of the Human Rights Act.

Policy HC5 states that proposals for conversion of properties into multiple occupancy will only be permitted where there is no significant adverse affect in terms of the following:

1. Impact on residential amenity
2. Intensity of use
3. Off-street parking provision
4. Traffic generation
5. Refuse storage arrangements
6. Sound insulation
7. The effect on the external appearance of the property and the character and appearance of the area.

Policy EV1 is a more general policy and requires development to have regard to the amenities of the surrounding area with particular reference to visual impact, loss of light or privacy, increased activity and traffic movements or parking problems.

In terms of policy implications and the acceptability of the scheme in principle, the existing lawful use at the site is that of a guest house. There are examples of commercial premises in the immediate vicinity with residential properties also prevalent. In this respect, this stretch of Oystermouth Road is a mixed use area with other uses including guest houses, flats, HMOs etc and so an HMO at this location would not, it is considered, have any significant impact upon the character of the street. Furthermore, there are no policies seeking to restrict the number of HMOs in this area.

It is therefore considered that in policy terms, the application site is considered wholly acceptable for the provision of an HMO in principle.

In terms of visual amenity it is considered that the use of the property as a HMO would have no adverse impact upon the character and appearance of the Area. Furthermore, there are no physical alterations proposed and therefore there are no issues to address in this respect.

With regard to residential amenity, the property is in use as a 10 bedroom guesthouse (in association with the Arches Hotel on the adjacent plot) and the submitted floor plans demonstrate that the accommodation is capable of providing 10 bedrooms for use as a HMO. Furthermore it is considered that the use of the property as a 10 bed HMO would not result in an unacceptable increase in the intensity of the use of the property in terms of movements in and out of the building, or result in an unacceptable increase in noise and general disturbance to the residents within the neighbouring properties to the detriment of their residential amenities over and above that experienced as a guest house.

It is therefore considered that the use of the property as an 10 bed HMO would not result in an adverse impact upon the residential amenities of the occupiers of neighbouring properties.

In terms of highway safety implications, the Head of Transportation and Engineering has raised no objection to the scheme subject to conditions relating to cycle parking, parking permits and restriction in occupancy levels.

In conclusion therefore and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development having particular regard to the criteria set out in Policies HC5, EV1, EV2, EV3 and AS6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Prior to the beneficial use commencing, cycle parking shall be provided and shall thereafter be maintained in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of sustainability.
- 3 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on Oystermouth Road, Beach Street or Burrows Road at any time.
Reason: In the interest of highway safety.
- 4 The premises shall be occupied by a maximum of ten residents at any one time.
Reason: In the interest of highway safety and to minimize car use at the site.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, AS6 and HC5 of the City and County of Swansea Unitary Development Plan 2008.

PLANS

Site location plan, existing ground floor plan, existing first floor plan, existing second floor plan dated 17th April 2014. Proposed floor plans dated 8th May 2014.

ITEM 3

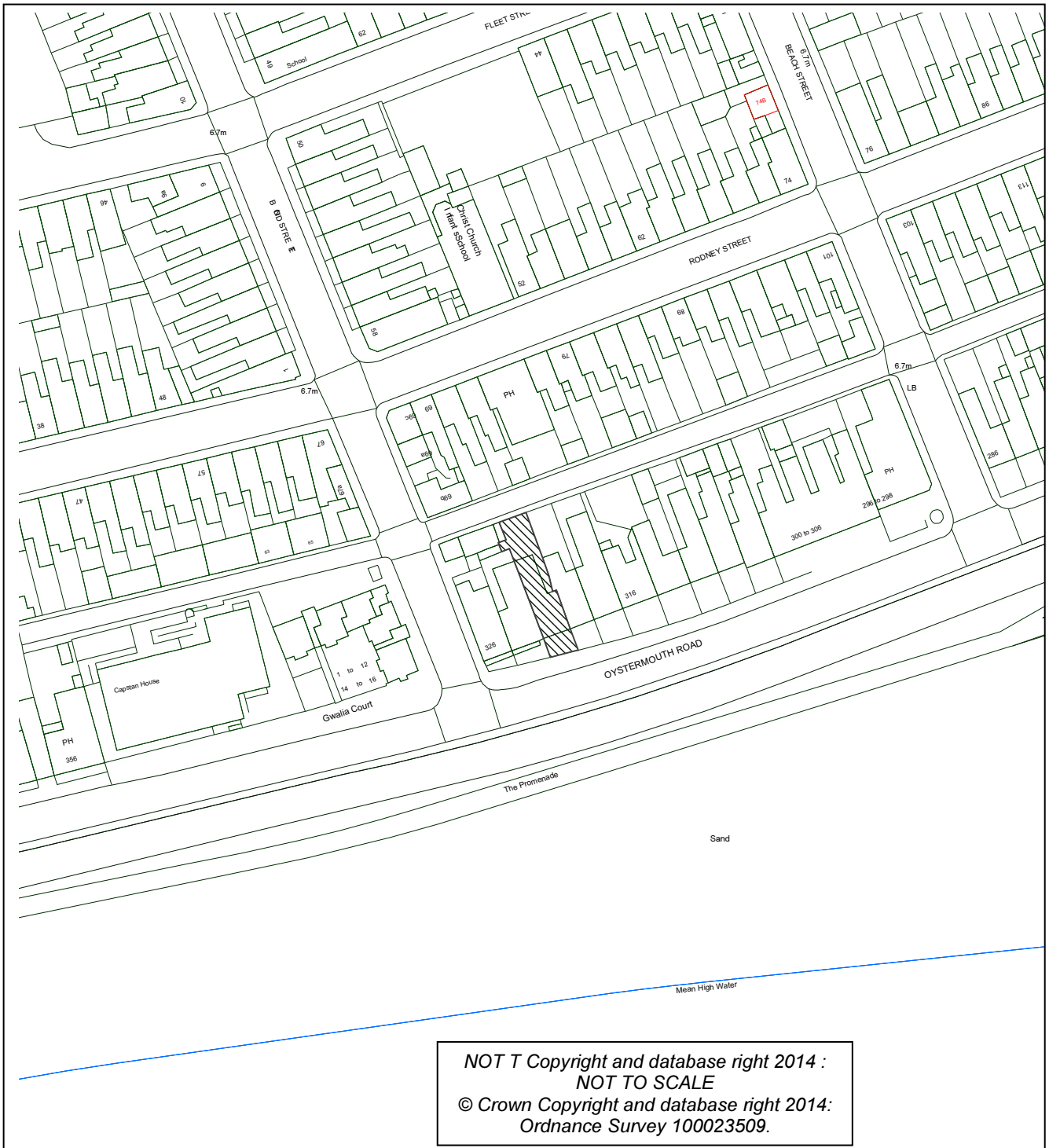
APPLICATION NO. 2014/0819

WARD: Castle Area 1

Location: The Bayswater, 322 Oystermouth Road, Swansea SA1 3UJ

Proposal: Change of use from a guest house (Class C2) to a 7 bed HMO, replacement ground floor door with a window, and blocking up of one ground floor window on side elevation

Applicant: Mr M Ahern



BACKGROUND INFORMATION**POLICIES**

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2012/1047	Use of property as a dwelling house (application for a Certificate of Lawful Use) Decision: Was Lawful Decision Date: 12/09/2012
2010/1016	Change of use from hotel (Class C1) to a HMO for up to 9 people (Class C3) Decision: Refuse Decision Date: 27/10/2010

Response to consultations

TWO neighbouring properties were consulted. NO RESPONSE has been received.

Highway Observations - Change of use from a guest house (Class C2) to a 7 bed HMO, replacement ground floor door with a window, and blocking up of one ground floor window on side elevation.

The guest house currently operates as an eight bed unit so overall there is reduction in bedroom numbers, albeit only by one.

The applicant originally stated that there was no parking within the site but upon request has since submitted a plan showing that two parking spaces can be accommodated within the rear yard. No cycle parking has been shown but I consider that some cycle storage would help to take advantage of the sites location on the front next to the cycle path, and reduce reliance on cars. This can be secured by condition.

On balance there is unlikely to be an increase arising from the proposed change of use as overall there is a reduction in bedroom numbers.

As the application is not for self contained accommodation then no new residents parking permits will be available and the residents of the HMO will be entitled to two per property as is currently the case.

I recommend that no highway objections are raised to the proposal subject to:

1. A scheme for cycle parking in accordance with details to be submitted to the LPA, to be implemented prior to beneficial occupation of the HMO.

2. The parking area at the rear to be laid out as per the approved plan retained for parking purposes only in perpetuity. This may involve the removal of the rear boundary wall to facilitate access to the parking area.

APPRAISAL

This application is reported to committee for decision at the request of Councillor David Phillips to assess the impact upon the area.

Planning permission is sought for the change of use of 322 Oystermouth Road, Swansea from a hotel (Class C1) to a House in multiple occupation (HMO) for up to 7 persons. It is also proposed to replace a ground floor door with a window and block up a ground floor side elevation window.

It should be noted that a previous application (ref: 2010/1016) for the change of use of the premises to an HMO for up to 9 persons was refused under delegated powers on 27th October 2010 on the grounds of inadequate off-street parking provision.

This application seeks to overcome previous concerns through a reduction in the proposed number of bedrooms from 9 to 7.

The application property is a three storey mid terrace property located on the northern frontage of Oystermouth Road, an area characterised predominantly by hotels and guest-houses in addition to residential dwellings. The proposal will enable the property to be used as a house in multiple occupation for up to 7 persons. The property currently has provision for eight bedrooms.

The property has been extended in the past and as a result there is only a limited area of useable amenity space to the rear. Two parking spaces can, however, be provided to the rear of the site.

The main issue for consideration with regard to this application relates to the acceptability of the proposed use having regard to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan (UDP) 2008. There are no additional overriding considerations arising from the provisions of the Human Rights Act in this instance.

Policy HC5 of the UDP states that proposals for the conversion of properties to multiple occupancy will only be permitted where there is no significant affect in terms of the following:

1. Impact on residential amenity.
2. Intensity of use.

3. Off street parking provision.
4. Traffic generation.
5. Refuse storage arrangements.
6. Sound insulation.
7. The effect on the external appearance of the property and the character and appearance of the area.

This is reinforced by Policy EV1, which requires development to have regard to the amenities of the surrounding area.

The proposed HMO will accommodate up to 7 persons each having their own individual bedroom with 4 bathrooms over the three floors. In terms of the impact upon the occupiers of neighbouring properties there is to be a reduction in the number of bedrooms from 8 to 7 and it is considered that this would result in a decrease in the potential for noise and general disturbance to the benefit of adjacent occupiers. Furthermore, in terms of the future occupiers' amenities, the building is considered capable of accommodating satisfactory accommodation for use by its occupants. The proposal is therefore considered to comply with the criteria set out in Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan 2008.

With regard to visual amenity, given the limited nature of the proposed alterations which are confined to the rear elevation it is not considered that the proposal would result in an unacceptable impact upon the visual amenities of the area.

With regard to cycle storage and bin provision, there is rear access to the property and a suitable area to accommodate these facilities.

In terms of highway safety implications, the Head of Transportation and Engineering raises no objection to the scheme subject to cycle storage and parking layout conditions detailed above.

In conclusion and having regard to all material considerations including the Human Rights Act, it is considered that the proposal represents an acceptable form of development having particular regard to visual and residential amenity and highway safety implications and is in accordance with the criteria set out in Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Prior to the beneficial occupation of the development, a cycle storage scheme shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of sustainability.

- 3 Prior to the beneficial occupation of the property, the parking area at the rear shall be laid out in accordance with the approved plan and shall thereafter be retained for parking purposes only unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

- 4 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on Oystermouth Road, Beach Street, Bond Street or Rodney Street at any time.

Reason: In the interest of highway safety.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan 2008.

PLANS

Site plan, block plan, existing floor plans, proposed section and elevations dated 9th June 2014; proposed floor plans dated 15th July 2014.
