

# CITY AND COUNTY OF SWANSEA

## NOTICE OF MEETING

You are invited to attend a Meeting of the

## PLANNING COMMITTEE

**At:** Council Chamber, Guildhall, Swansea

**On:** Tuesday, 6 December 2016

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

### Membership:

Councillors: P M Black, A C S Colburn, D W Cole, A M Cook, M H Jones, E T Kirchner, H M Morris, P B Smith, M Thomas, D W W Thomas and T M White

The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

## AGENDA

|   | Page No.  |
|---|-----------|
| <b>1 Apologies for Absence.</b>   |           |
| <b>2 Disclosures of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a> |           |
| <b>3 Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | 1 - 8     |
| <b>4 Items for Deferral / Withdrawal.</b>   |           |
| <b>5 Determination of Planning Applications under the Town &amp; Country Planning Act 1990.</b>   | 9 - 185   |
| <b>6 Planning Appeal Decision - 2016/0873 - 8 Alexandra Terrace, Brynmill - Change of use from residential (Class C3) to HMO for up to six people (Class C4).</b>       | 186 - 194 |
| <b>7 Provisional TPO P17.7.4.620 - Land at St. Matthews Church, High Street, City Centre, Swansea. (2016).</b>  | 195 - 197 |

**Next Meeting:** Tuesday, 10 January 2017 at 2.00 pm



**Huw Evans**  
Head of Democratic Services  
Tuesday, 29 November 2016  
Contact: Democratic Services - 636923

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,  
1 NOVEMBER 2016 AT 1.00 PM

**PRESENT:** Councillor P Lloyd (Chair) Presided

**Councillor(s)**

P M Black  
A M Cook  
P B Smith  
T M White

**Councillor(s)**

A C S Colburn  
M H Jones  
M Thomas

**Councillor(s)**

D W Cole  
H M Morris  
D W W Thomas

**Apologies for Absence**

Councillor(s): E T Kirchner

36 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interests were declared:

Councillor P M Black – Minute No.39 – Planning Application 2016/1530 (Item 3) – Pentrehafod Comprehensive – Personal – as LA Governor at the School.

Councillor D C Cole – Minute No.39 - Planning Application 2016/1046 (Item 1) – Land at TA Centre, Gorseinon – Personal – My wife and I own a residence in the area.

Councillor D W W Thomas – Minute No.39 – Planning Application 2016/1427 (Item 2) – Cwmbwrla School and Planning Application 2016/1530 (Item 3) – Pentrehafod Comprehensive – Personal – as Deputy Cabinet Member for Education.

Councillor T M White – Minute No.39 – Planning Application 2016/1530 (Item 3) – Pentrehafod Comprehensive – Personal – as LA Governor at the School and Ward Member.

37 **MINUTES.**

**RESOLVED** that the Minutes of the Planning Committee held on 4 October 2016 be approved as a correct record.

38 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

39 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990.**

A series of planning applications were presented on behalf of The Head of Planning & City Regeneration.

Amendments to this schedule were reported and are indicated below by (#)

**RESOLVED** that:

1) the undermentioned planning applications **BE APPROVED** subject to the conditions in the report and/or indicated below:

**#(Item 1) Planning Application 2016/1046 - Land At Ta Centre, Park Road, Gorseinon, Swansea**

A visual presentation was provided.

Report updated as follows:

Line 2 of paragraph 3 on page 24 should read ‘ ..former TA site’ and not ‘...former school site’

One additional letter of objection received. The concerns raised reflect those raised by previous objectors and the objector has asked Committee to consider the effects of change on local residents.

The applicant’s agent has advised that the overall build contract will be let in two phases. In order to allow the development to proceed in a phased manner, the following additional condition was added:

16. No development shall take place until a scheme for the phasing of the development has been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved phasing scheme.

Conditions 5, 7, 8, 9, 13, 14 and 15 should be amended to take into account the phasing of the development and begin

‘ Unless agreed as part of the phasing scheme, ...’

The applicant’s agent has submitted an additional plan indicating the provision of additional boundary measures at the intersection of the two internal access roads. This address the concerns of Urban Design but the detailed design of the enclosure needs to be secured by condition. The following condition was added:

17. Unless agreed as part of the phasing scheme, and notwithstanding the submitted plans, no dwelling shall be occupied until a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment

shall be completed as approved before the development hereby approved is brought into beneficial use and retained as such for the duration of the use.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

Phil Baxter (agent) spoke in support of the application.

Councillor David Lewis, Local Ward Councillor addressed the Committee and spoke against the application.

**#(Item 2) Planning Application 2016/1427 - Cwmbwrla School, Stepney Street, Cwmbwrla, Swansea**

A visual presentation was provided.

Report updated as follows:

On page 51, line 1, paragraph 4, typing error – should read '2015' and not '2105'

Add at the end of condition 6, 'The works shall be carried out in accordance with the approved details.'

In condition 7, 'Al' should read 'All'.

Add at the end of condition 15, ' Any vehicular containment measures required shall be completed in accordance with the approved details prior to first beneficial occupation and retained as approved for the duration of the development hereby approved.'

Informatives not on report. Informatives relating to Section 278 agreement, policies, and advice from pollution control, NRW, DCWW, drainage and highways to be added.

**(Item 3) Planning Application 2016/1530 - Pentrehafod Comprehensive School, Pentre Mawr Road, Swansea**

A visual presentation was provided.

**(Item 4) Planning Application 2016/1320 - 36 Oldway Centre, Orchard Street, City Centre, Swansea**

A visual presentation was provided.

Councillor Rob Stewart, Leader of the Council addressed the Committee and spoke in favour of the application

Application **APPROVED** in accordance with recommendation subject to entering into a Section 106 Agreement and conditions.

**#(Item 6) Planning Application 2016/1574 - Plots A15 & A16 Land East of Fabian Way Link, SA1, Swansea Waterfront, Swansea**

A visual presentation was provided.

John Thomas (objector) addressed the committee and spoke against the application.

Natalie Queffuras (agent) addressed the Committee and spoke in favour of the application.

Councillor Joe Hale, Local Ward Councillor addressed the Committee and spoke regarding the siting of the access road relating to the application site.

**Additional Landscaping Condition added as follows:**

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development, and any trees or plants which within a period of 3 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.

Reason: In order to provide for appropriate boundary screening to the site in the interests of visual amenity.

Application **APPROVED** subject to the conditions in the report and addition of the above mentioned condition.

**(Item 9) Planning Application 2016/1715 - 14 Mirador Guest House, Mirador Crescent, Uplands, Swansea**

A visual presentation was provided.

**Additional Condition added as follows:**

The outbuilding to the rear of property shall be used as an ancillary garden room and storage area only and shall not at any time be used as a unit of accommodation of for use as overnight accommodation.

Reason: In order to define the extent of the permission and in the interests of amenity.

Application **APPROVED** subject to the conditions in the report and addition of the above mentioned condition.

2) the undermentioned planning applications **BE REFUSED** for the reasons set out below:

**#(Item 5) Planning Application 2016/1511 - Plot A1, Swansea Waterfront, Swansea**

A visual presentation was provided.

Report updated as follows:

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Revision to wording of Condition No. 2 to reflect and reference the updated DAS with Addendum and revised photomontages received 26 October 2016. Amendment to condition reference of Landscaping Masterplan to read 'EDP3244-07c' not 'EDP3244-10A.

Page 124

Amendment to reflect that the proposal includes a total of 118.50 m<sup>2</sup> commercial unit (A3) on the ground floor level, not 70.51 m<sup>2</sup> as quoted, due to the glazed footprint of the café expanding over the course of the application with amended plans to increase the level of active frontage.

Additional Letters of objection received following re-consultation of amended plans received 17 October 2016 raise following concerns:

Continued objection. Amended plans do not alter my view that the provision of student accommodation in the proposed location would be completely unsuitable. Businesses operating in the SA1 benefit from being located in a prestigious business/office area. This would be severely compromised by the presence of students and their inevitable (and well documented) impact on the neighbourhood.

Amended plans do not appear to make any substantive changes to the plans originally submitted.

Cannot agree that a building with eight floors, stepped or otherwise, can possibly be seen as respecting the height of neighbouring Ethos building.

Richard Banks and Meirion Howells (objectors) addressed the committee and spoke against the application.

Joe Ayoubkani (agent) spoke in support of the application.

Councillor Rob Stewart, Leader of the Council addressed the Committee and spoke in favour of the application.

Councillor Joe Hale, Local Ward Councillor addressed the Committee and spoke against the application.

Application **REFUSED** contrary to officer recommendations for the following reasons:

1. The development by virtue of its scale, form and design will impact to an unacceptable degree upon the character and appearance of the area, will not integrate effectively with adjacent spaces and is not considered to be an appropriate high quality design solution to the local context as a prominent gateway to Swansea City Centre contrary to the requirements of policies EV1, EV2 and EC2 of the Swansea Unitary Development Plan (Adopted November 2008).
2. Insufficient car parking provision is made for the development which will result in pressure for on street parking to the detriment of the surrounding areas. The development is therefore contrary to the requirements of policy AS6 of the Swansea Unitary Development Plan (Adopted November 2008) and the Supplementary Planning Guidance – Parking Standards (Adopted March 2012).
3. Policies EC1 and EC2 identify that the SA1 Swansea Waterfront area is reserved for a mixed employment and residential development together with supporting leisure, tourism, community and ancillary uses and that the development should be comprehensive, integrate with the Maritime Quarter, Complement and not compete with the City Centre, be of a high standard of design, embrace principles of sustainable development, provide high quality employment opportunities, increase the range of housing stock, make appropriate provision for a network of pedestrian and cycle routes and safeguard the potential canal route corridor. The proposed use for student accommodation is contrary to the Masterplan approved for the application site as part of outline planning permission 2002/1000 and subsequently amended via planning permission 2008/0996 (SA1 Swansea Waterfront Design and Development Framework August 2004 Version 5) to provide for a high quality employment site. The proposed use will not complement existing surrounding business uses and fail to result in the provision of high quality employment opportunities contrary to policies EC1 and EC2 of the Swansea Unitary Development Plan (Adopted November 2008).

**(Item 7) Planning Application 2016/1714 - 8 Alexandra Terrace, Brynmill, Swansea**

Jayne Keeley (objector) addressed the committee and spoke against the application.

Michael Hooper & Ken Hooper (applicants) spoke in support of the application.

Councillor Nick Davies, Local Ward Councillor addressed the Committee and spoke against the application.

Application **REFUSED** contrary to officer recommendations for the following reason:  
The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.

**(Item 8) Planning Application 2016/1688 - 57 St Helens Avenue, Swansea**

A visual presentation was provided.

Mark Beresford (applicant) spoke in support of the application.

Councillor Nick Davies, Local Ward Councillor addressed the Committee and spoke against the application.

Application **REFUSED** contrary to officer recommendations for the following reason:

The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helens Avenue will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.

3) the undermentioned planning application **BE DEFERRED** for a Site Visit.

**#(Item 10) Planning Application 2016/1604 - 3 Lewis Street, St. Thomas, Swansea**

Additional late letter of objection reported.

40 **2016/1249 - 26 PINWOOD ROAD, UPLANDS, SWANSEA - CHANGE OF USE FROM RESIDENTIAL (CLASS C3) TO HMO FOR 4 PEOPLE (CLASS C4).**

An updated report was presented on behalf of the Head of Planning & City Regeneration. The application had been deferred under the two stage voting process at the Planning committee held on 4 October so that further advice could be provided with regard to the potential reasons for refusal raised by Members.

The main issues relating to the potential reasons for the refusal were detailed in the report, as well as the advice relating to the lawfulness or otherwise of the reasons and the advice relating costs from the Welsh Office.

It was indicated that officer recommendation of approval remained unchanged.

Jayne Keeley (objector) addressed the committee and spoke against the application.

**RESOLVED** the undermentioned planning application **BE REFUSED** contrary to officer recommendations for the following reason:



The proposed use by virtue of the form and nature of the HMO accommodation proposed and its location in proximity to existing dwelling houses will result in a significant adverse effect upon the residential amenity of the street and area by virtue of noise, nuisance and disturbance and is contrary to the requirements of Policy HC5 criterion (i).

41 **THE PROTECTION OF TREES OF DEVELOPMENT SITES (OCTOBER 2016).**

An updated report was presented on behalf of the Head of Planning & City Regeneration which outlined the revised Supplementary Guidance (SPG) which will update the current guidance that was adopted in 2008.

**RESOLVED** that

1) the Protection of Trees on Development Sites October 2016" incorporating responses to the public consultation be approved as an update to "The Protection of Trees on Development Sites" (2008) SPG in the Unitary Development Plan.

2) the Protection of Trees on Development Sites October 2016" as approved is included as Supplementary Planning Guidance in the Local Development Plan for adoption."

42 **TALL BUILDINGS STRATEGY - REPORT ON PUBLIC CONSULTATION EXERCISE.**

An updated report was presented on behalf of the Head of Planning & City Regeneration which reported back on the public consultation exercise undertaken on the draft revised strategy.

The summary of the key objectives and principles context, the public consultation exercise undertaken and the assessment of the key issues arising from the consultation responses were outlined in the report.

**RESOLVED** that the revised Tall Buildings Strategy be forwarded to Planning Committee to be adopted as supplementary planning guidance and supersede the previous Tall Buildings Strategy (2008).

The meeting ended at 4.05 pm

**CHAIR**

CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Report of the Head of Planning & City Regeneration  
to Chair and Members of Planning Committee

DATE: 6<sup>TH</sup> DECEMBER 2016

| <b>Bay Area</b><br>Team Leader<br>Liam Jones - 635735                           | <b>Area 1</b><br>Team Leader:<br>Ian Davies - 635714   | <b>Area 2</b><br>Team Leader:<br>Chris Healey - 637424   |
|---|--|--|
| Castle<br>Mayals<br>Oystermouth<br>St Thomas<br>Sketty<br>Uplands<br>West Cross | Bonymaen<br>Clydach<br>Cwmbwrla<br>Gorseinon<br>Landore<br>Llanyfelach<br>Llansamlet<br>Mawr<br>Morriston<br>Mynyddbach<br>Penderry<br>Penllergaer<br>Penyrheol<br>Pontarddulais<br>Townhill | Bishopston<br>Cockett<br>Dunvant<br>Fairwood<br>Gower<br>Gowerton<br>Killay North<br>Killay South<br>Kingsbridge<br>Lower Loughor<br>Newton<br>Penclawdd<br>Pennard<br>Upper Loughor |

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

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



## CONTENTS

| ITEM | APP. NO.      | SITE LOCATION  | OFFICER REC. |
|------|---------------|--|--------------|
| 1    | 2016/1333     | <p>Site J Trawler Road Swansea Marina Swansea SA1 1UN</p> <p><b>Construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works</b></p> | APPROVE      |
| 2    | 2016/1699     | <p>19 Heol Caerllion Cwmrhydyceirw Swansea SA6 6SD</p> <p><b>Change of use from a residential dwelling (Class C3) to a care home (Class C2)</b></p>  | APPROVE      |
| 3    | 2016/1365     | <p>Glais House Nursing Home 615 Birchgrove Road Glais Swansea SA7 9EN</p> <p><b>Two storey extension with roof space accommodation to provide 14 EMI (Elderly Mentally Infirm) units and associated facilities</b></p>   | APPROVE      |
| 4    | 2016/1312     | <p>Lidl UK GMBH Sway Road Morriston SA6 6JA</p> <p><b>Demolition of existing store and construction of a replacement foodstore (1,424m<sup>2</sup> sales area) with associated access, servicing and parking</b></p>   | APPROVE      |
| 5    | 2016/3085/S73 | <p>Land South Of Fabian Way Swansea SA1 8LD</p> <p><b>Variation of condition 3 of planning permission 2015/2223 granted 27/09/2016 (Erection of a detached tyre and auto-care centre and two detached units (Class A3)) to allow for the use of the tyre centre from 08.30 to 18.00 hours Monday to Saturday</b></p>   | APPROVE      |
| 6    | 2016/1472     | <p>Former British Legion Site, Newton Road, Mumbles Swansea</p> <p><b>Mixed Use redevelopment with a ground floor 1295m<sup>2</sup> retail food store, with 61 basement car park and 9 apartments at first and second floor with 15 associated car parking spaces (amended plans received)</b></p>   | APPROVE      |

| ITEM | APP. NO.      | SITE LOCATION  | OFFICER REC. |
|------|---------------|--|--------------|
| 7    | 2015/1731     | Land Off Madoc Place, Swansea<br><b>Construction of 30 no. sheltered housing 1 bed apartments in a 2/3/4 storey block with associated communal facilities, new vehicular access, car parking, landscaping and associated works</b>                   | APPROVE      |
| 8    | 2016/1604     | 3 Lewis Street St. Thomas Swansea SA1 8BP<br><b>Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)</b>  | APPRVE       |
| 9    | 2016/1380     | 96 King Edwards Road, Swansea, SA1 4LU<br><b>Change of use from residential dwelling (Class C3) to an 7 bed HMO, single storey rear extension and installation of 1st floor french doors with balcony on rear elevation (amended plans received)</b> | APPROVE      |
| 10   | 2016/1860     | 115 Rhydings Terrace, Brynmill, Swansea, SA2 0DS<br><b>Retention of use of property as a 4 bedroom HMO (Class C4)</b>  | APPROVE      |
| 11   | 2016/3076/FUL | 124 St Helens Avenue, Brynmill, Swansea, SA1 4NW<br><b>Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)</b>   | APPROVE      |

## 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 77 and 78 of the Constitution) will need to be reported to Council 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.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 1

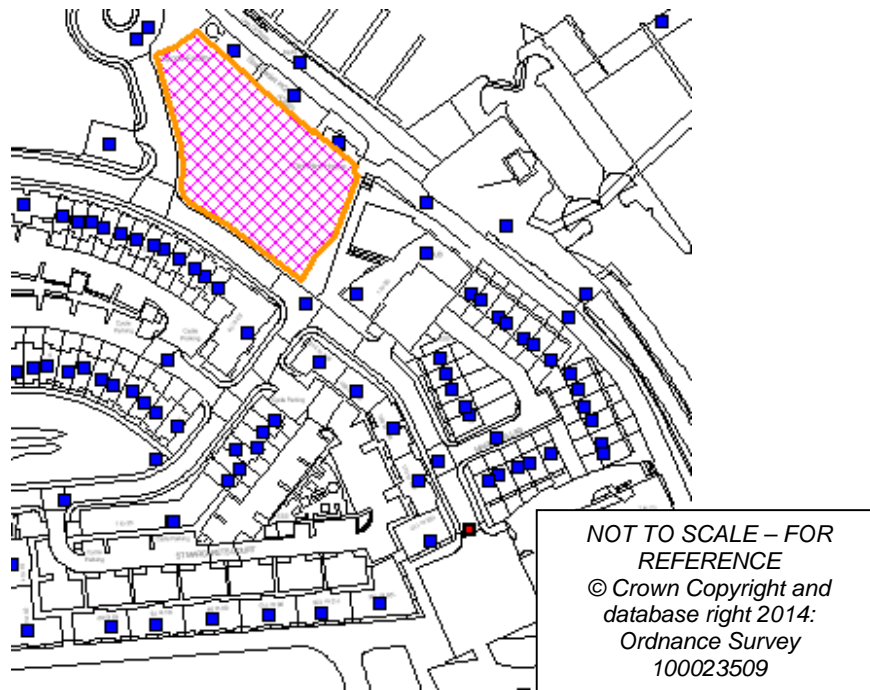
APPLICATION NO: 2016/1333

WARD: Castle - Bay Area

Location: Site J Trawler Road Swansea Marina Swansea SA1 1UN

Proposal: Construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works

Applicant: Mr Douglas Villiers



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV2 - Siting

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).

##### UDP - EV3 - Accessibility

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)

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 1 (CONT'D)

APPLICATION NO:

2016/1333

#### UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV13 - Shopfronts

Proposals for new or renovated shopfronts, including security grilles, should be sympathetic to the character of the building, adjacent properties and the surrounding area. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV36 - Development and Flood Risk

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008).

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC3 - Established Industrial and Commercial Areas

Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC6 - Local Shopping Centres and Neighbourhood Facilities

The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC11 - Higher Education Campus Development

Higher education campus development will be permitted subject to compliance with the defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

UDP - R16 - Major New Development Waste Management Facilities

Proposals for major new developments will be required to incorporate adequate and effective waste management facilities. (City & County of Swansea Unitary Development Plan 2008)

### Supplementary Planning Guidance:

Spontex and Adjacent Land Development Brief(October 1999)

Swansea Central Area Regeneration Framework ('SCARF') (February 2016)

The Adopted Tall Buildings Strategy SPG (2008) and the emerging 2015 version

Places to Live Residential Design Guide (2014)

### SITE HISTORY

| App Number | Proposal              | Status | Decision Date |
|------------|-----------------------|--------|---------------|
| 2016/1837  | Replacement bin store | APP    | 17.11.2016    |



**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2016/1333

|           |  |             |            |
|-----------|--|-------------|------------|
| 2016/1333 | Construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works   | PDE         |            |
| 2016/0491 | Pre-application - construction of 267 student accommodation units, with commercial uses at ground floor with undercroft car parking and communal amenity space   | PREMI<br>X  | 16.05.2016 |
| 2014/1401 | Two internally illuminated fascia box signs  | APP         | 11.11.2014 |
| 2014/1398 | Retention of 3 no. air conditioning units.   | APP         | 21.10.2016 |
| 2003/0808 | Mixed use development of housing, employment, commercial (leisure, restaurant/public house, hotel) and maritime uses, public open spaces (including a park, play area and promenade) and car parking, together with associated engineering and building operations, infrastructure and landscaping works (outline)         | APP<br>S106 | 20/04/2004 |
| 2004/0960 | Construction of 124 dwellings comprising townhouses and apartments (up to 4 storey plus duplex) and associated car parking, landscaping, infrastructure, seafront promenade and 15 space public car park.(Phase A and B reserved matters approval pursuant to outline planning permission 2003/0808 dated 20th April 2004) | APP         | 17/08/2004 |

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

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| 2004/2915              | Construction of 126 residential units and associated car parking, landscaping, infrastructure, seafront promenade, Marine Walk and Crescent Park. (Phases C and D reserved matters approval pursuant to outline planning permission 2003/0808 dated 20th April 2004)  | APP 21/06/05   |
| 2005/2097              | Erection of part twelve storey, part thirteen storey and part 14 storey residential block providing 70 residential units, two ground floor retail/commercial units, surface and undercroft car parking and associated landscaping, infrastructure and servicing facilities  | APP 08/08/2006 |
| 2005/0880              | Construction of new road and alterations to existing road   | APP 15/07/2005 |
| 2006/0144              | Construction of 211 residential units comprising 131 no. 2 bed apartments, 42 no. 1 bed apartments and 38 no. town houses in 6 blocks between 3 and 5 storeys with associated car parking, landscaping, infrastructure and seafront promenade. (Phases E, F, G and H reserved matters approval pursuant to outline planning permission 2003/0808 dated 20th April 2004).  | APP 15/09/2006 |
| 2007/2289              | Construction of mixed use development comprising 4 storey 70 bed hotel, 161 residential units in 3 blocks of between 4 and 7 storeys with 11 ground floor retail (Class A1)/commercial (Class A3) units, sea scout accommodation, car parking, public square and associated landscaping and infrastructure works (Phases J & K) (reserved matters approval to outline planning permission 2003/0808 granted on 20th April 2004) | WDN 12/12/2007 |

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|-----------|--|-----------|------------|
| 2008/1988 | Construction of mixed use development comprising a 5 storey block incorporating 3 no. ground/first floor (retail - Class A1) commercial (Class A3) units, sea scout accommodation and 20 no residential apartments and 23 no. 3/4 storey residential townhouses in 4 blocks, car parking, public square and associated landscaping and infrastructure works (Phase K) (reserved matters approval to outline planning permissions 2003/0808 granted 20th April 2004)                        | WDN       | 03/10/2008 |
| 2008/1994 | Construction of a mixed use development comprising a part 4 storey, part 5 storey block incorporating 3 no. ground floor Class A1 (retail) / Class A3 (food and drink) units, sea scout accommodation and 20 no residential apartments and 23 no. 3/4 storey residential townhouses in 4 blocks plus car parking, public square and associated landscaping and infrastructure works (Area K) (reserved matters approval to outline planning permissions 2003/0808 granted 20th April 2004) | Called In | 09/10/2008 |
| 2009/0368 | Construction of five storey 164 bedroom hotel (Class C1) incorporating restaurant, bar and lounge facilities, meeting, conference and function rooms, fitness room and associated basement and surface level car parking, servicing and infrastructure works (Reserved matters approval pursuant to outline planning permission ref : 2003/0808 granted 20th April 2004)   | APP       | 09/07/2009 |

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### RESPONSE TO CONSULTATIONS

The application was advertised in the local press and on site by notice date 25th July 2016. Following the initial consultation exercise FIFTY SEVEN LETTERS OF OBJECTION were received, the principal points of which may be summarised as follows:

1. Many landlords in the Marina have to rely almost exclusively on lets to foreign students as there is virtually no other rental market.
2. The construction of purpose built student accommodation would have a seriously detrimental effect on this rental market.
3. A dramatic increase in student numbers would have an adverse effect on the character of the area.
4. Incompatibility - totally inappropriate to place a student accommodation block in the middle of an established prestigious residential area.
5. How would this block be managed; where is the accountability to local residents.
6. Swansea Maritime quarter was intended to provide a quality living environment in the heart of the city.
7. Concerned about this proposal due to the number of students in an already over developed area.
8. The development will drive out the many people who live and use these properties as holiday/second homes.
9. Whilst students need somewhere to live, is it a credible solution to place it in a residential area
10. Student block of flats would do nothing to enhance the area and would have a very negative impact on the local community.
11. Students should be housed on campus accommodation only.
12. Recent research by Swansea University Students Union showed that more housing is not required for students in the city.
13. Maritime quarter area is a unique area of Swansea which will definitely be altered by construction of a massive student accommodation/hostel.
14. This piece of land should be used for something more innovative.
15. Adverse effect on house prices and see Marina return to the place it used to be, where you didn't want to live and couldn't sell your property.
16. The council is turning SA1 and Swansea into studentville.
17. Six floors is out of character with other developments in the area and should be limited to four floors.
18. There are already multiple purpose built sites in Swansea for students.
19. The marina is a quiet peaceful area to live in and this will disrupt this peace.
20. The Maritime Quarter is primarily designed as a quality residential development. A large dedicated student accommodation would be out of place.
21. Building looks like a complete eyesore and will be much taller than most of the local buildings.
22. Accommodation will look directly into existing residents private living areas.
23. Hotel would bring tourism
24. No revenue in the form of Council Tax increasing the tax payable by the rest of us
25. Concerns over massing of building
26. Create an oppressive environment for those of us who will live next to it.
27. Take light and view away from existing properties
28. Overlooking and loss of privacy

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29. Negative impact on tourism in the area.
30. Health and safety of students and marina/river
31. The hotel planned for site would have brought jobs to the area and would not have had the significant issues of noise and antisocial behaviour
32. A nice hotel or more apartments and houses instead
33. Will dwarf the listed building 'The Pilot House'
34. The context of the pilot house is completely lost
35. The mass of the building will shroud the Pilot House in almost perpetual shadow
36. Severe compromise to privacy as a result of this new development being so close to and overlooking the Pilot House
37. Noise/disturbance from students will be severely detrimental to the functioning of our business (Pilot House)
38. Pilot House cycles - There is already limited parking and this proposed development would only exacerbate this, significantly affecting our viability as a business
39. No relationship in scale and materials.
40. Too large and complete lack of sensitivity.
41. Much larger than the hotel that was to be built.
42. Conflicts with the draft local development plan and strategic framework review
43. Impact of so many students will have an adverse impact on the community
44. Adverse impact on the community and amenity
45. A hotel complied with the vision.
46. Reduce opportunities for leisure and adversely impacts on the waterfront as a destination.
47. Will dwarf surrounding residential homes
48. No economic benefit to the locality
49. A long way from university campus with traffic implications for area
50. The area is already home to a large number of older post graduate students and unreasonable to long term residents to absorb yet another transient population
51. Student accommodation will devalue properties in area
52. By building such a large development, the small cul de sac of marina villas would be dwarfed and effectively 'bookended' by Aurora and the new build towering over us.
53. The marina has a diversity of residents with all age groups owners, renter (professional, other and student) currently represented.
54. A hall of residence for 287 students leads to studification of this area and changes the current suitable mix of the area to its detriment.
55. This development is outside the original masterplan and an inappropriate development for a key gateway site where employment related use is a greater driver of Swansea's economy
56. There are other sites in the city being promoted for this use in more appropriate locations.
57. Totally inappropriate for the area due to the height of the proposed building and its position between existing apartment owners and their view of the Marina.
58. The difference between a 164 bed hotel with facilities for neighbouring residents and student accommodation comprising 287 bedrooms with nothing to offer neighbouring residents is considerable.
59. The current proposal will deflect from the maritime heritage of the area and will have a large and overbearing footprint especially from the viewpoint of the river
60. Pilot house building will be overwhelmed by the proposal
61. Lack of privacy on Sea Cadet building.
62. Concerns over noise pollution, refuse, vehicular access, parking and deliveries upon users of Sea Cadets and safety implications.

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63. Wine bar would have direct impact on Swansea Sea cadets as noise levels would increase.
64. Create a precedent
65. Cumulative impact when considered alongside other development will have an adverse impact on the area
66. Concerns in relation to noise, rubbish and rowdy behaviour causing nuisance to existing residents.
67. Concerns relating to noise, litter and antisocial behaviour from students all in one location.
68. Noise and overlooking by students on higher floors.
69. Already experiencing noise and disturbance this amount of students in an area already suffering is ludicrous
70. Yet more commercial units with many existing units staying empty for long periods of time.
71. Purchased property as retirement home not to be living next to students
72. Noise and disturbance from commercial units proposed late at night.
73. The area already experiences Noisy parties at all hours of the night
74. Extensive late night traffic along Trawler Road
75. Dealing with fall out of excessive drinking amongst the younger residents
76. Health and Safety has clearly not been given the necessary attention in this proposal
77. Commercial properties concern over late night music licences being granted.
78. Building work will bring chaos
79. Swansea has so much potential, so congesting the immediate sea/river front with monstrous student digs is a concept which seems illogical and against the wishes of the areas current residents all of whom have paid a premium to be here and actually contribute to the area.
80. Access - the access to the whole marina area is via an already heavily congested Trawler Road where unauthorised parking exacerbates the problems daily.
81. Many students drive cars and lack of spaces will add to the street parking problems.
82. Trawler Road is not wide enough for parking on and emergency service vehicles often had great difficulty getting through because of illegal parking.
83. Trawler Road is inadequate to safely accommodate both the flow of construction traffic and resultant increase in tenant traffic.
84. Inadequate parking provision which will add to parking problems already existent in the area.
85. Lack of parking many students will have cars as can be seen from students already living in the area.
86. One way in and out.
87. More cyclists sharing promenade with pedestrians is accident waiting to happen
88. Students arriving or leaving will park on nearby roads to unload.
89. The area of SA1 or the Marina should remain mainly residential and leisure and not have student accommodation.

### Amended Application Consultation (25th October 2016)

An amended site location plan was received on 24th October 2016 which included an area of land previously omitted which connects to the highway and this land was brought within the red line area. Further re-consultation was carried out by way of an amended site notice dated 25th October 2016.

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Following re-consultation of the application an additional EIGHT LETTERS OF OBJECTION were received and these can be summarised as follows:

1. Student residence inappropriate for marina.
2. Increase in noise and traffic - one way in and out
3. Parking is already an issue
4. Traffic assessment states adequate public bus service, this is incorrect as the bus service does not start until 9.30
5. Out of character for the area
6. Size of building in overbearing especially to Pilot House, listed building
7. No need for extra student housing as already adequately catered for in Swansea
8. Why build unwanted and surplus accommodation
9. Residents will leave Marina or rent out more properties to students if student village is to be created
10. Contrary to draft local development plan
11. Inaccuracies in transport assessment
12. Balance the needs of longer term residents as this City and Marina in particular is being turned into student dormitory

### **Cyfoeth Naturiol Cymru/Natural Resources Wales** - Further comments 22nd August 2016

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

#### Contaminated Land

NRW previously commented on the document entitled; 'Proposed Student Accommodation, Trawler Road, Swansea: Desk Top Study Report (11816/LP/16/DS)', dated June 2016, by Integral Geotechnique (Wales) Limited. We also welcome the submission of the document entitled; 'Persimmon Homes: Former Spontex Factory: Remediation Validation Report', dated February 2005, by Integral Geotechnique. Along with the report entitled; 'Mapa Spontex (UK) Ltd, Spontex Site, Swansea: Remediation Strategy (Draft 3)', dated October 2002, by Ove Arup & Partners International Limited.

However, given the extensive remediation works completed at the wider site there is still the potential for residual contamination to be present. Therefore, we recommend that the following condition is imposed on any planning permission granted for the site.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved. Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

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### **Pollution Prevention & Waste Management**

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). As best practice, we would advise the developer to produce a site specific construction management plan/pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments NRW also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website: ([www.defra.gov.uk](http://www.defra.gov.uk)). We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

NRW also refer your Authority to our previous response (dated 28 July 2016), for our comments in relation to flood risk, foul water disposal and surface water disposal.

Please note, we have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### **Cyfoeth Naturiol Cymru/NRW comments 28th July 2016 -**

We have significant concerns regarding the proposal as submitted and require further information and clarification in relation to geo-environmental and geotechnical matters. On receipt of this information we would be happy to provide your Authority with further comments.

#### **Contaminated Land**

We note the provision of the document entitled; 'Proposed Studentb Accommodation, Trawler Road, Swansea: Desk Top Study Report (11816/LP/16/DS)', dated June 2016, by Integral Geotechnique (Wales) Limited.

The desk study states that there were investigations in the 1990's and 2000's at this location, which satisfied the regulators. Therefore, we would be grateful if your Authority could request the documentation which states this from the applicant or their consultants. It is likely that the standards at that time were different to those currently in place and therefore this additional information would be most useful in providing your Authority with comments in relation to the proposal.

#### **Flood Risk**

We have reviewed the document entitled; 'Flood Consequences Assessment: Proposed Student Maritime Accommodation, Trawler Road, Maritime Quarter, Swansea (Project Number: C6519),' dated 11 July 2016. The FCA has assessed the tidal flood risk to the site in both the 0.5% + allowance of climate change and the 0.1%+ allowance of climate change.

In the 0.5%+ allowance of climate change the site is shown to be flood free in the most extreme scenario (0.1%+climate change), although a small portion of the site tolerances of Table A1.15 of TAN 15.



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### Foul Water

We note that foul water flows are to be discharged to the public sewer in Trawler Road. This is our preferred means of foul water discharge and is considered to be the most sustainable. We also understand that foul water sewers in this area are routed via Swansea Point Development sewage pumping station (SPS).

Therefore, we recommend that Dwr Cymru/Welsh Water (DCWW) are consulted on the likely additional load to this system and the potential implication of increased flows on the duration of emergency storage currently provided at Swansea Point Development (SPS). This is to ensure that there is adequate hydraulic and biological capacity in the system to accommodate increased flows and that your Authority are satisfied it does not pose a risk of pollution to controlled waters.

### Surface Water Disposal

We note that surface water is to be discharged directly to the Marina / Afon Tawe, via connection to the existing public surface water sewer. Nevertheless, we suggest that consideration be given to the incorporation of an appropriate SUDS system and we would also welcome the inclusion of an appropriate Class 1 bypass separator, in respect of the potential contaminant risk posed from the paved parking bay area.

Ultimately the drainage system design is a matter for your Authority's Drainage Engineers, and we advise that they are consulted in relation to this proposal.

### **Dwr Cymru/Welsh Water:** - No objection

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

**Head of Environment, Management and Protection (CCS)** -No objection subject to the following conditions and informatives:

### Contaminated Land:

I have been through the desk top report and the historic reports for the location (including the remediation information held re: Spontex). I would look to attach an 'unforeseen contamination' condition however, this would be similar to NRW's condition but I would like to add the human health perspective on top of the ground water. If this can be added then I would not look to attach our condition relating to contaminated land.

### Noise:

Given the surrounding land uses it is understood that there will be an element of noise, for example, during the daytime from the use of the boat yard. The Environmental Noise Survey 4211/ENS1 has shown that road traffic noise places the site within NEC A of Technical Advice Note (Wales) 11 and so I am in agreement with the reports' conclusion that a condition relating to acoustic glazing and mechanical ventilation will enable BS8233:2014 to be adhered to:-

### Condition:

Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All habitable rooms shall be subject to sound insulation measures.

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These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To protect the proposed residential use against noise arising from the noise sources/marina use of the area.

Condition:

Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Reason: - To protect the existing and proposed residential uses against noise from building services plant.

Condition:

The use hereby permitted shall not commence until a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: - to protect the proposed and neighbouring residential use against noise emanating from such units.

Condition:

The use hereby permitted shall not commence until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, including its location, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced.

Reason: - to protect the proposed and neighbouring residential use against noise emanating from such units.

Restaurant/Café: -

Condition:

Unless otherwise agreed in writing by the Local Planning Authority, prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of amplified sound emanating from the site, has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: In the interests of amenity

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Construction Phase: -

Condition:

Prior to the commencement of construction works on the application site detailed plans of any piling operations to be carried out shall be submitted and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring residential premises.

Reason: to ensure that a statutory nuisance does not occur for neighbouring premises.

Informatives

### 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations

Authority's Drainage Engineer: - No objection subject to the following condition:

Condition:

No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

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This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Authority's Ecologist: - The site is unlikely to have much ecological value. The site has been cleared and little vegetation has returned. However due to its secluded nature and that there is a large area of flat open ground it's possible that it is used by ground nesting birds. e.g. ringed plover species. Require a pre-work commencement check by a suitable qualified ecologist for ground nesting birds and if they are found a mitigation strategy. The survey would only need to be carried out if work started during the nesting season (May to August).

HSE Consultation Response -HSE was consulted on this application as it lies within the HSE interim consultation distance around Spontex Ltd site at St Nicholas Quay. However, the Planning Statement submitted in support of this application refers to the proposed development site as being part of 'the former Spontex Ltd site, and includes a list of the proposed developments on the site for which permission has been sought since 2003. This suggests that the hazardous substance (carbon disulphide) has not been present on the site for some time, and indeed, HSE wrote to the City and County of Swansea in 2011 and in 2015, suggesting that the hazardous substances for the Spontex site be formally revoked. If HSE is informed that the hazardous substances consent has been formally revoked, the HSE consultation distance around the site will be withdrawn and there will be no need for HSE to be consulted on proposed developments in its vicinity.

**Head of Transportation:**

1.Introduction

- 1.1 This application is for a planning permission for works as outlined above on land currently unused. The site benefits from an existing consent for hotel use albeit that it has expired (planning application reference 2009/0368). Some site clearance has taken place but it is not clear whether the planning permission has been started.
- 1.2 In order to assess the impact of the development, a Transport assessment was submitted with the full planning application on behalf of the applicant Douglas Villiers, prepared by Asbri Transport. The content and scope had been advised and agreed with CCS Highways.
- 1.3 The site is located on Site J of the Swansea Point masterplan on Trawler Road and is bounded by the sea angling centre/sea cadet HQ to the north, Atlantic Square to the east, Trawler Road (St Stephens Court) to the south and an access road to the west. The site is located approximately 600m to the south of Swansea City Centre.
- 1.4 The ground floor uses are intended to be ancillary to the student accommodation.

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### 2. Vehicular Access and Traffic

- 2.1 The access to the site is gained off an existing roundabout which provides vehicular access to a public car park which serves the boat yard. The site located in a reasonably sustainable location with access to public transport (bus) and a number of local amenities within a short walk.
- 2.2 The majority of the roads within the vicinity of the application site have pedestrian footways on one or both sides of the carriageway. There is a pedestrian footbridge across the marina approximately 90m north west of the site providing a direct route through to two major food-stores, the leisure centre and onto the City Centre.
- 2.3 The Transport Assessment indicated that the Highway Network could accommodate the additional traffic generated by the proposal. The scheme was assessed in accordance with the National Database TRICS. The document compared those trips generated by the proposed student/mixed use development with the hotel and associated uses previously consented. The following categories were relevant in this instance:

- \* Residential (student)
- \* Restaurant (A3)
- \* Coffee shop (A3)
- \* Retail (A1)

The TA showed that the existing hotel permission generates 50 two-way vehicular movements in the a.m. peak (08.00-09.00) compared to 19 for the proposed student/mixed use development. In the p.m. peak (17.00 to 18.00) the relative figures are 44 for the hotel use and 35 for the proposed student/mixed use. It is seen therefore that there are less vehicular movements associated with the proposed use, and notwithstanding whether the hotel permission has commenced the total trips generated only provide approximately one car movement every 2 minutes. The Transport Assessment that accompanied the hotel planning application concluded that the highway network and main access junction that serves the maritime quarter had sufficient capacity to accommodate the traffic generated by the development. As the trips proposed are less than those generated by the hotel it is accepted that the development will not have an unacceptable impact on traffic, in particular the main access junction into the Marina.

Multi modal trip rates have not been calculated but given the low number of trips generated by cars then it is evident the majority of trips will be via cycle, public transport and on foot. .

The proposal therefore is unlikely to generate any noticeable increase in car movements but will bring about an increase in walking, cycling and public transport usage by virtue of minimal car parking being provided.

The student accommodation will generate negligible vehicular traffic due to the limited parking facilities provided which in the main are intended to serve visitors (at one space per 10 beds). An additional parking provision of one space per 25 beds is provided for servicing/wardens and drop off areas.

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A section 106 Agreement linking to the tenancy agreement will be required to ensure that students taking up residence do not own cars and bring them to the site or the surrounding area as there is no parking provided for this purpose.

- 2.4 The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it. The section 106 Contributions which are being sought provide infrastructure that supports this thrust.
- 2.5 The proposed layout has created a layby along the Trawler Road boundary to allow for servicing to take place. There should be the provision for the footway to follow the line of the layby thus providing continuous pedestrian access but this is not shown as being the case. Whilst the red edge line is set back 2m from the back of the carriageway the footway is not complete. Given the level of pedestrian movements expected it will be a condition of consent that new footways are to be provided from the roundabout access to the end of the site boundary at Atlantic Square.
- 2.6 As has been mentioned the main thrust of the modal splits is towards non car modes of transport. In the preapp enquiry the applicant was advised of the obligation to provide a contribution towards a Highways section 106 agreement to promote/enhance cycle/walking/public transport routes. For the number of units proposed this currently equates to £89,898.

Following internal discussions it has been determined that there are two areas that require an upgrade directly related to the proposed mixed use development, these are:

- \* A pedestrian crossing on Trawler Road (estimate £25,000) to aid access to local services and the coastal footpath
- \* Strengthening the existing Traffic Regulation Orders on Harbour Square (estimate £10,000).

Thus the total contribution that Highways will be requesting is only £35,000.

- 2.7 The site plan is broadly the same as that of the previous hotel consent except there is a piece of land excluded adjacent to the roundabout where the vehicular access for both the servicing and the car park access is intended to be gained. This land is not in CCS highways ownership (nor any other council ownership) therefore the red edged outline should be amended to include this area as without it the site is landlocked.
3. Car Parking
- 3.1 The development has been assessed against adopted parking guidelines and meets the standards for 'managed student accommodation' with provision of 43 car parking spaces. 2 car parking spaces suitable for blue badge holders have also been included, to comply with the CCS 6% provision this should be increased to 3 suitable car parking spaces.

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- 3.2 The student accommodation is planned to be essentially car-free. 43 car parking spaces are provided for visitor and disabled use. To ensure that this car free arrangement works satisfactorily and does not cause overspill parking problems there is a need to ensure that students do not have cars, and that alternatives are in place. The tenancy Agreement will have to form part of the Section 106 agreement which will tie the student residents into not bringing cars to the site.
- 3.3 Car parking within the site is provided for pick up /drop offs and servicing only and no long term parking is available for student users (in line with the tenancy agreement referenced earlier).
- 3.4 Due to the lack of parking for the student element there is a requirement for a management scheme to ensure that all the limited parking spaces are managed effectively (including for the ancillary uses) and to ensure that maintenance/servicing can be satisfactorily accommodated. This parking management scheme should also include the start of term drop offs and end of term pick ups as there will be a significant increase in cars that cannot be accommodated within the site
4. Pedestrian and Cycle Access
- 4.1 Pedestrian facilities are to be enhanced by the development. A sum of £35,000 will be requested (which is less than the maximum that could be requested) in line with the SPG on Highways contributions. There are two main items that this will fund:
- a) A pedestrian crossing on Trawler Road
  - b) Strengthening of the TRO's on the approach to, and including Harbour Square to maintain its open aspect and prevent unauthorised parking.

The development will fully fund these items in their entirety with no need to pool resources from any other related development.

- 4.2 There is a room provided on the basement levels to cater for 160 cycles and an additional area labelled plant/substation/cycle storage so cycling will be a sustainable mode of transport particularly in view of the proximity of the site to the NCN Routes, and is considered to be adequately catered for
- 4.3 In terms of pedestrian routes, the applicant has been advised of the requirement for a section 106 contribution and part of this will be assigned to improving pedestrian movements by the introduction of a new pedestrian crossing.
5. Public Transport
- 5.1 The site is currently served by an hourly bus service. The site is located within a short walk to the Quadrant Bus station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision.
- 5.2 The train Station can be reached on foot but it would be more convenient to catch a bus for the short trip upto High Street Station with links to UK and beyond.

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#### 6. Highways Infrastructure

- 6.1 The applicant will be required to make a contribution of £35,000 towards works to upgrade the pedestrian facilities in the area and strengthen the TRO's at Harbour Square
- 6.2 The redevelopment of the whole site will also require new footways (the provision of footways along the site boundary is incomplete) and this element will need to be undertaken by entering into a Section 278 agreement with the Highway Authority. It is likely that there could be damage done to the existing infrastructure and as such replacement will be required on the two roads bounding the site, particularly in terms of footway construction where none currently exists.

#### 7. Conclusions

- 7.1. The Transport Assessment indicated that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership. The vehicular movements were shown to be less than those associated with the hotel use.
- 7.2 Pedestrian and cycle facilities will be catered for within the development in conjunction with the contents of the Section 106 and the proposed building layout and the provision of cycle storage and new pedestrian footways
- 7.3 The use of the incorporation of the tenancy agreement into the Section 106 agreement should ensure that car use is minimized.

#### 8. Recommendations

- 8.1 No highway objection subject to the following;
  - i. All adoptable highway works being completed to Highway Authority Standards and Specification. The new layby as shown on Trawler Road should include the re-routing of the footway around it to ensure that pedestrian access is maintained. Also any amendments that may be required to facilitate the vehicular access to the site off the mini roundabout would need to be carried out under a Section 278 agreement with the Highway Authority. The footways currently along the site boundary adjacent to the highway are incomplete and there will be a requirement to complete these works given the level of footfall that is expected to be generated by this development. This also will require a Section 278 agreement with the Highway Authority.
  - ii. The Section 106 to include details of a parking management scheme for the parking both within the area designated for student/visitor use, and also in the adjoining servicing area and servicing layby on Trawler Road. The document should make specific reference to general day to day management as well as the pick ups and drop offs which have the potential to bring more vehicles than can be accommodated at once.



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- iii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
- iv. The Section 106 to include the financial contributions as outlined above for the works to provide the pedestrian crossing and upgrade to the Traffic Regulation Orders at Harbour Square at a value of £35,000.
- v. I recommend that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- vi. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- vii. Full retaining wall drawings and calculations (including method statements for the implementation) to be submitted for approval to the HA under the West Glamorgan Act
- viii. Overall 6% of the spaces (3 spaces) should be laid out as being suitable for use by disabled users (to the current British Standard).

Note 1: The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Team Leader (Development), e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk), tel. no. 01792 636091

Note 2:

Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height.

Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

Following further consultation on the amended site location plan received on 24th October 2016 the Head of Transportation has provided the comments below:

The Head of Transportation and Engineering has no further comment to make and notes that the site boundary now abuts the Highway Network.

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In response to the objections raised to a number of highway related issues, namely lack of adequate car parking, the public transport accessibility and frequency, unsuitability of Trawler Road to handle any more traffic, and congestion at the lights of Oystermouth Road outside the Civic Centre, the Head of Transportation and Engineering considers that the parking for the student use fully meets the parking standards for 'Managed Student accommodation' within the CCS Parking Standards. There is no reason therefore to assume that the parking situation within the marina will be made any worse by the proposed development. The tenancy Agreement is seen as critical to the management of the parking area and to restrict students from owning cars. This will be tied into the Section 106 Agreement.

The parking indicated within the site fully complies with the parking standards and no allowance has been applied for on sustainability grounds. Public transport is a commercial enterprise and whilst the current service does not run early morning to late evening, if the development went ahead then it is possible that improved services would be forthcoming to satisfy demand. It would not be reasonable nor meet the numerous planning tests to try to improve the bus services to the marina via a condition associated with this planning application. There are a number of services that run along Oystermouth Road (in addition to the Quadrant itself) and it is considered that these are accessible for any students within this development.

The application was supported by a Transport Assessment the scope of which was agreed with CCS highways officers. The methodology used is in line with other local authorities and uses sites surveyed from across the UK. My original observations gave detailed accounts of the proposed student trips compared to the trips that would have been generated by the previously consented hotel use. It can be seen that there is a significant reduction in car borne trips. On that basis then is no justifiable reason to refuse planning on traffic grounds nor the impact that it will have on Trawler Road or the lights on Oystermouth Road.

## **APPRAISAL**

### **Introduction**

This application is reported to Committee for decision as a major development which meets the Committee threshold.

The application was re-advertised on site for a further 21 days following a minor adjustment to the red line boundary to clarify vehicular access to the application site from the highway.

In terms of the planning history for this site, outline planning permission was granted in April 2004 for a mixed use development of the former Spontex site for housing, employment, commercial (leisure, restaurant/public house, hotel) and maritime uses, public open spaces (including a park, play area and promenade) and car parking, together with associated engineering and building operations, infrastructure and landscaping works, subject to conditions and a Section 106 Agreement. (Planning application 2003/0808 refers).

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A reserved matters application was subsequently approved in July 2009 (Planning application 2009/0368) for the construction of five storey 164 bedroom hotel (Class C1) incorporating restaurant, bar and lounge facilities, meeting, conference and function rooms, fitness room and associated basement and surface level car parking, servicing and infrastructure works (Reserved matters approval pursuant to outline planning permission ref: 2003/0808 granted 20th April 2004).

In the location of the hotel approved under planning permission 2009/0368, the Masterplan envisaged for Site J a ground floor comprising of leisure with residential above over 4 storeys for the western side of Atlantic Square running up to the frontage with Trawler Road. From this corner location the approved land use Masterplan indicates residential use over 3 storeys to the corner of the spur road from Trawler Road to the boat yard and ground floor commercial with residential above, thereafter increasing in height from 4 to 5 and to 7 storeys at the site's northern extent. It has been explained that the hotel planning permission has not been implemented on site due to market conditions and the land is now under new ownership seeking an alternative scheme.

**Application Site and Surroundings**

The application site Area J is the last remaining vacant site making up the Swansea Point development. The application site is drawn tightly to the boundary of the footprint of the building and associated external areas and does not include any further proposals for Atlantic Square. The masterplan allocates Swansea Point under Policy HC1 for residential purposes in the City and County of Swansea Unitary Development Plan.

The former 'Spontex' site, now renamed 'Swansea Point', is a transition between the existing Maritime Quarter, Swansea Bay, the Tawe and 'SA1 Swansea Waterfront' on the opposite bank of the Tawe.

The Swansea Point Masterplan describes a phased development, essentially evolving in a west to east direction across the site. The seafront and riverfront promenades will be developed as integral parts of each adjacent development area. Phase 1 was the site remediation and highway infrastructure works. Phases 2, 3, 4 and 5 relating to areas A through to H have been approved and are complete (reserved matters applications 2004/0960, 2004/2915 and 2006/0144 refer). These areas are confined to the south and west of Trawler Road and are entirely residential in nature. Reserved matters approval has also been granted for Area L in the south east of Swansea Point for the erection of a 14 storey residential block (known as Aurora) with two ground floor retail/commercial units (reserved matters approval 2005/2097 refers). This too has been completed.

The approved Masterplan for Swansea Point envisaged a mixed use quarter in these areas, located around Atlantic Square; a new public space, focused on the attractive barrage area and the pedestrian link across the river to SA1. The adjacent site (Site K) was approved under reserved matters application 2008/1994 for the construction of mixed use development including 5 storey block incorporating 3 no. ground/first floor (retail - Class A1) commercial (Class A3) units, sea scout accommodation and 20 no residential apartments and 23 no. 3/4 storey residential townhouses in 4 blocks, car parking, public square and associated landscaping. This site K has now been completed.

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This application relates to Area J located on the north western side of Atlantic Square on land between the north eastern side of Trawler Road and Pilot House Wharf on the Tawe riverside. The site, which slopes from approximately 8.5m AOD at its south eastern end down to approximately 6m AOD its northernmost point, is currently a vacant development platform. It is irregular in shape and comprises an area of approximately 0.3 hectare.

The south westerly part of the site fronts directly onto either Trawler Road or to the spur road linking to the lock car park and riverside. Three individual buildings bound the north eastern boundary of the site. The south eastern most building is known as the Pilot House building and is listed grade II. It is a late 19th century compact two storey red brick structure with tall crenellated (outlook) tower on its northern end. The ground floor levels of these buildings vary between approximately 1m and 2.2m below that of the adjacent parts of the application site. The south eastern boundary of the site abuts the development around Atlantic Square.

### Proposed Development

The application seeks full planning permission for the construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works.

The 287 bedrooms comprise a mixture of single and double studios as well as disabled studios. At ground floor level the proposals provide for 15 studios with 2 offices, TV/games room, lounge, gym, common rooms, laundry and toilet facilities. In addition the scheme includes a coffee shop, retail space and split level A3 use accessed along the east and south of the site.

The first, second and third floors would each have 56 studios, the fourth and fifth floors would each have 52 studios, 5 of which on the fifth floor would be duplexed above.

Summary of the main differences in scale between the current proposal and the hotel approved under ref:2009/0368

\* The approved hotel development would have occupied a roughly 'C' shaped building footprint and would have amounted to five storeys in height above a level of undercroft car parking.

The current application proposes a similar roughly 'C' shaped building footprint which has been reduced in size from the hotel footprint (ref:2009/0368) following initial pre-application discussions to reduce the impact on the listed building (Pilot House). The current proposal has cut back the scale of the upper levels of the wing facing Atlantic Square to reduce the massing immediately adjacent to the listed building.

\* Due to changes in levels in and around the site, the height of the hotel building varied from 18m in its south eastern frontage to Trawler Road, to 20.5m at the main pedestrian entrance to Trawler Road and up to 21.5m at its northern end, where it faced out onto the extended boat yard area. From the roadside elevations the building podium/visible extent of undercroft car parking therefore increased in height from the south eastern part of the building to the northern part of the building. The height also increased at various points to accommodate the gym roof, roof plant, service cores and feature areas. At the rear/riverside elevation of the building its height varied between 21 and 22.5m.

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The lower parts of the building, including undercroft car parking level and deck over, would be largely screened by the existing buildings on Pilot House Wharf.

The current proposal has been designed to keep the main block (Trawler Road elevation) either no higher than/or below the overall height of the previously approved hotel block. The main façade has been angled to follow the site boundary. The highest part of the building remains at the northern end where it faces out onto the boat yard area, and the blocks vary from 4 to 6 storeys in height. The parking area is proposed to the lower ground floor level.

\* The design of the hotel building was to be contemporary with feature recessed panels framed by white render. The main pedestrian access was located at the centre of the building. A secondary access is located at the rear of the building, whilst an entrance off Atlantic Square provides direct access to the bar and restaurant for members of the public.

The current proposal retains the main pedestrian access at the centre of the building. Secondary accesses are located from Atlantic Square elevation and from the rear courtyard area. The scheme proposes a coffee shop, retail unit and split level A3 use which are accessed principally off Atlantic Square whilst the coffee shop also provides an access off Trawler Road.

\* Vehicular access for the hotel was proposed from the north west corner of the building, off the existing roundabout.

The current proposal retains vehicular access for service vehicles and car parking consisting of 43 spaces in the lower ground floor of the building. The application drawings identify a dedicated space for cycle storage for upto 160 cycles. In addition the lower ground floor plan indicates space for plant, substation and additional storage space.

**Material Planning Considerations**

The key material planning considerations in the determination of this planning application are set out as follows:

- o Principle of development having regard to Development Plan Policy and Supplementary Planning Guidance;
- o Townscape and visual impact;
- o Relationship to Listed Building
- o Impact on residential amenity
- o Highways, traffic, car parking, access and pedestrian movements;
- o Impact on archaeology and cultural heritage;
- o Flood risk and Drainage;
- o Pollution and ground contamination;
- o Impact on ecology;

**Principle of development**

Policy HC1 allocates Swansea Point for residential purposes with an anticipated number of residential units in accordance with the Masterplan and approved and proposed provision to date (600 units). The allocation acknowledges that planning permission has been granted for the site.

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As already stated, this outline planning permission is a mixed use permission including hotel use. In land use terms therefore, the current application is in accordance with the outline planning permission and does not compromise the delivery of the desired residential development of the wider Swansea Point area as required by Policy HC1.

Given that the principle of a residential hotel use in this location has been established by the original outline planning permission, the key issue to be considered for this application is whether the proposal for student accommodation fits with the aims of policy HC11 in relation to 'Higher Education Campus Development'. Policy HC11 refers to a range of design considerations, relationship with existing buildings and spaces, access, landscaping, amenity impacts and travel but also specifies that 'the use of appropriate City Centre sites for student accommodation will be favoured'.

In terms of the location the site itself is contained within the 'City Centre Action Area', as specified within the UDP. In this respect the development of the site for student accommodation can be favoured in line with the terms of Policy HC11. Further consideration can be given to the remaining design criteria in the below paragraphs along with the requirements of UDP Policies EV1, EV2, EV3 and EV4 and relevant Adopted SPG including:

- o Spontex and Adjacent Land Development Brief(October 1999)
- o Swansea Central Area Regeneration Framework (SCARF) (February 2016)
- o The Adopted Tall Buildings Strategy SPG (2008) and the emerging 2015 version
- o Places to Live Residential Design Guide (2014)

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

**Townscape and visual impact**

Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design. In this respect, as detailed above, in the location of the currently proposed student accommodation, the Swansea Point Masterplan envisaged a 4 storey development for the north western side of Atlantic Square running up to its frontage with Trawler Road. From this corner location the approved land use Masterplan indicates residential use over 3 storeys to the corner of the spur road from Trawler Road to the Marina lock car park, thereafter increasing in height from 4 to 5 and to 7 storeys at the site's northern extent. The previously approved hotel was 1 storey taller along the north western side of Atlantic Square and its corner with Trawler Road, 2 storeys taller for the small section along Trawler Road, then 1 storey taller, then as per the Masterplan and ultimately 2 storeys shorter than the Masterplan. The proposed student accommodation is in the main no taller than the approved plan and does not exceed the 7 storeys at the site's northern extent as envisaged in the land use Masterplan.

The differences in height in the approved hotel and the proposed student block are not considered to be significant. During consideration of the previous application for the hotel, it was considered that the site would benefit from a building of presence and would provide a strong point of transition from the predominantly 3 to 4 storey residential development on the opposite side of Trawler Road and that of the 14 storey block to the south (known as Auora), to the taller landmark buildings located at SA1.

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The urban form contained within the Masterplan shows buildings which follow the back of the footway and the edge of Atlantic Square (effectively forming a reverse 'C' shape) and this was reflected in the previous hotel approval and is carried forward in this current student accommodation proposal. It is considered that the building will create a strong sense of place and identity through its relationship with the site and its interaction with the public realm, and the emerging streetscape. It is also considered that the building would provide a strong focal point to key views in the approach to the site along Trawler Road, from Pockets Wharf to the north. Whilst the proposed student accommodation block would be taller than the existing buildings on Pilot House Wharf, the impact of the built form has been pulled back from the scale of the approved hotel plan at this point to reduce the impact of the proposal on the Pilot House. It is considered that the simple backdrop will allow the traditional lower forms to be clearly discerned in views from east on the opposite side of the River Tawe from within SA1. The impact of vehicular access to the on site car park and servicing is minimised through use of a natural break in the building line to the north which is concealed and secured by a gate.

The approach of finishing the elevations with cladding systems that make reference to Swansea's past metallurgical industries and the use of cladding in the place of render is considered to be acceptable. On this basis it is considered that the proposal is appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density.

It is also considered that the proposed scheme capitalises on its location alongside Atlantic Square. The creation of the terrace outside the proposed A3 use relates well to this area of public space, allowing the use to spill out and interact/enliven the area. It is considered therefore that the proposal will effectively integrate with adjacent spaces and the public realm to create good quality townscape. It is also considered that the proposal will provide a significant contribution to the creation of new, and the improvement of existing spaces and an enhancement of the general street scene.

UDP Policy EV2 requires that the siting of new development should give preference to the use of previously developed land over greenfield sites, and must have regard to the physical character and topography of the site and its surroundings by meeting specified criteria. In accordance with the requirements of this policy, the proposal forms one of the remaining areas to be redeveloped at this previously developed former industrial site. The first criteria of Policy EV2 is that development should avoid locations that would have a significant adverse impact on prominent buildings, landscapes, open spaces and the general locality, including loss of visual amenity. Having regard to the conclusions reached in respect of the considerations in respect of Policy EV1, it is not considered that the development would have a significant adverse impact on prominent buildings, landscapes, open spaces and the general locality. In terms of the loss of visual amenity, it is considered that the properties most affected would be those located directly opposite the proposal along Trawler Road.

In considering what weight should be given to the potential adverse visual impacts for occupiers of those properties, it must be recognised that the impact of a proposal on an individual view is not in itself a material planning consideration, although the visual/physical impact of a development clearly is. Moreover, planning permission has already been granted for a mixed use development of this site (Masterplan) and subsequently for a hotel development, therefore development at the scale of the residential properties at Swansea Point would have some visual/physical impact and would obstruct views towards the riverside.

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It is considered therefore that whilst the proposal will impact on the visual amenities of those occupiers living in the residential properties directly opposite the application site, by way of physical/overbearing impact, this would not be to a level that could justify refusal of this proposal.

It is acknowledged that the proposal would be relatively prominent within the landscape, however, having regard to the design and nature of the proposal, along with its context in a transitional area between the Maritime Quarter and SA1, it is not considered the proposal will look out of place and will effectively integrate with the general scene as a whole.

Policy EV3 of the adopted UDP requires new development proposals to provide access and facilities for all; provide satisfactory parking in accordance with Council adopted design standards; contribute to a high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and be accessible to pedestrians, cyclists and users of public transport. In this respect, double studio/disabled rooms are offered on the upper floors, two disabled parking spaces are also proposed and 150 cycle parking spaces. The site is also well linked in an accessible manner to adjacent attractions and areas of public realm. The site is located on a bus route and has good access to the public transport network, with the Train Station and Quadrant bus and coach station all within walking distance. The site is also in close proximity the National Cycle Network. Accordingly it is considered that the proposal accords with the requirements of Policy EV3.

Policy EV4 of the UDP states that where development and ancillary features impact on the public realm designs should ensure that schemes integrate with areas to produce spaces that result in quality townscape and building frontages that actively engage with the public, that are "people friendly" in terms of perceived and actual safety levels, and provide attractive detail through the use of high-quality, durable materials. In this respect the main entrance to the residential accommodation at Trawler Road, along with the level of glazing and active frontage to the road and importantly the glazing and active uses that are able to spill out onto the associated terrace in the proposed Atlantic Square provide an excellent degree of active frontage and the opportunity to strongly engage with the adjacent key area of public realm. In doing so it is considered that the proposal will provide a good deal of natural surveillance at all times of the day. The proposal is considered in compliance with the provisions of UDP Policy EV4.

#### Swansea Central Area Regeneration Framework (SCARF)

Within the SCARF document the site is designated as lying within the Maritime Quarter: Complementary Area. There are a number of Development and Design Principles for this area which are as follows:

\* Public Space - The proposals include student ancillary areas and A3 use located at ground floor level which will integrate with the existing public space public open space at Atlantic Square as well as onto Trawler Road via large glazed facades which will provide additional activity to these spaces. In addition to this the proposed external bar and restaurant terrace will provide further activity and interaction between the ground floor uses of the proposals and the existing areas of public realm.



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\* High Quality Frontages - The use of metal cladding to frame the curtain walling provides a high quality contemporary finish which also respects the existing character context of the locality as well as the wider industrial dock heritage. The layered approach to the frontage infill panels which also utilise the colouring and texture of raw copper /brass sheet metal cladding will patinate over time to provide a natural ageing character and appearance to these facades which will enrich these elevations as they evolve over time.

\* Mixed Uses - The proposals for a student residential led scheme with A3 uses at ground floor provide additional residents to support local businesses as well as complementary commercial activities to add diversity to and enliven the street and public spaces surrounding the development at various times of the day.

\* Existing Commercial Uses - The additional population as well as further A3 offer in this location will help to support existing commercial uses within the locality.

\* Public Facilities and Activities - The proposals provide for additional A3 use along the river frontage to help in creating a leisure destination along the waterfront.

\* Redevelopment of Sites - The proposals redevelop the vacant site with a predominantly student residential use which will complement the existing residential use within the Swansea Point area, help to support A3 uses in the locality as well as providing good walking and cycling links to the future SA1 campus of the relocated UWTSU as well as close bus links to the Swansea University campus at Fabian Way. In addition to this the proposed ground floor A3 use will provide additional food and drink offer in the area to attract more people to the area to the benefit of existing businesses. The proposed student residential use with ancillary A3 use is therefore considered to be an appropriate use mix for this site.

#### Tall Buildings Strategy SPG

The following assessment is based upon the 2008 version of the tall building SPG. Although this has been updated and was subject to public and stakeholder consultation in 2015, the 2008 version remains the adopted SPG until superseded. The updated 2015 version does not change the principles used below, nor the status of the site as a 'consider zone' for tall buildings.

The Tall Building SPG defines a tall building as being twice the height of adjacent buildings and recognises that tall buildings can have a positive role in the City. It highlights the application site as lying within a 'consider zone' which is defined as a location where 'well designed tall buildings can have a positive impact, subject to the availability of supporting information'.

In addition to being located within the consider zone the site also lies within the Tawe Gateway area and immediately adjacent to the welcome zone for tall buildings of this designated area. As a part of this the site lies within an ellipse of existing and approved tall buildings set around the mouth of the River Tawe. The SPG highlights the role of this area as:

"A maritime gateway to the city is formed where the Tawe River meets the sea. The waterfront land edging both sides of the river corridor is allocated for redevelopment. Major area regeneration is currently occurring within the SA1 area and Swansea Point. Permission has been given for a grouping of tall buildings, here strengthening this city-water gateway."

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\* The SPG indicates that tall buildings should:

- o signify areas of regeneration;
- o Create a distinctive skyline that projects a new image for Swansea;
- o Form a landmark that marks a key city gateway;
- o Maximise densities in proximity to public transport.

The Tall Building Strategy SPG also sets out a broad range of principles for tall buildings (on pages 19-22):

\* Work with the topography by setting tall buildings against backdrop of surrounding high ground - Due to its location at the mouth of the River Tawe the site does not lie in close proximity to any surrounding high ground the nearest of which (Townhill/Mayhill to the north west and Kilvey Hill to the north east). The height of the proposals at 4 - 6 storeys is similar to that of the adjacent Swansea Point development and this in conjunction with the relatively tight urban fabric, with some of these existing buildings lying in close proximity to the site, means views towards the high ground and the relationship of the proposals to this will be limited. Longer views of the building will therefore be from the north and east with views from the south and west limited to those up close to the building where this will dominate the view and will not be read in conjunction with the surrounding high ground.

\* Define key districts, gateways and areas of functional importance - The design and scale of the scheme helps to reinforce the identity of the Tawe gateway as part of a cluster of existing buildings and structures (of taller height than the proposals) and will help to support the River Tawe mouth as a destination linking the city centre, marina, SA1 And Swansea Point.

\* Create a legible and permeable environment - The site is currently a vacant plot of land surrounded on all sides by existing movement routes (both vehicular and pedestrian). Given the relatively small size of the site in conjunction with these existing routes the scheme does not need to create any new routes as the existing desire lines are well catered for by the existing street network. The proposals will provide for a block with active frontages and a building of urban scale which complements the existing residential development at Swansea Point as well as providing for an active edge to the currently boarded up northern side of Atlantic Square.

\* Be sensitive to heritage assets - The site abuts the Grade II Listed Pilot House. The relationship to this heritage asset is addressed in the Heritage Impact Assessment and this is addressed later in these comments.

\* Exhibit the highest standards of architectural design - The concept is for urban scale block which will wrap around the Atlantic Square, Trawler Road and the access road coming off this to the river front to provide strong frontages and enclosure onto the public realm in these locations whilst providing 'breathing space' between the rear of the block and the existing buildings (including the listed Pilot House) fronting onto the River Tawe. The contemporary nature of the block which provides clean lines, projecting and recessive elements, glass spandrel panels and coloured metal infill panels as well as some minor variation in height creates a strong appearance to the building, provides visual interest to the long facades as well as providing for a bold, clear identity which still respects the form and overall character of the locality.

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The approach of finishing the elevations cladding systems that make reference to Swansea's past metallurgical industries, which were linked closely with its docks, also helps to anchor the building appropriately to the industrial history of the dockside location and the wider city. Further to this the use of cladding in the place of render is welcomed given the poor appearance of many render buildings within the city which have weathered badly due to the maritime climate.

\* Create a memorable skyline -The building will be visible from all sides but the main views of this will be from the Sailbridge to the north of the site as well from the east on the opposite bank of the river. The proposals are similar in height to the Swansea Point and Marina Villa developments and which lie adjacent to the west and south of the site respectively and as such the proposed development will be read in conjunction with these existing buildings and will add an additional complementary form to any skyline views from these areas.

\* View from the Sailbridge - This viewpoint is from the north of the application site and is an important pedestrian and cycle link between the city centre and SA1. As such this helps to explain the position of the obscured glass lantern feature, which is the tallest element of the scheme and located at the northernmost point of the building/site where it will be clearly visible from this viewpoint and located approximately half way between the existing tall buildings of Aurora to the south and Pockets Wharf to the north of the site. The taller lantern element will therefore provide an intermediate visual marker between these tall buildings, enhancing the skyline in this location as well as a providing a good level of legibility and identity to the new building.

\* View from the opposite side of the river - This viewpoint is offers a wide view of the city centre side of the River Tawe and is characterised by a layering of older river fronting buildings at the lower quayside level and the more recent developments of Swansea Villas and Swansea Point at the higher level which provide variation in height and rooflines. Whilst the new building will be taller than the context, it is considered acceptable as a high quality addition to the cityscape. The additional height of the proposals and glass lantern will add further visual interest to the skyline view from this location whilst sitting comfortably within the general scale of the more recent developments on the city centre side of the river.

\* Sustainability - Although there is no longer a mandatory sustainability target imposed through the planning system in Wales, the Tall Building SPG indicates that building of this scale is expected to demonstrate best practice with regards to sustainable building standards. In terms of transport, it is a highly accessible and sustainable location on key public transport routes and walkable to the city centre, plus it is at the centre of emerging cycle network which links to both universities. In terms of the building itself, the DAS highlights that the development aims to achieve an initial reduction in energy demand through improvement of U-values and air tightness standards above current Part L Building Regulations. Highlighted measures include energy efficient lighting and appliances, centralised and solar hot water, mechanical ventilation systems with high levels of heat recovery as well as photovoltaic panels. Given that it is stated that some of these measures are to be reviewed further details of the approach to the building sustainability should be sought. Any proposed plant will need to be suitably screened and this should be conditioned.

\* Compatibility with transport infrastructure - The site is highly sustainable given it is walkable into the city centre, on a public bus route and also on the emerging city centre cycle network which links to both universities.

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The site is defined as Zone 3 (Urban) within the Car Parking Standards SPG. For purpose built student accommodation the requirement is 1 space per 25 beds for servicing, wardens and drop-off and 1 space per 10 beds for students and visitors:

o  $287 / 25 = 12$  spaces

o  $287 / 10 = 29$  spaces

o = 41 Spaces total

o 43 spaces provided for the student accommodation therefore meets the minimum requirement (without needing to apply reductions based on the sustainability matrix found on appendix 5 of the SPG).

\* Clustering of tall buildings - The proposed development will add to an existing ring of tall buildings and structures designated as the 'Tawe Gateway' and formed around the mouth of the River Tawe on both sides of this. These buildings and structures comprise of the Sailbridge, Pockets Wharf, Aurora and an approved and proposed tower blocks in SA1.

\* Requirement for public uses at ground floor - A key issue for tall buildings is often how they relate to the street level and public realm. Car parking within the proposal is located at lower ground floor level which allows for the development to work with the topography of the site to provide more active uses in key locations. Given the predominantly residential use of the scheme the proposed commercial units are clustered around the Atlantic Square boundary in order to provide active frontages at street level onto this to complete the space. As yet the exact tenants are to be confirmed, but it is indicated that these units will comprise of small scale retail, restaurant and coffee shop uses with a south facing aspect. This would complete Atlantic Square and will benefit both the students living above as well as residents and visitors from the wider area. The main entrance to the student residences will also play a key role in delivery of active frontages. This entrance will need to be legible and welcoming and clearly distinguishable from the commercial frontages and an appropriate condition is recommended to allow this issue to be addressed.

\* Scale, form, massing - The development is contained within an contemporary flat roofed urban block of 4, 5 and 6 stories which is of a similar height and mass to the approved hotel scheme albeit lower in height and less deep around the listed Pilot House. This urban block defines the street edge along Trawler Road, the access road coming off this towards the River Tawe as well as Atlantic Square and as such the development infills the last remaining vacant gap site to the south the Marina with a scheme which is complementary in scale and form to the contemporary flat roofed blocks of Swansea Point on the opposing side of Trawler Road as well as the Marina Villas Development on the opposite side of Atlantic Square. The façades of the proposals area broken down with projecting and recessive elements, metal cladding, full height glazing, glass spandrel panels and some variations in the building height. This provides for a coherent appearance to the building as a whole whilst avoiding a monolithic appearance and reflects the continuous street frontage 'wraparound' approach of the adjacent Swansea Point development. The ground floor commercial units also provide for full height glazing to complement the existing commercial uses fronting onto Atlantic Square and provide visual interest and activity onto this space.

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\* Public realm - the proposals help to provide enclosure and active frontage onto Atlantic Square to complete this public space which has previously been laid out with paving and trees. The triangle of land lying between the western end of Atlantic Square and the proposed frontage of the new development lies outside of the red line area and is under separate ownership.

On the basis of the above it is considered that the development proposed accords with the principles of good design, in specific relation to its form and appearance within the area and the townscape appearance as set out the Unitary Development Plan Policies and Supplementary Planning Guidance including the Swansea Central Area Regeneration Framework and Tall Buildings Strategy.

### **Relationship to Grade II Listed Building former Pilot House (LB:157)**

The site abuts the Grade II listed Pilot House (LB:157) and as such the proposals must be assessed in terms of their impact upon the setting of this Listed Building. The test set out in Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas, The Planning (Listed Buildings and Conservation Areas) Act 1990 and policy EV1(ix) requires the proposal to preserve the setting of the Listed Building.

It is noted that the massing of the approved Hilton Hotel was considered harmful to the setting of the listed building however this was allowed on the basis of the overriding economic and tourism benefits that would arise from this development. The proposed development for student accommodation, whilst acceptable in principle, would not bring the same benefits as the approved scheme and as such the justification for impacting upon the Listed Building is reduced.

In order to reduce the massing of the proposals and achieve an acceptable design solution in this location the proposed building has been designed using the following approach:

- o Set back from the Pilot House to provide a greater sense of visual separation to the previously approved scheme;
- o Also stepped down in height towards the listed building in order to reduce the sense of visual overbearing on this;
- o The space between the proposals and the Listed Building are proposed to be landscaped rather than a car park deck as per previously consented. This provides a better setting for the listed building in comparison to the approved scheme;
- o This landscaped 'breathing space' would also allow for access to the rear of the Pilot House should any future maintenance or repairs be necessary in this location;
- o The part of the proposed elevation directly behind and facing onto the rear of the listed building has been designed with a simple façade treatment in order to focus attention on the Pilot House.
- o On balance the approach to the design of the proposals are considered acceptable to minimise the impact on the Listed Building whilst also providing for sufficient height and massing to the remaining frontages.

It is noted that it is proposed to use Euroclad Linear 5 rainscreen cladding (or similar) in a natural silver colour to much of the façade including the part of this behind the Listed Building. Whilst rainscreen cladding is acceptable in principle details of its form will need to be secured through an appropriate planning condition in order to ensure that it is sufficiently recessive in colour and does not compete or clash with the red brick of the Pilot House.

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Having regard to the above overall the proposal is considered to accord with the provisions of UDP Policy EV1(xi) which requires that new development shall have regard to the desirability of preserving the setting of any listed building.

### **Impact of residential amenity**

Policy EV1 sets out that development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. In the first instance the principle of a mixed use development at this location has been clearly established by the outline planning permission for Swansea Point. Indeed the mixed use quarter was envisaged as a significant part of the Swansea Point development, located around public space known as Atlantic Square. This newly created square was therefore planned to provide a wide range of A3/leisure and support activities to enliven the public realm for those working, living and visiting the area. To this end, the majority of the ground floor of the application site is allocated in the Masterplan for commercial uses, including leisure and Class A3 uses. An increased critical mass/activity in this area is recognised as fundamental to the success of Swansea Point and significant in its contribution towards Swansea's aspirations as a Waterfront City. Residents therefore should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location. It is not considered that the proposal would result in demonstrable unacceptable level of disturbance from this proposed residential use that would be considered so harmful in a mixed use urban area that would warrant a recommendation of refusal.

Consideration can also be given to Adopted SPG entitled 'Place to Live Residential Design Guide'. Whilst this guide is generally aimed at housing developments, it is relevant to this proposal in terms of high density city centre living considerations and the residential amenity tests. The majority of the design requirements are set by the Tall Building SPG.

The relevant requirements of the Residential Design Guide include:

\* Density and Mixed Uses - the design guide highlights the importance of maximising density in accessible locations. The site is well served by public transport, walkable to the city centre and a cycle ride to the various university areas and as such is located in a highly accessible location. This is demonstrated by the Swansea Point development which has a density of approximately 60 dwellings per hectare. The proposed density based on 287 bedrooms on a 0.75 ha site is 383 bed spaces per hectare (note that this is different to the usual measure of dwellings per hectare). Whilst this is clearly a high density, this assessment of the scheme demonstrates that there are no significant impacts and that the proposal has a number of regeneration benefits. Furthermore the scale, height and massing of the proposed development is broadly similar to that of the existing Swansea Point development and would not appear out of place adjacent to this. The development provides for a number of adaptable A1 and A3 units which will help to provide additional leisure and convenience shop offer to the locality in order to support the proposed student population, the existing resident population as well as adding additional vibrancy to Atlantic Square.

\* Community Safety - Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are legible (easy to locate), and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design.

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The proposed main student entrance will be from Trawler Road and is highlighted by steps up to this from street level (due to the site topography), signage as well as a projecting box element of the tallest height on this elevation and comprising of full height curtain walling from ground level to roof level.

\* Privacy and Amenity - The Design Guide also sets the requirement to avoid cramped living environments in high density developments and the proposal does this successfully through the design with outward facing street elevations. Furthermore the use of full height glazing helps to maximise the natural lighting and feeling of openness.

In terms of residential amenity, the residential design guide sets out tried and tested considerations to assess the impact on residential amenity of existing residents around the site. The main considerations in this regard are the relationships to the existing flats at Swansea Point on the opposite side of Trawler Road as well as those flats at Marina Villas on the opposite side of Atlantic Square. In assessing the impact and relationship of the current proposal on the existing residents around the application site, it is important to note that the relationship the current proposal is comparable in height, scale, siting and proximity to the street to the hotel approved at this location under planning application 2009/0368.

\* Overlooking - the proposed student accommodation will be some 18.5m from the closest windows of the existing Swansea Point residential development on the opposite side of Trawler Road.

The residential design guide sets out an overlooking distance across streets of 10m as this is considered to be a public area where less privacy is expected by residents. Therefore the relationship across Trawler Road is more than sufficient to ensure adequate privacy for the existing flats in an urban location. The distance to the existing flats at Marina Villas will be 15m at the closest point however, as per the relationship across Trawler Road, this will be across a public space (Atlantic Square) and as such this is also sufficient to ensure adequate privacy in this urban location.

\* Overshadowing -The sun path analysis includes 3 daily snapshots (9am, 12 noon and 3pm) each for the summer and winter solstices as well as the spring and autumn equinoxes.

These snapshots show no overshadowing from the proposals onto the existing flats at Swansea Point or Marina Villas. The only overshadowing from the proposals highlighted in the sun path analysis is during the afternoon (12 noon onwards for most of the year) onto the rear of the existing buildings fronting onto the River Tawe which comprise of the Pilot House bike shop, the sea cadets, sea angling centre and il Faro restaurant. As such these are all non-residential uses and the impact of overshadowing onto the rear side of these buildings does not result in any impact on existing residential amenity.

\* Overbearing - The design concept has sought to focus the development frontages onto Trawler Road and Atlantic Square opposite the existing flats in these locations. Whilst these existing flats will lose their open aspect over the current vacant site, there is no right to the view, and the relationship of the proposed 4 - 5 storey scale across the public realm to similarly scaled buildings is acceptable in an urban context.

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The Authority's Pollution Control Officer has raised no objection to this proposal subject to conditions being imposed to deal with sound insulation measures for habitable rooms, building services plant noise details, details of condensing units and schemes of ventilation and fume extraction for the commercial units and control of amplified sound from the site. Such conditions would be reasonable in the interests of providing for an acceptable development. As such it is considered that the proposals are compliant with the requirements of UDP policies and the adopted residential design guide in relation to residential amenity impacts.

### **Highways, traffic, car parking, access and pedestrian movements**

Planning Policy Wales aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

UDP Policy AS1 of the UDP requires that new development associated with housing, employment, shopping, leisure and service provision is located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling.

Policy AS2 states that new development should be designed to:

- o promote the use of public transport and facilitate sustainable travel choices;
- o provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport;
- o Allow for the safe, efficient and non-intrusive movement of vehicles, and
- o Comply with the principles of accessibility for all.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

A Transport Statement has been submitted in order to assess the impact of the development. The vehicular access to the site is gained off an existing roundabout which provides vehicular access to a public car park which serves the boat yard. The site is located in a reasonably sustainable location with access to public transport and a number of local amenities within a short walk. The Transport Statement Assessment indicated that the Highway Network could accommodate the additional traffic generated by the proposal. The Transport Assessment that accompanied the hotel planning application concluded that the Highway Network could accommodate the additional traffic generated by the proposal. The document compared those trips generated by the proposed student/mixed use development with the hotel and associated uses previously consented and concluded that there are less vehicular movements associated with the proposed use. As the trips proposed to the student accommodation are less than those generated by the hotel, it is accepted that the development will not have an unacceptable impact on traffic, in particular the main access junction into the Marina. The proposal therefore is unlikely to generate any noticeable increase in car movements but will bring about an increase in walking, cycling and public transport by virtue of minimal car parking being provided.



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The Head of Transportation notes that the thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel which this development should be designed to promote. In such circumstances, in order to provide for an acceptable form of development that integrates with the surrounding infrastructure developers will be expected to make contributions towards transportation initiatives to enhance alternative modes of transport or off-site parking provision secured through a Section 106 Agreement. As indicated, this approach is considered to be acceptable where adequate support measures are put in place to prevent cars being brought to the site, and to secondly enhance walking and cycling measures to support the alternative forms of transport. This approach has been taken on other city centre student accommodation developments and could be secured via a Section 106 Planning Obligation to tie the student residents into agreeing not to bring cars to the site. It is envisaged that if a student fails to comply with the tenancy agreement then as a worst case scenario that the tenant would be evicted. This arrangement will be controlled through the parking management plan.

The Highway Authority recognise that there are two areas that require an upgrade directly related to the proposed mixed use development. Pedestrian crossing on Trawler Road and traffic regulation orders on Harbour Square should be enhanced by the development. A sum of £35,000 will be requested (and has been agreed with the developer) in line with the Council's Supplementary Planning Guidance on Highways contributions.

There are two main items that this will fund:

- a) A pedestrian crossing on Trawler Road (estimate £25,000) to aid access to local services and the coastal footpath, and;
- b) Strengthening the existing Traffic Regulation Orders on Harbour Square (estimate £10,000).

### Car Parking

The development has been assessed against adopted parking guidelines (as set out in the Parking Standards SPG) and meets the standards for 'managed student accommodation' with provision of 43 car parking spaces. 2 car parking spaces suitable for blue badge holders have also been included, to comply with the CCS 6% provision this should be increased from 2 to 3 suitable spaces for blue badge holders.

The student accommodation is planned to be essentially car-free. 43 car parking spaces are provided for visitor and disabled use. To ensure that this car free arrangement works satisfactorily and does not cause overspill parking problems there is a need to ensure that students do not have cars, and that alternatives are in place. The tenancy Agreement will have to form part of the Section 106 agreement which will tie the student residents into not bringing cars to the site. Car parking within the site is provided for pick up /drop offs and servicing only and no long term parking is available for student users (in line with the tenancy agreement referenced earlier).

There will be a requirement for a management scheme to ensure that all the limited parking spaces are managed effectively (including for the ancillary uses) and to ensure that maintenance/servicing can be satisfactorily accommodated.

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This parking management scheme should also include the start of term drop offs and end of term pick-ups as there will be a significant increase in cars that cannot be accommodated within the site.

### Pedestrian and Cycle Access

Pedestrian routes are to be enhanced by the development through S106 Planning Obligations to improve pedestrian crossing facilities on Trawler Road. It is proposed to provide 160 cycle parking spaces within the development which is considered appropriate and would encourage students to use this sustainable mode of transport.

### Public Transport

The site is currently well served by an hourly bus service and is located within a short walk of the Quadrant Bus Station with links to other destinations including the High Street Rail Station. The Head of Transportation indicates that it is not considered that there are any improvements needed to improve the frequency given the existing high levels of service provision.

### Highways Infrastructure

As indicated the developer will be required to make contributions of £35,000 towards works to upgrade the pedestrian routes and TRO's in the area. The redevelopment of the whole site will require new footways and this will need to be undertaken by a Section 278 agreement with the Highway Authority.

### Highway Conclusions

The Transport Statement and comments received from the Head of Transportation indicates that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership is secured in a Section 106 Planning Obligation. The vehicular movements were shown to be less than those associated with the previously approved hotel development. The Section 106 Planning Obligation will also secure the financial contributions of £35,000 as outlined above for the upgrade works to the pedestrian routes and TRO's. Planning conditions will also require all highway works to be completed to Highway Authority Standards and Specification and the implementation of a Travel Plan. On this basis, the Head of Transportation and Engineering has raised no highway objection and it is considered that the scheme complies with the aims and requirements of policies EV1, EV2, AS1, AS2, AS5, AS6 and the Adopted Supplementary Planning Guidance 'Parking Standards' in regard to the impact of the development upon highway safety in the area.

### Impact on archaeology and cultural heritage

For sites of archaeological potential UDP Policy EV6 seeks to ensure that appropriate assessments are carried out and that measures are proposed to preserve, enhance and record features of archaeological interest. In this respect, the formerly approved outline planning application was granted subject to a condition requiring the applicant to submit and implement a programme of archaeological investigation prior to the commencement of development.

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A subsequent programme of investigation has been approved and instigated. In response to their consultation, Glamorgan Gwent Archaeological Trust (GGAT) have noted that it is unlikely that further archaeological resource will be encountered during the ground works for the current development and have raised not objection to this proposal.

### **Flood risk and Drainage**

A further criteria of Policy EV2 is whether the proposal would be at risk from flooding, increase flood risk off-site, or create additional water run-off. Similarly Policy EV36 states that new development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

With regard to the issue of flood risk, NRW have commented that having reviewed the document submitted to support this planning application entitled ' Flood Consequences Assessment: proposed Student Maritime Accommodation' dated July 2016, and has noted that the depth of flooding is within the agreed tolerances of Table A1.15 of TAN 15. The Authority's Drainage Engineer has recommended an appropriate condition in respect of surface water drainage.

As such it is considered that the application is acceptable in relation to potential flood risk and drainage.

### **Pollution and ground contamination**

The final relevant criteria of Policy EV2 is that the development of the site fully addresses issues of contamination.. The site has undergone a number of site investigations since the closure of the former Spontex works. The site remediation strategy was formally agreed by the then Environment Agency and the Local Planning Authority and conducted in line with the contents of that strategy. Existing structures were demolished and foundations removed. Localised contamination has been removed and remediated.

NRW have been fully consulted on this current proposal and following receipt of further information have noted that they would not object to this proposal subject to conditions being attached to any grant of planning permission addressing the potential for uncovering previously unidentified contamination. They have also recommended an informative in respect of pollution prevention and waste Management.

The nature of the proposal is such that it would not result in any environmental pollution issues nor would it result in the creation of any environmental pollution to the detriment of neighbouring occupiers in terms of light, air and noise. No objection has been received from the Authority's Pollution Control Division subject to conditions

### **Impact on ecology**

The Authority's ecologist has noted that the site has been cleared and vegetation has not returned. Due to the secluded nature there is a possibility that ground nesting birds may use the site. A pre-work commencement survey by a qualified ecologist for any work starting during the nesting season (May to August) is recommended and can be controlled by an appropriate condition.

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### **Response to public consultation**

Turning to the representations received, the majority of concerns raised have been addressed above, particularly in respect of highway matters, loss of privacy, loss of daylight and building height/design. In terms of the amount of student accommodation already in Swansea and the potential location for other private student development, it is not for the planning system to be involved in matters of business competition. As noted above, the application site is essentially a development platform that already benefits from planning permission for a mixed use development. The site was formerly industrialised and as such is not considered to be an area of natural beauty worthy of preservation. Whilst the concerns about the noise and disturbance and anti-social behaviour caused by students have been noted, there is other more appropriate legislation to control behaviour of individuals and the planning system is concerned with land use.

In response to the concerns raised to a number of highway related issues, car parking, public transport accessibility and frequency, traffic on Trawler Road, congestion at junction with Oystermouth Road, the Head of Transportation and Engineering considers that the parking for student use meets the parking standards for 'Managed Student Accommodation within the CCS Parking Standards. Public transport is a commercial enterprise and the service can be expanded with increased demand. There are a number of bus services that run along Oystermouth Road, via the Civic Centre , in addition to the Quadrant services, and these would be accessible for any students within the proposed development. The application was supported by a Transport Assessment, the scope of which was agreed with CCS highway officers. The methodology used is in line with other local authorities and uses sites surveyed from across the UK. The observations of the Head of Transportation and Engineering provides accounts of the proposed student trips compared to the trips that would have been generated by the hotel approved under planning application 2009/0368 and demonstrates a significant reduction in car borne trips. There is no justifiable reason to refuse planning permissions on traffic grounds.

### **Conclusion**

In conclusion it is considered that the details submitted are overall in accordance with the provisions of the outline planning permission and approved Masterplan, conditions and Section 106 Agreement, prevailing Development Plan Policy and adopted Development Brief. For the reasons detailed above, it is considered that the proposal represents a further significant contribution to transforming a previously derelict site into a vibrant and sustainable mixed use community within the Maritime Quarter. Approval is therefore recommended subject to first entering into a Section 106 Agreement.

### **RECOMMENDATION**

**APPROVE** subject to the completion of a Section 106 Planning Obligation to include the following clauses:

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**1. Car Parking Management**

- a. The residents of the development shall be registered students only attending a Swansea based educational establishment.
- b. The Owner shall not permit any student accommodation unit to be occupied other than by persons who prior to the commencement of Occupation have entered into a tenancy agreement in writing which contains a tenant's obligation not to keep or use a motorized vehicle within one mile of the boundary of the student accommodation (unless otherwise permitted within a public car parking facility).
- c. The owner shall not permit any student accommodation unit to be occupied or continue to be occupied by any person who does not comply with the tenant's obligation.
- d. The Owner shall upon written request from the Council produce to the Council evidence of the Owner's compliance with the parking restriction.

**2. Highway Infrastructure**

Financial contributions to the sum of £35,000 to fund:

- a) A pedestrian crossing on Trawler Road to aid access to local services and the coastal footpath, and;
- b) Strengthening the existing Traffic Regulation Orders on Harbour Square.

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies AS1,AS6, EV1, EV3 and HC17 of the City and County of Swansea Unitary Development Plan (November 2008).

and 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 The development shall be carried out in accordance with the following approved plans and documents: PL101Rev A, Location plan, received 24th October 2016, PL102 Existing Site Plan, PL103 Existing Site Survey, PL201 Proposed Lower Ground Floor Plan, PL202 Proposed Upper Ground Floor Plan, PL203 Proposed First Floor Plan, PL204 Proposed Second Floor Plan, PL205 Proposed Third Floor Plan, PL206 Proposed Fourth Floor Plan, PL207 Proposed Fifth Floor Plan.

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PL208 Proposed Roof Plan, PL301 Proposed West & South West (Trawler Road) Elevations, PL302 Proposed South East (River Tawe/Harbour) Elevation, PL401 Proposed Section A-A & B-B, PL410 Proposed Part Sections & Elevation Detail Sheet 1, PL411 Proposed Part Sections & Elevation Detail Sheet 2, PL1001 Proposed CGI Perspective, PL1002 Proposed CGI Perspective, PL1003 Proposed CGI Perspective, dated 5th July 2016, M2H/3042/0616 Detailed Planning Application Drawings, M2H/3042/2016 Design and Access Statement June 2016, received 5th July 2016.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

- 4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).

- 5 Notwithstanding the details shown on any approved plans, samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved in writing by the Local Planning Authority prior to the development of superstructure works. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works and the development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

- 6 Prior to the commencement of any superstructure works, details of the following at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority.

- o Typical ground floor window and door
- o Ground floor corner window section
- o Interface between overhanging first floor and ground floor
- o The soffits under any visible overhangs above ground floor level
- o Typical full height upper floor window section
- o Typical curtain walling section
- o Typical cladding panel section (including details of fixings)
- o Parapet and fascia details to flat roof areas
- o Glass lantern feature details
- o Capping feature details
- o Integration of any external sustainable building technologies

The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

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- 7 Notwithstanding any details shown on any of the approved plans, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site. The landscaping scheme shall include all details of all external lighting and street furniture. Beneficial use of the student accommodation shall not commence until the hard landscaping scheme has been completed to the satisfaction of the Local Planning Authority. The soft landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply, to the development.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 9 Notwithstanding the details shown on any approved plan, the precise design and location of all refuse stores and any external plant or ventilation shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works.  
Reason: In the interests of visual and residential amenity.
- 10 The A1 and A3 uses hereby permitted shall not commence until a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.  
Reason: To protect the proposed and neighbouring residential use against noise emanating from such units.
- 11 Prior to the beneficial use of the Class A3 use commencing, a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of amplified sound emanating from the site. Such works that form part of the approved scheme shall be completed before the Class A3 uses of the premises are occupied and retained thereafter to serve the development.  
Reason: to protect the proposed and neighbouring residential use against noise emanating from such units.
- 12 A scheme for the secure parking of cycles shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation of the development hereby approved. The cycle storage facilities shall be retained thereafter to serve the development.  
Reason: In the interests of promoting sustainable travel.

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

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- 13 Notwithstanding the details shown on any approved plan, the precise location, extent, height and design of all means of enclosure, including gates, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of superstructure works. All such works shall accord with the approved details and retained thereafter to serve the development.  
Reason: In the interests of visual amenity and highway safety.
- 14 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All habitable rooms shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.  
Reason: - To protect the proposed residential use against noise arising from the noise sources/marina use of the area.
- 15 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:  
  
All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.  
  
Reason: To protect the existing and proposed residential uses against noise from building services plant.
- 16 Prior to the commencement of construction works on the application site detailed plans of any piling operations to be carried out shall be submitted and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring residential premises.  
Reason: To ensure that a statutory nuisance does not occur for neighbouring premises.
- 17 No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.



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- 18 Prior to the commencement of any work a pre-commencement check by a suitable qualified ecologist for ground nesting birds shall be carried out and the result submitted to and approved in writing by the Local Planning Authority for any development starting in the nesting season (May to August). If any nesting birds are found a mitigation strategy will be required.  
Reason: To ensure that no nesting birds are disturbed.
- 19 If, during development, contamination not previously identified is found to be present at the site then the Local Planning Authority shall be notified immediately and no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.  
Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters and to protect the health of future occupants against any unidentified residual contamination.
- 20 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority prior to any beneficial use of the development commencing.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 21 Prior to the commencement of construction works a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the LPA. The CPMP shall include the following:
- a) Demolition/Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of on site vibration mitigation measures having regard to BPM;
  - k) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - l) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice to be served by Principle Contractor on Local Authority.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 1 (CONT'D)

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Items g) - l) inclusive need to take particular account of the potential for statutory nuisance from site related activities.

The development shall be implemented in accordance with the approved CPMP.

Reason: To enable the developer to present a coherent plan addressing all environmental pollution issues likely to impact on the public.

- 22 Prior to the commencement of construction works a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Site Waste Management Plan.

Reason: To enable the developer to present a coherent plan addressing all environmental pollution issues likely to impact on the public.

- 23 Prior to the commencement of development, full structural drawings and calculations for any retaining walls that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height and for any retaining wall that exceeds 1.5m in height are to be submitted to and approved in writing by the Local Planning Authority and the works shall be completed in accordance with the agreed scheme.

Reason: In the interests of safety and amenity.

- 24 An overall 6% of car parking spaces (3 spaces) shall be laid out as being suitable for use by disabled users (to the current British Standard) and retained thereafter as part of the development.

Reason: To ensure sufficient parking provision for disabled users is available to serve the development.

### 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: HC1, HC11, HC17, EV1, EV2, EV3, EV4, EV6, EV36, EV38, EV40, EC15, EC18, R16, AS1, AS2, AS5 and AS6.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 3 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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### ITEM 1 (CONT'D)

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- 4 Smoke/ Burning of materials  
No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 5 Dust Control:  
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 6 Lighting  
During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations
- 7 Advisory Notes  
The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

ITEM 1 (CONT'D)

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WATER SUPPLY

Part or all of this development site is at a height where mains water cannot be guaranteed at all times. Under the Water Industry Act 1991, we are not obliged to provide mains water to a height greater than that it will flow by gravity from the service reservoir or tank the supply is taken. Private pumps may be required to provide sufficient pressure to this proposed development.

8 Pollution Prevention & Waste Management

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). As best practice, we would advise the developer to produce a site specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments

NRW also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website: ([www.defra.gov.uk](http://www.defra.gov.uk) ). We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

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## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 2**

**APPLICATION NO:**

2016/1699

**WARD:**

Morrleston - Area 1

**Location:**

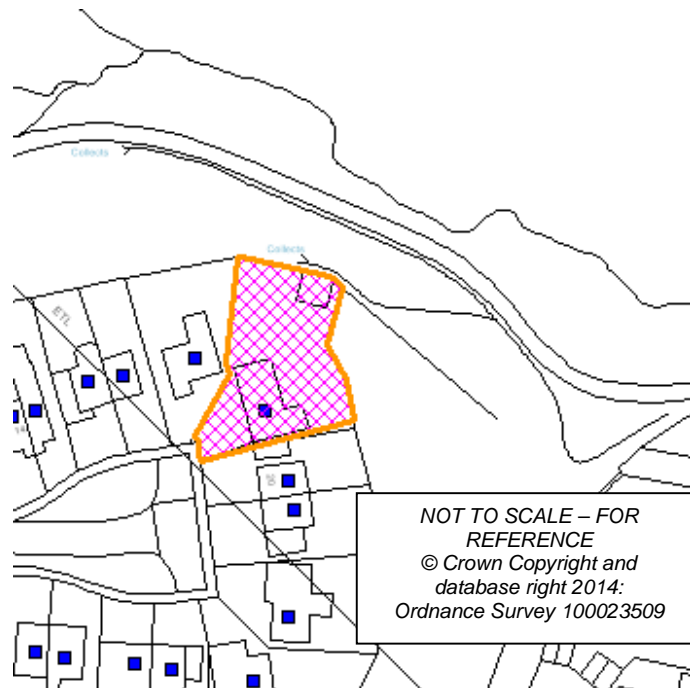
**19 Heol Caerllion Cwmrhydyceirw Swansea SA6 6SD**

**Proposal:**

**Change of use from a residential dwelling (Class C3) to a care home (Class C2)**

**Applicant:**

**Mr Gerald Williams**



### **BACKGROUND INFORMATION**

#### **POLICIES**

UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

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).

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 2 (CONT'D)

APPLICATION NO:

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#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC15 - Community and Health Facilities

Proposals for new and improved local community and health facilities will be supported subject to compliance with a defined list of criteria including access ability, significant impact on amenity, significant effect on natural heritage and historic environment and impact on adjacent road network. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV3 - Accessibility

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)

### SITE HISTORY

| App Number       | Proposal   | Status     | Decision Date |
|------------------|--|------------|---------------|
| ENQ2016/02<br>91 | Proposed use for 4 children and upto 4 carers at 19 Heol Caerllion Cwmrhydyceirw Swansea SA6 6SD               | ENQCL<br>O | 20.06.2016    |
| 81/0537/03       | EXTENSION TO DWELLING  | APP        | 12.05.1981    |
| 2016/1699        | Change of use from a residential dwelling (Class C3) to a care home (Class C2)                                 | PDE        |               |
| 2016/1347        | PRE APP for change of use of the dwelling to a care home facility (Class C2) for 4 children and up to 5 carers | PREP<br>OS | 27.07.2016    |

### RESPONSE TO CONSULTATIONS

The application was advertised on site by way of a site notice and two individual properties were consulted. A PETITION OF OBJECTION WITH 27 SIGNATURES and 26 LETTERS OF OBJECTION have been received, which are summarised as follows:

1. Out of keeping with the existing environment. People would not have bought homes here if the care home was already sited at the bottom of the road.
2. Motivated by financial opportunism.
3. Not a fair deal for the residents as there are no amenities for children within a reasonable walking distance.
4. An attempt to adapt an unsuitable building – very little garden space which is wet and boggy in year round shade.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 2 (CONT'D)

APPLICATION NO:

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5. Lack of parking and street is heavily congested at most times of the day and greater pressure will be put on kerbside parking and problems with emergency vehicles trying to negotiate the cul de sac.
6. It does not state carer to patient ratio and concerns about what happens if there's an incident that can't be handled by one carer.
7. A full risk assessment should be undertaken to identify areas of concern and mitigation to demonstrate impact upon residents.
8. Does not specify the length of time the children will reside at the care home.
9. Not suitable for a commercial property of this nature.
10. A letter should have been sent to all the residents of Heol Caerllion not just one notice on lamp post.
11. The value of houses would not be the same if there was a commercial care home nearby.
12. This seems to be more to do with the owner finding another way to turn a profit than with any genuine concern for integrating disabled persons into the community.
13. The applicant is attempting to foist a potentially disruptive care home facility on a small cul de sac based, domestic community, with scant regard it seems for the continued well being of existing residents.
14. Having read the 2014/15 Director of Social Services report (Swansea) I am confused as to why there is a need for residential accommodation for children of any age in this location as the report states that there were fewer looked after children in Swansea than in the previous year, in house foster placements increased and residential placements reduced. I fail to see how this application could be a viable proposal and this small cul de sac is not the most suitable for their requirements.
15. A care facility of this type could have safety implications and we cannot guarantee that nothing untoward will happen.
16. Concerns over undue noise, disturbance to quiet ambience of the street and loss of my privacy.
17. Concerns over devaluation of property of between £5k and £15k.

**Highways Observations** - The plans indicate that four bedrooms are to be provided to cater for children in need of care. A supporting statement and parking layout have been recently received with respect to the application (October 2016).

Concern has been raised locally regarding possible parking issues arising from the care home use and the inability of emergency vehicles to pass through the street.

For residential/nursing care homes the parking standards recommend one space per four beds for visitors plus one space per 3 non-resident staff. Thus for this proposal three parking spaces would be required (one for visitors and 2 for staff). There is space within the curtilage to accommodate this level of parking. In addition the agent has submitted a supporting statement explaining that the staff would be arriving together from their office at Ynystawe Lodge and hence there would not be the requirement for parking for individual vehicles at the site.

On balance as the proposal meets the parking levels as set out in the parking standards then I do not consider that there would be any highway safety issues arising from the proposed care home use.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 2 (CONT'D)**

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I recommend that no highway objections are raised to the proposal subject to the front driveway area (as shown on the parking layout plan) being retained for parking purposes only in perpetuity, in the interests of highway safety.

### **APPLICANT'S STATEMENTS**

The proposal is to use the detached 5 bedroom property at 19 Heol Caerillion, Cwmrhydyceirw, Swansea SA6 6SD for the accommodation of a maximum of 4 children between the ages of 10 – 17 (Class C3 [b]). The children and staff will live together as a single family. The children will receive care 24/7; the staffing levels are likely to be as follows:-

DAY: Min 3 and Max 5.

NIGHT: Min 2 and Max 3.

The children are likely to be autistic, but may be suffering from severe/profound learning difficulties. Each child will have their own bedroom. The children will share the family bathroom on the first floor.

The following accommodation will be provided for the residents:-

Ground Floor:-

Dining Room, Lounge, Quiet Room and Bedroom 1 (with En-suite).

First Floor:-

Bedrooms 2,3,4 and Computer Games Room.

The following accommodation will be provided for the staff:-

Ground Floor:-

Kitchen and Utility Room.

First Floor:-

Office.

The existing ground floor WC and Wash Hand Basin will be shared by residents and staff. The existing first floor Bathroom will be shared by the children only.

There will be no external alterations and there is existing parking for 2/3 cars within the curtilage. There is also adequate "on-street" parking as the property is located at the end of a quiet cul-de-sac. The property has a secluded rear garden and backs onto woodland. There is a pedestrian access gate at the rear to provide access to the woodland.

I would take this opportunity to clarify the modus operandi of the proposal in respect to parking and transportation.

All staff will report for duty and park their personal vehicles at the Horizons Educare Centre located at Ynystawe Lodge, Park Road, Ynystawe, Swansea SA6 5AP. Many of the staff use public transport whilst some "car share".



## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

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The staff at Heol Caerllion will then be transported in a single vehicle to the property. That vehicle will then park in the drive for 15/20 minutes while the staff de-briefing takes place. The staff vehicle will then return to Ynystawe Lodge with the staff that has finished their shift.

The children residing at Heol Caerllion will be picked up in the morning (Monday – Friday) and be taken to Ynystawe Lodge for school lessons. They will then return to Heol Caerllion at the end of the “school day”. At weekends the children will be picked up and taken to activities off site and to visit local towns and villages.

I would also take this opportunity to address the concerns of the Local Assembly Member Mr Mike Hedges which are not related to parking. The property will operate as a normal family home albeit the children will be supervised at all time. With respect to his comment “The development is not in keeping with the street and would adversely affect the street scene”. There are no external alterations proposed the street scene will therefore remained unchanged.

### **APPRAISAL**

Full planning permission is sought for a change of use of an existing 5 bedroomed property at 19 Heol Caerllion, Cwmrhydyceirw to a 4 bedroomed care home facility. The applicant has indicated that the facility will cater for up to 4 children between the ages of 10 – 17. The children that will be living here are likely to be autistic, but may be suffering from severe/profound learning difficulties. The children and staff will live together as a single family and will receive full time care.

The property lies at the top end of a large residential cul-de-sac and no external changes to the dwelling will take place. Three off street car parking spaces will be provided on the existing driveway.

Planning permission is only required because the number of children and carers residing at the property will at times exceed a total of 6 people and therefore the use is considered to fall within Class C2 rather than Class C3(b). If the number of carers did not exceed 2, the property would still be classed as a dwelling and planning permission would not be required.

### **Main Issues**

The main issues are the impacts of the development on the character and appearance of the area, the impacts on the living conditions of neighbouring occupiers, and the impacts on parking and highway safety. It is not considered that the Human Rights Act would raise any further material planning considerations.

The following policies of the City and County of Swansea Unitary Development Plan (2008) (UDP) are relevant to the consideration of this proposal:

EV1 (Design), EV2 (Siting), EV3 (Parking) and AS6 (Parking) which seek amongst other things that developments accord with good design principles, EV40 (Air, noise and light pollution, HC15 (Community and Health Facilities) which supports and encourages the provision of new or improved health and social care facilities in appropriate locations to serve the local population.

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

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Visual Amenity

In relation to the impact of the development on the character and appearance of the area, there are no external alterations proposed to the existing property and all existing openings would be retained. In terms of the impacts of the use on the character of the area, the occasional comings and goings of staff, visitors and occupiers will introduce a use that is not distinctly different from the residential properties immediately surrounding the application site as the occupiers will be living as a family unit, albeit with an element of care provided. Therefore in light of the continued residential use of the property, it is not considered the proposed development would introduce a use that would result in any significant harm to the character and appearance of the area.

Residential Amenity

In terms of residential amenity, several letters of objection have been received in relation to the potential impacts of the development on neighbouring occupiers in terms of loss of privacy and noise and disturbance.

The proposal would not result in any additional openings and as such would not result in any significant overlooking or loss of privacy to the occupiers of surrounding properties over and above that currently experienced.

In terms of potential noise and disturbance to neighbouring properties from the proposed use, it is not considered the coming and goings of residents, staff and visitors would result in any material harm in terms of noise and disturbance to neighbouring occupiers significantly over and above the use of the premises as dwelling house. The property currently has 5 bedrooms which could be occupied by a large single family with associated comings and goings throughout the day and night.

In light of the above it is not considered that the proposed development would result in any significant impacts to the living conditions of neighbouring occupiers and would therefore be in accordance with UDP Policies EV2, EV40 and HC15.

Access and Highway Safety

Concerns have been raised by residents that parking in the area is already a significant problem. The Head of Transportation however, is satisfied that as the proposal meets the current car parking standards, there would be no adverse impact upon the highway safety of the street providing the driveway parking area is retained for that purpose in perpetuity. The imposition of a condition to this effect is recommended.

In light of the above the proposed development is considered to be in accordance with UDP Policies EV3, AS6 and HC15.

Other Matters

Concerns have been raised that neighbouring occupiers may feel unsafe and would lose privacy as a result of this development.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

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In terms of privacy, this issue has been discussed above, in terms of safety, whilst the Local Planning Authority would have no control over the management of the premises or the behaviour of the occupiers it is considered that a well-managed care home facility should not give rise to any safety concerns for neighbouring residents, such facilities are regulated through the Care and Social Services Inspectorate Wales and any failings in the management of the premises may be addressed by the regulator.

Concerns over devaluation are not a material planning consideration and can be given little weight in the determination of this application. Similarly, the reason behind why the current owner wishes to sell his property can be given little weight. The other concerns raised in correspondence have been addressed above in the main body of the report.

### Conclusion

The proposed development is considered to be acceptable in terms of its impacts on the character and appearance of the area, its impacts on residential amenity and its impacts on parking and highway safety. It is not considered that the provisions of the Human Rights Act would raise any further material planning considerations and as such the application is recommended for approval.

### RECOMMENDATION

#### **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 The development shall be carried out in accordance with the following approved plans and documents: 1 site location plan, 2 block plan, 5 proposed ground floor plan, 6 proposed first floor plan received 23rd August 2016, GW/2016/07 parking layout plan received 28th October 2016.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The existing parking spaces as shown on the parking layout plan received on 28th October 2016 shall be retained and kept available for off street car parking in connection with the use hereby approved at all times.  
Reason: In the interests of highway safety.
- 4 The premises shall be used as a care home only and for no other purpose (including any other purpose in class C2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).  
Reason: Due to the nature of the application site, the Local Planning Authority will need to consider the effects of alternative C2 uses on the amenity of local residents and highway safety.

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

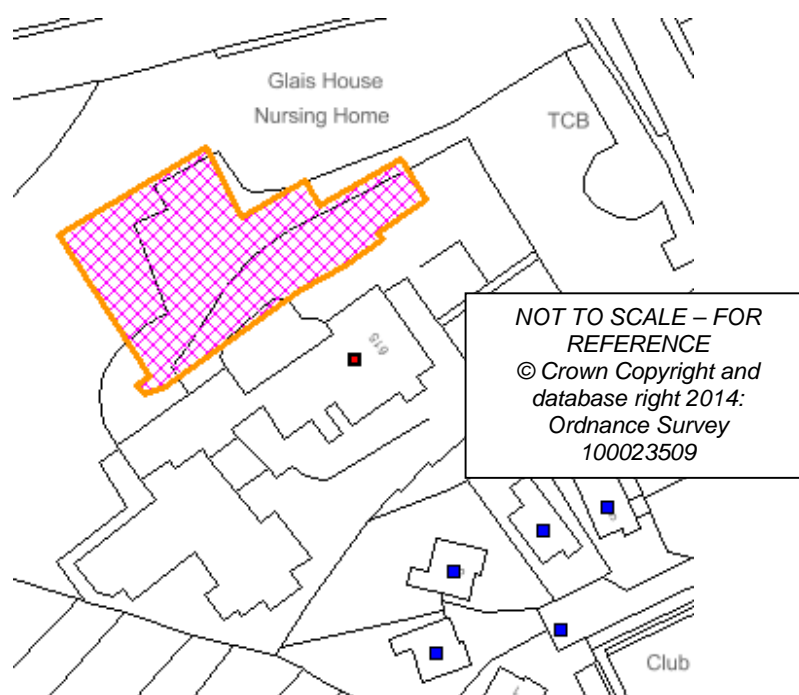
2016/1699

**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, AS6, HC15.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 3** **APPLICATION NO:** 2016/1365  
**WARD:** Llansamlet - Area 1  
**Location:** **Glais House Nursing Home 615 Birchgrove Road Glais Swansea SA7 9EN**  
**Proposal:** **Two storey extension with roof space accommodation to provide 14 EMI (Elderly Mentally Infirm) units and associated facilities**  
**Applicant:** **Mr Ken Thilaganathan**



### **BACKGROUND INFORMATION**

#### **POLICIES**

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV3 - Accessibility

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)

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC15 - Community and Health Facilities

Proposals for new and improved local community and health facilities will be supported subject to compliance with a defined list of criteria including access ability, significant impact on amenity, significant effect on natural heritage and historic environment and impact on adjacent road network. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

| <b>App Number</b> | <b>Proposal</b>  | <b>Status</b> | <b>Decision Date</b> |
|-------------------|--|---------------|----------------------|
| 2016/3182/T<br>PO | To fell 1 Sycamore tree covered by TPO 121   | APP           | 21.11.2016           |
| 94/0248           | To fell one beech tree under TPO No.121  | PCO           |                      |
| 89/1017/03        | CONSTRUCTION AND INSTALLATION OF LIFT AND EXTENSION TO PRIVATE NURSING HOME  | APP           | 22.09.1989           |
| 2016/1365         | Two storey extension with roof space accommodation to provide 14 EMI (Elderly Mentally Infirm) units and associated facilities   | PDE           |                      |
| 2015/0728         | Single storey extension to north elevation   | APP           | 22.05.2015           |
| 2014/0107         | To lop 1 Pine tree covered by TPO 121  | APP           | 12.05.2014           |
| 2014/0093         | To fell 3 Sycamore trees and 1 Holly tree and lop 3 Sycamore trees and 1 Horse Chestnut tree covered by TPO 121  | APP           | 22.05.2014           |
| 2013/1167         | Part two storey part single storey extension on the North elevation accommodating 7 bedrooms and day room, single storey side extension on the north elevation accommodating 2 bedrooms and car parking area | APP           | 10.04.2014           |
| 2013/1100         | New enclosed lift shaft and external fire escape   | APP           | 24.10.2013           |
| 2012/0976         | Two storey side extension, single storey side extension, front canopy and parking area.  | APP           | 30.10.2012           |

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

| ITEM 3 (CONT'D) |  | APPLICATION NO: | 2016/1365  |
|-----------------|--|-----------------|------------|
| 2012/0657       | To fell one pine and three beech trees covered by TPO No 121   | APP             | 19.09.2012 |
| 2012/0177       | To lop and crown twelve sycamore, one beech and one scotch pine covered by TPO No 121  | REF             | 23.04.2012 |
| 2007/0387       | Two storey external fire escape stairway   | APP             | 20.04.2007 |
| 2006/1960       | Three storey and single storey side extensions, single storey front extension, first floor side extension and additional car parking | REF             | 07.08.2007 |
| 2005/0286       | To cut back 3 Beech tree covered by TPO No 121   | APP             | 18.03.2005 |
| 2002/1908       | Single storey side extension to provide 14 additional bedrooms and ancillary facilities and addition of linked covered walkway       | APP             | 09.05.2003 |

### RESPONSE TO CONSULTATIONS

The application was advertised in the local press, by site notice and four neighbours were consulted. NINE LETTER OF OBJECTION were received together with TWO PETITIONS OF OBJECTION with fifteen and thirty two signatures respectively. ONE LETTER OF SUPPORT has also been received. The letters and petition of objection may be summarised as follows:

1. Concerns regarding the scale of the extension.
2. Concerns the development has been described as a two storey extension with roof space accommodation. The plans illustrate a three storey extension.
3. Concerns the proposed balconies would result in a loss of privacy to properties on Station Road and Nicholas Road.
4. Concerns the development will result in increased traffic during construction and afterwards which will exacerbate an existing traffic problem.
5. Concerns the development will increase light pollution
6. Concerns the development will result in noise pollution during the construction and operational phases of the development.
7. Concerns regarding the decimation of the rookery at the site and the impact on the ecology of the area.
8. Concerns that there should be adequate staff at the premises.
9. Concerns regarding the impact of the development on the trees within the site.

The letter of support may be summarised as follows:

1. The development would be an asset by allowing local elderly and infirm to live in their community.

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2. The development would provide opportunities for employment and services.

Following the submission of amended plans, nine neighbours were consulted. TWO LETTER OF OBJECTION were received, which do not raise any additional issues to those summarised above.

Summary of Other Consultation Responses:

### Highways

Two storey extension with roof space accommodation to provide 14 EMI (Elderly Mentally Infirm) units and associated facilities

The site has been the subject of a number of planning applications prior to this one. An appeal was successful to provide a three story extension with 38 bedrooms but that has since lapsed.

The nursing home currently offers 47 bedrooms with 36 parking spaces. The proposed extension will provide an additional 14 bedrooms and to mitigate is indicating an extra 6 parking spaces (including 2 designated for disabled use) accessed off the existing car parking area. The car parking spaces as drawn are substandard, a layout to the correct sizes can be secured by condition without any impact on the siting of the building.

Access to the overall site is as existing off Birchgrove Road. Visibility is acceptable at the access point and there are no recorded accidents. Thus there are no concerns with continued use of the vehicular entrance.

There will obviously be an increase in vehicular movements during the construction phase which is a temporary situation but following completion of the works I do not consider that the minor increase in vehicular movements following completion will give rise to any highway safety issues.

However given that during construction there will be an increase in movements I recommend that the access onto Birchgrove Road be widened to allow for two way flow. As the road is classified then I suggest a condition of widening the access to 5.5m wide for a length of 12m back from the back of the footway. This should ensure that traffic remains free flowing on the main road and obstruction is not caused.

I recommend that no highways objection is raised to the proposal subject to:

1. The new parking area being laid out with car parking spaces 2.6m width by 4.8m length and maintained as such in perpetuity.
2. The vehicular access being widened to a minimum of 5.5m width for a distance of 12m back from the back of the footway to allow for two way flow and to minimize the risk of obstruction being caused on Birchgrove Road.
3. The vehicular crossing being widened in accordance with Highway Authority Standards and Specification.



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### **Dwr Cymru Welsh Water**

We would request that if you are minded to grant Planning Consent for the above development that the conditions and advisory notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### Drainage and Coastal Management (DCWW)

We have reviewed the submitted information and based on the details submitted and the previous history of the site we have no objections to the proposals. We do not wish to recommend any conditions.

### **Pollution Control**

No objection, subject to conditions to control plant noise and for the submission of a scheme for ventilation and fume extraction.

### **Planning Ecologist**

The main area of ecological interest on the site for the proposed new building is the adjoining woodland. According to the tree survey two trees are to be felled and a number are to have some tree surgery, this could potentially adversely affect nesting birds and bats. Because of the position of the site I think it is less likely that bats are present but possible that nesting birds may use the trees. As a precaution as suggested in the tree survey any trees to be felled or pruned should be assessed prior to work being carried out for the presence of bats or nesting birds. If either of these are found to be present NRW should be contacted. Could we add a condition to any permission we give requiring this to be carried out?

### **Tree Officer**

The proposed building is in close proximity to trees protected by TPO121. Two trees will require removal to facilitate the development.

Generally no major concerns. A condition will be required to demonstrate how access will be facilitated to the rear of the new building once construction starts without entering the construction exclusion zone.

The tree protection plan and arboricultural method statement requires some slight tweaks and more detail in places. This can be dealt with by a condition.

### **Natural Resources Wales (NRW)**

We do not object to the above proposal, however we wish to make the following comments.

We note the submission of the document entitled; 'Arboricultural Report: BS5837: 2012 'Trees in relation to design, demolition and construction - recommendations', dated 5th May 2016, by Cardiff Treescapes.

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**ITEM 3 (CONT'D)**

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The report states that two trees (T4 and T6), will be removed as part of the proposal and that three other trees (T2, T5 and T8), will need further inspection due to their structural condition. Section 5.3 of the report also highlights that bats should be considered, prior to commencement of any tree work.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

In this particular instance, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Given the potential timescale between any permission being granted and the tree-work / felling taking place, we recommend that an assessment/survey of the trees for use by bats should be carried out as close to the time of the actual work as possible, in order to provide the most accurate results. Trees should be surveyed and assessed in accordance with; 'Bat Surveys for Professional Ecologists; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

### **APPRAISAL**

This application is reported to Committee as the threshold number of signatures for a petition has been achieved and the application has been called to committee for decision by Cllr Ryland Doyle.

This application seeks planning permission for a two storey extension with roof space accommodation to provide 14 Elderly Mentally Infirm (EMI) units and associated facilities at Glais House Nursing Home, Birchgrove Road, Glais.

The application premises is an established nursing home set within landscaped grounds. The buildings within the complex range in age and scale, but are all sited in the south western portion of the grounds. Part of the western boundary and the northern boundary are defined by mature trees. The eastern boundary along Birchgrove Road also has several large mature trees which form an important part of the street scene. This current proposal would extend the built form of the nursing home towards the northern boundary where the levels drop down through the woodland to Station Road.

In terms of the planning history at the site, there have been numerous extensions to the building, not all of which have been implemented on site. Importantly in relation to this proposal, planning permission was previously granted on appeal for a three storey thirty eight bedroom extension to the premises in 2008 (Ref: 2006/1960). The appeal inspector at the time considered that the proposed extension in terms of its design, scale and massing would reflect that of the existing nursing home. Moreover, he found the existing vegetation screen and the separation distance to the residents of Station Road (some 40m) together with the orientation of the building away from these properties would mean that the development would not have a significant overlooking impact or have an overbearing visual impact on Station Road.

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There are clear differences between the proposal that was granted at appeal and the proposals put forward for consideration under this planning application, however, the appeal inspectors decision is material to the consideration of this current proposal.

**MAIN ISSUES**

The main issues are the impact of the proposals on the character and appearance of the area, the impact on the residential amenities of neighbouring occupiers and the impacts on access and highway safety.

Planning Policy

The following City and Country of Swansea Unitary Development Plan (UDP) (2008) Policies are considered to be relevant to the determination of this proposal: AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Trees, Woodland and Hedgerow Protection) and HC15 (Community and Health Facilities).

The above policies seek to ensure developments are of good design quality, are appropriate to their local context and have regard to the physical character and topography of the site. Moreover developments must not have a significant impact on residential amenity and must provide satisfactory access and parking arrangement, in accordance with adopted standards.

Visual Amenity

The application site is visible from public views on both Birchgrove Road and through the tree cover on Station Road. The site currently comprises a relatively flat plateau covered in grass and gravel which rises up to the ground floor of the existing buildings to the north via a short but steep bank. The levels drop through the woodland to the south down to Station Road. There are currently two metal storage containers at the site.

The lower levels at the site in relation to the existing buildings means that the development is designed with a lower ground floor level, which accommodates a laundry area, plant room and nine bedroom units. The extension would be connected to the main buildings via a glazed link providing access at ground floor level, which accommodates a dining area and five bedroom units. The upper floor, which is mainly accommodated within the roof of the building, provides office areas and a conference / training room.

The building has been designed with a broadly rectangular footprint which projects from the north elevation of the existing buildings to provide a modern purpose built wing. A duo pitch roof would be punctuated by balconies/terraces at roof level which continue through to the lower ground floor to provide large glazed areas to the front and rear elevations. By virtue of the lower ground levels of the site, the ridge height of the extension would be below that of the existing buildings. The materials proposed are painted render to the main walls, with areas of cladding to the front elevation. The roof would be fibre cement slate tiles and the windows and door would be UPVC. These materials would generally match the existing building.

In terms of its scale and design, it is considered that when viewed against the mixed appearance and scale of the existing buildings the proposed development would not appear out of keeping with the built context within the site.

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The proposed extension would be set back some 65m from the Birchgrove Road frontage and whilst it would be visible from public views, the design of the extension would be satisfactory and the large areas of glazing would present a positive elevation to the road frontage. Moreover, the low ridge height of the building, relative to the main buildings, would ensure that the development would not have a dominant visual impact when viewed in the street scene on Birchgrove Road.

The drop in levels to Station Road to the north means that the lower ground floor level of the development would be sited some 2.5m above the road level on Station Road and would be sited some 13m from the boundary of the carriageway and some 26m to the nearest dwelling on Station Road. There is currently a high (2-2.5m) evergreen hedge which defines the northern boundary of the site and inset from this are a number of large mature trees which are a dominant visual feature in the street scene. These trees also serve to partially screen the site from surrounding views. Two trees protected by a tree preservation order (TPO) (T4 Scots Pine and T6 Sycamore) are proposed to be removed to facilitate the extension. Whilst the tree officer has not objected to the loss of these trees (subject to suitable replacement planting and conditions to protect the existing trees), their loss, particularly that of the Sycamore, will reduce the current levels of screening on Station Road.

The gable end of the proposed extension would measure some 22m in width, this elevation will be visible from the street scene on Station Road, particularly when the trees are not in leaf, however, its appearance would be softened and partially screened by the evergreen hedge and mature trees adjacent to the northern boundary. In view of this existing natural screening and the distance of the proposed extension from Station Road, which will mitigate any significant overbearing visual impacts, on balance, it is not considered that the proposal would have a significant visual impact upon the character and appearance of the area.

In order to provide additional screening, to further mitigate the visual impact of the extension, and to compensate for the loss of those trees proposed to be removed, suitable replacement trees will be planted (one Scots pine and one beech). Moreover, the area between the proposed extension and Station Road will be planted with 200 forestry whips to ensure the long term preservation of the woodland and to provide additional screening to the site. The provision of the replacement tree planting and forestry whips can be dealt with by a condition.

It is acknowledged that the development proposed under this application would be both closer to Station Road and wider than the extension that was allowed at appeal, however, for the above reasons, on balance, the proposal is considered to be in accordance with UDP Policies EV1, EV2, EV30 and HC15.

#### Residential Amenity

The floor level of the extension would be sited some 2.5m above the level of Station Road, however, a separation distance of some 26m to the nearest property on Station Road together with the screening provided by the hedge and tree cover within the site would, it is considered, mitigate any significant overbearing impacts upon the occupiers of dwellings opposite the site on Station Road. Similarly, for the same reasons, it is not considered the extension would result in any significant overshadowing of these properties.

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Concerns have been raised in letters of objection that the proposed development would result in overlooking of properties on Station Road from the balconies on the front elevation and the windows in the side elevation. The windows in the side elevation facing Station Road generally serve non-habitable areas such as stairwells, corridors and shower rooms. However, on the ground floor level there are windows serving the dining area and external patio. The separation distance of some 26m to the nearest properties on Station Road and the intervening vegetation screen would, it is considered, mitigate any significant loss of privacy to the occupiers of these properties from the side elevation windows and front elevation balconies of the proposed extension.

The rear boundaries of properties on Nicholas Road would be sited some 25m from the extension, which includes balconies at the rear. This separation distance and the intervening mature tree screen would, it is considered, mitigate any significant overbearing impacts or loss of privacy to the occupiers of these properties from the proposed extension.

Concerns have been raised in letters of objection that the proposal may result in light pollution to the detriment of the living conditions of neighbouring occupiers. The applicant's agent has confirmed that all lights with the exception of the internal corridors and nurses stations will be turned off at night. All external lighting on the northern side of the building facing Station Road will be controlled by movement sensitive switches. In view of the distance of the extension to the neighbouring housing and the existing vegetation screening, it is not considered that the proposed lighting for the development would result in any significant light pollution to neighbours over and above that from street lighting. Should any significant light pollution arise from the development, this could be dealt with by other legislation.

Concerns have been raised in letters of objection regarding the potential for noise pollution from the development during both the construction and operational phase, to the detriment of the living conditions of neighbouring occupiers. Such matters can be dealt with by good management of the care home and good management of the construction works. Any significant noise issues arising from the development can be dealt with by other legislation. It is noted the Pollution Control Division have not objected to the application subject to conditions to control plant noise and for the submission of a scheme for ventilation and fume extraction. These conditions are considered to be necessary to ensure there would be no significant noise issues arising from the development.

In view of the above, the proposed extension is considered to be acceptable in terms of its impacts on the living conditions of neighbouring occupiers. The development is therefore considered to be in accordance with UDP Policies EV1, EV2, EV40 and HC15.

#### Access and Highway Safety

The nursing home currently offers 47 bedrooms with 36 parking spaces. The proposed extension will provide an additional 14 bedrooms and a further 6 spaces will be provided (including 2 designated for disabled use) accessed off the existing car parking area.

The Highways officer has commented that the car parking spaces indicated are substandard. This minor matter can be dealt with by a planning condition.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 3 (CONT'D)**

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Access to the overall site is as existing off Birchgrove Road. The Highways officer is satisfied that visibility is acceptable at the access point and there are no recorded accidents. Thus there are no concerns with continued use of the vehicular entrance.

There will be an increase in vehicular movements during the construction phase which is a temporary situation, but following completion of the works the Highways officer does not consider that the minor increase in vehicular movements following completion will give rise to any highway safety issues.

The highways officer has requested a condition to widen the site access, however, the access has already been widened following the previous approval at the site. As such this requirement is not considered necessary.

In view of the above the development is considered to be acceptable in terms of its impacts on highway safety and would therefore accord with UDP Policies AS6 and EV3.

### Other Matters

In terms of ecology, concerns have been raised in letters of objection that the application would have a detrimental impact on the ecology of the area. The Council's planning ecologist has noted that the felling of two trees and surgery to others could potentially adversely affect nesting birds and bats, however, he considers that bats are less likely to be present. As a precaution it is recommended that any trees to be felled or pruned should be assessed for bats and birds prior to work being carried out. This requirement, which is also recommended by NRW, can be addressed by a condition in the interests of ensuring there would be no significant impact on the ecology of the area.

In terms of drainage, neither Dwr Cymru Welsh Water nor the Council's drainage officer have raised objections to the development. As such the requirement for further drainage details at the site can be dealt with by a condition.

Concerns have been raised in letters of objection that the development has been incorrectly described as a two storey extension with roof space accommodation, when, it is contended in the letters of objection, that the development is three storey. In response to this objection, it is considered that the description of development given by the applicant and the description used by the Council to advertise the development accurately reflects the proposals. As such little weight is given to this objection in the determination of this application.

Concerns have been raised that the extension, if approved, should be adequately staffed. This matter is dealt with by other legislation as such this concern is given little weight in the determination of this proposal.

In support of the application the applicant's design and access statement explains that there is a waiting list for accommodation at Glais House Nursing home which currently stands at 20 - 25 residents. This proposal would go some way to addressing this current demand and providing greater EMI services in the locality and wider area. This adds positive weight in favour of the application, which in any event, is considered to be acceptable for the above reasons.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 3 (CONT'D)**

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### Conclusion

The proposed development would result in a large extension to an existing care facility which is reported to have an extensive waiting list. The proposed development would increase the capacity at the care home and would provide modern facilities for the future occupiers. The proposed development would, on balance, not result in any significant impacts upon the character and appearance of the area. Whilst two trees protected by TPOs would be lost, the proposal will provide two replacement trees and further planting to ensure the long term health and survival of the woodland bordering the proposed extension. The development is not considered to have an unacceptable impact on the living conditions of neighbouring occupiers and is considered to be acceptable in terms of access, parking and highway safety. In all other respects the development is considered to be acceptable or could be made acceptable through the imposition of conditions. The development is therefore considered to accord with UDP Policies and is accordingly recommended for conditional approval.

### RECOMMENDATION

#### **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 The development shall be carried out in accordance with the following approved plans and documents: 2142/224 - Location Plan, received 9th July 2016, 2142/215 REV A - Lower Ground Floor Plan, 2142/216 REV A, Ground Floor Plan, 2142/217 REV C - Roof Plan, 2142/219 REV B - Elevations 2 (rear), 2142/220 REV B - Elevations 3 and Section 1, 2142/221 REV B - Section 2 received 3rd October 2016. 2142/218 REV B - Elevation (Front), 2142-222 REV C - Site Layout, 2142-223 REV B - Proposed Elevations Including Existing, 2142-225 REV B - Illustration From Station Road, received 5th October 2016.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.  
Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).
- 4 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.  
Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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- 5 Prior to the construction of the extension hereby approved details of the materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 6 Notwithstanding the details indicated on Drawing No. 2142/222 Rev C a revised parking layout shall be submitted to and approved in writing by the local planning authority. The parking spaces shall measure 2.6m x 4.8m save for the disabled parking spaces which shall be sized in accordance with the current British Standards. The parking spaces shall be laid out in accordance with the approved details prior to the occupation of the extension hereby approved.  
Reason: To ensure there is satisfactory off street parking for the development, in the interests of highway safety.
- 7 No development shall commence until details of a scheme for the disposal of foul and surface water 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 use of the development hereby approved commencing and retained thereafter for the lifetime of the development.  
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
- 8 The extension hereby approved shall not be occupied until a scheme for the control of ventilation and fume extraction has been submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.  
Reason: In the interests of conserving public health and local amenity.
- 9 All building services plant noise shall be designed to achieve a rating level (dBLArTr) that does not exceed the representative night time background sound pressure level (LA90,15min) at the nearest noise sensitive dwelling in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the beneficial occupation of the extension hereby approved. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.  
Reason: In the interests of conserving public health and local amenity.
- 10 Prior to the felling or pruning of any trees within the application site area, a report shall be submitted to and approved in writing by the local planning authority which assesses the presence of bats or nesting birds within the affected trees.  
Reason: To ensure no detriment to protected species at the site.



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**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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- 11 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection and an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved tree protection scheme and method statement. The tree protection scheme shall include the following information:
- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.
  - (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
  - (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
  - (d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
  - (e) Details of any levels changes within or adjacent to protection zones;
  - (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
  - (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
  - (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
  - (i) Provision for the prevention of soil compaction within planting areas;
  - (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
  - (k) Provision for briefing construction personnel on compliance with the plan;
  - (l) Provision for signage of protection zones and precautionary areas;
  - (m) Details of contractor access during any demolition or building operations including haulage routes including how access will be gained to the rear of the new building once construction starts without entering the construction exclusion zone.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 3 (CONT'D)

APPLICATION NO:

2016/1365

- 11 Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.
- 12 The landscaping scheme comprising tree planting (1x Scots pine and 1x beech) and forestry planting (200 x beech, hawthorn, field maple, scots pine, and oak forestry whips) shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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.  
Reason: To ensure satisfactory tree coverage at the site in the interests of visual amenity and ecology.

### 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: AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Trees, Woodland and Hedgerow Protection) and HC15 (Community and Health Facilities).
- 2 In relation to condition 9 the following guidance must be followed: BS 4142:2014 - Methods for rating and assessing industrial and commercial sound.
- 3 In relation to condition 10 the following guidance should be followed: 'Bat Surveys for Professional Ecologists; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.
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## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 4**

**APPLICATION NO:**

2016/1312

**WARD:**

Morrison - Area 1

**Location:**

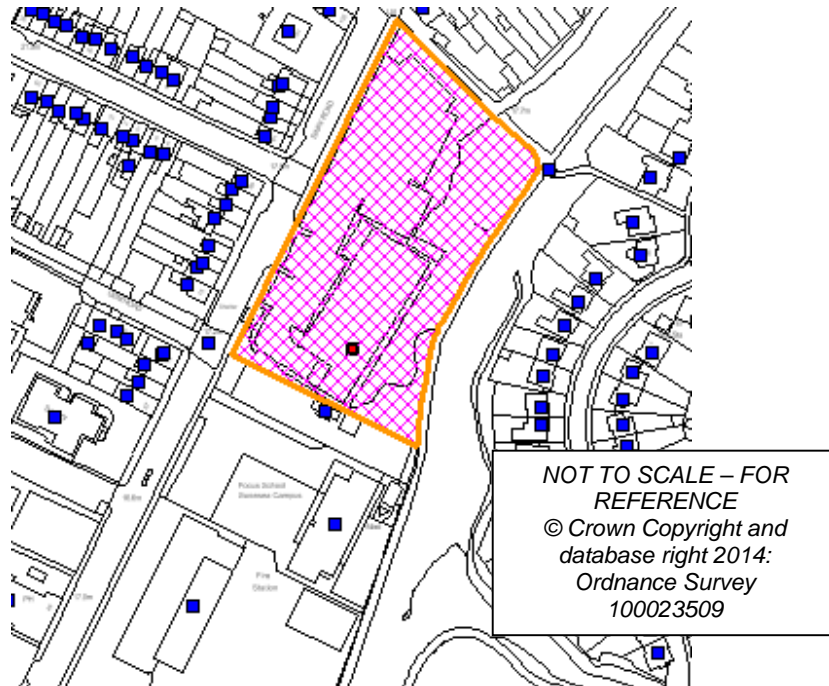
**Lidl UK GMBH Sway Road Morrison SA6 6JA**

**Proposal:**

**Demolition of existing store and construction of a replacement foodstore (1,424m<sup>2</sup> sales area) with associated access, servicing and parking**

**Applicant:**

**Lidl UK GMBH**



### **BACKGROUND INFORMATION**

#### **POLICIES**

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

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)

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**UDP - EC4 - New Retail Development**

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EC9 - Out of Centre Retailing**

Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS6 - Parking/Accessibility**

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV30 - Trees, Woodland and Hedgerow Protection**

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV40 - Air, Noise and Light Pollution**

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

| <b>App Number</b> | <b>Proposal</b>   | <b>Status</b> | <b>Decision Date</b> |
|-------------------|---|---------------|----------------------|
| ENQ2012/06<br>91  | Lidl Uk Gmbh<br>Sway Road<br>Morrison<br>Swansea<br>SA6 6JA   | ENQCL<br>O    | 20.09.2012           |
| 2016/1654         | One internally illuminated pylon sign   | APP           | 20.10.2016           |
| 2016/1312         | Demolition of existing store and construction of a replacement foodstore (1,424m2 sales area) with associated access, servicing and parking | PDE           |                      |
| 2012/0131         | One non-illuminated freestanding advertisement hoarding   | REF           | 20.03.2012           |
| 2011/1152         | One non illuminated wall mounted sign   | APP           | 10.10.2011           |
| 2007/2273         | One non-illuminated wall mounted hoarding sign and one non-illuminated freestanding hoarding sign   | REF           | 22.11.2007           |

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## RESPONSE TO CONSULTATIONS

ONE LETTER OF OBJECTION has been received, which is summarised as follows:

1. There are a row of terraced houses that sit directly opposite the current site. This also includes a Buddhist Centre, which is a place of worship in a relatively peaceful setting. The structure proposed will be multi-storey and much larger than current. This will undoubtedly have a visual impact on the local residents who live directly opposite.
2. Morriston is a village. I believe the new larger proposal will be simply too large and not fit in with the character of the town. There are other large retail structures in Morriston, but these are of a sufficient distance away from residents as not to interfere. The current supermarket location is on the fringe of a residential area and the current size is small enough to be tolerable for most residents.
3. My main concern is the height of the new proposed structure. I wish to see a single storey new development only.

**Dwr Cymru Welsh Water** - No objection subject to standard conditions and informatives

**Natural Resources Wales** – No objection

**Council's Ecologist** – Bat survey required. Add nesting bird informative.

Ecologist further comments (upon receipt of survey) – No bat use found. Add standard bat and bird informative.

**Council's Tree Officer** – The trees present on site form a significant landscape feature in an area of Morriston that otherwise has few areas of trees.

One tree is to be retained.

There are 42 individual trees, 4 groups and one area of woodland that will be removed.

13 of the individual trees are category B (30%) and the woodland is also category B (100%).

These figures do not support paragraph 9.12 of the Planning Statement: "Trees will need to be removed along the south-east boundary and in the north-east corner of the car park to facilitate the new development, most of which are of poor quality (Category C or U)."

The tree removals are said in the Planning statement to be "...more than adequately mitigated by the comprehensive landscaping scheme proposed." The Landscape proposals show one tree to be retained and three additional trees to be planted, this is not even 10% of the individual trees proposed to be removed, notwithstanding the woodland and four groups.

The trees on Council land to the south east of the adjacent footpath will reduce the impact of the tree removals when viewed from Sway Road but the footpath will be the area suffering the greatest impact from the removals.

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The scheme should be accompanied by a suitable landscape proposal to soften the car park, provide some mitigation for the tree losses, look to maintain the sense of enclosure along the adjacent footpath and screen the palisade fencing.

Ideally the design should look to retain some of the existing trees especially trees 41, 42 and 43 which contribute significantly to the street scene. Additional tree planting can be facilitated by the loss of a few parking spaces and/or increasing the size of the planting bed adjacent to Sway Road.

Tree Officer further comments on amended landscape plan - The landscape proposals have a lack of trees, especially considering how many they have removed.

The space is divided up into car parking spaces first with other areas used for planting beds i.e. the planting is considered as an afterthought.

The car park can be greatly improved by the reduction of a few spaces to allow tree planting within the car park and ideally along the frontage.

Estates - As part of the contractual agreement between the Council and Lidl, there is an obligation for Lidl to erect a steel palisade boundary fence between points A, B and C as shown on the attached plan.

I have inspected the drawings and other information submitted as part of the Lidl planning application but have been unable to establish what boundary treatments have been proposed and whether the fence as mentioned herein forms part of the proposals.

In the absence of Lidl including a boundary fence as required by the Council then Strategic Estates would wish to object to the current proposals as submitted.

If any planning permission were to be conditioned such that a steel palisade fence is to be installed between points A,B and C on the plan prior to beneficial occupation then that should address the issues raised by Strategic Estates.

**Highways Observations** - A planning application has been submitted for the above proposed new store which is a replacement of an existing store. The site is currently occupied by an existing Lidl with associated car parking and landscaping. A Transport Statement (TS) has been submitted by Mayer Brown (on behalf of the applicant) in support of the application to quantify the increase in movements expected as a result of the extended store. The TS has used survey data taken in the field and thus has provided a site specific analysis of this store. The document is concerned with the impact in the peak hours 08.00-09.00 and 17.00-18.00 although for retail developments the flows are greatest during the Saturday morning/lunchtime and this period is also assessed.

The redevelopment of the site will see the sales area enlarged and the revised layout will improve the warehousing and operational functions within the site.

Access will remain as previously proposed directly off Sway Road utilizing the existing priority junction (one lane into the store/two lanes exiting the store). Sway Road is a single carriageway two lane road subject to a 30mph speed limit. Footways are available on both sides.

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**2. Site location**

The site is located on Sway Road Morriston. The overall site covers 0.72 hectares and includes an existing food-store with a gross internal area of 1,347 square metres of which 888 sq. m is sales area.

The site is bounded by Sway Road to the west, a footpath to the east, residential properties to the north and a car hire centre to the south.

Vehicular access to the site is gained off a priority junction which links directly to Sway Road. Established pedestrian and cycle access is also available to the site and footways are a feature on Sway Road.

The site is well served by public transport with regular services running along Sway Road.

The existing vehicular access is being retained so there are no highway safety issues arising by virtue of a new access being created. Adequate visibility is available when egressing the site.

The latest personal injury statistics show that there has been one reported accident in the last five years (which was slight) adjacent to the site entrance, as such it not considered that there is any specific highway safety issue at this site.

**3. Trip generation.**

Trips to the existing store have been derived from on-site surveys undertaken in January 2016 (29th and 30th) between 15.00 to 19.00 on the Friday and 10.00 to 16.00 on the Saturday. The Friday movements showed peaks at 15.00 to 16.00 (approx. 277 movements) and the Saturday movements showed peak trips at approximately 13.30 to 14.30 (256 movements).

For the proposed store the GFA will increase to 2471 square metres with an increase in floor area of the sales part from 871 to 1420 square metres.

**4. Car parking**

Currently there are 89 car parking spaces. The car park surveys showed that on the Saturday in question the maximum car park usage was 76% between 11.30 and 12.00, thus there is spare capacity currently at the site. For the Friday assessment the peak occurred between 14.30 and 15.00 with 66% of the car park being utilized.

The proposals include parking for 110 cars which includes 6 for use by a disabled person, and 6 for parent and child. As you would expect they are situated closest to the store access. The disabled parking provision should be 6% of the total provision and this would result in an additional 1 spaces being required (7 spaces in total). The parking accords with the CCS Parking standards.

The car park is detailed with the correct size parking spaces sizes and aisles and the proposed layout is acceptable.

**5. Cycle and pedestrian access**

The site is located in a sustainable position and pedestrian access to the site is good. Long term and short term cycle parking is referenced within the supporting documents although it is not shown on the layout.

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This should help promote non car travel to the site for both staff and shoppers. The Transport statement makes reference to cycle parking being attached to the trolley bays and hence being convenient. I do not agree with this approach and will be requiring an alternative layout (to be secured via condition) to be provided to allow for safe, secured, covered stands. A suitable condition can be added to ensure that these are provided.

6. Servicing

An Autotrack (swept path analysis) run has been submitted showing that delivery vehicles can enter, turn within the site and exit in a forward gear. Given that the access is existing and there appears to be adequate space for turning I do not consider that this will give rise to any highway safety issues. Deliveries generally occur outside trading and network peak hours in order to minimize conflict. The delivery vehicles also take away waste products/recycling thus reducing down the number of trips required to maintain the store.

A dedicated loading bay is included and access/egress to this can be afforded in a forward gear thus minimizing the impact on Sway Road.

7. Impact

The main bulk of the proposed extension will be for backroom activities, storage etc. The Design and Access Statement makes reference to the fact that there will be no new lines stocked therefore the increase in traffic movements is expected to be negligible. From previous experience the numbers of additional trips do not increase on a pro rata basis. A 33% increase in floor area generally results in a 10% increase in trade. Trip wise this equates to a 30% increase of the relative increase in gross floor area. Thus a 60% increase in sales area will result in an extra 18% customer trips. From previous experiences of other Lidl Stores the TS refers anecdotally to an increase in trips of 20% but they have used the CCS figure of 30% to ensure a robust assessment.

Traffic on Sway Road is currently approaching 1627 movements in the weekday pm peak with 1332 being recorded on a Saturday peak. Current trips recorded to/from the store are 277 on a weekday peak and 256 on a Saturday peak hour. Applying an 18% uplift to these store trip numbers gives 327 trips on a weekday and 302 on a Saturday. The impact on the Strategic Highway Network on Sway Road will be of the order of 3.5% additional trips over and above those currently on the network. .

Given the existing flows leaving/arriving a Lidl over the hour then this equivalent to an extra one vehicle every 2-3 minutes. This is not considered that this is a significant impact given that the baseline flows are approximately 1600 vehicles on Sway Road (which includes the existing flows generated by the current Lidl).

The Transport Statement has assumed a figure of 18% additional trips and this has ensured that the TS is robust and again the impact on Sway Road in terms of traffic is negligible.

Given that the existing store operates without issue I do not consider that this minor increase in movements will have any detrimental impact on highway safety nor congestion in the area.



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The applicant has also submitted a Travel Plan for consideration which includes alternatives to car travel and provides travel plan targets to reduce down single car occupancy and increase car sharing, walking, cycling, and public transport options. A Travel Plan co-ordinator will be appointed to oversee the implementation of the Travel Plan.

**8. Recommendations**

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

1. The front boundary wall at the access being kept below 1m in the interests of visibility.
2. An additional single parking space being made suitable for disabled users (to meet the 6% standard).
3. Notwithstanding the reference in the TS to cycle storage, a scheme for secure covered cycle parking to be submitted for approval to the LPA, to be implemented prior to beneficial use of the store commencing.
4. The car parking area as submitted, to be laid out in accordance with the approved plans and maintained for parking purposes only in perpetuity.

**EXTRACT FROM APPLICANT'S STATEMENT**

"The current store is classified as a second generation of Lidl stores. It has a design and format very much suited to the early type of store when Lidl first entered the UK market in 1994. Since this time Lidl's requirements for floorspace, store layout and servicing arrangements have changed and the existing foodstore no longer meets the high standard demanded by the current and emerging Lidl specification. The decision has therefore been taken to develop the site. The new store is larger but will not stock any additional product lines. The design of the new foodstore will deliver a light contemporary development with the attractive palette of materials being sympathetic to the context of the site. The vehicular access from Sway Road will remain in its existing position.

The proposal represents an excellent opportunity to improve retail provision for Morriston enhance the customer experience and staff facilities and improve the appearance of the site."

**APPRAISAL**

The proposal is to demolish the existing Lidl store and replace it with a larger new store with an increased sales area of 1,424m<sup>2</sup> as opposed to the current 868m<sup>2</sup>. The proposal also involves the creation of 112 car parking spaces instead of the 89 currently in situ. The store would be extended towards the public footpath to the east and will involve the complete removal of the existing area of trees and landscaping. A 2m high paladin fence would be erected along the edge of the rear footpath and along a section of the side footpath (annotated from points A to C). It is considered however, that this type of fence is visually unacceptable at this location and a condition is recommended that an alternative fence type is submitted for approval prior to beneficial occupation.

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## MAIN ISSUES

The main issues for consideration with this application are the principle of a larger retail store in this location, over and above that already approved, having regard to National Planning Policy and the Development Plan; the retail need and impact of the proposal on established stores and nearby shopping centres, including sequential considerations; the transport impact of the proposal in terms of traffic generation, public transport accessibility, accessibility for pedestrians and cyclists and car parking; the impact of the proposal on the residential amenities of neighbouring occupiers; the impact of the development on the character and appearance of the area; and any environmental implications arising from the development of the site.

### The Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) (2008).

The following UDP policies are relevant to the consideration of this proposal: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Tree, Woodland and Hedgerow Protection), EV40 (Air, Noise and Light Pollution), EC4 (New Retail Development) and EC9 (Out-of-Centre Retailing).

In addition Planning Policy Wales provides up to date national policy guidance together with TAN 4 'Retailing in Town Centres' and TAN 23 'Economic Development'.

The application site lies in an out-of-centre location and is not allocated for any specific use within the adopted UDP.

The retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. The plan is fully consistent with national planning policy guidance in this regard. Strategic Policy SP6 emphasises that out of centre retailing will not generally be supported in the interests of the above stated aims. This is amplified by Policy EC9 which states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example, small scale shopping facilities required to meet local needs (Policy EC6 refers). Small scale is defined as a maximum 1000 sqm, which is exceeded by the scheme proposed. Aside from the exceptions stipulated, Policy EC9 does also acknowledge that an out-of-centre retail scheme in excess of local needs provision may be considered appropriate if a clear deficiency in shopping provision exists and there are no sequentially preferable sites available. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.

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National planning policy guidance on retail policy is set out in PPW, Chapter 10. The guidance makes clear that town, district and local centres are the most appropriate locations for retailing, in the interests of sustaining communities, enhancing accessibility and safeguarding the vitality and viability of established shopping centres. The critical factors for determining a planning application for a retail scheme best located in a town centre are identified as: the need for the development; the sequential approach to site selection; the impact on existing centres; accessibility and transport implications; and compatibility with any community strategy or up to date development plan strategy. In terms of the sequential test, developers are required to demonstrate that all potential town centre locations have been thoroughly assessed before edge of centre sites are considered, requiring a flexibility of approach from both the developer and planning authority. The guidance makes clear that the retailer must be innovative about the format, design and scale of the proposed store, which should be tailored to fit local circumstances. In establishing the need for the development, the retailer is required to demonstrate quantitative need, in precedence of any qualitative need. Fundamentally, the guidance makes clear that the scale, type and location of out-of-centre retail developments should not be such as to be likely to undermine the vitality, attractiveness and viability of those town centres that would otherwise serve the community well.

PPW and TAN 23 also explain, for planning purposes, that Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies. In addition PPW states that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- \* the numbers and types of jobs expected to be created or retained on the site;
- \* whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- \* a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

Key Issues

Preventing retail development that is likely to have an unacceptable adverse impact on established shopping centres is a key objective of planning policy at both local and national level. Maintaining the health of the City Centre and all district and local shopping centres within Swansea is important to sustain communities, support other essential services, and provide combined shopping facilities. The application site does not lie within any established shopping centre and the abovementioned UDP policies make clear that significant new retail proposals in such locations will only be supported if it can be demonstrated that:

- a) there is an identified need (quantitative/qualitative) for the size of store proposed;
- b) no suitable sequentially preferable sites exist

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- c) there would be no detrimental impact on established centres and stores; and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport

It is the extent to which the application sufficiently addresses matters a - d above together with due regard to the economic benefits that are most critical to the consideration of the principle of the proposal. These key elements are appraised under the headings below:

**Need for the store**

The application is supported by a Retail Statement (RS), which assesses qualitative need in terms of the operational needs of the operator and quantitative need based on retail capacity within the catchment area of the store.

In terms of quantitative need taking into account the approved scheme for the new Aldi store on Samlet Road and the recently constructed replacement store at Trallwn Road, the RS finds there is a residual retail capacity of £4.23m at 2019. This information suggests that there is sufficient surplus expenditure within the local area to accommodate the proposal. On the basis of the information provided within the RS, it is considered that a quantitative need has been established.

In terms of qualitative need reference is made to the existing store being constrained in terms of its size which, according to the RS, no longer meets the preferred operational model for the operator. In particular it is claimed that the store does not provide sufficient floorspace for Lidl to display its full range of convenience or comparison goods and the application proposal represents an opportunity to provide new purpose-built accommodation for Lidl to expand its investment within the area, meet quantitatively demonstrated local need and consumer demand, and provide customers with a more modern and comfortable shopping environment.

The RS emphasises, however, that there will not be a material increase in the range of products that are displayed for sale. Instead, the new store will allow more facings of the same product to be stocked. In addition, the RS considers the increase in trading floorspace will be small e.g. for comparison goods 107m<sup>2</sup> more above the existing food store.

The submission of this planning application demonstrates a desire by the applicant to continue to operate at this established location. The business model for the operator has evolved from when this store was first constructed and the growing popularity and success of deep discount stores is well reported in the media. Against this context, and in light of the information submitted, it is considered that the applicant has demonstrated a justifiable case for the need to increase the retail floor space at this location, as described.

**Impact**

In relation to the impact on local stores and centres, the applicant's assessment includes convenience goods impacts and the impact on existing centres and stores.

The RS expects the majority of the proposed turnover would come from large out of centre stores in the catchment area particular the Tesco Extra store at Nantylfin Road, the Asda store at Upper Forest Way and Morrisons at Brunel way.

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The RS expects a negligible level of impact on the convenience goods turnover of Morriston which is the nearest centre with a tangible convenience store offer. When the combined trading effects of the replacement Lidl and proposed Aldi stores are considered, the impact on Morriston District Centre is estimated at 4%. The RS considers this is a small level of impact which can be sustained and offset by expenditure growth post 2019.

It is acknowledged there will be some trade diversion from these centres to the proposed store although, in the context of existing retail provision in the surrounding area, it is not considered that there would be an unacceptable impact upon the health of these centres.

**The Sequential Test**

The consideration of alternative sites assessed by the applicant was limited to those within Morriston. It is accepted, particularly when considering that this application is for a replacement store, that there are no alternative sites that would provide any satisfactory sequentially preferable locations for the development.

**Economic Benefits**

The applicant has confirmed that the new store would result in two additional jobs. In line with the advice in PPW the potential economic benefits arising from the development is a material planning consideration, however, given the small increase in employment as a result of the proposed store only limited weight in favour of the proposal may be afforded in terms of its economic benefits.

**Conclusions on the principle of the development**

UDP Policy EC9 allows for new out of centre retailing in excess of local needs where it would meet a deficiency. The applicant's retail statement has demonstrated a quantitative need, and there is a justifiable need for the operator to increase the size of the premises to fit with their business model, which has evolved since the construction of the existing store. The application has demonstrated there are no sequentially preferable locations for the development and having regard to the limited positive economic benefits arising from the proposal, it is considered the principle of an increase in the size of the discount store at this location is considered to be satisfactory having regard to national and local planning policies.

**Other Issues**

The building would measure approximately between 67 and 73m in width, approximately 31m in depth with a sloping roof of between approximately 5.4m and 7.5m in height. The external materials would consist of powder coated stainless steel units with a grey and white finish and the front elevation would be finished with powder coated aluminium full height windows.

In terms of visual amenity, whilst it is recognised that the new store will be larger than the existing one on site, the increase in size is not considered to be so significant as to give rise to significant or demonstrable visual impact over and above that currently experienced. The store will remain essentially single storey but with a small mezzanine area for the use by staff only. There is a smaller mezzanine staff area in the store at present.

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The new store, although larger than the existing, will be built mostly at the same location within the site and retain a distance of approximately 35m to the nearest residential properties. This is not considered to result in any undue loss of light, privacy or overbearing physical impact upon these surrounding occupiers.

The existing landscaped area to the north and east of the existing store has already been removed. None of the trees were covered by a Tree Preservation Order and as such no consent was required from the Local Planning Authority for their removal, although other permissions may have been required under separate legislation. The removal of these trees was prompted in part by the large swathe of Japanese Knotweed on site, the removal of which was undertaken by specialist contractors. The Council's Tree Officer commented that 3 trees to the south-west of the site were worthy of retention. The landscaping plan submitted by the applicant however, show that these will be removed to accommodate car parking spaces and access to the lorry loading bay. As these trees were not covered by a TPO, and whilst recognising that they added an attractive feature to this part of the overall street scene, it is not considered that their removal would cause such detrimental visual impact as to warrant or sustain a recommendation of refusal on this issue alone. A Silver Birch will be retained to the north west of the site which will in part visually mitigate against the loss of the two silver birches, and one scots pine trees to the south west of the site.

After discussions with the Local Planning Authority, the applicant has submitted a landscaping plan which shows several trees being planted at the rear of the store to replace some of those lost along the public footpath. These will have the effect of softening the appearance of the new fence and the flank eastern elevation of the new store. Planting beds will also be provided on site; mostly around the perimeter of the car park but also within a cluster to the north of the store. These planting beds will also help soften the harsh appearance of this large car parking and is considered an improvement on the current situation.

Concerns were raised by the Local Planning Authority about the impact of the new enlarged building upon the public footpath to the east of the site. It is considered that the current landscaping plan, which shows the removal of the previously sited plant building along this boundary and its replacement with additional trees and shrubs will help alleviate the physical impact of the flank elevation closest to this footpath upon any future users.

The Head of Transportation and Engineering has raised no highway objection subject to conditions relating to the front boundary wall being kept below 1m in the interests of visibility, an additional single parking space being made suitable for disabled users, a scheme for secure covered cycle parking to be submitted for approval to the LPA and the car parking area being laid out and maintained for parking purposes only in perpetuity.

A subsequent plan indicating secure cycle parking was submitted for consideration, which has been supported and overcomes the need to impose a condition but this layout did not include the required disabled parking space. It is recommended therefore that a condition be imposed to require this additional space to be included in the car parking area.

The comments raised by the objector and consultees are noted and are addressed above in the main body of the report.

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In conclusion and having regard to all material planning considerations, including the Human Rights Act and the Wellbeing of Future Generations Act, the proposal is considered an acceptable form of development at this location that would not unduly impact upon the visual or residential amenities of the area or highways safety. The proposal is therefore considered to comply with the requirements of Policies EV1, EV2, EV3, AS2, AS6, EC4, EC9, EV30 and EV40 of the City and County of Swansea Unitary Development Plan 2008 and approval is recommended.

### **RECOMMENDATION**

#### **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 The development shall be carried out in accordance with the following approved plans and documents: 001 Site location plan, 006 rev B proposed ground floor plan, 007 rev B proposed first floor plan, 008 rev B proposed elevations received 4th July 2016, 1214 005 rev J amended site plan, 2016/29 rev D amended landscape layout plan received 13th October 2016  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.  
Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).
- 4 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.  
Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).
- 5 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

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- 6 Prior to the first beneficial occupation of the new store hereby approved and notwithstanding the details on the approved plans, details of an amended boundary treatment to be erected from points A- C on plan no. 2016/.29 Rev D shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the development hereby approved is commenced and retained as such for the duration of the use.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 7 Notwithstanding the plans hereby approved and prior to the commencement of works, an amended car parking layout including details of the location of one additional disabled parking space within the site shall be submitted to and approved in writing by the Local Planning Authority. The car park shall be laid out in accordance with the approved details before the use of the development hereby approved commences and retained as such at all times.  
Reason: To ensure adequate off street parking is provided in the interest of highway safety.
- 8 The landscaping scheme hereby approved shall be completed in accordance with the approved details in the first planting season after the completion of the development or the first beneficial use of the development commencing, whichever is the sooner.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

### 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, EC4, EC9, AS2, AS6, EV30, EV40.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.



## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 4 (CONT'D)

APPLICATION NO:

2016/1312

- 4 The proposed development site is crossed by a 600mm public combined sewer overflow with the approximate position being marked on the Statutory Public Sewer Record. To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, the position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication, Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
- 6 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 7 **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016

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**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 5**

**APPLICATION NO:**

2016/3085/S73

**WARD:**

St. Thomas - Bay  
Area

**Location:**

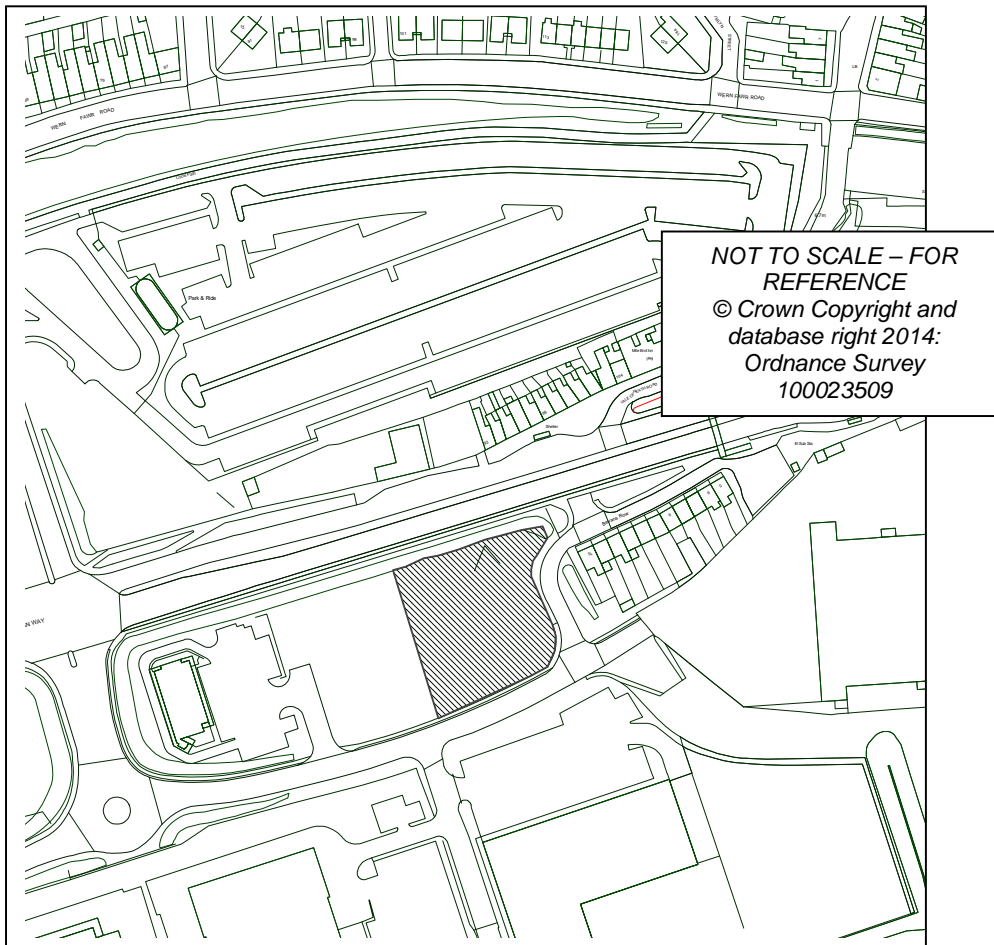
**Land South Of Fabian Way Swansea SA1 8LD**

**Proposal:**

**Variation of condition 3 of planning permission 2015/2223 granted 27/09/2016 (Erection of a detached tyre and auto-care centre and two detached units (Class A3)) to allow for the use of the tyre centre from 08.30 to 18.00 hours Monday to Saturday**

**Applicant:**

**Mr James Marshall Commercial Development Projects Ltd**



**BACKGROUND INFORMATION**

**POLICIES**

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 5 (CONT'D)

APPLICATION NO:

2016/3085/S73

#### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV2 - Siting

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).

#### UDP - EV3 - Accessibility

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)

#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO:

2016/3085/S73

SITE HISTORY:

| App No.   | Proposal   |
|-----------|--|
| 99/1627   | ERECTION OF A PUBLIC HOUSE (CLASS A3) (OUTLINE) - (AMENDED PROPOSAL)<br>Decision: *HGPC - GRANT PERMISSION CONDITIONAL<br>Decision Date: 08/05/2000  |
| A01/0113  | ERECTION OF 997 SQUARE METRE SINGLE STOREY FOOD RETAIL STORE (CLASS A1), FORMATION OF 73 SPACE CAR PARK TOGETHER WITH ASSOCIATED LANDSCAPING<br>Decision: *HRP - REFUSE PERMISSION<br>Decision Date: 06/03/2001  |
| A00/6088  | Erection of an internally illuminated fascia sign and 2 No. internally illuminated freestanding pole signs<br>Decision: Withdrawn<br>Decision Date: 23/10/2001   |
| A00/1035  | Erection of 997sqm single storey food retail store (Class A1) formation of 72 space car park together with associated landscaping<br>Decision: Refuse<br>Decision Date: 12/12/2000   |
| 2005/1528 | Construction of single storey foodstore with associated car parking and landscaping<br>Decision: Refuse<br>Decision Date: 31/01/2006   |
| 2006/1710 | Construction of single storey foodstore with associated car parking and landscaping<br>Decision: Refuse<br>Decision Date: 23/11/2006   |
| 2014/1729 | Construction of drive through retail coffee house (Class A3)<br>Decision: Perm Subj to S106 Agree<br>Decision Date: 22/05/2015   |
| 2015/1102 | Construction of drive through retail coffee house - Discharge of conditions 3 (samples), 4 (landscaping), 5 (car parking), 7 & 8 (drainage scheme) and 11 (Construction Pollution Management Plan) of planning permission 2014/1729 granted 22nd May 2015<br>Decision: Grant Permission Unconditional<br>Decision Date: 03/08/2015 |

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 5 (CONT'D)

APPLICATION NO:

2016/3085/S73

- 2015/1264 1 no internally-illuminated totem sign, 1 non-illuminated height clearance bar, 7 internally-illuminated freestanding signs, including menu boards with canopies and customer order point, and 5 internally illuminated wall mounted signs  
Decision: Grant Advertisement Consent (C)  
Decision Date: 18/09/2015
- 2015/1275 4 no. A/C Condenser Units and 3 no. Umbrellas  
Decision: Grant Permission Conditional  
Decision Date: 02/09/2015
- 2015/2223 Erection of a detached tyre and auto-care centre and two detached units (Class A3)  
Decision: Approve Subject to Section 106  
Decision Date: 27/09/2016

### RESPONSE TO CONSULTATIONS:

**Neighbours:** The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as Amended) through the display of a site notice dated 26th October 2016 and all neighbouring properties and previous objectors were individually consulted. FOUR INDIVIDUAL LETTERS OF OBJECTION were received which raised concerns relating to:

1. Proposal contrary to the complaints previously raised.
2. Proposal contrary to the Future Generations Act 2016.
3. Increased air pollution.
4. Increase parking.

**Highways:** No objection.

**Pollution Control:** No objection. My comments stand from the original application. The hours of opening stated within that application for the Saturday were 8:30 to 17:00; Pollution Control does not object to the request for Saturday opening until 18:00 and notes that the site will not be open Sundays and Bank Holidays. Condition 7 of the original application (2015/2223) requires the submission of 'site boundary enclosure details' i.e. sound proof fencing along the eastern boundary; which will need to be agreed prior to the occupation of the development. Given the opening hours of the other uses within the vicinity the intention is that the scheme provided will be expected to demonstrate how sound from the proposed site will be mitigated so that levels from the site are not unreasonable.

### APPRAISAL

#### Description

A section 73 application has been submitted in order to vary Condition No 3 of planning permission 2015/2223 to allow for the use of the tyre centre from 08:30 to 18:00 on Saturdays.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 5 (CONT'D)

APPLICATION NO:

2016/3085/S73

Application Ref: 2015/2223 granted planning consent for the erection of a detached tyre and auto-care centre and two detached units (Class A3) at Land off Fabian Way, Swansea. This consent was approved subject to a number of planning conditions none of which have been formally discharged and a section 106 agreement requiring the payment of a £45,175 financial contribution towards the Fabian Way Corridor Study and a £903.50 monitoring fee. If the application is successful, all previously attached conditions would be added to this consent and the Section 106 agreement would remain valid. The proposal involves no external alterations

This application purely relates to varying Condition No3 of this consent. For the avoidance of doubt condition No 3 read as follows:

3. The A3 units shall not be used before 06:30 nor after 23:00hrs Monday to Saturday and Sunday 09:00 and 22:00hrs. The approved tyre centre shall not be used before 08:30 nor after 18:00hrs Monday to Friday, 08:30 to 13:00 on Saturdays and shall not be open on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

The applicant suggested opening hours on a Saturday between 8:30am and 5pm and Sundays and Bank Holidays 10am until 4pm however, Members may recall that this condition was amended by Members at Committee in order to prohibit the opening of the tyre centre beyond 1pm on Saturdays and closed on Sundays and Bank Holidays in order to try and address concerns raised by local residents.

The applicant has provided 2 letters of supporting information, one of which is from AXLE Group Holdings who operate National Tyres and Autocare (NTA). They have confirmed they are interested in the approved unit, however require it to be open on Saturdays as a minimum in order for the venture to prove viable.

In addition to this Emmanuel Jones - Chartered Surveyors have confirmed that the development has been actively marketed by them since August 2014, with only NTS showing a strong interest in the tyre centre which is seen as the anchor unit for the development.

### **Main Issues**

Given the extant consent for the development and the fact the proposal only seeks consent to vary the opening hours of the tyre centre on a Saturday afternoon to extend opening hours until 6pm, the main issues for consideration during the determination of this application relates to the impact the extension of time would have upon the residential amenities of the neighbouring properties and the impact upon highway safety, having regard for the provisions of the Swansea UDP and the site history.

### **Residential Amenity**

The proposal has no impact on the physical nature of what was previously approved and therefore this application will have no impact on overbearing, overshadowing or overlooking.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 5 (CONT'D)**

**APPLICATION NO:**

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The main issue from a residential amenity perspective is whether the proposed use of the tyre centre until 6pm on a Saturday would have an unacceptable impact upon the residential amenities of the neighbouring properties. Members will be aware that previously Officers recommended a condition limiting its use on a Saturday until 5pm.

Having consulted the Councils Pollution Department it has been confirmed that they would have no objection to the request for Saturday opening until 6pm. The tyre centre will have similar opening hours to adjacent uses and therefore it is not considered that the Local Planning Authority could uphold a reason for refusal. With this in mind it is felt that an increase in the opening hours of the proposed tyre centre from 1pm to 6pm on Saturdays is not unreasonable and would have an acceptable impact on residential amenity in accordance with the provisions of Policies EV1 and HC5 of the Swansea UDP.

It is relevant to note that concerns related to potential noise from the tyre centre and site in general are to be addressed through the imposition of planning conditions to require sound proofing measures of the tyre centre building and sound proof fencing (conditions 7 and 16 refer).

### **Highway Safety**

The change in opening hours raises no additional highway issues over and above the issues considered in the previously planning application. There will be a highway safety issue raised as a result of the extension of opening hours and the Head of Transportation and Engineering raises no highway objections to the positive determination of this application.

### **Response to Consultations**

Notwithstanding the above, 4 letters of objection were received which raised concerns relating to the previous permission, increase in air pollution and increase in parking. The issues pertaining to which have been addressed above.

Concern has been raised with respect to the proposal being contrary to the Future Generations Act 2015. The proposed increase in operation hours on a Saturday for an additional 5 hours is considered to be similar to what was previously approved and the development is not considered to conflict with the aims of the Act to a degree which would warrant the refusal of this application.

### **Conclusion**

In conclusion it is considered that the proposed increase in opening hours from 1pm until 6pm is an acceptable form of development which respects the residential amenities of the neighbouring properties and highway safety in accordance with the provisions of Policies EV1, EV2, EV3, EV33, EV35, AS1, HC17, EV38, EV40 and AS6 of the Swansea Unitary Development Plan.

### **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.

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 5 (CONT'D)**

**APPLICATION NO:**

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- 2 The development shall be carried out in accordance with the following approved plans and documents: (SK-) 13 E - Phase 2 Elevations Sheet 1, (SK-) 15B Phase 2 Elevations Sheet 2, (SK-) 17 - Phase 2 Site Plan and Boundary, (SK-) 18 - Phase 2 Elevations Sheet 4 received 4th November 2015 and 15121-TR001 A - Amended Swept Path Analysis received 1st March 2016.  
Reason: To define the extent of the permission granted.
- 3 The A3 units shall not be used before 06:30hrs nor after 23:00hrs Monday to Saturday and Sunday 09:00hrs and 22:00hrs. The approved tyre centre shall not be used before 08:30hrs nor after 18:00hrs Monday to Saturday and shall not be open on Sundays or Bank Holidays.  
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 4 The development hereby approved shall not be brought into beneficial use until the car park has been completed in accordance with the approved Connect Consultant plan 15121-TR001A. The parking spaces shall be kept available for the parking of vehicles in perpetuity.  
Reason: In the interest of highway safety.
- 5 Prior to the development being brought into beneficial use further details of the proposed cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in strict accordance with the said detail and retained in perpetuity.  
Reason: In the interest of highway safety.
- 6 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 7 Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the eastern boundary of the site shall be finished in sound proof fencing and the front boundary along the Langdon Road access shall be kept below 1m.  
Reason: In the interests of visual and residential amenity and highway safety.
- 8 Prior to the commencement of work on site soakaway tests shall be carried out and submitted to the Local Planning Authority. The soakaway tests shall be carried out in strict accordance with BRE Digest 365 or the equivalent CIRIA document. Development shall thereafter take place in accordance with the approved details.  
Reason: To ensure that an appropriately designed surface water management system is implemented so as to avoid creating surface water flood risk to the development itself and adjacent third parties.



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ITEM 5 (CONT'D)

APPLICATION NO:

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- 9 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 10 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason: In the interests of the ecology and amenity of the area.

- 11 The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- \* a list of potential receptors
- \* an assessment of the extent of the contamination
- \* an assessment of the potential risks
- \* an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study

this shall:

- \* Provide information as to site history, setting, current and proposed use.
- \* Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- \* Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this shall:

- \* Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

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**ITEM 5 (CONT'D)**

**APPLICATION NO:**

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Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal

this shall:

\* Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

\* On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that the safety of future occupiers is not prejudiced.

- 12 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. The remediation of the land shall be completed in strict accordance with the agreed detail.

Reason: To ensure that the safety of future occupiers is not prejudiced.

- 13 The use hereby permitted shall not commence until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, including its location, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced and retained in perpetuity.

Reason: To ensure that a statutory nuisance does not occur.

- 14 The use hereby permitted shall not commence until a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained in perpetuity.

Reason: To ensure that a statutory nuisance does not occur.

- 15 Prior to the commencement of construction works on the application site a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 5 (CONT'D)

APPLICATION NO:

2016/3085/S73

- a) Construction programme and timetable
- b) Detailed plans of any piling operations to be carried out. Plans to contain vibration with regard to the neighbouring residential premises.
- c) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc;
- d) Proposed working hours;
- e) Principal Contractor details, which will include a nominated contact for complaints;
- f) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- g) Details of on site dust mitigation measures having regard to BPM;
- h) Details of on site noise mitigation measures having regard to BPM;
- i) Details of waste management arrangements (including any proposed crushing/screening operations); and
- j) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

Note: items f -i inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see Informatives].

Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600

Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities.

- 16 Notwithstanding the submitted details a scheme of sound proofing for the proposed auto tyre centre building shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved details and the sound proofing measures shall be provided prior to first beneficial use of the auto tyre centre and retained thereafter to serve the development.

Reason: In order to prevent noise pollution and protect the amenities of the residents of Bevans Row.

### 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, EV33, EV35, AS1 and AS6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader, e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 5 (CONT'D)

APPLICATION NO:

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4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

5 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

6 Dwr Cymru Welsh Water has no objection to the proposed development. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

7 Advisory Notes

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a Consent may be refused although planning permission is granted. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

ITEM 5 (CONT'D)

APPLICATION NO:

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WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

8 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk) ] recommendations

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 6

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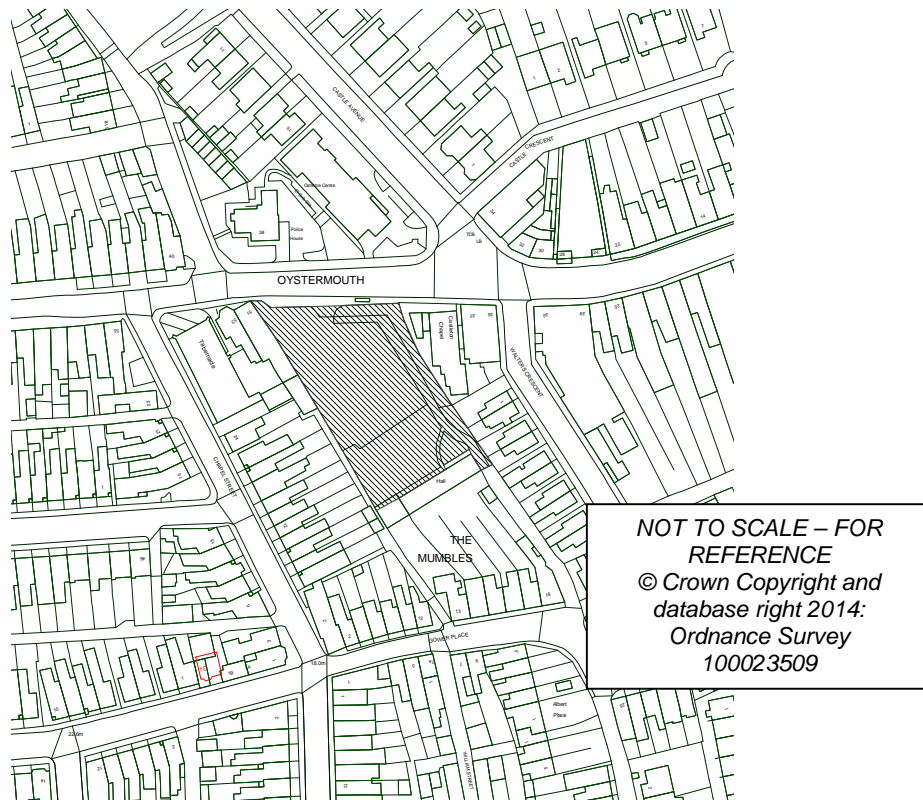
WARD:

Oystermouth - Bay  
Area

**Location:** Former British Legion Site, Newton Road, Mumbles Swansea

**Proposal:** Mixed Use redevelopment with a ground floor 1295m<sup>2</sup> retail food store, with 61 basement car park and 9 apartments at first and second floor with 15 associated car parking spaces (amended plans received)

**Applicant:** RBL Partnership



### **BACKGROUND INFORMATION**

#### **POLICIES**

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

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#### UDP - EC5 - District Shopping Centres

Development within designated district centres will be encouraged where it is of a type and scale that maintains or improves the range and quality of shopping facilities and meets other specified criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV2 - Siting

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).

#### UDP - EV3 - Accessibility

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)

#### UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

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#### UDP - HC2 - Urban Infill Housing

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, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant 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  |
|-----------|---|
| 2001/1603 | Temporary planning permission for two years to operate a monthly local farmers market on a Saturday between 9.00 a.m. and 12.30 p.m.<br>Decision: Grant Temporary Permission<br>Decision Date: 06/11/2001   |
| 2002/1621 | Continued use of car park as monthly farmers' market to be held on the first Saturday of each month between 9.00 a.m. and 12.30 p.m. (renewal of temporary planning permission 2001/1603 dated the 6th November 2001)<br>Decision: Grant Temporary Permission<br>Decision Date: 01/11/2002                                      |
| 2003/2269 | Continued use of car park as monthly farmer's market to be held on the first Saturday of each month and one pre-Christmas market in December between 9am and 12.30pm (amendment to condition 2 of planning permission 2002/1621 granted 11th November 2002)<br>Decision: Approve Conditional (S73)<br>Decision Date: 19/12/2003 |
| 2008/1199 | Mixed use development comprising of 1440m <sup>2</sup> of retail (Class A1), 218m <sup>2</sup> of food and drink (Class A3), 18 residential units, basement car parking and associated works<br>Decision: Perm Subj to S106 Agree<br>Decision Date: 08/05/2015  |
| 2009/1332 | Retention of use of land as a temporary car park<br>Decision: Grant Temporary Permission<br>Decision Date: 19/11/2009   |

#### RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice and advertisement in the press dated 8th August 2016. In addition to this all adjoining neighbouring properties were individually consulted. 10 responses were received which raised concerns relating to:



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1. Loss of tree.
2. Loss of privacy.
3. Noise and nuisance from parking.
4. Light pollution from car park.
5. Overlooking.
6. Loss of outlook.
7. Overshadowing.
8. Proposal larger than previously approved.
9. Loss of right of way.
10. Noise from deliveries.
11. Contrary to the 25 degree rule.
12. Impact on quality of life and health.
13. Inadequate information.
14. Dominance of development.

#### **Mumbles Community Council:**

1. No objection to the redevelopment of the site.
2. Mumbles Community Council object to the removal of the tree.

**Dwr Cymru/Welsh Water:** No objection subject to conditions/informative.

#### **Highways:**

- 1 Background
  - 1.1 This proposal is for the erection of a foodstore (M&S) on the former British Legion Site on Newton Road, Mumbles. The scheme will include the foodstore with 61 basement parking spaces and 9 residential units with 15 car parking spaces above together with servicing access and turning.
  - 1.2 A Transport Assessment has been submitted in support of the application that compares the expected traffic attraction with that of the recently consented scheme for the site and considers the combined impact of this proposal with committed development at the Tivoli and the Pier.
- 2 Traffic Attraction and Impact
  - 2.1 Traffic attraction to the store is predicted at 83 two-way movements in the am peak hour and 132 in the pm peak hour. The busiest period on a Saturday is predicted to attract 169 two-way movement in the lunch time period.
  - 2.2 Traffic movements generated by the 9 apartments are estimated to be 2 movements during each am and pm peak hour. Whilst this may appear low, it should be noted that this figure is obtained from national data for traffic movements associated with apartments which shows a lower generation than for dwellings.

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- 2.3 When comparing the combined movements associated with the development with those predicted for the previously consented scheme on the site, there are predicted to be 27 fewer movements in the am and 30 fewer movements in the pm peak hours.
- 2.4 The assessed impact on the mini roundabout at the bottom of Newton Road indicates that whilst the development will add to existing flows, the junction will remain within theoretical capacity and the development traffic itself has a minimal effect when added to committed developments in the area.
- 3 Access and Parking
- 3.1 The site is to have two access points. Basement parking for the store will be accessed directly from Newton Road and will accommodate two-way flow. Visibility will be in conformity with recommended standards. Parking provision for the store is indicated to be 61 spaces. This is in excess of recommended standards and will therefore ensure that all customer parking can be accommodated on the site.
- 3.2 Access to the residential apartments and for service vehicles is to be provided from the second point of access. Barrier control is indicated with the barrier set back 10m from the edge of Newton Road so that service vehicles can stand clear of the carriageway when negotiating the access. A turning area is included so that a service vehicle can enter and leave the site in a forward gear.
- 3.3 Residential traffic will continue past the service area up to parking facilities at the upper level. Parking for 15 vehicles is indicated for the 9 apartments therefore the minimum of one space per unit and visitor parking will be available with some capacity for additional demand. I consider the level of parking provision reasonable for the sustainable location of the apartments and it accords with recommendations in adopted parking standards.
- 4 Bus Facilities
- 4.1 The site will be well served by public transport as the bus stop outside the site is to be retained albeit moved slightly to accommodate the access points. The bus stop will be located in between the basement car park access and the residents/servicing access. Retention of the bus stop has always been intended and was the case with the consented development. In the process, the footway will be widened and this will offer improved facilities for passengers when queuing at the bus stop as currently this blocks the relatively narrow footway making it difficult for pedestrians to pass.
- 5 Pedestrian/Cycle access
- 5.1 Pedestrian are catered for with footways on both sides of Newton Road. Crossing facilities are available at the Mumbles Road end and a pelican crossing is available adjacent to the site. Further crossing facilities are present at the traffic signals at the Langland Road junction.

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5.2 The foreshore cycle path is within a short distance of the site. No dedicated cycle facilities are available between the path and the store so cyclists will need to use existing road facilities. Cycle parking for customers is to be provided in the basement parking area.

6 Conclusions and Recommendation

6.1 The development will have a slightly lesser impact on local highways than the previously consented scheme and the actual effect is shown to be acceptable. Parking is provided and accords with recommended standards.

6.2 I recommend no highway objection subject to the following;

i. All access and footway/highway works shall be completed in accordance with details to be submitted and approved prior to beneficial occupation of the site.

ii. The bus stop and shelter shall be relocated in accordance with details to be submitted and agreed prior to beneficial occupation of the site.

iii. The site shall not be brought into beneficial use until a detailed car park management plan has been submitted and approved. The car park shall operate in accordance with the approved management plan unless otherwise agreed in writing.

iv. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

Note: The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

IT TRANSPIRED THAT PART OF THE SITE WAS NOT INCLUDED WITHIN THE RED LINE AND AS SUCH AN AMENDED RED LINE PLAN WAS SUBMITTED. THE AMENDMENT WAS ADVERTISED ON SITE IN THE FORM OF A SITE NOTICE AND ALL PREVIOUS OBJECTORS AND NEIGHBOURING PROPERTIES WERE INDIVIDUALLY CONSULTED. THE FOLLOWING RESPONSES WERE RECEIVED:

Neighbours: 2 LETTERS OF RESPONSE were received which are summarised below:

1. Overbearing.
2. Out of keeping with surroundings.
3. No rationale for proposal.
4. Overlooking.
5. Noise and emissions.
6. Loss of TPO.
7. Loss of open space.
8. Impact on right of way.

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9. Overdevelopment.
10. Height of the development.
11. Loss of view.
12. Impact of light into neighbouring bedrooms.
13. Loss of privacy.

FOLLOWING CONCERNS RAISED BY THE LOCAL PLANNING AUTHORITY AMENDMENTS TO THE DESIGN OF THE PROPOSAL WERE SOUGHT. ALL PREVIOUS OBJECTORS AND NEIGHBOURING PROPERTIES WERE INDIVIDUALLY CONSULTED AND THE FOLLOWING RESPONSES WERE RECEIVED:

Neighbours: 2 LETTERS OF OBJECTION were received which are summarised below:

1. Previous concerns to stand.
2. Loss of tree.

In addition to this 1 LETTER OF SUPPORT was received on the basis of the following grounds:

1. Economic wellbeing.
2. Improving the environment.
3. Improved local facilities.
4. Additional housing in the area.

**Highways:** No further comment.

**Dwr Cymru/Welsh Water:** No objection subject to condition and informatives.

**Pollution Control:** No objection subject to conditions and informatives.

### APPRAISAL

This application is reported to Committee for decision as the floor space created will exceed the 2000sq m threshold identified by the City and County of Swansea.

### Description

Full planning permission is sought for a 'Mixed Use redevelopment with a ground floor 1295m<sup>2</sup> retail food store, with 61 basement car park and 9 apartments at first and second floor with 15 associated car parking spaces' at the former British Legion Site, Newton Road, Mumbles, Swansea. The development comprises:

- o Basement car park for 61 spaces and plant room.
- o Large retail unit at ground floor level.
- o 9 flats split over 1st and second floors together with 15 parking spaces.

The former British Legion Club buildings have been demolished and the site cleared. The main part of the site is currently in use as a surface car park which was recently granted full planning permission under Ref: 2016/0382.

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The existing permissive right of way / footpath access which runs along the eastern boundary providing access between Newton Road and Gower Place will also be retained for its continued use by the public. The existing Yew tree within the forecourt of the site is subject to a Tree Preservation Order (P17.7.4.533) is proposed to be removed under the current proposal. The Tabernacle United Reformed Church situated at the junction of Newton Road and Chapel Street is a Grade II Listed Building (No. LB:396).

The site is situated within the Mumbles District Shopping Centre with the thriving frontage along Newton Road to the east and the lower end of Newton Road comprising a mixture of high street shops and local businesses in small retail units. The upper end of Newton Road is also dominated by small scale retail units albeit comprising more specialist and café type uses and as a result would appear to experience lower levels of footfall. To the east of the site lies Castleton Chapel and the residential properties of Walters Crescent, whilst to the west of the site is the Principality Building Society on Newton Road and the rear curtilages of the residential properties in Chapel Street. The southern boundary of the site adjoins an OAP hall with the residential properties of Gower Place beyond.

The predominant scale of the development would be 3 storeys, however, due to the significant cross-fall across the site, the eastern elevation adjacent to the footpath would be 4 storeys in height accommodating the basement car park. The proposed form of the development would consist of frontage development along Newton Road.

There are a number of access points into the development from Newton Road. Pedestrian access to the store and flats will be via the right of way to the east of the proposed building with additional store access via the ground floor entrance to the retail store on the north western part of the development. Vehicular access to the store will be via the subterranean access off Newton Road with access to the flats on the north western side of the site.

The residential accommodation will consist of 9 apartments split over the first and second floors. The apartments will comprise:

Apartment 1 - 2 bedrooms, lounge/kitchen and bathroom.

Apartment 2 - 2 bedrooms, lounge/kitchen and bathroom.

Apartment 3 - 2 bedrooms, lounge/kitchen and bathroom.

Apartment 4 - 3 bedrooms (2 with en-suite), bathroom and lounge/kitchen/dining room.

Apartment 5 (split over 1st and 2nd floor) - 3 bedrooms all with en-suite, w/c and kitchen/lounge/dining room.

Apartment 6 - 2 bedrooms, lounge/kitchen and bathroom.

Apartment 7 - 2 bedrooms, lounge/kitchen and bathroom.

Apartment 8 - 2 bedrooms, lounge/kitchen and bathroom.

Apartment 9 - 3 bedrooms (2 with en-suite), lounge/kitchen/dining room and bathroom.

### **Site History**

Of most relevance to the consideration of this application is planning permission Ref: 2008/1199 which subject to conditions granted consent in May 2015 for a 'Mixed use development comprising of 1440m<sup>2</sup> of retail (Class A1), 218m<sup>2</sup> of food and drink (Class A3), 18 residential units, basement car parking and associated works'.

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The applicant states that despite actively marketing the site since 2010 by EJ Hales it became very clear that whilst the sites location was very desirable, the scheme as consented was difficult to let and would therefore prove unviable. To summarise, the main issues with the consented scheme were the size of the units, servicing requirements by HGV's, lack of active street frontage for a number of units and a lack of parking.

Therefore the current application is submitted in order to accommodate a viable end user.

### **Main Issues**

The main issues for consideration during the determination of this application relates to the principle of this form of development at this location within the Mumbles District Shopping Centre and the resultant impact of the development upon the economic prosperity of the area, the impact upon the visual amenities of the area and the adjacent Listed Building, residential amenity of the occupants of the neighbouring properties, highway safety, ecology and the protected tree having regard for the provisions of the Swansea UDP, the Supplementary Planning Guidance documents entitled 'District Centres, Local Centres and Community Facilities' and 'Swansea Parking Standards' and the site history. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

### **Principle of Development**

National Planning Policy - In line with recent national planning guidance provided by Planning Policy Wales Edition 9 November 2016 (PPW 2016), the redevelopment of the site would fall to be considered as a windfall 'brownfield' site, that is a vacant site within the established urban area and that has been previously developed and is now available for redevelopment. In principle, this national policy guidance actively encourages proposals for the redevelopment on such sites, provided they do not give rise to an over-intensive form of development, or an unacceptable loss of important urban greenspace, or have an unacceptable detrimental impact on the character and appearance of the existing residential neighbourhood or on highway conditions. PPW 2016 provides up to date guidance on the Government's vision for Wales, which seeks to provide a greater choice and variety of homes in sustainable communities, and ensure that previously developed land is used in preference to green field sites. In addition to this it encourages the regeneration of existing communities through the planning process.

Unitary Development Plan - UDP Policy HC2 indicates that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals and provided the proposed development does not result in cramped/overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, the loss of important urban greenspace, or significant harm to highway safety. The amplification to this policy offers guidance on the determination of proposals for residential development on unallocated sites, or white land. It seeks to maximise the use of previously developed (brownfield) land and buildings, with higher density encouraged on easily accessible sites within or adjacent to the Central Area. Infill development is defined as the development of land within an existing settlement.

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Retail Impact - The application site is situated within the traditional district shopping centre of Mumbles. UDP Policy EC5 indicates that developments of an appropriate type and scale that maintain or improve the range and quality of shopping facilities within designated district centres will be encouraged along with improvements to the physical environment and the accessibility of such centres. The amplification to this policy, indicates that the development of an appropriate type and scale are defined as those that are compatible with the type and scale and existing outlets; are in keeping with the function and character of the centre within which they are proposed; and have no significant adverse impact on the amenities of those living within or adjacent to the centre.

Therefore in land use terms it is considered that the retail commercial unit on the ground floor with the residential apartments on the upper floors would be acceptable in land use terms, however as stated above careful consideration needs to be given to the justification for the loss of the TPO to facilitate the development and the resultant impact of the development on the visual amenities of the area, the residential amenities of the neighbouring occupiers and highway safety.

### **Social and Economic Benefit**

To summarise the supporting information the applicant contends that the approval of this application will generate approximately 50 jobs (33 full time) which is welcome. In addition to this the proposal will generate a number of construction jobs and provide a welcome boost to local supply chains. Therefore the approval of this application would potentially provide long term local economic and social benefits to the community in compliance with both National and Local Plan Policies.

The provision of a foodstore at this location would provide a boost to the local economy and would be compatible with and complement the existing shopping offer at Mumbles. Crucially the development of this vacant site within the heart of the shopping centre would provide a much needed link between the upper and lower sections of Newton Road which will improve the vitality and viability of the District Centre.

### **Design and Visual Impact**

The proposal comprises a basement car park partly concealed by the 1 in 10 slope of Newton Road from west down to east. The street level comprises a food store for M&S food above the car park. Due to the slope on Newton Road the food store has a direct access in the north-west corner and a lower level entrance in the north-east corner with stairs and lift. The upper two floors comprise apartments with the top floor partially within the roof space. This creates the appearance of a three storey building under a pitched roof which has been designed to reflect the typical character and scale of the mixed use buildings along Newton Road. The scale of the food store frontage is broken up further by the incorporation of joined narrow frontage elements that are typical of the street-scene along Newton Road.

The amended façade design has simplified the proposal to limit the wide gables to the north-east corner to highlight the store entrance when looking up Newton Road from the direction that most pedestrians will approach from.

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The rest of the elevation onto Newton Road and the lane have been rationalised to reflect key elements of the Newton Road character, namely the half gables at eaves level and first floor hanging bays. This now presents a far more considered and contextual design that positively reflects the architectural features of the area.

The proposed materials comprise smooth render for main elevations under reconstituted slate roofing plus brickwork to plinth on lane and shopfronts brickwork to reflect local character. Panels of timber cladding are also proposed which help break up expanses of brick onto the lane and to the rear. These materials are welcomed to reflect the local character; but care will be needed in the choice of render system to avoid weathering and staining issues apparent on recent schemes across Swansea due to its maritime location. The quality of materials can be controlled by a condition requiring the approval of a composite sample panel prior to commencement of work on site.

The comparative visuals showing the approved scheme (ref 2008/1199) and the current proposals have now been provided as a separate drawing sheet. This shows that the highest point of the roof is reduced from the previous approved scheme whilst the height and massing at the front onto Newton Road has changed considerably. Whilst the loss of the protected tree would impact on the visual amenity of the street-scene, the removal of this tree would enable the development to follow the street edge and improve the connection between upper and lower Newton Road as opposed to the previously approved scheme.

A further change from the approved scheme is the location of the basement car park entrance. In the approved scheme, this was set back into the site off the courtyard that included the yew tree. Whereas the current proposal omits the courtyard to maximise the food store area and as a result the car park entrance is directly off the street. The technical aspects of this are dealt with by Highway colleagues but it should be noted that the design successfully accommodates this parking access through the base of one of the main gables. Furthermore pedestrians are discouraged from using this vehicle access by a more convenient and attractive stair and lift access adjacent to Castleton Chapel. The proposed food store would maximise active frontage onto Newton Road with clear glazing and two legible entrances and a stepped seating area that conceals the upstand of the basement car park.

The height of the proposed three storey building would be noticeably higher than the previously approved scheme which incorporated a flat roof three storey stand alone building on the north east corner adjacent to the single storey gable fronted Castleton Chapel. Whilst this chapel is not a listed building, it is certainly of local interest. Although the proposed building would be higher than the chapel and the sense of openness would be reduced there is sufficient spacing to the chapel to avoid an overbearing development and the setting would be improved by the removal of the car park and its replacement with a well designed street frontage development. Furthermore this north-east corner of the proposed building now contains a pedestrian access to the food store via stairs and lift. Therefore this corner would have a functional importance as an entrance and is made more visible and legible by the space alongside the chapel. This entrance is reflected in the amended design by the pair of gables that turn the corner architecturally. Therefore whilst the proposal would be a significant change to the street-scene on Newton Road, it is considered to be beneficial and has a positive impact upon the character and appearance of the area.



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The current proposal retains the realignment of the north end of the lane to run alongside Castleton Chapel as per the previously approved scheme. This would make this pedestrian link more inviting and the lane would have points of activity comprising the glazed entrance to the food store at first floor level and a separate glazed entrance lobby to access the flats above which would significantly improve natural surveillance along this footway. The remainder of the lane would be defined on the west side by louvres and brick pillars of the car park, the detail and material of these louvres can be controlled by condition. Natural surveillance along the lane would be provided by the projecting hanging bays to the flats along the section opposite the chapel and a controlled aspect bay serving the food store staff room at first floor level to look north and south along the lane but not east across to the existing houses.

The extent of signage has now been rationalised to remove the excessive signage facing the chapel and onto the lane, furthermore this aspect will need to be the subject of a future advertisement consent application.

### **Impact on Historic Context**

The grade II listed Tabernacle United Reformed Church (grade II listed) lies some 15m to the west of the site boundary further up Newton Road. The church is at higher level with the rising gradient of the street and presents a gable frontage. The nearest part of the proposed three storey building is approx. 25 m away and the 3D visuals show that the proposals would be lower in height than the church. It would replace a car park on a vacant site with a sympathetic street-scene that is distinctive to Newton Road, thereby enhancing the setting of the listed building. The proposed building would also be partly visible from Chapel Street to the rear of the church through the narrow gap alongside number 24 Chapel Street. This would afford a glimpsed view into first floor courtyard area and would not detract from the setting of the listed building.

The DAS includes visual testing of the view looking south over Mumbles from outside the main gate of Oystermouth Castle which is a grade I listed building and ancient monument. The proposed building will be visible as part of the Mumbles townscape from the parts of the green space around the castle (such as the view in the DAS) and from the elevated rampart walkways. The new consultation requirements require that Cadw is consulted on the relationship to the setting of the ancient monument before determination.

The amended consultation requirements set out in Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 requires in schedule 4 that Cadw is consulted on applications that are visible from a scheduled monument and within 500m of the boundary - this development meets these criteria and therefore Cadw need to be consulted to obtain their views prior to the determination of the application.

Following discussion with the Councils Urban Design Officer it is considered that the proposal would have a neutral visual impact on the setting of Oystermouth Castle. It is at a lower level, approximately 170m away and partly screened by deciduous trees. The proposed development would be visible set well below the skyline amongst the townscape of Mumbles. It has been designed to reflect the typical roofscape with a traditional roof pitch, reconstituted slates and details such as the half gable dormers.

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Therefore whilst the proposal would replace a vacant site and result in the loss of the protected yew tree, the impact on Oystermouth Castle would be beneficial due to the replacement by a well designed building that sympathetically reflects the local character. Although it is a larger footprint, it has been positively visually broken down and would not be overly dominant. Furthermore the grade II listed Tabernacle Church would also be partially visible in this view immediately to the west and the proposed development would enhance the setting of this listed building through the creation of a sympathetic streetscene.

The former British Legion site and wider Newton Road area is proposed as a significant expansion to the Mumbles conservation area. This has a limited planning status because the draft review document was approved by the former Development Control Management Committee for public consultation. Whilst consultation has been delayed, the conservation area review including the proposed expanded boundary is available for inspection on the Council web site.

The existing Mumbles conservation area is currently focussed to the east on the area associated with the original fishing village. The proposed expansion would include the Victorian terraces, Newton Road across to Oystermouth Castle and associated parkland. This enlarged area is all considered to have special historic and architectural interest and the character appraisal for Newton Road specifically notes the common form and scale resulting from the three storey terraces that create an attractive townscape. The fundamental design theme for the area is identified as the gable dormers and the first floor bay windows above shopfronts. The application site is mentioned as a parking area partly screened by a stone wall and cluster of trees - it is not identified as an important open space or greenery.

The current proposals would enhance the future enlarged conservation area through redevelopment of a vacant plot being used for car parking. The gap in the streetscene would be replaced by a street frontage incorporating the features that are characteristic of the area. Plus, the form and scale would be compatible with the existing, therefore the proposal would accord with the likely expansion of the Mumbles Conservation Area by enhancing the character of the area.

Overall it is considered that the proposal would have a significant beneficial townscape impact in comparison to the current vacant site and from what was previously approved. Furthermore the proposal would add richness and quality to the architectural character of Newton Road and would have an acceptable impact upon the setting of the nearby Listed Building and Ancient Monument. The proposal is therefore considered to be in accordance with the provisions of Policies EV1, EV2, HC2, EC4, EC5 and EV6 of the Swansea UDP.

### **Loss of Protected Tree**

As stated above the proposal will result in the loss of the protected tree which is not an ideal situation from a visual amenity and ecology perspective. However the retention of the tree which would prohibit this development needs to be balanced against the approval of this application which would result in the re-development of this vacant brownfield site within the urban area and the introduction of a retail unit which will complement and significantly contribute to the vitality and viability of the Mumbles Shopping Centre. The resultant provision would be much needed employment and housing within the urban area.

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The economic and social justification in supporting the redevelopment of this site is compelling and furthermore the introduction of a development which is more aesthetically appealing than the previously approved scheme is welcomed by the Councils Urban Design Officer.

Having consideration to the above issues, it is therefore concluded that it has been demonstrated satisfactorily that the socio-economic and visual benefits of this scheme outweigh the environmental harm caused by the loss of the protected tree. Therefore it is considered the proposal would have an acceptable impact upon the visual amenities of the area in compliance with Policies EV1, EV2, EC5, EC4 and EV30 of the Swansea UDP.

### **Residential Amenity**

The application site is bounded by the rear boundaries of the residential properties in Chapel Street, Walters Crescent and to a lesser extent Gower Place. The previous application (ref 2008/1199) was subject to detailed residential amenity testing in relationship to the surrounding dwellings. This included consideration of the 25 degree 'right to light' assessment as set out by the BRE. The massing and scale of the current application has been subject to the same assessment by the applicant as shown in the proposed sections.

Impact on Chapel Street - Chapel Street runs to the immediate west of the application site. The proposed access to serve the flats and deliveries for the retail unit will run to the rear of Chapel Street. The development site will run behind the rear of No's 8, 10, 12, 14, 16, 18, 20, 22 and 24 Chapel Street. The redesign of the proposal has significantly moved the massing of the proposed building away from Chapel Street and therefore it is not considered that the main bulk of the proposal would give rise to unacceptable overbearing or overshadowing over and above what was previously approved. The proposed access road to the rear parking spaces will run along the boundaries with the properties along Chapel Street. This will be elevated in relation to these properties, however the proposal will incorporate some planting and horizontal timber cladding in order to mitigate the perceived harm. In addition to this it will be sited a minimum of 11.5m from the main back wall of the adjacent properties which is considered a sufficient distance in order to mitigate unacceptable harm.

In terms of overlooking, there are no habitable room windows in the west facing elevation of the development towards Chapel Street which would raise issues relating to overlooking. There is a roof terrace element which will face onto Chapel Road, however the plans indicate the courtyard will have a brick wall and glazed panel 1.8m in height to prevent unacceptable overlooking in this direction. This will need to be conditioned obscurely glazed and to be retained in perpetuity in order to ensure the residential amenities of the properties along Chapel Street are not unacceptably overlooked from this amenity space.

Whilst not a usable amenity space, the rear car park area which serves the apartments will be elevated in terms of its relationship with Chapel Street. A low boundary wall and partial glazing is proposed on the plans, however it is felt that the screen can be increased in height in order to block the view of cars from accessing the car park. This would reduce an perceived impact of overlooking and can be ensured via an appropriately worded planning condition.

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**ITEM 6 (CONT'D)**

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There are elevated rear balconies serving the apartments to the rear which would enjoy views towards Chapel Street, however these are in excess of 11.4m from the boundaries of these properties and the balconies would only enjoy oblique views in this direction. As such the prevailing site circumstances ensure this element of the scheme would not result in unacceptable overlooking in this direction.

There are two commercial properties - Principality Building Society and Francescos Café which is within the ownership of the applicant which will be at the entrance of the site. Given the commercial nature of these premises and the fact the development has been significantly reduced in size and scale on this part of the site from what was previously approved it is not considered that the development would unacceptably impact the amenities of these properties.

In terms of the impact of the proposal upon Gower Place, these properties are situated at a significantly lower than the application site. The main bulk of the development will be sited in excess of 27m from the access road which serves the rear of these properties, 30m from the boundaries with these properties and in excess of 50m from the main back wall of these houses which is a sufficient distance in order to mitigate harmful overlooking, overbearing and overshadowing. The rear elevated parking area to serve the apartments will be closer to these properties. The parking area will be approximately 7.8m from the rear access track which serves the properties, in excess of 11m from the boundaries with these properties and in excess of 30m from the main back wall of these properties. The building will also be separated from the properties along Gower Place by a large detached community building. Therefore the development will not cause unacceptable overbearing or overshadowing in this direction which could warrant the refusal of this application. In order to mitigate the perceived nature of overlooking and prevent glare from car headlights a privacy screen could be erected on the boundary 1.8m in order to shield views from the car park in this direction. This can be ensured via condition.

As stated above in order to assess impacts on the habitable rooms of the surrounding properties the applicant has undertaken a 'right to light' study which takes a 25 degree line up from the centre of the lowest habitable room windows facing the site. This test has been devised by the British Research Establishment (BRE) and provided that there is no obstruction to the aforementioned 25 degree line then the existing property houses will retain the potential for good levels of interior day lighting, plus it is also considered that this is a reasonable test of overbearing. The analysis by the applicant shows that the 25 degree lines from all properties will not be obstructed by the development. Furthermore the sectional drawings include the outline of the previously approved scheme and this demonstrates that for a number of properties the impact of the proposal will be comparable and in some cases the proposed building is further away than the previous approved development.

As stated above, the mass and scale of the development on the western side of the site has increased significantly, however the majority of the development will be confined to the boundary with Castleton Chapel which is not in residential use. Whilst objections have been received relating to physical impact and overlooking issues of the proposed development on the adjacent Castleton Chapel, the weight given to these concerns are not the same as that given to the impact on residential properties. Within the context of the Mumbles District Centre it is not considered the proposal would unacceptably impact on the amenities of the users of the church.

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Whilst the main bulk of the development does not project beyond the Chapel, a certain element of the parking area will project beyond the rear of No's 1 and 2 Walters Crescent. Whilst the proposal will be similar to the size and scale to the development previously approved on this site, the massing of the development sited directly behind No's 1 and 2 Walters Crescent will be marginally larger than what was previously approved. Accordingly as advised above, the proposal would not obstruct the 25 degree line from the lower rear habitable window of this property and as such the potential for good levels of interior lighting would be retained. The alterations are considered so minor, that the proposed development would not have a significant impact upon the residential amenities of No's 1 and 3 Walters Crescent to such an extent which could warrant the refusal of this application.

In terms of overlooking a privacy screen could be erected along the boundary with the parking area and sectioning off part of the amenity space containing the cycle store in order to mitigate harmful overlooking into No's 1 and 2 Walters Crescent. This can be ensured via an appropriately worded condition. In addition to this the balcony serving Apartment 8 could afford some overlooking into the amenity space of No 1 Walters Crescent and in order to mitigate for this an obscurely glazed panel could be erected along the east facing side of the balcony in order to prevent overlooking in this direction. This can be secured via an appropriately worded planning condition.

In terms of the proposed operation, the applicant indicates that the proposed shop would be open from 8am until 10pm everyday which are considered reasonable opening hours given the District Centre Location and proximity to other commercial uses. It should be noted that the recently opened Co-Operative store has no restriction on opening hours and as such would be unreasonable for the Local Planning Authority to impose a restriction on its hours of operation.

In terms of deliveries, the applicant indicates deliveries are required from 06:30hrs until 22:00hrs. Following concerns raised by the Councils Environmental Health Officer the applicant submitted a M&S Quite Delivery Protocol document indicating how deliveries will be managed. Having discussed this document in detail with the Councils Environmental Health Department, it is felt that subject to the proposal being operated in accordance with this detail, no noise nuisance should arise. Furthermore it is acknowledged that any noise issues can be dealt with under Environmental Health Legislation which is covered under separate legislation from planning. A condition is suggested requiring the operator to operate the retail store in accordance with this document. It is considered reasonable to suggest a condition restricting deliveries before 6:30am and after 10pm in order to respect the residential amenities of both the existing neighbouring properties and the proposed apartments.

An additional condition has been suggested by Environmental Health to ensure the development incorporates adequate sound insulation and erection of a noise barrier between the commercial unit and Chapel Street. Further conditions have been suggested by Environmental Health to deal with issues relating to land contamination, construction phase and lighting.

On balance it is not considered that the proposal would result in any unacceptable impacts on residential amenity over and above what was previously approved and therefore it is not felt that this amended scheme could warrant refusal of this application on residential amenity grounds. Regard should also be had to the fact that this is a brownfield site within the urban area and it is reasonable to assume that some form of development will take place on this site and some impacts will arise.

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Overall, it is not considered that the proposal would be contrary to the provisions of UDP Policy EV1(iii), which seeks to ensure new development will not result in a significant impact on local amenity.

### Highways and Parking

Having consulted the Head of Transportation and Engineering it is acknowledged that this proposal is for the erection of a food store (M&S) on the former British Legion Site on Newton Road, Mumbles. As stated above, The scheme will include a foodstore with 61 basement parking spaces and 9 residential units with 15 car parking spaces above together with servicing access and turning.

A Transport Assessment has been submitted in support of the application that compares the expected traffic attraction with that of the recently consented scheme for the site and considers the combined impact of this proposal with committed development at the Tivoli and the Pier. Traffic attraction to the store is predicted at 83 two-way movements in the am peak hour and 132 in the pm peak hour. The busiest period on a Saturday is predicted to attract 169 two-way movement in the lunch time period.

Traffic movements generated by the 9 apartments are estimated to be 2 movements during each am and pm peak hour. Whilst this may appear low, it should be noted that this figure is obtained from national data for traffic movements associated with apartments which shows a lower generation than for dwellings. When comparing the combined movements associated with the development with those predicted for the previously consented scheme on the site, there are predicted to be 27 fewer movements in the am and 30 fewer movements in the pm peak hours.

The assessed impact on the mini roundabout at the bottom of Newton Road indicates that whilst the development will add to existing flows, the junction will remain within theoretical capacity and the development traffic itself has a minimal effect when added to committed developments in the area.

The site is to have two access points. Basement parking for the store will be accessed directly from Newton Road and will accommodate two-way flow. Visibility will be in conformity with recommended standards. Parking provision for the store is indicated to be 61 spaces. This is in excess of recommended standards and will therefore ensure that all customer parking can be accommodated on the site.

Access to the residential apartments and for service vehicles is to be provided from the second point of access. Barrier control is indicated with the barrier set back 10m from the edge of Newton Road so that service vehicles can stand clear of the carriageway when negotiating the access. A turning area is included so that a service vehicle can enter and leave the site in a forward gear.

Residential traffic will continue past the service area up to parking facilities at the upper level. Parking for 15 vehicles is indicated for the 9 apartments therefore the minimum of one space per unit and visitor parking will be available with some capacity for additional demand. It is considered that the level of parking provision provided is reasonable for the sustainable location of the apartments and it accords with recommendations in adopted parking standards set out within the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

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The site will be well served by public transport as the bus stop outside the site is to be retained albeit moved slightly to accommodate the access points. The bus stop will be located in between the basement car park access and the residents/servicing access. Retention of the bus stop has always been intended and was the case with the consented development. In the process, the footway will be widened and this will offer improved facilities for passengers when queuing at the bus stop as currently this blocks the relatively narrow footway making it difficult for pedestrians to pass.

Pedestrians are catered for with footways on both sides of Newton Road. Crossing facilities are available at the Mumbles Road end and a pelican crossing is available adjacent to the site. Further crossing facilities are present at the traffic signals at the Langland Road junction.

The foreshore cycle path is within a short distance of the site. No dedicated cycle facilities are available between the path and the store so cyclists will need to use existing road facilities. Cycle parking for customers is to be provided in the basement parking area.

The development will have a slightly lesser impact on local highways than the previously consented scheme and the actual effect is shown to be acceptable. Parking is provided and accords with recommended standards.

Therefore the proposal is considered to respect highway safety in accordance with the provisions of Policies EV1, EV3, HC2, EC4, AS1 and AS6 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

### **Drainage**

Having consulted the Councils Drainage Officer and Dwr Cymru/Welsh Water, there are no objections to the positive determination of this application subject to an appropriately worded condition. As such the development will respect the integrity of the public drainage network in compliance with the provisions of Policies EV33 and EV35 of the Swansea UDP.

### **Response to Consultations**

Notwithstanding the above, 14 letters of objection were received which raised concerns relating to the impact of the proposal upon visual amenity, residential amenity, highway safety, the loss of the tree, principle of development, noise pollution, light pollution, deliveries, site history. The issues pertaining to which have been addressed above.

In addition to this concern has been raised with respect the loss of a view. A view is not a material consideration and as such was not considered relevant to the determination of this application.

A further issue raised with respect this proposal was the level of detail provided. It is felt sufficient information has been provided to adequately determine this application.

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### Conclusion

The proposal would represent a significant development within the Mumbles District Shopping Centre but would also represent a sustainable form of development of a brownfield site within the urban area consistent with the objectives of national and local policy guidance being promoted by the National Assembly for Wales and the Council. In conclusion, having regard to all the relevant Development Plan Policies and all other material considerations, it is considered that the proposal would represent an acceptable form of development and would have an acceptable impact on the residential and visual amenities of the area. Approval is therefore recommended.

### RECOMMENDATION

#### 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 The development shall be carried out in accordance with the following approved plans and documents: 55.P.00 - Amended Site Location Plan, received on 13th September 2016, BBA550.P09A - Comparison Images Rev A, BBA550.P.11A - Section Sheet 2 Rev A, BBA550.P.05A - NW and NE Elevations, BBA550.P.06A - SW and SE Elevations, BBA 550.P.07A - Courtyard Elevations Rev A, BBA 550.P.03A - First Floor Plan Rev A, BBA 550.P.08A - Proposed Site Plan Rev A, BBA 550.P.01A - Basement Floor Plan Rev A, BBA 550.P.02A - Ground Floor Plan Rev A and BBA 550.P.04A - Second Floor Plan Rev A received 31st October 2016 and BBA 550.P.09A - Site Section - Key Drawing and BBA.550.P.10B - Site Sections Sheet 1 received 22nd November and Delivery Protocol received 28th November 2016.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 4 Prior to the development hereby approved being brought into beneficial use, all access and footway/highway works shall be completed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.  
Reason: In the interest of highway safety.



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- 5 Prior to the development hereby approved being brought into beneficial use, the bus stop and shelter shall be relocated in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in strict accordance with the agreed detail.  
Reason: In the interest of highway safety.
- 6 Prior to the development hereby approved being brought into beneficial use a detailed car park management plan shall be submitted to and agreed in writing by the Local Planning Authority. The car park shall operate in strict accordance with the approved management plan.  
Reason: In the interest of highway safety.
- 7 Following completion of the ground works on site, large scale details of:
- o Hanging bay
  - o Half dormer gable
  - o Eaves and verges
  - o Recessed balcony
  - o Shopfront and retail entrance
  - o Typical window in its opening
  - o Details of boundary amendments to side of Castleton Chapel
  - o Ground floor treatment onto the lane
  - o Newton Road frontage steps
  - o Gates to residential parking
- Shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in strict accordance with the agreed detail.
- Reason: In the interest of visual amenity.
- 8 The glazing panel on the west facing elevation of the elevated courtyard hereby approved shall be obscurely glazed and retained in perpetuity.  
Reason: In the interest of residential amenity.
- 9 Notwithstanding the submitted plans prior to the apartments being brought into beneficial use, details of a 1.8m high obscurely glazed privacy screen to serve the rear parking area shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in strict accordance with the agreed detail and retained in perpetuity.  
Reason: In the interest of residential amenity and prevent light pollution.
- 10 Prior to apartment 8 being brought into beneficial use a 1.8m high privacy screen shall be erected on the east facing side of the approved balcony in accordance with details to be submitted and approved by the Local Planning Authority. The development shall be completed in strict accordance with this detail and retained in perpetuity.  
Reason: In the interest of residential amenity.

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### ITEM 6 (CONT'D)

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- 11 Samples of all external finishes to the building together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any super structure works. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interest of visual amenity.
- 12 Deliveries to the proposed A1 use shall only take place between the hours of 06:30hrs and 22:00hrs on any day. All deliveries shall be made in strict accordance with the M&S Quiet Delivery Protocol received 28th November 2016.  
Reason: To minimise the disturbance to the neighbouring residential premises.
- 13 All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) at the nearest noise sensitive dwelling; in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.  
Reason: To protect the existing and proposed residential uses against noise from building services plant.
- 14 Prior to the development being brought into beneficial details for all external lighting for the proposal shall be submitted to and agreed in writing by the Local Planning Authority. All lighting shall be implemented in strict accordance with the said detail.  
Reason: In the interest of visual amenity.
- 15 Prior to the commencement of work on site detailed plans of any piling operations to be carried out shall be submitted and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring residential premises. The development shall be implemented in strict accordance with the said detail.  
Reason: to ensure that a statutory nuisance does not occur for neighbouring premises.
- 16 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority, taking the requirements of BS4142:2014 - Methods for rating and assessing industrial and commercial sound and BS8233:2014 - Guidance on sound insulation and noise reduction for buildings, into consideration. The submitted scheme to be agreed shall set out the requirements for a noise barrier to be constructed along the boundary between the site (delivery) and Chapel Street. The development shall be completed in strict accordance with the agreed detail and retained in perpetuity.  
Reason: In the interest of residential amenity

### 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, EC4, EC5, HC2, EV6, EV30, AS1, AS6, EV33, EV35.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

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2 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations

3 Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

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**ITEM 6 (CONT'D)**

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The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**SEWAGE TREATMENT**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

**WATER SUPPLY**

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

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## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 7

APPLICATION NO:

2015/1731

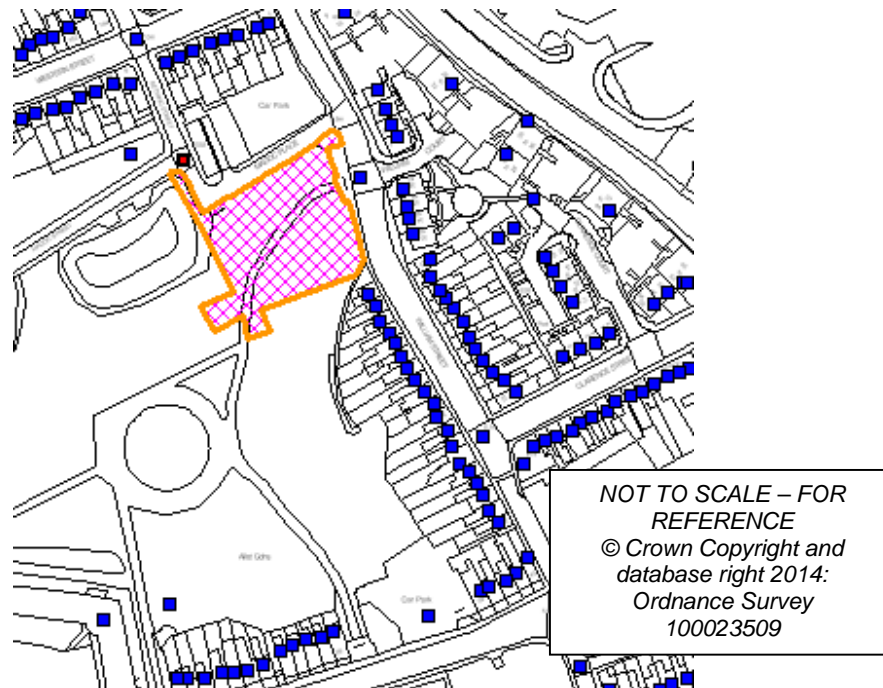
WARD:

Castle - Bay Area

Location: Land Off Madoc Place, Swansea

Proposal: Construction of 30 no. sheltered housing 1 bed apartments in a 2/3/4 storey block with associated communal facilities, new vehicular access, car parking, landscaping and associated works

Applicant: GRWP Gwalia



### BACKGROUND INFORMATION

#### RELEVANT PLANNING POLICIES

Swansea Unitary Development Plan

Policy EV1 New development shall accord with a defined set of criteria of good design.

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.

Policy EV3 Accessibility criteria for new development.

Policy EV4 Creating a quality public realm

Policy EV35 Developments must not have an adverse effect on the water environment due to additional surface water run-off leading to a flood risk

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### ITEM 7 (CONT'D)

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Policy EV36 New development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.

Policy H1(62)Allocated for Housing Development in association with recreation / community use

Policy HC2 Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.

Policy AS1 New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling

Policy AS2 Design and layout of access to new developments should allow for the safe, efficient and non-intrusive movement of vehicles

Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking  
Supplementary Planning Guidance  
Places to Live - Residential Design Guide (Adopted January 2014)  
Parking Standards (Adopted March 2012)  
Planning Obligations (Adopted March 2010)  
Planning for Community Safety (Adopted December 2012)  
Vetch Masterplan Review - Adopted May 2015

National Planning Guidance

Planning Policy Wales (PPW) (Nov. 2016 9th Edition)

With regard to housing, PPW seeks to ensure that previously developed land is used in preference to Greenfield sites; is well designed; meets national standards for the sustainability of new homes and makes a significant contribution to promoting community regeneration.

Technical Advice Note (TAN) 12: Design (July, 2014)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

### RELEVANT PLANNING HISTORY

None

ITEM 7 (CONT'D)

APPLICATION NO:

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### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice and in the local press and 33 neighbouring properties were consulted individually. 2 LETTERS OF OBJECTION has been received making the following points:

1. The buildings due to their location would not be suited to the surrounding area especially the 4 storey version and even 3 is over the top for the particular site involved, any higher and I would consider it a blight on the surrounding houses.
2. Such a development in a corner area as per plan is unsightly and out of place and not suited to the area concerned.
3. Development will prejudice the potential improvements to and aspirations for the neighbourhood with disrupted connectivity and potential development options.
4. Contrary to the local character of the neighbourhood.
5. Affect connectivity from Richardson Street towards the City Centre.
6. Privacy and security at the rear of existing houses must be addressed.
7. New developments should contribute to natural supervision / overlooking of public space. The development makes only marginal contribution.
8. Proposed development fails to meet basic sustainable neighbourhood design criteria.
9. Development does not recognise active fronts to the streetscape.
10. There are no internal parking courtyards or cul-de-sacs within Sandfields.
11. There is no public connectivity to William Street and makes no contribution to the street scape.
12. Proposed construction of an additional road to enter the car park is ill conceived.
13. Safe parking can be provided across Madoc Place with a 'home zone' type streetscape.

**Pollution Control** - no objection to the application subject to conditions in respect of contaminated land and for a Construction Traffic Management Plan to be submitted.

**Dwr Cymru Welsh Water (DCWW)** - request that if you are reminded to grant planning consent that conditions in respect of a drainage scheme and surface water flows are included to ensure no detriment to existing residents or the environment and to DCWW's assets.

ITEM 7 (CONT'D)

APPLICATION NO:

2015/1731

**Natural Resources Wales -**

9 Sept. 2015

Would not object to the above application, providing appropriately worded conditions are attached to any planning permission your Authority is minded to grant.

**Flood Risk**

The site is located within zone A, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be outside of the current flood outlines. As the proposal is for residential development it would be classed as a highly vulnerable development according to TAN15.

However, our flood maps do not include an allowance for climate change and as the nearby flood risk is tidal, when climate change allowances are applied the site may be at risk from tidal inundation. Existing levels on the site are in the region of 6.15 - 6.3m AOD and when an allowance for a 100 year lifetime of development is applied to the current tide levels, the site could be affected.

Therefore, as a precautionary measure we would recommend that the finished floor levels of the proposed buildings are set at a minimum of 7.23m AOD to ensure that the development complies with TAN15. We recommend that this finished floor level is made a condition, should your Authority be minded to grant planning permission.

**Foul Water Disposal**

We note that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. We would recommend that Dwr Cymru Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

**Surface Water Disposal**

We note that surface water will be discharged into the existing highway drainage at a controlled rate. It is also stated that infiltration testing has indicated that the shallow soils at the site would be unsuitable for soakaways. Nevertheless, we would advise that where possible, all SUDs options are explored and implemented on the site. SUDS involve a variety of techniques, including; grassed swales, permeable paving, grey-water recycling, etc. The variety of techniques available means that virtually any development should be able to include a scheme based around these principles. If SUDs cannot be utilised, agreement will need to be sought with the owner of the receiving infrastructure.

**Contaminated Land**

We note that several Geo-Environmental reports have been provided with the application. We consider that the controlled waters at this site are not of highest environmental sensitivity and as a result we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.



## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 7 (CONT'D)**

**APPLICATION NO:**

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6 Oct. 2015 following submission of the Flood Consequence Assessment (FCA)

The FCA which was submitted in the email of the 17 September 2015, is for an adjacent site and whilst the modelling undertaken for this FCA is suitable for use, it has only considered a 50 year lifetime of development when assessing the impact of climate change. As the current proposal at Madoc Place is for residential development we would advise that a 100 year lifetime of development is assessed to ensure that the site will remain flood free during the 0.5% event with climate change and therefore comply with TAN15.

Whilst we do not consider that the proposed development site will be affected by wave overtopping, we would highlight that the assessment within the submitted FCA does appear to underestimate the potential impact. Therefore, we would advise that to ensure the current proposal for residential development will comply with TAN15, the model utilised within the submitted FCA should be re-run to consider a 100 year lifetime of development.

25 Jan. 2016

Flood Risk - We note the submission of the document entitled; 'Former Vetch Field Stadium: Flood Consequences Assessment (Addendum Report) - Land off Madoc Place', dated 14 January 2016, by Arcadis (Uk) Ltd.

There are two tidal flood routes that affect the site; one via the underpass on Oystermouth Road and one via the Tawe (via Sainsbury's / Marina). The Flood Consequences Assessment (FCA) mentioned above appear to have modelled these as 2 separate incidents, whereas in a real life tidal flood event, both flood routes would be active simultaneously. Fig 4.2 of the FCA (see Annex 1) shows the 0.1% CC outline from the Oystermouth Road underpass which appears to flow eastwards but stop abruptly on the Oystermouth Road just to the NW of the Leisure centre. Fig 4.3 of the FCA (see Annex 1) shows the 0.1% CC outline from the Tawe flood route which appears to flow westwards, but stop abruptly in the same place. Flood depths are around 1m, and given the flat nature of the land in this area this does not seem realistic.

Our own modelling of Swansea shows the site is affected simultaneously from BOTH flood routes. Therefore, further modelling is required in order to assess these occurrences as one incident. As a result, our concern is that the proposed mitigation measure to install a flood gate at the Oystermouth Road underpass, may not be effective as there would still be a flood route to the site from the Tawe. We strongly advise that additional mitigation measures need to be investigated and proposed. We also strongly advise that you discuss this application with your Authority's Drainage Engineers, as you would need to agree on and take responsibility for the proposed underpass flood gate and other potential mitigation measures.

28 Jan. 2016

Following the provision of a revised Flood Consequences Assessment (FCA). We note the submission of the revised document entitled; 'CD Gray & Associates Ltd, Former Vetch Field Stadium: Flood Consequences Assessment (Addendum Report) - Land off Madoc Place', dated 27 January 2016, by Arcadis (UK) Ltd.

Having reviewed the information provided, we can confirm that the tide levels quoted in the Flood Consequences Assessment (FCA) are same as our data. The report also states that 3 tidal cycles have been used. We are therefore content that this base data is appropriate to inform the FCA.

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It also appears that the FCA has now removed the artificial block to flows along Oystermouth Road and accepts the risk to the site from the eastern flood route, as well as the underpass.

The FCA confirms that the site will flood to depths of up to 700mm in the 0.1% +cc event from the eastern flood route, even if the Underpass route is blocked by a flood gate, with an average depth of 540mm across the site. However, the FCA has not assessed what effect the proposed development will have on flood risk elsewhere, due to displacement of flood water within the site 'basin' even though it accepts that raising ground levels may increase flood risk elsewhere.

Flood water could be pushed onto third parties, if the proposed development is built, but the FCA seems to suggest that no mitigation for this is possible.

The modelled flood outlines provided in the FCA differ from our own modelled outputs in that the T200CC event flowing overland from the east will not quite reach the site whereas our model suggests it will. The FCA relies on its assumptions that T200CC flood flows from the east will not reach the site and that the blockage of T200CC flood flows from the underpass will be implemented when needed to demonstrate compliance with the flood free threshold required by Table A1.14 of TAN15. We would however have to continue to base our advice on our own model information, as best available, unless appropriate evidence to the contrary is submitted by the applicant and accepted as an improvement to our own model.

As highlighted in our previous correspondence, although, it may be possible to block off the underpass, this would continue to depend on agreement of your Authority's Highways / Coastal Departments and Drainage Engineers, as they would need to agree and take responsibility for the proposed underpass flood gate and other potential mitigation measures. The above flood risk advice is based upon our latest data and modelling information with regards to the proposed site. We hope our advice assists your Authority in determining the planning application in line with existing planning policy as advocated within Planning Policy Wales and TAN15 (Flood Risk and Development) and adopted The Swansea Unitary Development Plan.

19 April, 2016

We refer to the above planning application which has been subject to ongoing dialogue between us. We appreciate that this proposed development is an integral element of the Central Swansea regeneration and its implementation is an important part of the overall strategy.

In respect of the information provided to support the current planning application, we continue to advise you of our significant concerns in respect of flood risk. We have analysed the additional information and modelling data supplied by Arcadis and irrespective of the difference between the modelling results, it is clear that the site is potentially at risk from flooding when factoring climate change in accordance with National guidance.

The current proposals fail to comply with the Welsh Governments guidance in relation to flood risk as contained within Planning Policy Wales and Technical Advice Note 15 which are material policy documents in the determination of the current planning application.

It may be possible that our concerns can be overcome through additional flood safeguarding measures but these are not fully explored as part of the current application. We would reiterate the comments within our letters dated 25th and 28th January 2016 in this respect.

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The potential for possible mitigation measures by blocking off the flood routes associated with the underpass on Oystermouth Road coupled with other measures to address possible other flood routes should be explored.

Analysis of Arcadis information and Policy Advice.

Your Authority will be aware from our previous correspondence that we do not concur with the consultants' interpretation of flood risk and in particular the related modelling. We have received additional information from Arcadis (ex Hyder) who have supplied the "Baseline" and "Post-Development" MIKE 21 models. These have been analysed by our flood risk engineers and modelling team and the submissions re-enforce our concerns that flood risk to the site is being understated.

The current proposal is contrary to the Welsh Government advice contained Planning Policy Wales (Edition 8: 2016) and Technical Advice Note 15. Development and Flood Risk. Additionally Policy EV 36 (Development and Flood Risk) of the City and County of Swansea Council Unitary Development Plan (adopted 2008) states;

New development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

Technical Summary.

Key differences between NRW & Arcadis modelling.

- o Arcadis model claims the site is not at risk in a T200CC event - NRW model shows that it is.
- o Arcadis model claims that the site needs to be raised by approx. 300mm to be compliant with TAN15 in a T1000CC event - NRW model suggests raising by 900mm. It should be noted that any increase in the amount of ground raising will result in an increase in displaced water and potential third party detriment.
- o Arcadis model claims peak flood depths on the roads surrounding the site of around 0.9m in a T1000CC event - NRW model suggests 1.5m deep.

Therefore our position remains as per our letter of 28 Jan 2016 - i.e. the evidence submitted by the applicant (their model) is NOT accepted as an improvement to our own model (because they have not included a baseflow in the Tawe).

If potential measures to mitigate the risks identified in the modelling are set out we would be happy to discuss them.

23 Nov. 2016

Following the most recent submission and the recent commitment by the City and County of Swansea to deliver a long term Strategic FCA to address the flooding issues presented by Climate Change. NRW are satisfied that the flood risk to the above proposed development can be managed.

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Highway Observations –

1 Background

1.1 This proposal is for the construction of a development of 30 retired living apartments on the site of a part of the previous Vetch Field development. The developer is Gwalia.

1.2 The development of the site will allow the relocation of the existing sheltered House development at Llys Dewi Sant (residents and staff) located near St David's Multi Storey Car Park. This relocation will allow the existing site to be developed by the City and County of Swansea as part of the City Centre Regeneration strategy.

2. Traffic Generation

2.1 The Design and Access Statement has been submitted with the application but no Transport Statement was submitted in support. Notwithstanding this, the associated vehicular movements are likely to be low given the likely end users and low car ownership arising.

2.2 The impact of trips generated is likely to be minimal compared to existing traffic movements at this location which historically formed part of the Vetch.

3 Site Access and Layout

3.1 The site access junction forms a priority junction onto a new element of highway which links to Madoc Place/Gethin Street junction. Visibility at the access junction will accord with nationally recommended standards to ensure safety for all traffic.

3.2 The layout of the site accommodates parking for 14 car spaces in accordance with parking policy and sufficient room is available for all cars to enter and leave in a forward gear. Service and refuse vehicles will not be able to enter and leave the site in a forward gear but a formal temporary turning facility is provided as part of the access road leading to the site. This access road also has a footway on both sides but for the purposes of this development the footpath would only be required to be completed on the development side, not on the future development side.

3.3 Pedestrian access will also be available off William Street.

3.4 The boundary wall consisting of a 500mm dwarf wall topped by railings will allow adequate visibility for accessing/egressing vehicles.

3.5 There is a mobility scooter store indicated on the plans and that should further encourage non-car modes of transport.

4 Conclusions and recommendations

4.1 Safe access to sufficient parking is proposed and traffic generation is unlikely to present any safety or congestion issues.

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4.2 I recommend no highway objection subject to the following

- i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- ii. The site shall not be brought into beneficial use until the highway access linking off Madoc Place/Gethin Street has been completed under a section 278 agreement with the Highway Authority and is ready for use. This link should include the footway on the development side only, together with the temporary turning head facility.
- iii. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- iv. The car parking area shall be completed and ready for use prior to beneficial occupation of the development.

Note1: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please contact the Team Leader, e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091

Note 2: Access and footway works are required to be subject to formal agreement with the Highway Authority under Section 38/278 of the Highways Act 1980.

### APPRAISAL

#### Description

The 0.23 hectare application site is part of the former area of the Vetch field and is situated at the corner of the junction of Madoc Place and William Street, Sandfields.

The proposal is for a 30 no. residential one-bedroom self-contained sheltered housing apartments which would incorporate communal and management facilities at ground floor including a storage facility for mobility scooters, a residents garden and 14 no. car parking spaces with a new vehicular access constructed from Madoc Place. The need for the project has arisen from the Council's aspiration to regenerate the St. Davids area in the city centre and the requirement to demolish the existing block of 30 sheltered apartments ('Llys Dewi Sant'). The proposed development will accommodate the existing residents from Llys Dewi Sant.

In addition to the DAS, the application is accompanied by a separate Ecological Appraisal and Phase 1 Geo-Environmental Assessment.

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### **Material Planning Considerations**

The key issues for consideration in this application relate to whether the proposed development at this location, having regard to the prevailing Development Plan Policies, is an acceptable form of development in urban design terms, the impact of the development upon the residential amenities of existing neighbouring occupiers, highway and parking considerations, flood risk, site investigation and ecology matters. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Principle of Development**

#### Development Plan Policy and Land Uses

##### National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Wales (PPW) (Nov. 2016 9th Edition), the redevelopment of the site, would ensure that previously developed land is used in preference to a greenfield site, and seeks to ensure new housing is well designed, meets national standards for the sustainability of new homes, makes a significant contribution to promoting community regeneration to improve the quality of life, and provides a greater choice and variety of homes in sustainable communities.

##### Unitary Development Plan (UDP)

The application site as part of the wider Vetch field area and is allocated in the City and County of Swansea UDP for housing development under UDP Policy HC1 (62), and therefore the principal of the development is in accordance with the adopted Development Plan. The UDP gives an estimated figure of 120 dwellings to be developed at the site in association with recreation and community use. Additionally, Policy HC2 indicates that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals provided the proposed development does not result in cramped / over intensive development; significant loss of residential amenity; significant adverse effect on the character and appearance of the area or significant harm to highway safety.

##### Supplementary Planning Guidance

In 2007, Cabinet approved the adoption of a Masterplan as Supplementary Planning Guidance (SPG) to inform the future development of the then Vetch Field Stadium site. Since then the stadium buildings have been demolished and the site has been landscaped, with the remainder used as a community garden (known locally as Vetch Veg). On 11 February, 2014 Cabinet approved the principles of a review of the adopted Vetch Field Masterplan as a basis for public consultation. The review was carried out in order to improve the viability of future development and the availability of community open space in the area over the level envisaged in the original 2007 masterplan. Following completion of the consultation exercise, Cabinet endorsed a revised masterplan and approved its referral to Planning Committee where it was adopted as SPG on 12 May, 2015.

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The original 2007 masterplan proposed development over the entire site except the centre circle area, whereas the updated 2015 masterplan respects the success of the temporary park and the vetch veg allotments, and in order to maximise the community open space on the site, it is proposed to retain 0.7 hectares of public open space (including Vetch Veg Community Garden), and to contain new development in the northern part of the Vetch reducing the housing provision to approx.. 40 homes in addition to a care home or residential flats on the corner of Madoc Place and William Street. The current application relates to this discrete part of the Vetch site bounded by Williams Street and Madoc Place as a first phase to the northern development as set out in the masterplan SPG.

### **Urban Design & Residential Amenity**

In terms of considering the design and layout of the proposed development, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design, in particular, new development should be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials, and detailing, layout, form, mix and density. Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location. In particular, criteria xiii requires new development to have full regard to existing adjacent developments and the possible impact of environmental pollution from those developments, as well as the creation of any environmental pollution to the detriment of neighbouring occupiers including light, air and noise.

The site layout has been configured to create a building line to William Street and Madoc Place whilst providing a communal courtyard / garden space to the rear of the building together with a car parking area of 14 spaces. The ground floor includes a combination of private self-contained apartments together with communal and management facilities. The proposal is for a contemporary designed building incorporating a pitched roof. The scale steps up from two storey adjacent to the existing William Street housing to four storeys on the corner onto Madoc Place. Whilst four storeys may be unusual for the Sandfields which is characterised by two storey terraced housing, the area does have an established character of larger buildings in corner locations. When viewed from the Vetch looking east the larger scale buildings including four storey flats on the opposite side of William Street on the edge of the city centre can be seen. Furthermore the four storey scale on the corner of Madoc Place and William Street does not create any amenity issues for existing residents. The scale of the development being two storey adjacent to the existing terraced properties on William Street is appropriate. Therefore given the proximity to the city centre and the corner location, the proposed scale is considered acceptable both in urban design terms and the impact on the residential amenity of neighbouring occupiers.

The character of Sandfields is defined by rendered elevations with feature window and door surrounds, often picked out using colour and this is being reinforced through the current over cladding scheme. However the applicants have indicated a preference not to consider the use of render for maintenance reasons. Instead it is proposed to use a facing brick which could reflect the muted colour used in some of the rendered houses, but the use of a single brick for the whole development and the colour treatments to only selected windows is a weak reference to the colourful and varied character of Sandfields. Therefore it is considered that the materials and incorporation of colour needs further refinement which can be controlled through an external finishes condition.

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The design of the new access having regard to the requirements within the adopted Masterplan SPG indicating that all new streets on the Vetch should be based on HomeZone principles is addressed within the Highway Considerations section below.

Notwithstanding the submitted representations, the proposed development would accord with the design concepts within the revised Vetch Masterplan Review (February, 2015). In particular, with regard to the retention of community open space, maximising pedestrian connections through the site whilst reducing vehicular impact with the Homezone type design and the creation of a care home / or flats on the corner of Madoc Place and William Street.

### Highway Considerations

The site access and layout will be obtained by creating a new priority junction onto a new element of highway which links to Madoc Place/Gethin Street junction. The layout of the site will accommodate car parking for 14 car spaces in accordance with Council's adopted Parking Guidelines. The layout will create a temporary turning head facility at the end of the cul-de-sac which will allow for vehicles to enter and leave the site in a forward gear. The primary pedestrian entrance will be obtained from William Street.

It is proposed to remove the sections of existing walling around the former Vetch field which will allow adequate visibility to be provided at the access junction to accord with nationally recommended standards to ensure safety for all traffic. The Head of Transportation highlights that the traffic generation from the proposed development is likely to be low having regard to its occupation and therefore is unlikely to present any safety or congestion issues.

The submitted site plan originally envisaged the creation of a 'standard' designed access road consisting of a 6.50m wide carriageway with 2m wide footways on both sides. However the design concepts within the adopted Vetch Masterplan aims to create layout to maximise pedestrian connections through the site, to reduce the impact of parked cars and in order to reduce vehicle impact the street design should be tortuous to deter rat running, possibly incorporating HomeZone principles. The potential layout within the Masterplan highlights the creation of a vehicular access linking through the site from Madoc Place to Richardson Street.

With this in mind the access has been re-designed to create a 'low speed street' to address the aspirations of the adopted Vetch Masterplan SPG requirements and which would also the aspirations of Manuals for Streets. The principals of which incorporate a 3.5m wide single carriageway surfaced in tarmac but low upstand kerbs, a 3 metre wide shared pedestrian / cycle route (in tarmac) on the development side separated to the carriageway by a landscaping strip with only a 1 metre grass verge on the park side (but which would allow for a future footpath if the site were developed in the future). Additionally, the access road would be designed to incorporate a pedestrian link into the park in the short-term but would be continued if further development occurs in the future in accordance with the principles of the Vetch Masterplan. The access road would need to be enclosed with park boundary railings in order to prevent unauthorised vehicle access into the park.

The Head of Transportation has agreed the principals of the 'low speed street' design with a view to proceeding to formal adoption.



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It is proposed to incorporate a planning condition to ensure that the highway access linking off Madoc Place / Gethin Street has been completed in accordance with a detailed scheme to be approved by the Local Planning Authority prior to beneficial use of the development. The link will need to the footway on the development side only, together with the temporary turning head facility whilst allowing for a pedestrian access into the park.

On the basis of the above it is considered that the application is acceptable with regard to highway safety and parking.

**Flood Risk**

Under Policy EV2 new development must have regard to whether the proposal would be at risk from flooding, increase flood risk off-site, or create additional water run-off. Similarly Policy EV36 states that new development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

NRWs original consultation response highlighted the potential risk from tidal inundation when climate change allowances are applied. The recommended that as a precautionary measure, the finished floor levels ('FFL') of the proposed building should be set at a minimum of 7.23m AOD to ensure that the development complies with Technical Advice Note 15 - Development and Flood Risk ('TAN 15'). However, the existing levels on the site are in the region of 6.10 - 6.50m AOD, and the construction of the building approx. 1 metre above existing ground levels would have created a significant issue for the development in terms of accessibility and visual impact issues. Consequently, it was indicated that a Flood Consequence Assessment ('FCA') should be submitted based on the tidal information and topographic information to get a true site specific view of the tidal flood risk and whether or not the recommend FFL were appropriate/necessary.

The proposed development site falls within Zone A as designated by the Welsh Government Development and Flood Risk Advice Maps (DAM). The proposal for a residential development is classed as 'highly vulnerable' development by TAN 15. TAN 15 development advice for Zone A states that there are "no constraints relating to river or coastal flooding, other than to avoid increasing risk elsewhere". However, the FCA identifies two areas of potential tidal flood risk, namely along the River Tawe and the Oystermouth Road underpass, which connects the beach to Oystermouth Road. The site is considered to be at low risk of tidal flooding under the NRW Flood Zone Map, however, the flood maps do not account for the effects of climate change and rising sea levels are predicted to have a significant impact on coastal areas over the 100 years (the lifetime of the development). TAN 15 requires the assessment of tidal flood risk over the lifetime of the development for both the 1 in 200yr and 1 in 1000yr events. To address this requirement, a hydraulic modelling assessment has been undertaken to assess this risk.

The tidal modelling during the undefended model indicates that the site remains flood free until peak tide levels reach 7.12m AOD. This occurs for the 0.1% (AEP - Annual Exceedance Probability) event predicted as a result of climate change in the year 2091. The proposed development site floods to a maximum depth of 0.39m during this extreme event. The flood modelling identifies two flow routes for the flooding at the Vetch site:

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- o Ingress of tidal floodwater via the underpass at Oystermouth Road;
- o Complex overland flooding from the River Tawe, through the city centre and marina area following local topography.

The proposed site becomes inundated when these two separate bodies of floodwater merge on Madoc Street. The FCA highlights that significant and important parts of Swansea City Centre are at flood risk before the Vetch site. The risk of widespread flooding is predicted to become considerable within 50 years, well ahead of the 75 years of climate change required to flood the proposed site. Such flooding would cause very considerable economic and social damage, and the deployment of measures to mitigate the risks are therefore essential to the continued sustainability of the city.

Swansea Tidal Flood Risk Management Strategy

The FCA outlines the future options for defending Swansea City Centre from tidal flooding, and these comprise of the construction of a traditional flood wall along the River Tawe and the stopping up of the Oystermouth Road underpass. The tidal flood defence along the Tawe would extend southwards from New Cut Bridge to the South Dock harbour lock gates with a flood wall on average of 1metre high and would need to include a new tidal exclusion gate to close off the harbour during extreme tides. The underpass at Oystermouth Road would need to be either completely blocked or an effective permanent demountable barrier installed, depending on the need to retain vehicle beach access. The FCA estimates the cost of these two proposed flood defence improvements to cost approx. £5m in today's money. The implementation of the flood defence works has been modelled with a design level to protect the largest predicted event (1 in 1000yr 2016) to show both Swansea City Centre and the proposed development to be flood free.

The development of the Swansea Tidal Flood Risk Management Strategy demonstrates a strong business case for addressing future tidal flood risk in Swansea on a strategic case, not only to protect existing properties at flood risk and also to allow the redevelopment of Swansea City Centre. Accordingly, a report on 'The Management of Future Risks of Flooding from the Effects of Climate Change, was reported to the Swansea City Council Cabinet on 20 October, 2016 which sought agreement to commit to the implementation of a Strategic Flood Risk Management Strategy to protect Swansea's Central Area and secure its potential for future development and investment. The Cabinet resolved that:

- o Cabinet make a formal commitment to develop long term proposals for a Strategic Flood Risk Management Strategy for Swansea Central Area;
- o The Vetch Flood Consequences Assessment be formally submitted to Natural Resources Wales and incorporate a statement that the City and County of Swansea will make a long term commitment to implement a Strategic Flood Risk Management Strategy for Swansea's Central Area.

The City and County of Swansea have therefore made a commitment to deliver future tidal flood protection works in the next 50 years to protect large areas of Swansea Central Area, and within 75 years to protect the Vetch site and as such the risk of flooding to the proposed development is concluded to be low and acceptable in line with the requirements of TAN 15.

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Following this commitment by the City and County of Swansea to deliver a long term Strategic FCA to address the flooding issues presented by Climate Change NRW are satisfied that the flood risk to the above proposed development can be managed.

**Site Investigation**

The application has been accompanied by a Phase One desk study and Phase Two Geotechnical and Geo-Environmental intrusive investigation. NRW consider that the controlled waters at the site are not of the highest environmental sensitivity and do not raise any objections to land contamination issues. The Council's Environmental Health Officer indicates that the measures to be taken to reduce the environmental and human health risks identified in the Phase One and Phase Two contaminated land reports would be acceptable.

**Ecology**

The combination of desk study and Extended Phase 1 Habitat survey identified that the Vetch Field site comprises of a limited range of habitats including amenity grassland with standard trees dissected by a hard standing public footpath, bordered by a breezeblock and brick wall to the north and the east; with a metal fence separating the site from the residential gardens located immediately south east of site. The amenity grassland extended beyond the site footprint boundary to the south and west. The habitats associated with the site were generally considered to be of little or no ecological value.

**Conclusion**

The principle of the development is in accordance with its housing allocation under UDP Policy HC1 and the use and layout would accord with the aspirations within the revised Vetch Masterplan (Feb. 2015). The scheme represents an acceptable urban design solution to the site in terms of scale, building mass and detailed elevational design and will not impact on the residential amenity of the neighbouring occupiers. The design of the Homezone type access from Madoc Place will safeguard pedestrian safety whilst providing a principal access into the Vetch. The site is at a potential risk from future climate change tidal flooding, however, the City and Council of Swansea has made a commitment to implement a Strategic Flood Risk Management Strategy for Swansea's Central Area to enable the flood risk to be acceptably managed. Approval is therefore recommended subject to suitable planning conditions.

**RECOMMENDATION**

**APPROVE, subject to the following condition(s):**

- 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 The development shall be carried out in accordance with the following approved plans and documents: [ AL.01 - 03 Rev. J - Proposed Levels 01 - 03; AL.04 Rev D - Proposed Roof Plan - 1 October, 2015; AL.00 Rev K - Proposed Level 00 - Ground Floor; AS.01 Rev A - Existing Site Plan; AS.01 Rev H - Proposed Site Plan;

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AE.01 -03 Rev F - Proposed Elevations; 100 -P5 - Drainage Layout; 101 -P4 Proposed Adopted Highway; 102 - Rev P2 - Proposed Levels; 110 - 113 Rev P1 - Drainage / Construction Details; AD(27) 01 & 02 - Roof Details; AD.31 01, 02 REV A, 03 Rev A, 04 Rev A, 05 Rev A, 06 - Details; AD.5.02 - Flue Riser Details; AD.9.01 Rev A - External Works Detail; AS.11 Rev F - Proposed Boundary Treatment - Amended plans Received 4 Dec. 2015; AS.00 Rev C - Location Plan - Amended Plan Received 29 January, 2016]  
Reason: To define the extent of the permission granted.

- 3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.  
Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).
- 4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.  
Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).
- 5 Notwithstanding the details shown on any approved plan, the materials used for the external surfaces of the development (including doors and windows) and the precise pattern and distribution of the external finishes shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.
- 6 The proposed finished floor level of the building and levels of the external area shall be in accordance with the Preliminary Proposed Level Drawing 102 Rev P2.  
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 7 The means of enclosure / boundary treatment shall be built and installed in accordance with the Proposed Boundary Treatments Drg. No. ASS11 Rev F and the External Works Details Drg. No. D.9.01 Rev A before any of the apartments hereby approved are occupied.  
Reason: In the interests of visual amenity and general amenity.

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- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 25 of Schedule 2 shall not apply, and if required, the installation of any satellite antenna shall comprise of a single satellite television system solution to serve each residential block in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 9 Prior to the occupation of any of the residential apartments hereby approved, the on-site car parking shall be laid out within the development site in accordance with the approved site plan - AS.10 Rev. H and shall be retained as such for that purpose at all times thereafter.  
Reason: To ensure adequate on site car parking provision in the interests of highway safety.
- 10 Notwithstanding the details indicated in the application, the development shall not be occupied until the highway access linking off Madoc Place has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The highway access shall include details of the proposed temporary turning head, the continuation of a footway link into the 'Vetchfield', the construction of footways along the development frontage and along Madoc Place including pavement / vehicular crossings where necessary, and a construction of a suitable boundary treatment to prevent vehicle access into the 'Vetchfield'.  
Reason: In the interests of highway and pedestrian safety.
- 11 The development hereby approved shall not be occupied until the site drainage has been implemented in accordance with the Drainage Layout Drg. No. 100 P5 which indicates a surface water flow from the development to the combined sewer through an attenuation device that discharges at a rate not exceeding 5 l/s.  
Reason: To ensure a satisfactory means of drainage and to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 12 The developer must indicate and confirm all measures to be taken to reduce the environmental and human health risks identified in the Phase 1 and Phase 2 contaminated land reports to an acceptable level, in a managed and documented manner, to best practice and current technical guidance. On completion of contaminated land remediation works a validation/verification report must be submitted to the Local Planning Authority to demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.  
Reason: To ensure that the safety of future occupiers is not prejudiced.
- 13 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.  
Reason: To ensure that the safety of future occupiers is not prejudiced.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 7 (CONT'D)

APPLICATION NO:

2015/1731

- 14 Prior to the commencement of any construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:
- a) Construction programme and timetable
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities

### 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: (UDP Policies EV1, EV2, EV3, EV4, EV35, EV36, EV40, HC1(62), HC2, AS1, AS2 & AS6)
- 2 The construction of the highway access will be required to be subject to a highway agreement / licence with the Highway Authority. The Developer must contact the Highway Management Group , The City and County of Swansea, Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please contact the Team Leader, e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091
- 3 Prior to any works commencing on the site, a Construction Traffic Management Plan must be submitted to the Highway Authority.
- 4 The developer should note that items g - j inclusive within the CPM need to take particular account of the potential for statutory nuisance arising from site related activities [see Informatives below]. If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600.

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 7 (CONT'D)**

**APPLICATION NO:**

2015/1731

**5 1 Construction Noise**

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**2 Smoke/ Burning of materials**

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**3 Dust Control:**

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**4 Lighting**

During construction work the developer shall operate all best practice to minimise nuisance to local's residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations

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## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 8

APPLICATION NO:

2016/1604

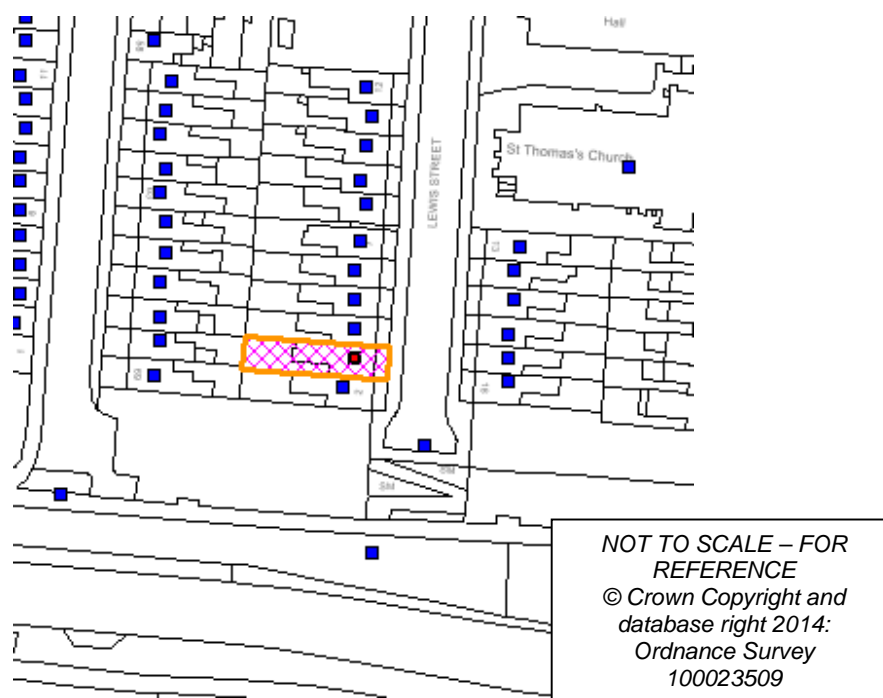
WARD:

St. Thomas - Bay  
Area

Location: 3 Lewis Street St. Thomas Swansea SA1 8BP

Proposal: Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)

Applicant: Mr Brian Harris



### BACKGROUND INFORMATION

#### POLICIES

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - HC5 - Houses in Multiple Occupation

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)

##### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)



## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 8 (CONT'D)

APPLICATION NO:

2016/1604

### SITE HISTORY

| App Number | Proposal  | Status | Decision Date |
|------------|---|--------|---------------|
| 2016/1604  | Change of use from residential (Class C3) to 4 bedroom HMO (Class C4) | PDE    |               |

### RESPONSE TO CONSULTATIONS:

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 67, 68 & 69 Sebastopol Street and Nos. 2 & 4 Lewis Street and through display of a site notice dated 24th August 2016. FIFTEEN LETTERS OF OBJECTION have been received which are summarised as follows:

1. Noise and disturbance;
2. Antisocial behaviour including litter;
3. Increased on-street car parking pressure;
4. Highway safety;
5. Health implications;
6. Loss of community spirit and cohesion;
7. Change in the character of the area;
8. Loss of value of properties; and
9. Precedent for similar development.

THREE PETITIONS OF OBJECTION were also received with 50, 44 and 33 signatures which reiterate concerns above.

**Dwr Cymru/Welsh Water:** Request for standard condition and informative.

**Pollution Control Division:** I have viewed the application and have the following comment to make:

In 2012, Welsh Government carried out strategic noise mapping to meet the requirements of the Environmental Noise Directive (Directive 2002/49/EC) and the Environmental Noise (Wales) Regulations 2006 (as amended). The maps show that the proposed development is exposed to noise levels in excess of 65dB LAeq,16 and 60dB Lnight. According to TAN11: Noise (1997) the development falls into Category C. In Category C planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

In this circumstance, it would not be reasonable to request acoustically treated active ventilation units but if during renovations the façade windows are being replaced it would be advisable for the applicant to contact the Division regarding any mitigation measures.

ITEM 8 (CONT'D)

APPLICATION NO:

2016/1604

**Highways:**

The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 use class (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4 and based on recent appeal decisions I do not consider that a refusal from highways could be justified at appeal despite my ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

As part of the HMO SPG currently being drafted, a review of the existing parking standards which specially relate to HMO's and purpose built student accommodation will be included. This should be in place by March 2017 and will take into account data specific to Swansea and not generic information for Wales as a whole. In the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

This application is for a change of use from C3 to C4 (For 4 persons) hence it is still below the six person threshold.

No dedicated car parking is available for use by the dwelling. Parking on the street is laid out but is not restricted.

There is a rear yard area where cycle parking could be provided to mitigate for the lack of car parking facilities.

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

1. The dwelling being used by no more than 4 persons in the interest of highway safety.
2. Cycle parking to be provided in accordance with details to be submitted for approval to the LPA, to mitigate for the lack of car parking availability.

**APPRAISAL**

This application was initially reported to be considered at the 1 November 2016 Planning Committee, however, it was deferred by members for a site visit.

Description

Full planning permission is sought for the change of use from residential (Class C3) to a 4 bedroom HMO (Class C4) at No. 3 Lewis Street, St Thomas, Swansea.

The existing dwelling is two storey 3-bedroom terrace property which is situated on the edge of the suburban area of St. Thomas in close proximity of Fabian Way and SA1 beyond. The area comprises rows of traditionally designed terraced properties.

No external alterations are proposed and as such the proposal will have no impact on visual amenity.

ITEM 8 (CONT'D)

APPLICATION NO:

2016/1604

Main Issues

The main issues for consideration during the determination of this application relates to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however the Local Planning Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

**ITEM 8 (CONT'D)**

**APPLICATION NO:**

2016/1604

On the basis of the information provided, the proposal would result in an increase of one bedroom to provide a four bedroom property. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

As such, the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015, the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

From viewing the Councils own HMO register, there are currently no known HMOs along Lewis Street, however that is not to say that there aren't any in this location which have been used pre March 2016. Given the Local Planning Authority has no record of any other HMO properties on Lewis Street, the use of this property as a HMO would not result in a harmful concentration of HMOs in this particular area.

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are limited numbers of HMOs in this area, without empirical evidence it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 8 (CONT'D)**

**APPLICATION NO:**

2016/1604

In support of the Councils position on this matter regard needs to be had for a recent appeal decision at No 8 Alexander Terrace (Ref: 2016/0873). The application was refused by Members contrary to Officer recommendation for the following reasons:

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.
2. Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).

Whilst the Inspector acknowledged the transient nature of multiple occupancy dwellings, the percentage of properties under an existing HMO licence amounting to 42% in the street and noted the evidence submitted in relation to age and economic profiles and household tenure, she concluded that there was no detailed evidence before her to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns.

Furthermore it was felt that the proposed use would clearly serve to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons the Inspector did not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.

Additionally, whilst it was felt the development resulted in an increased population density, the site is sustainably located and provides accommodation that would be suitable for students or young professionals studying or working nearby. Whilst the Inspector acknowledged the concerns raised about the occupancy fluctuations during the summer months, she did not consider it would have a significant adverse effect on the local community particularly as many students remain in the local area to undertake seasonal jobs or volunteering activities and many people living in the local area will similarly take family holidays at this time. On this basis the appeal was allowed.

There would be no significant adverse effect on local car parking and highway safety

No dedicated car parking is available for use by the dwelling. Parking on the street is laid out but is not restricted. There is a rear yard area where cycle parking could be provided to mitigate for the lack of car parking facilities. In view of the above, the Head of Transportation and Engineering has recommended that no highway objections are raised to the proposal subject to:

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 8 (CONT'D)

APPLICATION NO:

2016/1604

1. The dwelling being used by no more than 4 persons in the interest of highway safety; and
2. Cycle parking to be provided in accordance with details to be submitted for approval to the LPA, to mitigate for the lack of car parking availability.

Appropriate refuse storage arrangements can be provided

An area for bin storage is proposed to the rear of the property.

#### Response to Consultations

Notwithstanding the above, fifteen letters of objection have been received and three petitions of objection which raised concerns relating to noise and disturbance, local car parking and highway safety and the concentration or intensification of HMOs in the area. The issues pertaining to which have been addressed above.

Issues in respect of antisocial behaviour including noise and the management of refuse collection are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application. With regard to concerns in respect of impact of the proposal on health and loss of value of properties, these issues are not material planning considerations.

#### Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

### RECOMMENDATION

#### 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 The development shall be carried out in accordance with the following approved plans and documents: block plan, site location plan received on 10th August 2016. Existing and approved floor plans, dated 22nd August 2016.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of five cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose  
Reason: In the interests of providing facilities for sustainable transport, highway safety and general amenity.

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 8 (CONT'D)**

**APPLICATION NO:**

2016/1604

- 4 No more than four residents shall live at the property, as part of the HMO hereby approved, at any one time.

Reason: In order to control the density of the development, in line with the proposal, having regard to the scale of the existing use and parking provision within the locality.

**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: EV1, HC5 and AS6.
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## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 9

APPLICATION NO:

2016/1380

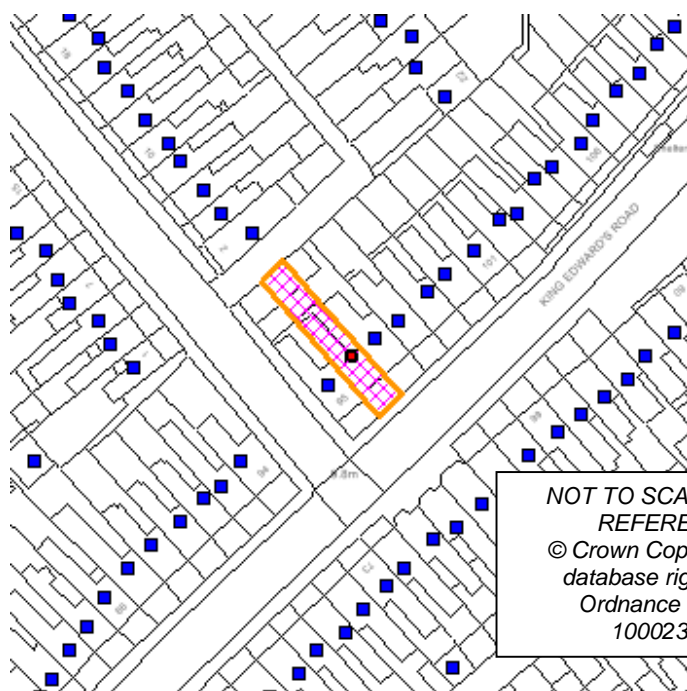
WARD:

Uplands - Bay Area

Location: 96 King Edwards Road, Swansea, SA1 4LU

Proposal: Change of use from residential dwelling (Class C3) to an 7 bed HMO, single storey rear extension and installation of 1st floor french doors with balcony on rear elevation (amended plans received)

Applicant: Chai & Chai



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - EV2 - Siting

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).

##### UDP - EV3 - Accessibility

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)



## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 9 (CONT'D)

APPLICATION NO:

2016/1380

UDP - HC5 - Houses in Multiple Occupation

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 Number | Proposal  | Status | Decision Date |
|------------|---|--------|---------------|
| 99/0445    | CONVERSION OF SINGLE DWELLING HOUSE TO GROUND FLOOR SELF CONTAINED FLAT AND FIRST AND SECOND FLOOR MAISONETTE   | APP    | 26.05.1999    |
| 2016/1380  | Change of use from residential dwelling (Class C3) to an 7 bed HMO, single storey rear extension and installation of 1st floor french doors with balcony on rear elevation (amended plans received) | PDE    |               |

### RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 11th July 2016. A PETITION OF OBJECTION containing 36 individual signatures were received which raised concerns relating to:

1. Too many HMOs in the area.
2. Parking.
3. Waste disposal.
4. Impact on residential amenity.
5. Unacceptable impact on quality of life of existing residents.

**Dwr Cymru/Welsh Water:** No objection.

**Highways:** The application is for the change of use from a five bed terrace to a HMO for eight people.

The increase in three bedrooms would generate the need for a further three parking spaces to mitigate for the increase in bedroom numbers from five to eight. None are being provided nor is there any effort to provide any alternatives such as cycle parking.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 9 (CONT'D)

APPLICATION NO:

2016/1380

Parking in King Edwards Road and the surrounding streets is extremely popular with demand outstripping supply at most times of the day and night. According to the access records a total of 217 parking fines have been issued on this street alone in the last 12 months, mainly issued for parking in a permit controlled zone without a permit.

Whilst the issuing of permits would not be affected as the unit would remain a single unit with a maximum eligibility of two permits there are concerns regarding the number of permits already issued. Regarding the on street availability more permits have been issued (44) than there are spaces available on street (43) so it seen that the saturation has already been reached.

It is considered that the proposal will lead to unacceptable pressures on the on street parking situation and is likely to lead to an increase in parking which cannot be sustained at this location. Highway safety could also be compromised by virtue of indiscriminate parking.

I recommend that this application be refused as the applicant has failed to provide additional parking to mitigate for the increase in bedroom numbers, and as such it is considered that the proposal would be detrimental to highway safety.

AN AMENDED PARKING LAYOUT HAS BEEN SUBMITTED IN ORDER TO TRY AND ADDRESS THE HIGHWAY OFFICER COMMENTS. THE FOLLOWING RESPONSE WAS RECEIVED:

**Highways:** Change of use from residential dwelling (Class C3) to an 8 bed HMO and single storey rear extension

96 King Edwards Road, Swansea, SA1 4LU

The applicant has indicated that there is a garage to the rear of the property which he is prepared to take down in order to provide 2 car parking spaces. The lane behind the garage area is suitable to allow cars to access/egress and leave the lane. The applicant is also prepared to accept a condition to provide cycle stands to provide a non car alternative for residents.

The parking standards for units in excess of six people advise that one additional space should be provided for every bedroom planned over six to mitigate for the impact of the additional residents. In this case there are two extra bedrooms and one extra parking space.

Historically and more recently HMO's that have been refused have been subsequently appealed and decisions have been upheld with the inspector taking the view that modest increases to 8 or 9 persons per house will not have an impact on highway safety nor parking. Whilst I do not necessarily agree with this viewpoint it is nevertheless a material consideration, whilst being mindful that each case should be treated on its individual merits.

A recent application at Woodlands terrace for a change of use to 8 bed HMO was refused on both planning and highways reasons and subsequently appealed against. The appeal (June 2016) was dismissed but only on planning grounds as the inspector did not agree there were any valid highway safety nor parking concerns despite no parking being provided to mitigate for the increase in numbers. Another application was at Rosehill terrace for a 7 bed HMO and was overturned at committee (against officer recommendation).

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 9 (CONT'D)

APPLICATION NO:

2016/1380

The subsequent appeal was upheld (January 2015) and the inspector again did not consider that any parking shortfall would be detrimental to highway safety.

The dwelling will remain eligible for 2 residents parking permits as it currently the case. As no new self-contained units are being provided then there is no impact on permit numbers being issued.

In summary the parking standards require two spaces to be provided to mitigate for the additional two persons. One space is already at the site and the proposals include for two parking spaces, thus an increase of one space. Cycle parking can also be accommodated within the site.

On balance while the parking availability is one space short based on the parking standards I do not consider that a highways reason for refusal could be sustained at appeal.

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

1. The garage being demolished and the two parking spaces being created prior to beneficial occupation of the 8 bed HMO.
2. Cycle parking (in accordance with details to be submitted to the LPA for approval) should be made available prior to beneficial occupation of the 8 bed HMO

FOLLOWING THE SUBMISSION OF ADDITIONAL DETAIL AND AMENDED PLANS ALL PREVIOUS CONSULTS WERE RECONSULTED AND THE PROPOSAL ADVERTISED ON SITE IN THE FORM OF A SITE NOTICE. THE FOLLOWING RESPONSES WERE RECEIVED:

Neighbours: The application was advertised on site in the form of a site notice and all previous objectors and neighbouring properties were individually consulted. Two letters of objection were received which raised concerns relating to:

1. Too many HMOs in the area.
2. Decline in the functionality of the community.

### APPRAISAL:

This application is reported to Committee for decision at the request of Councillor Nick Davies and Peter May and due to the fact there has been a petition of objection of 36 signatures.

#### Description

Full planning permission is sought for the change of use from residential dwelling (Class C3) to a seven bedroom HMO and single storey rear extension and installation of 1st floor French doors with balcony on rear elevation at 96 King Edwards Road, Swansea.

The proposal seeks to provide 3 bedrooms, living room and shower room and toilet at ground floor level, 2 bedrooms, kitchen, shower room and toilet at 1st floor level and 2 bedrooms and bathroom at 2nd floor level.

The external alterations include a single storey flat roof rear extension, installation of French doors at 1st floor level and rear balcony.

ITEM 9 (CONT'D)

APPLICATION NO:

2016/1380

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 9 (CONT'D)**

**APPLICATION NO:**

2016/1380

On the basis of the information provided, the proposal will result in an increase in the number of bedrooms from 5 to 7. A large family could occupy this large property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 7 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced by the extant lawful use which could warrant the refusal of this application.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there are a high level of properties in multiple occupation along King Edwards Road . The street comprises primarily of rows of large terraced two and three storey properties. King Edwards Road runs horizontally northeast to southwest through Uplands and is intersected vertically by Gorse Lane, Francis Street, St Helens Crescent and Brynymor Road. Using evidence held by our Environmental Health Department as of the 7th November 2016 there are currently 84 HMO licenses active between No's 1 and 165 King Edwards Road (approximately 162 properties) which is approximately 52% of dwellings within this road.

ITEM 9 (CONT'D)

APPLICATION NO:

2016/1380

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a high concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

In support of the Councils position on this matter regard needs to be had for a recent appeal decision at No 8 Alexander Terrace (Ref: 2016/0873). The application was refused by Members contrary to Officer recommendation for the following reasons:

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.
2. Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).

Whilst the Inspector acknowledged the transient nature of multiple occupancy dwellings, the percentage of properties under an existing HMO licence amounting to 42% in the street and noted the evidence submitted in relation to age and economic profiles and household tenure, she concluded that there was no detailed evidence before her to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns.

Furthermore it was felt that the proposed use would clearly serve to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons the Inspector did not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.

Additionally, whilst it was felt the development resulted in an increased population density, the site is sustainably located and provides accommodation that would be suitable for students or young professionals studying or working nearby.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 9 (CONT'D)**

**APPLICATION NO:**

2016/1380

Whilst the Inspector acknowledged the concerns raised about the occupancy fluctuations during the summer months, she did not consider it would have a significant adverse effect on the local community particularly as many students remain in the local area to undertake seasonal jobs or volunteering activities and many people living in the local area will similarly take family holidays at this time. On this basis the appeal was allowed.

There would be no adverse effect upon the external appearance of the property and the character of the locality,

The development involves the provision of a small single storey rear extension and the introduction of French doors and balcony. The alterations to the pattern of fenestration are considered minor and the small extensions are also considered to be acceptable additions to the property in visual terms. It is felt the proposals would have an acceptable impact on the visual amenities of the host property and the wider area.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Head of Transportation and Engineering it is acknowledged that the property could provide 4 parking spaces to the rear of the property. The parking standards for units in excess of 6 people state that one additional space should be provided for every additional bedroom over 6 bedrooms. Residents parking is in operation and this will be unaffected as the dwelling will only remain eligible for two parking permits.

In planning terms there could be no real distinction between the potential number of vehicles associated with a 3 or 4 bedroom family home and a 6 bedroom HMO. The proposal will provide 4 spaces which is what is required by the Swansea Council SPG on parking standards. In addition to this the property would be eligible for an additional 2 parking permits and therefore would have an over requirement of parking provision. Furthermore the plans also indicate cycle storage can be accommodated to the front and rear of the property. Whilst this is commendable there are some concerns with respect the provision of cycle storage to the front of the property from a visual amenity perspective. Given the over provision a condition ensuring an area for 4 cycle storage spaces is provided to the rear of the property is considered reasonable in this instance and will ensure the future residents have an alternative means of sustainable transport.

The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Therefore subject to appropriately worded conditions the proposal will provide additional parking spaces than the existing property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins. Again it is considered reasonable to suggest a condition requiring the provision of these facilities prior to the building being brought into beneficial use as a HMO.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 9 (CONT'D)**

**APPLICATION NO:**

2016/1380

Residential Amenity

The proposed extension is proportionate in size and scale to the main dwelling and is of limited height by virtue of its flat roof design. Therefore the development will not give rise to unacceptable overbearing or overshadowing.

Whilst the new french doors will not create any new overlooking issues, the balcony will project beyond the main back wall of the house and would if being used for sitting out purposes afford direct overlooking to the neighbouring properties. In view of this concern and the lack of floor plan drawings showing the space provided by the balcony from the first floor it is considered reasonable to remove this element from the scheme via a planning condition and replace this with a flush fitting balustrade. The developer could explore ways of dealing with the concern related to direct overlooking through use of obscure glazing via an amended planning application.

Therefore subject to an appropriately worded condition the proposal is considered to respect residential amenity in accordance with the provisions of Policies EV1 and HC5 of the Swansea UDP.

Response to Consultations

Notwithstanding the above a petition of 36 objectors and a letter of objection was received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, residential amenity, principle of use, impact on community and impact on character of an area. The issues pertaining to which have been addressed above.

It should be noted that none of the objectors are residents of King Edwards Road.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

**RECOMMENDATION:**

**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.



## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

### ITEM 9 (CONT'D)

APPLICATION NO:

2016/1380

- 2 The development shall be carried out in accordance with the following approved plans and documents: Existing and Proposed Elevations received 7th July 2016, Location Plan/Block Plan received 17th August, Proposed First Floor Plan, Proposed Ground Floor Plan and Proposed Second Floor Plan received 30th September 2016.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the property being brought into beneficial use the parking area hereby approved shall be completed and shall thereafter be retained for the approved use and not used for any other purpose.  
Reason: In the interest of highway safety.
- 4 Details of facilities for the secure and undercover storage of four cycles and refuse shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained and not used for any other purpose.  
Reason: In the interest of sustainability.
- 5 Notwithstanding the submitted plans, prior to the dwelling being brought into beneficial use details of a flush fitting balustrade to replace the proposed balcony shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in strict accordance with the agreed detail and retained in perpetuity.  
Reason: In the interest of residential amenity.

### 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, EV3, AS6 and HC5.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 10**

**APPLICATION NO:**

2016/1860

**WARD:**

Uplands - Bay Area

**Location:**

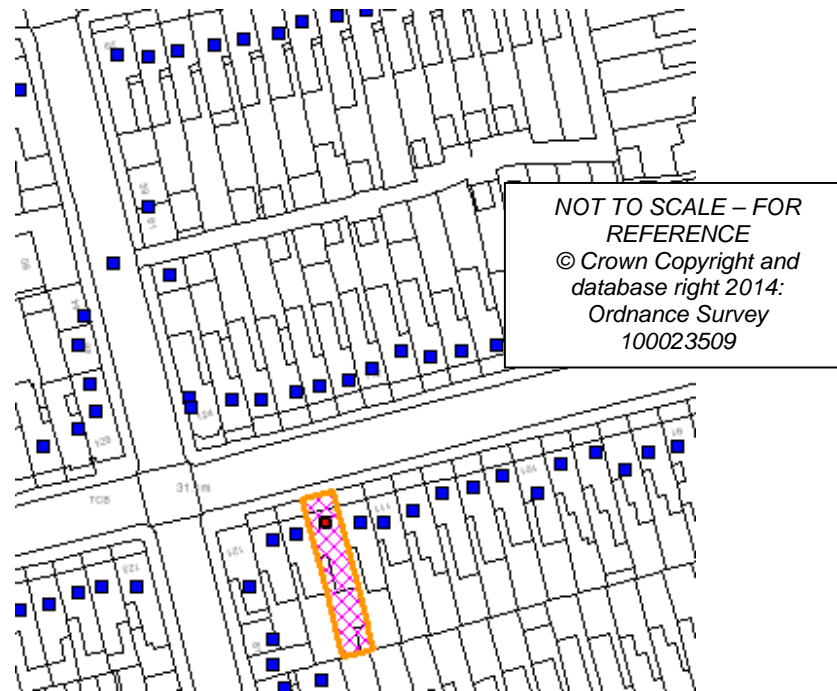
115 Rhydings Terrace, Brynmill, Swansea, SA2 0DS

**Proposal:**

Retention of use of property as a 4 bedroom HMO (Class C4)

**Applicant:**

Mrs Ann Ebeid



**BACKGROUND INFORMATION**

**POLICIES**

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC5 - Houses in Multiple Occupation

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).

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 10 (CONT'D)

APPLICATION NO:

2016/1860

### SITE HISTORY

| App Number | Proposal   | Status | Decision Date |
|------------|--|--------|---------------|
| 2016/1860  | Retention of use of property as a 4 bedroom HMO (Class C4) | PDE    |               |

### RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 17th October 2016. In addition to this all adjoining neighbouring properties were individually consulted. A PETITION OF OBJECTION containing 34 individual signatures and 3 INDIVIDUAL LETTERS OF OBJECTION were received which raised concerns relating to:

1. Conversion has already taken place.
2. Too many HMOs in the area.
3. Car parking issues.
4. Impact on quality of life.
5. Community being unacceptably affected.
6. Transient nature of students unacceptable harm.
7. Concern with respect parking.
8. Emergency vehicles will struggle to access properties in the road.
9. Concern with respect the impact the change will have on visual amenities of the area.
10. Noise and disturbance issues associated with the use.
11. Anti-social behaviour of students.
12. Litter issues.
13. Unacceptable impact on residential amenity.

**Highways:** The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4, and based on recent appeal decisions, I do not consider that a refusal from highways could be justified at appeal despite my ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

As part of the HMO SPG currently being drafted a review of the existing parking standards which specifically relate to HMOs and purpose built student accommodation will be included. This should be in place by March 2017 and will take into account data specific to Swansea and not generic information for Wales as a whole. In the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

This application is for a change of use from C3 to C4 (For 4 persons) hence it is still below the six person threshold.

No dedicated car parking is available for use by the dwelling.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 10 (CONT'D)**

**APPLICATION NO:**

2016/1860

Residents parking is in operation but there is no impact on residents parking in the area as there are no new units being created. The dwelling will remain eligible for two permits as it currently the case.

There is a rear yard area where cycle parking is shown as being provided to mitigate for the lack of car parking facilities.

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

1. The dwelling being used by no more than 4 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with the submitted details to mitigate for the lack of car parking availability.

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Peter May and due to the fact a petition of 34 objectors has been received.

#### Description

Full planning permission is sought for the retention of the change of use of No 115 Rhyddings Terrace from residential (Class C3) to a 4 bedroom HMO (Class C4). The proposal will involve internal alterations only to facilitate the provision of two bedrooms, lounge and kitchen at ground floor level and two bedrooms and a bathroom at 1st floor level. The plan also includes the provision of cycle and bin storage to the rear of the property.

The area is characterised by rows of traditionally designed two storey terraced properties which are laid out in a 'Grid Iron' pattern.

#### Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

#### Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 10 (CONT'D)**

**APPLICATION NO:**

2016/1860

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will result in an increase in the number of bedrooms from 3 to 4. A family could occupy this large property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced by the extant lawful use and as such could not warrant the refusal of this application.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

ITEM 10 (CONT'D)

APPLICATION NO:

2016/1860

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there are a high level of properties in multiple occupation along Rhyddings Terrace . The street comprises primarily of rows of terraced two storey properties. Rhyddings Terrace runs horizontally east to west through Uplands and is intersected vertically by Oakwood Road, Alexandra Terrace, Bernard Street and Gwydr Crescent. Using evidence held by our Environmental Health Department as of the 8th November 2016 there are currently 34 HMO licenses active along Rhyddings Terrace (approximately 95 properties) which is approximately 36% of dwellings within this road.

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a high concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

In support of the Councils position on this matter regard needs to be had for a recent appeal decision at No 8 Alexander Terrace (Ref: 2016/0873). The application was refused by Members contrary to Officer recommendation for the following reasons:

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families.

ITEM 10 (CONT'D)

APPLICATION NO:

2016/1860

Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.

2. Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).

Whilst the Inspector acknowledged the transient nature of multiple occupancy dwellings, the percentage of properties under an existing HMO licence amounting to 42% in the street and noted the evidence submitted in relation to age and economic profiles and household tenure, she concluded that there was no detailed evidence before her to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns.

Furthermore it was felt that the proposed use would clearly serve to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons the Inspector did not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.

Additionally, whilst it was felt the development resulted in an increased population density, the site is sustainably located and provides accommodation that would be suitable for students or young professionals studying or working nearby. Whilst the Inspector acknowledged the concerns raised about the occupancy fluctuations during the summer months, she did not consider it would have a significant adverse effect on the local community particularly as many students remain in the local area to undertake seasonal jobs or volunteering activities and many people living in the local area will similarly take family holidays at this time. On this basis the appeal was allowed.

There would be no adverse effect upon the external appearance of the property and the character of the locality,

The development proposes no external alterations and therefore will have no impact on residential amenity.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Head of Transportation and Engineering it is acknowledged that the proposal is for a 4 bedroom HMO for up to 6 people (Class C4). The existing house has no designated off street parking spaces and residents parking control is in operation in the area. Therefore given the proposal would only be eligible for 2 on street parking permits which is the same as the existing situation the proposal is considered to have no greater impact on parking or highway safety than the status quo.

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

**ITEM 10 (CONT'D)**

**APPLICATION NO:**

2016/1860

The plans incorporate an area for 4 cycle storage spaces to the rear of the property which would ensure the future residents have an alternative means of sustainable transport. The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Whilst it is acknowledged the Councils Highway Officer has requested a condition restricting the number of persons occupying the property to 4, it is not considered reasonable to impose such a condition, given up to 6 people could quite reasonably occupy the property as a family.

Therefore subject to appropriately worded conditions the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins. The plans indicate bin storage will be provided to the rear of the property which gain can be secured via an appropriately worded condition requiring the provision of these facilities prior to the building being brought into beneficial use as a HMO.

Response to Consultations

Notwithstanding the above a petition of 34 objectors and 3 letters of objection were received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, residential amenity, principle of use, impact on community and impact on character of an area. The issues pertaining to which have been addressed above.

Further concerns were raised with respect of litter, noise and Anti Social Behaviour Orders associated with HMO occupiers. This is a stereotypical assumption to make and the planning process cannot legislate for the behaviour of residents. Alternatively the occupiers of this property could be model citizens and it is for other bodies to legislate the behaviour of residents. As such these issues raised are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

**RECOMMENDATION**

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



**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 10 (CONT'D)**

**APPLICATION NO:**

2016/1860

- 1 The development shall be carried out in accordance with the following approved plans and documents: FF1 - First Floor Plan received 16th September 2016 and PF1 - Proposed Ground Floor Plan with cycle/bin storage and Site Location Plan received 22nd September 2016.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Within 3 months of this permission, the cycle and refuse storage indicated on the approved plans shall be implemented and provided in accordance with the agreed details and retained in perpetuity for the approved uses as part of the development.  
Reason: In the interest of sustainability and amenity.

**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: Policies AS6, EV1, HC5.
-

**PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016**

**ITEM 11**

**APPLICATION NO:**

2016/3076/FUL

**WARD:**

Uplands - Bay Area

**Location:**

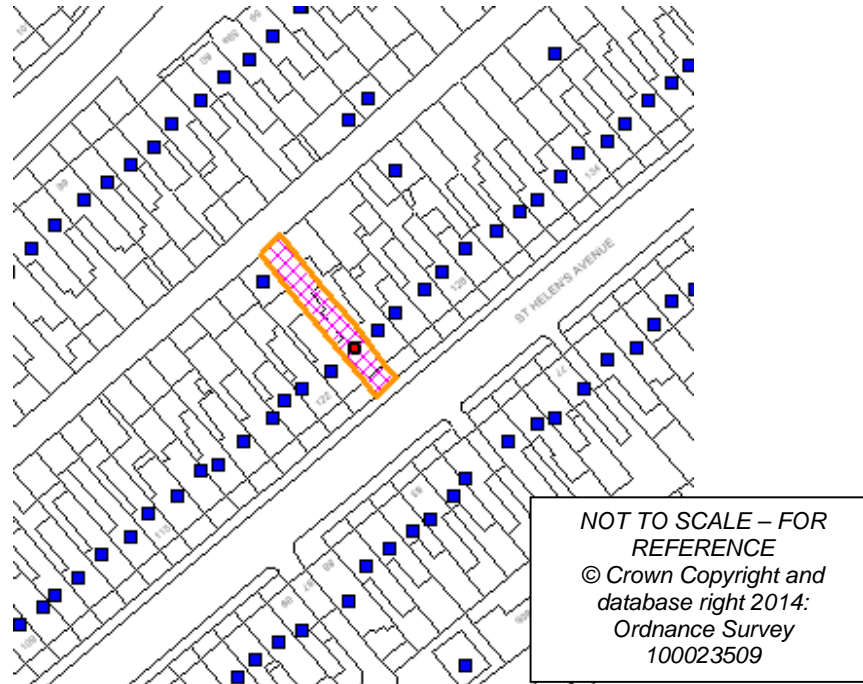
124 St Helens Avenue, Brynmill, Swansea, SA1 4NW

**Proposal:**

Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)

**Applicant:**

JONATHAN JOHNSTON



**BACKGROUND INFORMATION**

**POLICIES**

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC5 - Houses in Multiple Occupation

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)

## PLANNING COMMITTEE – 6<sup>TH</sup> DECEMBER 2016

ITEM 11 (CONT'D)

APPLICATION NO:

2016/3076/FUL

### SITE HISTORY

| App Number        | Proposal  | Status | Decision Date |
|-------------------|---|--------|---------------|
| 2016/3076/F<br>UL | Change of use from residential (Class C3) to 4 bedroom HMO (Class C4) | PDE    |               |
| 2016/1038         | Change of use from residential (Class C3) to 5 bedroom HMO (Class C4) | REF    | 08.09.2016    |

### RESPONSE TO CONSULTATIONS:

**Neighbours:** The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 17th October 2016. In addition to this all adjoining neighbouring properties were individually consulted. A PETITION OF OBJECTION containing 35 individual addresses and 6 INDIVIDUAL LETTERS OF OBJECTION were received which raised concerns relating to:

1. Too many HMOs in the area.
3. Car parking issues.
4. Impact on quality of life.
5. Refuse problems.
6. Transient nature of students unacceptable harm.
7. Concern with respect parking.
8. Emergency vehicles will struggle to access properties in the road.
9. Concern with respect the impact the change will have on visual amenities of the area.
10. Noise and disturbance issues associated with the use.
11. Anti-social behaviour of students.
12. Litter issues.
13. Unacceptable impact on residential amenity.
14. Approval will result in the creation of an unbalanced community.
15. HMOs result in high levels of crime.
16. No justification for the development.
17. Unacceptable impact on visual amenity.

**Highways:** The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4, and based on recent appeal decisions, I do not consider that a refusal from highways could be justified at appeal despite my ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

As part of the HMO SPG currently being drafted a review of the existing parking standards which specifically relate to HMOs and purpose built student accommodation will be included.

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This should be in place by March 2017 and will take into account data specific to Swansea and not generic information for Wales as a whole. In the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

This application is for a change of use from C3 to C4 (For 4 persons) hence it is still below the six person threshold.

Two dedicated car parking spaces are available for use by the dwelling accessed off a rear lane together with cycle parking for six cycles.

Residents parking is in operation but there is no impact on residents parking in the area as there are no new units being created. The dwelling will remain eligible for two permits as it currently the case.

There is a rear yard area where cycle parking is being proposed to provide an alternative to car travel.

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

1. The dwelling being used by no more than 4 persons in the interest of highway safety.
2. Cycle and car Parking to be provided in accordance with the submitted details prior to beneficial occupation of the HMO, and maintained as such in perpetuity.

### **APPRAISAL**

This application is reported to Committee for decision at the request of Councillor Peter May and due to the fact a petition of 35 objectors has been received.

#### Description

Full planning permission is sought for the retention of the change of use of No 124 St Helens Avenue from residential (Class C3) to a 4 bedroom HMO (Class C4). The proposal will involve internal alterations only to facilitate the provision of one bedroom, w/c, lounge, dining room and kitchen at ground floor level and three bedrooms and a bathroom at 1st floor level. The plan also includes the provision of one parking space to the rear of the property.

The area is characterised by rows of traditionally designed two storey terraced properties which are laid out in a 'Grid Iron' pattern.

#### Site History

Planning permission was recently refused under Ref: 2016 at Committee for the change of use of the premises from residential (Class C3) to 5 bedroom HMO (Class C4) contrary to officer recommendation for the following reason:

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1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helen's Avenue will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.

In order to try and address the reason for refusal the applicant has removed the use of the attic as a bedroom.

### Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards' and the site history.

### Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area

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- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will not result in an increase in the number of bedrooms, however it is acknowledged that the attic space could be used as a bedroom taking the property to 5 bedrooms. Providing the number of residents using the property do not exceed 6 the Local Planning Authority would have no objection to raise to this. A family could occupy this property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced by the extant lawful use and as such could not warrant the refusal of this application.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs.

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Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there are a high level of properties in multiple occupation along St Helens Avenue . The street comprises primarily of rows of terraced two storey properties. St Helens Avenue runs horizontally southwest to northeast through Brynmill and is intersected vertically by Gorse Lane, Francis Street, St Helens Crescent and St Helens Road. Using evidence held by our Environmental Health Department as of the 14th November 2016 there are currently 85 HMO licenses active between No's 1 and 211 St Helens Avenue (213 approximately properties on the road) which is approximately 40% of dwellings within this road.

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a high concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

In support of the Councils position on this matter regard needs to be had for a recent appeal decision at No 8 Alexander Terrace (Ref: 2016/0873). The application was refused by Members contrary to Officer recommendation for the following reasons:

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.
2. Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).

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Whilst the Inspector acknowledged the transient nature of multiple occupancy dwellings, the percentage of properties under an existing HMO licence amounting to 42% in the street and noted the evidence submitted in relation to age and economic profiles and household tenure, she concluded that there was no detailed evidence before her to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns.

Furthermore it was felt that the proposed use would clearly serve to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons the Inspector did not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.

Additionally, whilst it was felt the development resulted in an increased population density, the site is sustainably located and provides accommodation that would be suitable for students or young professionals studying or working nearby. Whilst the Inspector acknowledged the concerns raised about the occupancy fluctuations during the summer months, she did not consider it would have a significant adverse effect on the local community particularly as many students remain in the local area to undertake seasonal jobs or volunteering activities and many people living in the local area will similarly take family holidays at this time. On this basis the appeal was allowed.

There would be no adverse effect upon the external appearance of the property and the character of the locality,

The development proposes no external alterations and therefore will have no impact on residential amenity.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Head of Transportation and Engineering it is acknowledged that the proposal is for a 4 bedroom HMO for up to 6 people (Class C4). The existing house has 2 off street parking spaces to the rear of the property which incidentally are not to designated standards. Residents parking control is in operation in the area. Therefore given the proposal would only be eligible for 2 on street parking permits which is the same as the existing situation the proposal is considered to have no greater impact on parking or highway safety than the status quo.

There is sufficient space to the rear of the property to provide an area for 6 cycle storage spaces which would ensure the future residents have an alternative means of sustainable transport and this can be ensured via an appropriately worded condition. The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Whilst it is acknowledged the Councils Highway Officer has requested a condition restricting the number of persons occupying the property to 4, it is not considered reasonable to impose such a condition, given up to 6 people could quite reasonably occupy the property as a family.



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**ITEM 11 (CONT'D)**

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Therefore subject to an appropriately worded condition the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins and this can be secured via an appropriately worded condition requiring the provision of these facilities prior to the building being brought into beneficial use as a HMO.

Response to Consultations

Notwithstanding the above a petition of 35 objectors and 6 letters of objection were received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, residential amenity, principle of use, impact on community and impact on character of an area. The issues pertaining to which have been addressed above.

Further concerns was raised with respect litter, noise, crime and Anti Social Behaviour Orders associated with HMO occupiers. This is a stereotypical assumption to make and the planning process cannot legislate for the behaviour of residents. Alternatively the occupiers of this property could be model citizens and it is for other bodies to legislate the behaviour of residents. As such these issues raised are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

**RECOMMENDATION:**

**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 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, Block Plan, Floor Plan Proposed received 30th September 2016.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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**ITEM 11 (CONT'D)**

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- 3 Prior to the proposal being brought into beneficial use details of the proposed parking space(s) shall be submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall be implemented in accordance with this the approved details and retained for parking in association with the use in perpetuity.  
Reason: To ensure adequate off street parking spaces are provided to serve the development.
- 4 Details of facilities for the secure and undercover storage of six cycles and refuse facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.  
Reason: In the interest of sustainability.

**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, AS6 and HC5 of the Swansea UDP.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

# Agenda Item 6

## Report of the Head of Planning and City Regeneration

Planning Committee – 6<sup>th</sup> December 2016

### PLANNING APPEAL DECISION ITEM REPORT

PLANNING APPLICATION REF: 2016/0873

PLANNING APPEAL REF: APP/B6855/A/16/3156916

#### Change of use from residential (Class C3) to HMO for up to six people (Class C4) 8 Alexandra Terrace, Brynmill, Swansea, SA2 0DU

#### 1.0 Background

- 1.1 An application seeking planning permission for the change of use of 8 Alexandra Terrace, Brynmill into a HMO for six people was received by the Council on 19<sup>th</sup> May 2016. The application was recommended for approval subject to conditions by officers although given there was a call in request, and receipt of a petition of 30 signatures, it was required to be reported to the 2<sup>nd</sup> August 2016 Planning Committee for decision.
- 1.2 At the committee meeting Members did not accept the officer recommendation citing concerns relating to the potential impact of the proposed use of the property as a HMO on the surrounding area by virtue of a harmful concentration and intensification of HMOs in the street and wider area. In addition concerns were raised during the consideration that there was insufficient information to determine that the application would provide sufficient parking to serve the HMO.
- 1.3 The application was refused by the Council for the following reasons by decision notice dated 11<sup>th</sup> August 2016:
  - *The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.*
  - *Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).*

## 2.0 Revised Planning Application

2.1 Following the decision of the Council to refuse planning permission for the development the applicant sought to submit a revised planning application and this was registered as valid by the Council on 26<sup>th</sup> August 2016 (Reference: 2016/1714). The revised application remained to propose a HMO for up to 6 people although specific information relating to the provision of a rear parking and cycle storage area was provided by the applicant. This area would be provided following removal of an existing wall to the rear access lane.

2.2 This revised planning application was recommended for approval by officers and called in to Planning Committee for a decision on 1<sup>st</sup> November 2016. Members of the Planning Committee remained concerned about the impact of the development upon the area although noted that the application had addressed the second reason for refusal. Members resolved to refuse the application and a decision notice was issued on 4<sup>th</sup> November 2016 refusing planning permission for the following reason:

- *The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.*

## 3.0 Planning Appeal

3.1 Following the decision of the Council to refuse planning permission for the first proposal (Reference: 2016/0873) the applicant appealed to the Planning Inspectorate ('PINS') which was lodged as a valid appeal on 23<sup>rd</sup> August 2016.

3.2 The appeal was considered by an independent Planning Inspector appointed by the Welsh Ministers and was allowed on 11<sup>th</sup> November 2016. A copy of the appeal decision is appended to this report.

3.3 To summarise the issues the inspector considered that the appeal raised two main issues and these were considered to be:

- The character of the area in terms of ensuring a mixed and balanced community; and
- Highway safety, with particular reference to vehicle parking

### The character of the area in terms of ensuring a mixed and balanced community

3.4 The Inspector noted that the residential street comprises of 24 properties which are listed as licenced HMOs which equates to 42% of dwellings along the road. Whilst the Inspector acknowledged the transient nature of multiple occupancy dwellings and noted the evidence submitted in relation to age and economic profiles and household tenure, she concluded that there was no detailed evidence before her to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns.

- 3.5 Furthermore it was considered that the proposed use would clearly serve to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons the Inspector did not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.
- 3.6 Additionally, whilst it was considered the development resulted in an increased population density, the Inspector noted that the site is sustainably located and provides accommodation that would be suitable for students or young professionals studying or working nearby. Whilst the Inspector acknowledged the concerns raised about the occupancy fluctuations during the summer months, she did not consider it would have a significant adverse effect on the local community particularly as many students remain in the local area to undertake seasonal jobs or volunteering activities and many people living in the local area will similarly take family holidays at this time. The Inspector concluded on this main issue that the development accords with the objective of UDP Policy HC5 to avoid adverse effects on the area's character, and is consistent with the general thrust of Planning Policy Wales.

#### Highway safety

- 3.7 In terms of parking provision the inspector noted that there were high levels of on-street car parking and indeed witnessed these from a site visit. She acknowledged that the proposal, due to the number of people occupying the property as a HMO, would increase on-street parking.
- 3.8 Notwithstanding the fact that the proposal would increase parking requirements the Inspector noted that the area is well served by facilities and services and incorporates good access to public transport links. She makes specific reference to the fact that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands to the proposed use. She also made reference that the Council operates a resident permit zone in the area which could be utilised to minimise such problems for those residents that are reliance on the use of a private car.
- 3.9 For the reasons given above the Inspector concluded that the development would accord with the objectives of UDP policies HC5 and AS6, which amongst other matters state that proposed schemes provide appropriate levels of parking and there would be no significant adverse effect on local car parking and highway matters. Reference was made to there not being evidence to justify refusal of planning permission and planning conditions were imposed requiring details of implementation of the parking provision for one car parking space on site and provision of cycle storage facilities.

#### **4.0 Consideration of the issues**

- 4.1 Each planning application must be considered on its own merits having regard to the development plan, however, relevant appeal decisions can be material considerations and can therefore be given weight in the determination of individual planning applications.
- 4.2 It is clear that the appeal decision clarifies that if refusing planning permission for a HMO (or any other application), the Council will need to have **evidence** which links to the effect mentioned and clearly demonstrates a suspected harm from the proposed development.

For example in the decision the Council referred to the cumulative impact of the development which will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. The Inspector noted the concerns, however, mentioned that there was no evidence that the HMO would be occupied specifically by students thus to impact upon existing social structures and patterns. She made reference to its use serving a particular housing need and a broad mix of uses in the area. Reference was also made to students remaining in the local area to undertake seasonal jobs or volunteering and others within the area similarly taking family holidays at the time.

- 4.3 In relation to the percentage of HMOs within the street the Inspector noted that there were some 42% and whilst not commenting specifically upon an appropriate threshold itself, concluded that the development would not have an adverse impact upon the objectives of securing a sustainable mixed use community. Again each application needs to be assessed independently, however, there are no clear concerns raised with the proposed threshold as part of this particular development.
- 4.4 In respect of matters of highway safety the Inspector concluded that there was high demand for on-street parking in the area but given the sustainable location of the site and the fact that its original use was as a 6 bedroom family home which would have similar parking demands to that of a 6 bedroom HMO, determined that the development was acceptable. Reference was made to the fact that the Council could utilise the resident permit zone to minimise problems for residents reliant on private car use In considering similar applications attention needs to be given to the individual circumstances of the site in terms of its location, the fall-back position of the lawful use and reference to whether or not the proposed use would bring a harmful impact upon highway safety in the area.
- 4.5 This appeal was considered on the basis of written representations, and currently, costs can only be awarded for appeals considered via the Hearing or Public Inquiry procedure. However, the appeal procedure is determined after the Local Planning Authority makes a decision on the application and, in reaching a decision Members will need to consider advice on the award of costs in planning appeals in Welsh Office Circular 23/93 : 'Award of Costs incurred in Planning and other (including Compulsory Purchase Order) Proceedings'. The circular states that Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. However, they will be expected to show they had reasonable planning grounds for taking a decision contrary to such advice, and be able to produce relevant evidence to support the decision. If they fail to do so, costs may be awarded against the Authority.

## **5.0 Recommendation**

- 5.1 The appeal decision be noted.



# CITY AND COUNTY OF SWANSEA

## TOWN AND COUNTRY PLANNING ACT 1990-2004

### REFUSAL OF PLANNING PERMISSION

TO:  
MR MICHAEL HOOPER  
8 ALEXANDRA TERRACE  
BRYNMILL  
SWANSEA  
SA2 0DU

**DATE REGISTERED:** 19/05/2016  
**APPLICATION NO:** 2016/0873  
**APPLICANT:** Mr Michael Hooper

The CITY AND COUNTY OF SWANSEA, in exercise of its powers under the above ACT, hereby REFUSES planning permission for:-

**SITE LOCATION:**  
8 Alexandra Terrace Brynmill  
Swansea SA2 0DU

**PROPOSAL:**  
Change of use from residential (Class C3) to HMO for up to six people (Class C4)

For the following reasons:

- 1 The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.
- 2 Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).

#### 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, AS6 and HC5

#### PLANS:

**Please view plans on the City & County of Swansea website**

Block Plan, Floor Plans received 5th May 2016 and Site Location Plan received 19th May 2016.

DATED: 11 August 2016

**PHIL HOLMES**  
**HEAD OF PLANNING & CITY REGENERATION**

**PLEASE NOTE:** Your attention is drawn to the attached notes which explain, amongst other things, your right of appeal against this decision.

## THE APPLICANT'S ATTENTION IS DRAWN TO THE NOTES BELOW

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to refuse to grant a Certificate of Lawful Use or Lawful Proposed Use, or to grant permission or approval subject to conditions, he may appeal to the Welsh Ministers in accordance with Sections 78(1) and Section 195/196 of the Town and Country Planning Act 1990, as amended.

Appeals must be made within a prescribed time period. For 'Householder Appeals' and 'Minor Commercial Appeals' validated from 22<sup>nd</sup> June 2015 onwards, the prescribed period is 12 weeks from the date of this notice. Details on what constitutes a 'Householder' and 'Minor Commercial' appeals are available to view at the following website:

<http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/?lang=en>

For all other planning appeals, the prescribed period is 6 months from the date of this notice.

An appeal cannot be made if an enforcement notice has been served involving the same development as this refusal and planning permission was not granted under the enforcement appeal. This restriction also applies in respect of an enforcement notice served in respect of a condition that ought to be discharged and is not discharged under an enforcement appeal.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 02920 825155, [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals). Further information on the appeals process is also available on this website. The Welsh Ministers can allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Welsh Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. The Welsh Ministers do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.

2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Ministers, and the owner of the land claims that the land has become incapable or reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990. (The local planning authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Ministers.)
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Welsh Ministers on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are out in Section 114 of the Town and Country Planning Act 1990.



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/10/16

**gan Joanne Burston BSc MA MRTPI**  
**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad: 11.11.2016**

## Appeal Decision

Site visit made on 10/10/16

**by Joanne Burston BSc MA MRTPI**  
**an Inspector appointed by the Welsh Ministers**  
**Date: 11.11.2016**

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**Appeal Ref: APP/B6855/A/16/3156916**

**Site address: 8 Alexandra Terrace, Brynmill, Swansea SA2 0DU**

**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 Mr Michael Hooper against the decision of City and County of Swansea Council.
  - The application Ref 2016/0873, dated 3 May 2016, was refused by notice dated 11 August 2016.
  - The development is described as "*the application is for change of use from residential purposes, to HMO purposes for six people*".
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use from residential (Class C3) to HMO for up to six people (Class C4) at 8 Alexandra Terrace, Brynmill, Swansea SA2 0DU in accordance with the terms of the application, Ref 2016/0873, dated 3 May 2016, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
  - 2) The development shall be carried out in accordance with the following approved plans and documents: Block Plan, Floor Plans received 5th May 2016 and Site Location Plan received 19th May 2016.
  - 3) Details of facilities for the secure and undercover storage of six cycles, storage of refuse and provision of one off street parking space shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.

### Procedural Matter

2. Although the planning application was made in the terms given in the heading to this decision, this was changed by the Council to 'change of use from residential (Class C3) to HMO for up to six people (Class C4)'. Whilst there is nothing to indicate that this revised description was agreed with the appellant it does give an accurate description of the proposal and for clarity I have used this in my decision.
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## Main Issues

3. The main issues in this case are the effect of the proposed development on:
  - The character of the area in terms of ensuring a mixed and balanced community; and
  - Highway safety, with particular reference to vehicle parking.

## Reasons

4. The appeal site is situated within a residential street comprising predominantly two storey terraced houses; twenty-four of which are listed on the Council's Register of Licensed Houses in Multiple Occupation (HMO) properties, which equates to some 42% of dwellings along this road (between numbers 1 and 70 Alexandra Terrace).
5. The Council has raised concerns about the effects of a concentration of HMOs on securing a cohesive and sustainable community, local infrastructure, and high vacancy rates during the summer months, and cites research published by the Welsh Government (WG) in May 2015 on the nature of problems and potential solutions for areas with high concentrations of HMO's. Moreover, other representations have stressed concern relating to the cumulative impact of the concentration of HMOs and the 'studentification' of the area. Specifically, I note the perceived deterioration of the sense of community and social cohesion.
6. In this regard Swansea Unitary Development Plan 2008 (UDP) Policy HC5 seeks to ensure, amongst other things that: the development would not contribute to harmful concentration or intensification of HMO's in a particular area; and there would be no adverse effect upon the external appearance of the property and the character of the locality. Paragraph 9.3.3 of Planning Policy Wales – Edition 8 (PPW) says similar.
7. However, whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns. Notwithstanding this, the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons I do not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.
8. Additionally, whilst the development results in an increased population density, the site is sustainably located and provides accommodation that would be suitable for students or young professionals studying or working nearby. Whilst I acknowledge the concerns raised about the occupancy fluctuations during the summer months, I do not consider it would have a significant adverse effect on the local community particularly as many students remain in the local area to undertake seasonal jobs or volunteering activities and many people living in the local area will similarly take family holidays at this time.
9. I conclude on this main issue that the development accords with the objective of UDP Policy HC5 to avoid adverse effects on an area's character, and is consistent with the general thrust of PPW.

### *Highway safety*

10. It has been submitted that local car parking is near saturation levels and that the proposed change of use would add to such problems. Indeed, I witnessed high levels of on-street parking at my site visit. Therefore, due to the number of people that would occupy the HMO, it could increase on-street parking, particularly as the Highway Authority indicates that only one parking space could be provided within the appeal site.
11. However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car.
12. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission. Notwithstanding this, given the concerns raised, I have imposed a planning condition requiring details and implementation of on site provision of cycle storage facilities and one car parking space.
13. Accordingly the development accords with the objective of UDP Policies HC5 and AS6, which amongst other matters state that proposed schemes provide appropriate levels of parking and there would be no significant adverse effect on local car parking and highway safety.

### *Other matters*

14. In reaching my decision I have had regard to other matters raised against the development including the problems of anti-social behaviour and security. However, I find nothing of substance to indicate that planning permission should be withheld in this case.

### **Conditions**

15. Other than the standard time limit condition, the Council has suggested a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning, I consider such a condition to be necessary.
16. A condition in relation to the provision of a cycle store, bin store and one car parking space is necessary to support sustainability, the use of alternative forms of transport and for highway safety.

### **Conclusion**

17. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be allowed.

*Joanne Burston*

INSPECTOR

## **Report of the Head of Economic Regeneration and Planning**

**Planning Committee - 6 December 2016**

**Provisional Tree Preservation Order P17.7.4.620**

**Land at St. Matthews Church, High Street, City Centre, Swansea.  
(2016)**

**To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 620: Land at St. Matthews Church, High Street, City Centre, Swansea. 2016.**

**Recommendation:**

**That the Tree Preservation Order: Land at St. Matthews Church, High Street, City Centre, Swansea. 2016 be confirmed**

**For Decision**

**1. Introduction**

1.1 The provisional Order was served on 27<sup>th</sup> June 2016.

**2. Objections and Representations**

2.1 One letter expressing an objection has been received within the minimum required consultation period; this letter was supported by a petition of 13 names supporting its contents. No letters of support have been received.

2.2 Mr. Ellerby on behalf of The Hill Church objects to the lime tree at St Matthews Church being protected for the following reasons:

- Leaves from the tree cause the footpath to the church to become slippery;
- The tree overhangs High Street and parts of the tree may fall onto the road and pavement;
- Leaves block the gutter of the church and cause damp within;
- That the tree had not been previously protected and the TPO was made in response to the Churches intent to remove it.

### 3 Appraisal

- 3.1 A provisional tree preservation order P17.7.4.620 has been placed on a lime tree at St. Matthews Church, High Street. The order was made in response to an enquiry as to whether the lime tree had statutory protection. The contractor indicated that he was to provide a price to remove the tree and that instruction did not give reasons for the tree removal.
- 3.1.1 The large lime tree contributes significantly to the street scene and local amenity and its loss will adversely affect the area and the setting of the church.
- 3.1.2 The tree has been evaluated using TEMPO which scores the trees' contribution to the local amenity. The score was 18 – which definitely merits a TPO in the decision guide.



**Photograph 1:** Significant amenity contribution of lime tree protected by TPO620

- 3.2 The tree will contribute to the footpath to the church becoming slippery; however falling leaves will be a short term problem each year that can be easily cleared. A build-up of algae may occur for longer periods but is also easily removed. Removal of trees for these problems is disproportionate and would have an adverse effect on amenity.

- 3.3 The tree does overhang High Street; however as acknowledged in Mr Ellerby's letter of objection the tree appears to be healthy. Mr Ellerby states that the best control of the risk of the tree falling is to remove it altogether. This approach if carried out throughout the country would lead to the removal of all urban trees. The approach is disproportionate and does not follow industry guidance on tree risk management.
- 3.4 Falling leaves will block the gutter of the church and subsequently cause damp. On inspection it is obvious that maintenance has not been carried out for several years to prevent this problem. The branches are touching the church and the roof which contributes significantly to this problem. The problem can be mitigated without the trees removal by some pruning following a tree work application and by the use of gutter guards.
- 3.5 The tree had not been previously protected and the TPO was made in response to the Churches intent to remove it. A requirement of serving a TPO is that it is expedient i.e. the tree is under threat; information came to light that indicated that the tree was under threat and considering placing a TPO on it is a duty of the Local Authority. The tree did not have a TPO on it previously as it was not previously considered to be under threat.

#### **4. Recommendation**

It is recommended that the Tree Preservation Order: Land at St. Matthews Church, High Street, City Centre, Swansea. 2016; TPO P17.7.4.620 be confirmed without amendment.

**Contact Officer:** Alan Webster  
**Extension No:** 5724  
**Date of Production:** 21st November 2016