

DINAS A SIR ABERTAWE

HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

PWYLLGOR CYNLLUNIO

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mawrth, 10 Ionawr 2017

Amser: 2.00 pm

Cadeirydd: Cyngorydd Paul Lloyd

Aelodaeth:

Cynghorwyr: 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 a/ac T M White

Mae croeso i chi ddefnyddio'r Gymraeg. Os dymunwch ddefnyddio'r Gymraeg, rhowch wybod i ni erbyn canol dydd ar y diwrnod gwaith cyn y cyfarfod.

AGENDA

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeliadauBuddiannau
- 3 **Cofnodion.** 1 - 6
Cymeradwyo a llofnodi cofnodion y cyfarfodydd blaenorol fel cofnod cywir
- 4 Eitemau i'w gohirio / tynnu'n ôl.
- 5 **Arweiniad i awdurdodau lleol ar Hawliau Tramwy Cyhoeddus.** 7 - 9
- 6 **Hawliau Tramwy Cyhoeddus - Llwybr Cyhoeddus Honedig ar hyd Heol Rhyd, Craig-cefn-parc yng nghymuned Mawr.** 10 - 18
- 7 **Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** 19 - 74
- 8 **Cais cynllunio 2016/1604 - Newid defnydd preswyl (Dosbarth C3) i HMO ar gyfer 4 o bobl (Dosbarth C4) - 3 Stryd Lewis, St Thomas, Abertawe.** 75 - 84
- 9 **Canllawiau cynllunio atodol ar dai amlfeddiannaeth a llety** 85 - 183

myfyrwyr pwrpasol - Drafft at ddiben ymgynghori.

10 Mabwysiadu canllaw dylunio blaenau siopau a thu blaenau
masnachol fel canllawiau cynllunio atodol.

184 - 253

Cyfarfod Nesaf: Dydd Mawrth, 7 Chwefror 2017 ar 2.00 pm



Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Mawrth, 3 Ionawr 2017

Cyswllt: Gwasanaethau Democrataidd - 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,
6 DECEMBER 2016 AT 2.00 PM

PRESENT: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black
A M Cook
H M Morris

Councillor(s)

A C S Colburn
M H Jones
D W W Thomas

Councillor(s)

D W Cole
E T Kirchner

Apologies for Absence

Councillor(s): P B Smith, M Thomas and T M White

Also Present:

Councillors: S E Crouch, C R Doyle, P M Matthews, C E Lloyd, J A Hale & N J Davies

43 **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 E T Kirchner – Minute No.47 - Planning Applications 2016/1699(Item 2) & 2015/1731(Item 7) – I know one of the objectors.

Councillor P Lloyd – Minute No.47 - Planning Applications 2016/1699(Item 3) & 2015/1731(Item 7) – I know one of the objectors.

44 **MINUTES.**

RESOLVED that the Minutes of the Planning Committee held on 1 November 2016 be approved as a correct record.

45 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

46 **PROVISIONAL TPO P17.7.4.620 - LAND AT ST. MATTHEWS CHURCH, HIGH STREET, CITY CENTRE, SWANSEA. (2016).**

The Head of Economic Regeneration and Planning presented a report which sought consideration of the confirmation as a full order, the provisional TPO 620 at land at St Matthews Church, High Centre, Swansea.

The objections and representations received regarding the proposals were outlined.

RESOLVED that the Tree Preservation Order: Land at St. Matthews Church, High Street, Swansea. 2016; TPO P17.7.4.620 be confirmed without amendment.

47 **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 2016/1333 - Site J, Trawler Road, Swansea Marina, Swansea

Helen Banner & Dr Paulus (objectors) addressed the committee and spoke against the application and Councillor S E Crouch (Local Member) also addressed the Committee and spoke against the application.

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

A visual presentation was provided.

Application approved in accordance with recommendation subject to the completion of a Section 106 agreement and the conditions outlined in the report.

#(Item 2) Planning Application 2016/1699 - 19 Heol Caerllion, Cwmrhydyceirw, Swansea

Stephen Jones & Stephen Polley (objectors) addressed the committee and spoke against the application.

Sarah Morris-Jones & Katie Allan (applicants) addressed the committee and spoke in support of the application.

A visual presentation was provided.

#(Item 3) Planning Application 2016/1365 – Glais House Nursing house, 615 Birchgrove Road, Birchgrove

Clifford Jones (objector) addressed the committee and spoke against the application and Councillor C R Doyle (Local Member) also addressed the Committee and spoke against the application. Councillor Doyle also proposed additional conditions regarding obscure glazing and construction traffic should the application be approved.

Tim Worsfold (agent) addressed the committee and spoke in support of the application.

A visual presentation was provided.

Report updated as follows – Call in also requested by Councillor P M Matthews.

Application approved in accordance with the recommendation subject to the following additional conditions:

13. Before the development hereby permitted is brought into use, the window in the north facing elevation, facing Station Road, shall be fitted with obscured glazing to a minimum level 3, details of which shall first be submitted to and approved in writing by the Local Planning Authority and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of conserving the privacy and amenity of adjoining properties.

14. No development shall take place until a scheme to control the hours during which delivery vehicles can enter and leave the site during the construction period of the development hereby approved, particularly at school starting and finishing times, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to at all times during the construction period.

Reason: To ensure there is no conflict between delivery vehicles and vehicles/pedestrians dropping off and collecting pupils from the nearby primary school, in the interests of highway safety and public safety.

#(Item 4) Planning Application 2016/1312 – Lidl UK GMBH, Sway Road, Morriston

Sophie Mathews (agent) addressed the committee and spoke in support of the application.

A visual presentation was provided.

Report updated as follows: Additional Conditions 9, 10 & 11 proposed.

Application approved subject to the addition of the following conditions:

9. The building hereby approved shall only be occupied by a Limited Assortment Discounter retailer.

Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

10. The gross retail floorspace hereby permitted shall not exceed 1424 square metres of which 285 square metres only may be used for the display and sale of comparison goods.

Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

11 The retail unit hereby permitted shall not be sub-divided to form more than one retail unit.

Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

#(Item 6) Planning Application 2016/1472 – Former British Legion Site, Newton Road, Mumbles

Ceri Jones (objector) addressed the committee and spoke against the application.

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

A visual presentation was provided.

Late letter of no objection from CADW reported.

Application approved subject to condition 12 being amended to read as follows:
Delivery vehicles shall only be permitted within the site between the hours of 06:30hrs and 22:00hrs on any day. 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.

#(Item 7) Planning Application 2015/1731 – Land Off Madoc Place, Swansea

Gordon Gibson (objector) addressed the committee and spoke against the application.

Elfed Roberts (applicant) addressed the committee and spoke in support of the application.

A visual presentation was provided.

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

#(Item 5) Planning Application 2016/3085/S73 – Land South of Fabian Way, Swansea

Linda Summons (objector) addressed the committee and spoke against the application, and Councillor C E Lloyd & J A Hale (Local Members) also addressed the Committee and spoke against the application.

Dave Gill (agent) addressed the committee and spoke in support of the application.

A visual presentation was provided.

Report updated as follows:

Amendment to first paragraph, p101.

Replace "would remain valid" with "would only remain valid if the wording of the S106 was amended so that it made specific reference to this new planning application, and not the previously approved permission. The recommendation made to approve this application is therefore contingent on the original S106 being amended."

Amendment to recommendation proposed, as follows;

It is recommended that permission be granted subject to the conditions indicated below and the applicant entering into a S106 Deed of Variation, in order to amend the wording of the original S106 agreement (relating to planning permission 2015/2223) so that it instead makes specific reference to and hence is 'tied' to this planning application (2016/3085/FUL)

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

The proposed extended opening hours of the tyre and auto-care centre would result in the creation of noise and disturbance between 1pm and 6pm on Saturdays, which would impact on the living conditions that the residents of Bevans Row could reasonably expect to enjoy, contrary to Policies EV1 and EV40 of the City and County of Swansea Unitary Development Plan 2008.

#(Item 9) Planning Application 2016/1380 – 96 King Edward Road, Swansea

Councillor N J Davies (Local Member) addressed the Committee and spoke against the application.

Alex Williams (applicant) addressed the committee and spoke in support of the application.

Report updated as follows:

Highways comments received from Head of Transportation and Engineering to the revised scheme of 7 bed HMO. In summary, no objection is made to the proposal as it is not considered that a refusal could be sustained at appeal and the parking being provided meets parking standards.

Replace "property" in Condition 3 with "use hereby approved".

Replace "dwelling" in Condition 5 with "use hereby approved".

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

The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within King Edwards Road 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 9 November 2016) of creating sustainable and inclusive mixed communities.

3) the undermentioned planning application **BE DEFERRED** under the **two stage voting process** for further officer advice on the issues raised by Members.

#(Item 8) Planning Application 2016/1604 – 3 Lewis Street, St Thomas, Swansea

Nick Holley, Chris Williams & John Row (objectors) addressed the committee and spoke against the application, and Councillor C E Lloyd & J A Hale (Local Members) also addressed the Committee and spoke against the application.

A visual presentation was provided.

4) the following items were not determined by Committee as the meeting became inquorate.

(Item 10) Planning Application 2016/1860 – 115 Rhydings Terrace, Brynmill, Swansea

(Item 11) Planning Application 2016/3076/FUL – 124 St Helens Avenue, Brynmill, Swansea

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).

The meeting ended at 6.10 pm

CHAIR

Report of the Head of Planning and City Regeneration

Planning Committee – 10 January 2017

Guidance for Local Authorities on Public Rights of Way

To outline the Welsh Government's latest guidance on
Public Rights of Way

For Information

1.0 Introduction

- 1.1 The County's extensive Public Rights of Way (PRoW) network (over 400 miles) provides a major recreational resource and the opportunity for local people and many thousands of annual visitors to experience the immense variety of landscapes within the area. The Council's Countryside Access Team, who are responsible for looking after the PRoW network, work with landowners, path users and voluntary bodies to ensure that the PRoW are legally defined, properly maintained, signposted and kept open for public use.
- 1.2 The Welsh Government's policy on PRoW has been set out in the recently published 'Guidance for Local Authorities on Public Rights of Way' (Oct 2016) <http://gov.wales/topics/environmentcountryside/consmanagement/rights-of-way-and-wider-access/rights-of-way/?lang=en>

2.0 Background

- 2.1 The document sets out advice to local authorities on the following aspects of PRoW which are currently being followed by the Countryside Access Team:

(i) Managing the Network

This involves a wide variety of tasks from programming improvements, maintaining records, providing information to the public and ensuring compliance with legal requirements. This includes producing a Rights of Way Improvement Plan (ROWIP) – the Council's adopted ROWIP is currently being reviewed; maintaining for public inspection the Definitive Map and Statement (legal record of PRoW) – these have recently been made available on line; developing promoted routes - 4 promoted walks on Gower were launched in 2016; publishing leaflets and use of mobile technology – numerous walking leaflets have been published and are downloadable as Apps from the Council's website; and running a Local Access Forum – this has already been long established by the Countryside Access Team.

(ii) Maintaining the Network

Most PRoW are maintainable at public expense and, where this is the case, local authorities have a duty to maintain them. Maintenance may include construction or reconstruction of bridges forming part of the PRoW, the erection of gates, stiles and other structures, maintaining and improving surfaces and signage.

(iii) Protecting the Network

This involves exercise of enforcement powers to ensure the PRow network remains available for public use. It requires taking appropriate action where an offence is identified, ranging from a simple caution to service of notice, direct action and prosecution.

(iv) Recording the Network

There are various means and processes through which the PRow network is legally recorded. The guidance sets out the detailed processes to be followed in relation to maintaining and modifying the Definitive Map and Statement, along with associated consultation procedures.

(v) Changing the Network

The guidance sets out the detailed legal processes that must be followed when a PRow is to be closed, created or diverted.

(vi) Planning Consent and the Network

A change to the Network will not be made simply because planning permission has been granted. Proposals for the development of land affecting PRow give rise to two matters of particular concern which need to be taken into consideration in decision making:

- (a) The need for adequate consideration of the potential consequences for any rights of way affected by a development proposal before the decision on a planning application is taken, and
- (b) The need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

- 2.2 The Guidance advises Local Authorities to ensure that they allocate sufficient resources to discharge their statutory duties in relation to PRow, and Countryside Access staff are encouraged to continue to work closely with colleagues in other Services such as Tourism and Transportation to help maximise the benefits of the network for economic development and sustainable active travel.
- 2.3 The primary function of a right of way is to provide access for people within their local community. However the Guidance encourages Local Authorities to realise their full recreational potential by managing the PRow network as an integral part of the whole complex of recreational facilities within the locality and this will be pursued as part of the ongoing Commissioning Review of the Planning and City Regeneration Service.
- 2.4 In particular, PRow play an important role in achieving the aims of the Active Travel (Wales) Act 2013 to enable more people to walk, cycle, etc. Significant potential also exists for the Council to draw on and develop the PRow network in discharging its duty to continuously improve facilities and routes for pedestrians and cyclists. Additionally routes must be maintained and improved, where practicable, to ensure that obligations placed on the Council by the Equalities Act 2010 are met.

3.0 Financial Implications

- 3.1 The Guidance does not place any extra obligation on the Council, therefore has no implications in terms of increased expenditure. However the guidance reminds the Council to ensure that sufficient resources are devoted to meeting their statutory duties with regard to protection and recording of PRow and ensuring that the PRow network is maintained in a fit condition for those who wish to use it.

For Information

Contact Officer: Paul Meller

Extension No: 5740

Date of Production: 9th December 2016

Background Documents:

Guidance for Local Authorities on Public Rights of Way, Welsh Govt, Oct 2016

Agenda Item 6

Report of the Interim Head of Legal and Democratic Services

Planning Committee – 10 January 2017

PUBLIC RIGHTS OF WAY – ALLEGED PUBLIC FOOTPATH ALONG HEOL RHYD, CRAIG CEFN PARC IN THE COMMUNITY OF MAWR

Purpose:	To consider whether to accept or reject the application to make a Modification Order to record a public footpath on the Council's Definitive Map and Statement of Public Rights of Way
Policy Framework:	The Countryside Access Plan 2007-2017: Policy No.4.
Statutory Test:	Section 53(2) and 53(3)(b) of the Wildlife and Countryside Act 1981
Reason for Decision:	The evidence is considered sufficient to satisfy the statutory tests set out in this report and to make a modification order to record the claimed footpath on the Definitive Map and Statement
Consultations:	Legal, Finance and Access to Services and all the statutory consultees, including local members, landowners and the prescribed organisations.
Recommendation:	It is recommended that the application be accepted and that a modification order be made
Report Author:	Kieran O'Carroll
Finance Officer:	Paul Roach
Legal Officer:	Sandie Richards
Access to Services Officer:	Phil Couch

1. Introduction

- 1.1 An application was made on the 20th October 2010 by Mawr Community Council for a Modification Order to add a public footpath to the Authority's Definitive Map and Statement at Heol Rhyd, Craig Cefn Parc between registered footpath numbers RN30B and RN31. A plan showing the route claimed A-B and the adjoining registered public footpaths is enclosed at Appendix 1.

- 1.2 At the time of submission, the application was not made in the correct form. Upon notifying the applicant of the deficiency in the application, the application was resubmitted in the proper manner on 15th April 2011.
- 1.3 Seventeen users have submitted completed evidence questionnaires in support of the application.
- 1.4 The purpose of this report is to establish whether the evidence submitted is sufficient to show that there has been dedication of the route claimed as a public footpath.

The Law

- 2.1 The application was made under the provisions of the Wildlife and Countryside Act 1981. Section 53(3)(b) requires the Council to modify the Definitive Map and Statement following the expiration of any period such that the enjoyment by the public of a way raises a presumption that the way has been dedicated as a public path.
- 2.2 Section 31 of the Highways Act 1980 raises the presumption that a way has been dedicated as a highway if the route has been used by the public “as of right” (not by force nor stealth nor permission) and without interruption for a period of 20 years unless there is sufficient evidence that there was no intention during that period to dedicate it. This is known as “statutory dedication”.
- 2.3 If the tests for “statutory dedication” are not satisfied, it may be appropriate to consider whether there has been “common law dedication”. This would require consideration of three issues; whether any current or previous owners of the land had the capacity to dedicate, whether there was express or implied dedication and whether there was acceptance of the highway by the public.
- 2.4 For “common law dedication” the landowner would need to have not just acquiesced to public use but in some way facilitated or encouraged

that use and a lesser period than twenty years may be sufficient. Evidence of use by the public 'as of right' may support an inference of dedication and may also show acceptance by the public.

Preliminary Considerations

- 3.1 Heol Rhyd is not a highway that is adopted by this Authority. However, the northern and southern sections of Heol Rhyd are recorded as forming part of the public footpath network for the area. This claim is for that section of Heol Rhyd not currently registered as a highway of any description linking those sections recorded with footpath status. To establish a public right of way use must be from one highway to another. This claim easily satisfies this requirement
- 3.2 The land is not registered at the Land Registry. Extensive investigations have been undertaken to determine the owner of the land including the examination of historic documents, reviewing adjacent titles, discussions with local residents and a notice addressed to the owner of the land being placed on site. However, the owner could not be determined.

4 Consultations

- 4.1 Those consultees listed on the first page of this report have been informally consulted regarding the application in accordance with advice given in Welsh Office Circular 5/93 which has recently been modified and replaced with Welsh Government Guidance to Local Authorities dated October 2016. Such consultations were conducted in August 2011 and again in October 2016.
- 4.2 Notification was received from the Highways Department of the Council that surfacing of the path was carried out several years ago to assist local residents. This was on the understanding that the works were a one off offer and the Council were not agreeing to the adoption of the way.

- 4.3 Despite being the original applicant, concerns were raised by the Mawr Community Council in November 2016 following a meeting of the full Council. The points raised by the Community Council are set out below:
- 4.3.1 They do not consider the footpath necessary given that there are several other registered footpaths in the immediate area.
- 4.3.2 They believe that the registration of the path would lead to an increase in fly-tipping issues.
- 4.3.3 They do not wish the County Council to incur additional maintenance costs when its resources are already stretched
- 4.4 Whether the registration of the path is considered necessary, whether it would result in extra costs or an increase in environmental issues are not valid considerations when determining whether a modification order should be made. The decision must be purely based on the evidence of use of the path and whether this is sufficient to raise a presumption of dedication.
- 4.5 Mawr Community Council are no longer in support of the application they made in 2010. However, once evidence has been received, this authority is obliged to give consideration to that evidence to determine whether a modification order must be made. Therefore, once an application is made, it cannot be withdrawn.
- 4.6 In December 2016, Mawr Community Council advised that none of the present Council members were in post at the time the application was made. The current Councillors confirmed at a meeting of the 14th December 2016 that if it were possible to withdraw the application they would seek to do so.

5 Evidence for Statutory Dedication

(a) Calling into Question

- 5.1 In order to test whether statutory dedication can be established, it is necessary to determine the relevant twenty year period described in paragraph 2.2 of this report. This period has to be calculated retrospectively from the date when the right of the public to use the way was brought into question. This can occur when the path is obstructed to public use or when the landowner makes it clear to the users of the way that he or she does not consider that a public right of way exists.
- 5.2 In the absence of a clear calling into question, the Natural Environment and Rural Communities Act 2006 has established that the date of the application can be taken to be a calling into question and thus can be used to calculate the relevant twenty year period.
- 5.3 In the present case, there has been no event which has resulted in the public's right to use the path being called into question. Therefore, the period in which to consider evidence of use will be from 1990 to 2010.

(b) User Evidence

- 5.4 Seventeen claimants have submitted evidence of use in support of the application, twelve of which claim to have used the path for the full twenty year relevant period.
- 5.5 The main use of the path quoted in the evidence would appear to be for leisure and recreation with the path being used mainly as an access to the wider rights of way network in and around the Cwm Clydach Nature Reserve.
- 5.6 There is no evidence that any attempt was made during the relevant period by the owner of the land to prevent use. Therefore there is nothing to show a non-intention to dedicate the way as a public footpath.
- 5.7 For section 31 of the Highways Act 1980 to give rise to a presumption of dedication, use of the way must have been by 'the public'. There is

no legal interpretation of 'the public'. The dictionary definition of the term is 'the people as a whole'. Therefore, it is sensible to assume that use should be by a number of people who together may be taken to represent the public as a whole.

- 5.8 In *Poole v Huskinson* [1843], it was held that there may be a dedication to the public for a limited purpose...but there cannot be a dedication to a limited part of the public
- 5.9 Given that many of the claimants appear to live in reasonable proximity to the path in question, it is important to consider whether they can be considered to represent 'the public' or whether they represent a special user group i.e. a limited section of the public being the only persons for whom the path would be useful.
- 5.10 One claimant lives adjacent to the path and may well be using the path as a private access rather than a public right of way. Four of the other sixteen claimants live in very close proximity to the claimed path and seven others live along Clydach Road (see Appendix 1A). If use was alleged by these persons alone, then it would be considered that the claimants form a special user group
- 5.11 However, three further claimants live along Mountain Road (see Appendix 1A) at reasonable distance from the claimed route. One claimant lives on Lone Road at considerable distance and one claimant lives in Llansamlet at a significant distance.
- 5.12 Therefore, it is considered that the claimants are a group of people who are wide enough to represent the public as a whole.
- 5.13 The evidence is therefore considered sufficient to show that there has been "statutory dedication" of public rights on foot across the path shown in Appendix 1 and being a section of Heol Rhyd, Craig Cefn Parc.

6 Conclusion

- 6.1 The evidence submitted is supportive of long term frequent use of the path subject to the application with a significant number alleging twenty years use over the relevant period 1990 to 2010. Therefore, a presumption in favour of the dedication of the footpaths as public rights of way is raised
- 6.2 No evidence has been provided to show that such use was not possible nor is there any evidence showing that the owner of the land had no intention to dedicate the way as a public path
- 6.3 It is therefore considered that the evidence available is sufficient to show that a public rights of way on foot has been established over the section of Heol Rhyd shown A-B on the plan at Appendix 1 and it is therefore recommended that a modification order be made to record this on the Definitive Map and Statement

7 Financial Considerations

- 7.1 There are no financial implications to this report.

8 Equality and Engagement Implications

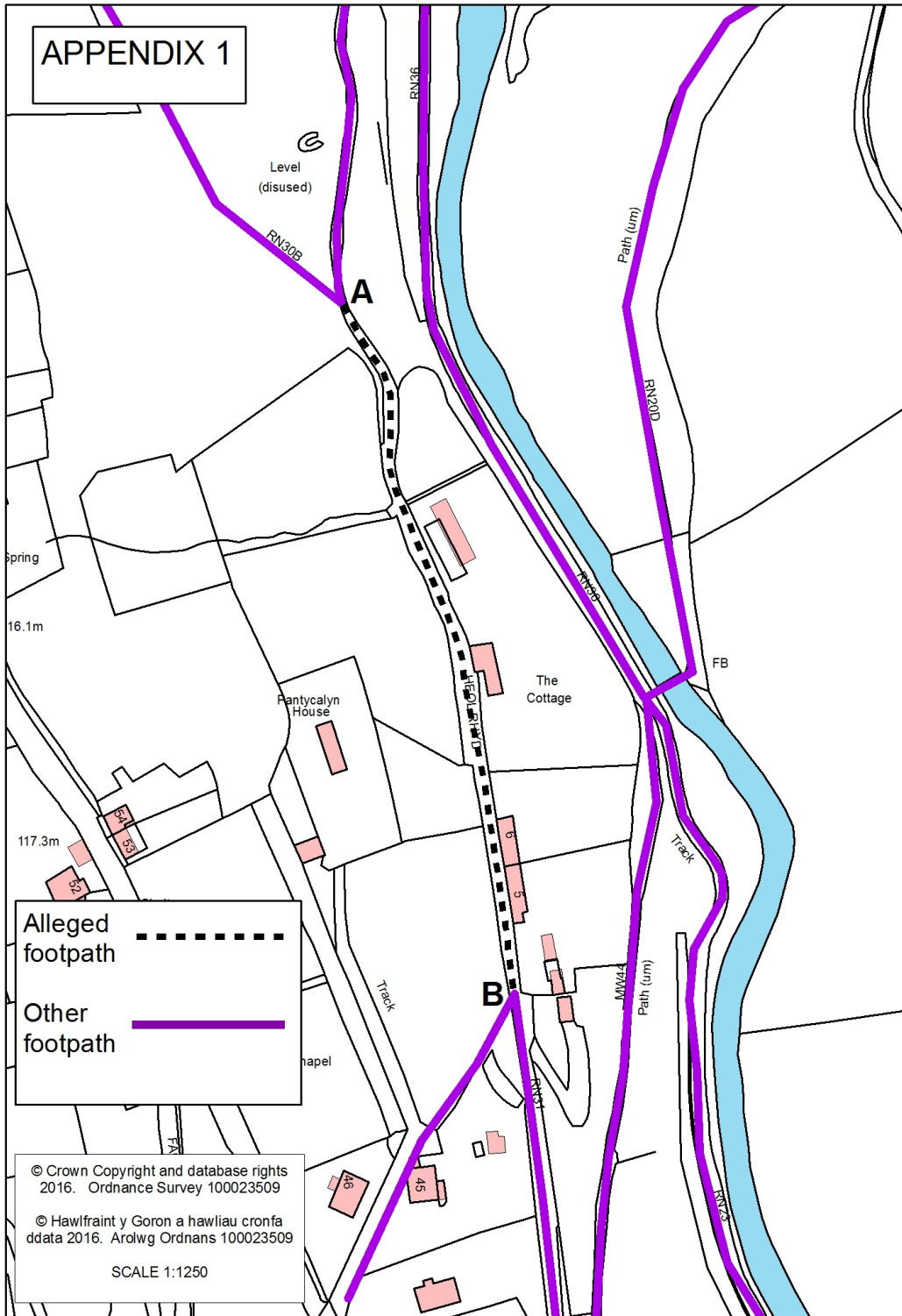
- 8.1 There are no such implications to this report

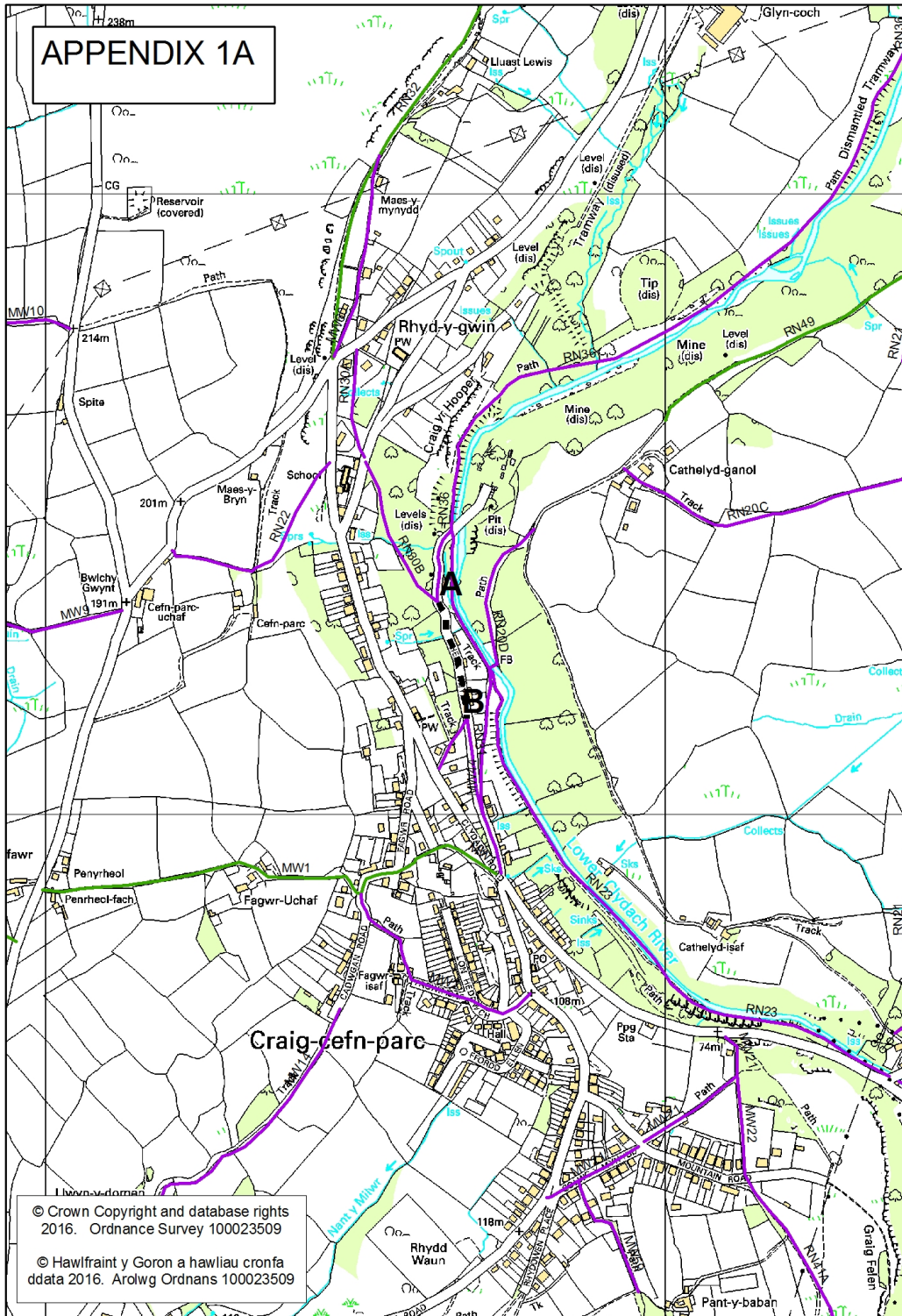
Background Papers: ROW-000211/KAO

Appendices:

APPENDIX 1 – Plan showing route claimed

APPENDIX 1A – Plan showing wider area





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: 10TH JANUARY 2017

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



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.

CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2016/1860	115 Rhydings Terrace, Brynmill, Swansea, SA2 0DS Retention of use of property as a 4 bedroom HMO (Class C4)	APPROVE
2	2016/3076/ FUL	124 St Helens Avenue, Brynmill, Swansea, SA1 4NW Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)	APPROVE
3	2016/1553	101 & 101A, Port Tennant Road, Port Tennant, Swansea, SA1 8JQ Change of use to 7 bedroom HMO	APPROVE
4	2016/3287/ LBC	Roman Bridge , Mill Lane, Mayals, Swansea, SA3 5DB Retention of raised walking surface on the restored Roman Bridge (application for Listed Building Consent)	APPROVE
5	2016/1523	Sun Alliance House St Helen's Road Swansea SA1 4DQ Change of use of property from offices to student accommodation comprising 78 studio apartments, with associated access landscaping works, additional windows and external alterations	APPROVE

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 1

APPLICATION NO:

2016/1860

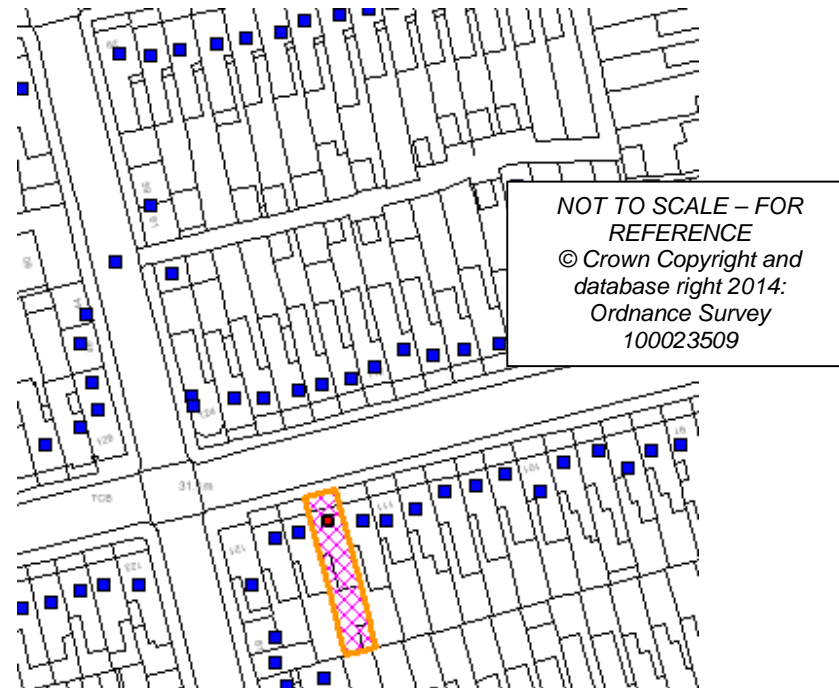
WARD:

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 – 10TH JANUARY 2017

ITEM 1 (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 – 10TH JANUARY 2017

ITEM 1 (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 – 10TH JANUARY 2017

ITEM 1 (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 1 (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 1 (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 – 10TH JANUARY 2017

ITEM 1 (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.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2016/1860

In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 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.
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PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 2

APPLICATION NO:

2016/3076/FUL

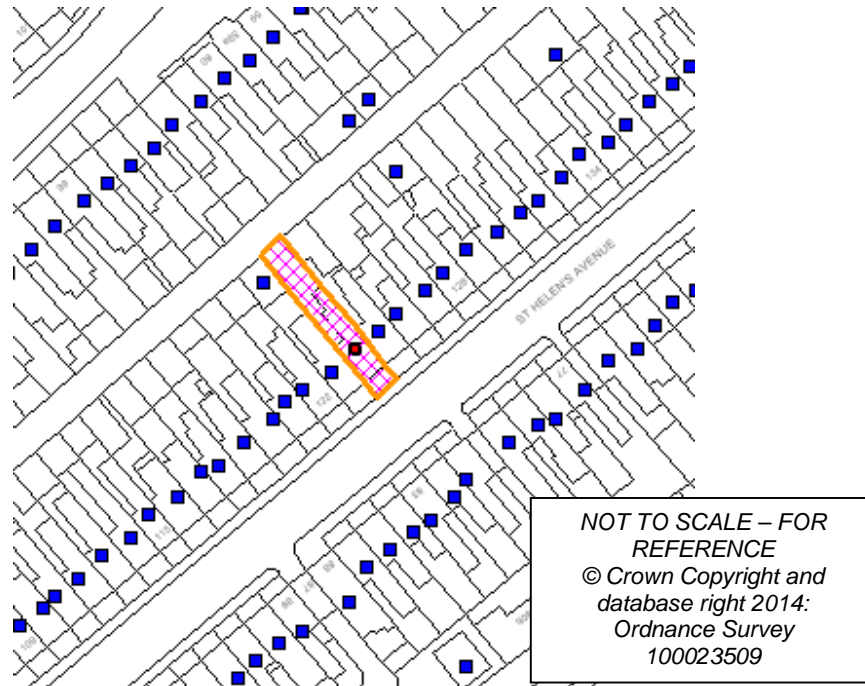
WARD:

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 – 10TH JANUARY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/3076/F 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.

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

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:

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

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

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

- (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.

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

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 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).

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

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.

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

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 were 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.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

RECOMMENDATION:

APPROVE, subject to the following conditions:

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3076/FUL

- 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.
- 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.
-

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 3

APPLICATION NO:

2016/1553

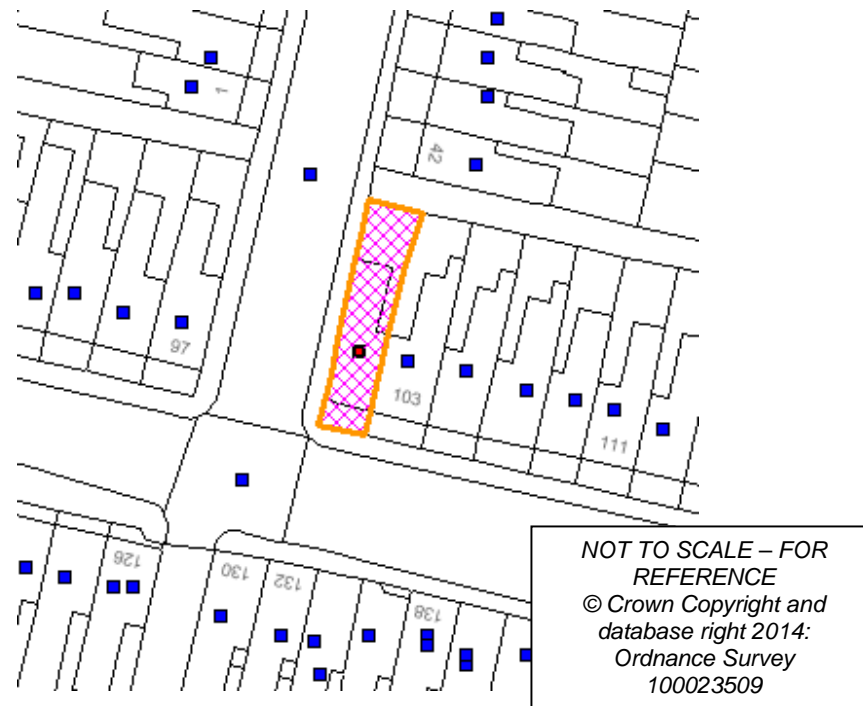
WARD:

St. Thomas - Bay Area

Location: 101 & 101A, Port Tennant Road, Port Tennant, Swansea, SA1 8JQ

Proposal: Change of use to 7 bedroom HMO

Applicant: Mr S Pike



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 – 10TH JANUARY 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2016/1553

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1553	Change of use to 7 bedroom HMO	PDE	
2015/2209	External staircase and associated fenestration alterations.	REF	09.05.2016
2012/0178	Change of use of ground floor from offices (Class A2) and first and second floors from dental surgery (Class D1) to three residential units with associated fenestration alterations and front dwarf wall with railings	APP	31.10.2013
2010/1249	Change of use of ground floor from offices (Class A2) and first and second floors from dental surgery (Class D1) to six residential units with associated fenestration alterations and front dwarf wall with railings	REF	27.01.2011
2009/0257	Change of use of ground floor from offices (Class A2) and first and second floor from dental surgery (Class D1) to HMO for 7 persons, fenestration alterations and construction of a 1.7m high wall and railings	WDN	21.04.2016

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 No. 103 Port Tennant Road and through display of a site notice dated 1st October 2016. ONE LETTER OF OBJECTION was received which is summarised as followed:

1. There is already a large HMO within close proximity, student accommodation & to let properties;
2. There are significant parking problems in this area of Port Tennant Road and the surrounding streets of Middleton Street and Osterley Street;
3. If planning permission is approved, it would clearly cause a safety issue regarding parking and would further undermine our community sustainability.

A PETITION OF OBJECTION was also received with 30 addresses objecting to the proposal. The petition itself does not specify the reasons for the objection other than providing a signature and property address including some with contact details attached.

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2016/1553

In terms of a breakdown of addresses the petition includes 13 addresses on Middleton Street, 3 on Port Tennant Road, 12 on Osterley Street, 1 on Danygraig Road and 1 on Lewis Street.

Highways:

The current Parking Standards allow for upto six people in a property without the need for any additional parking. For developments of over six then the parking standards require one additional space per additional bedroom. Thus one space would be required. Two are shown but the orientation of the spaces needs amending to provide parking which is useable.

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 a dental surgery to a HMO (For 7 persons). There was a previous planning permission granted for the change of use to three flats but this was not implemented.

The plans indicate a parking area to the rear of the site that can accommodate 2 cars. Whilst the layout as shown is not accessible the same two spaces can be provided by turning the layout through 90 degrees. The proposed parking would thus be perpendicular to the adjacent highway with direct vehicular access being provided. Retaining wall details will need to be submitted for both the wall that supports the parking area, and also the retaining wall that supports the rear access lane (which is adopted).

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 7 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with the details to be submitted to the LPA prior to beneficial occupation of the HMO.
3. The car parking area showing two cars accessed perpendicularly to Osterley Street being made available prior to beneficial occupation of the HMO, and maintained for parking purposes only in perpetuity.
4. The construction of a vehicular crossing to Highway Authority Specification.
5. The provision of adequate drainage facilities within the site to ensure that surface water does not flow out onto the highway.
6. Retaining wall details being provided for both the wall that supports the parking area and the wall that supports the rear adopted lane.

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 Team Leader (Development) , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

ITEM 3 (CONT'D)

APPLICATION NO:

2016/1553

APPRAISAL

Description

Full planning permission is sought for the change of use of 101 & 101a Port Tennant Road, Port Tennant Road to a 7 bedroom HMO. The application property is a split three/two storey end of terraced property located on the corner of Port Tennant Road and Osterley Street.

Planning permission was previously approved for the change of use of the ground floor from offices (Class A2) and the first and second floors from a dental surgery (Class D1) to three residential units with associated external alterations (planning application 2012/0178 refers). This permission, whilst extant has not been implemented. Therefore the existing use of the premises remains as office use (Class A2) at ground floor and a dental surgery (Class D1) on the upper floors. It is believed that the application property has been vacant since 2009.

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 residential amenities of the area and highway safety having regard to the provisions of planning policies EV1, AS6 and HC5 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 non-residential properties 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.

ITEM 3 (CONT'D)

APPLICATION NO:

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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, it is not considered that the use of the premises as a HMO for 7 people would raise any unacceptable impacts on the residential amenity of the occupiers of any neighbouring properties over and above that which currently exists given the existing uses of the property as offices at ground floor and a dental surgery on the upper floors. Furthermore, as mentioned earlier in the report, the premises benefits from an extant planning permission for 3 self-contained flats (2 no. two bedroom & 1 no. one bedroom). It is not considered therefore that an increase in two bedrooms at the property to provide a HMO for seven people, particularly given the size and scale of the property, would result in an unacceptable intensification of the use of the building.

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.

ITEM 3 (CONT'D)

APPLICATION NO:

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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 Council's own records that there are three other licenced HMO's properties registered on Port Tennant Road including Nos. 71, 105 and 117 (all for 6 people and are across 3 stories). Given the length of Port Tennant Road which comprises of approximately 200 properties, it is therefore difficult to argue that an additional HMO, which would represent 2% of the total number of properties along Port Tennant Road, would have a harmful impact on the numbers of HMOs in the area. Additionally, there are no existing known licensed HMOs along Osterley Street which the premises also adjoins. It should be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licensing. As a result there may be instances where HMOs exist albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements.

There would be no adverse effect upon the external appearance of the property and the character of the locality

With regard to visual amenity, it is not considered that the minor external fenestration alterations proposed to the rear wing would have any adverse visual impact upon the character and appearance of the host building, nor the wider street scene.

There would be no significant adverse effect on local car parking and highway safety

This application is for a change of use from a dental surgery to a HMO (For 7 persons). There was a previous planning permission granted for the change of use to three flats but this was not implemented.

In accordance with the adopted SPG Parking Standards, the operational and non-operational requirements for the existing Class A2 office use (floorspace approx. 22 sq. metres) and Class D1 dental surgery use (floorspace approx. 36 sq. metres) of the premises creates a greater demand (requirement of 11 No. spaces) for car parking than the proposed use of the premises as a HMO for 7 people (requirement of 4 No. spaces). The Highway Officer, in response to the application, has raised no objection subject to conditions. Officers have considered the impositions of conditions having regard to Welsh Government Circular 016/2014 (October 2014).

It can be noted that an objection has been received outlining concern that there are significant parking problems in this area of Port Tennant Road and the surrounding streets of Middleton Street and Osterley Street. It further mentions that if permission was given then it would cause a safety issue regarding parking and would further undermine community sustainability.

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 3 (CONT'D)

APPLICATION NO:

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On the basis of the information contained in the SPG, the fall-back position of the lawful use and there being no evidence to clearly demonstrate that this proposal would have a detrimental impact upon highway safety in the area the application is considered to be acceptable on its grounds of highway impacts. It should be noted that Local Planning Authorities are unable to refuse planning permission on the basis of there being existing parking problems within an area unless it can be clearly demonstrated that a proposal would give rise to problems that would both exacerbate an existing issue that can be evidenced and that the lack of parking would lead to a highway safety issue resulting in both conflict and harm.

On the basis of the issues raised it not considered that the proposal would have an adverse effect on local car parking and highway safety in accordance with criteria (iv) of policy HC5 of the Swansea Unitary Development Plan

Appropriate refuse storage arrangements can be provided

An area for refuse storage can be provided to the rear of the property and details of which can be secured via condition.

Response to Consultations

Notwithstanding the above, one individual letter of objection was received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, highway safety and parking & social cohesion. The issues pertaining to which have been addressed above. A petition of objection was also received however the petition did not outline any reasons for objecting to the proposed development.

Conclusion

It is considered that on the basis of the evidence we have as an Authority the proposal would not result in a harmful impact on the character of the area, the residential amenities of neighbouring properties or highway safety and parking over and above the lawful use of the premises. As such the application is considered to comply with the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION

APPROVE, subject to the following conditions:

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2016/1553

- 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 received 26th September 2016, existing floor plans received 20th September 2016 and proposed floor plans received 1st August 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the plans submitted and prior to the beneficial occupation of the development hereby approved, details of the car parking area illustrating access perpendicular to Osterley Street (rather than the rear access lane) including surfacing, drainage and retaining wall details shall be submitted to and approved by the Local Planning. The car parking area shall be implemented in accordance with the approved details prior to the beneficial occupation of the development and be retained for such purposes at all times.
Reason: In the interests of local car parking, highway safety, drainage and visual amenity.
- 4 Details of facilities for the secure and undercover storage of seven 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 interests of providing facilities for sustainable transport.

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, AS6 and HC5.
 - 3 A vehicular crossing over the footpath in the existing highway shall be completed before the development is brought into use in accordance with Highway Authority Specification.
 - 4 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 Team Leader (Development), e-mails to mark.jones@swansea.gov.uk tel. no. 01792 636091
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PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 4

APPLICATION NO:

2016/3287/LBC

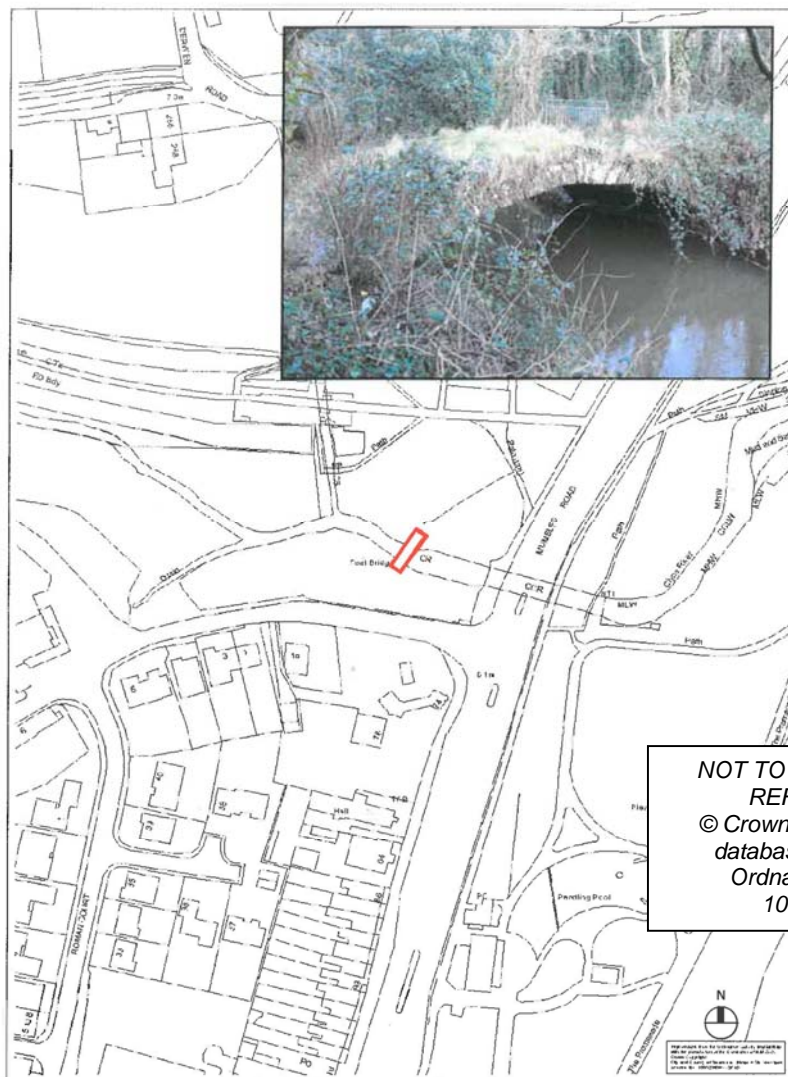
WARD:

Mayals - Bay Area

Location: Roman Bridge , Mill Lane, Mayals, Swansea, SA3 5DB

Proposal: Retention of raised walking surface on the restored Roman Bridge (application for Listed Building Consent)

Applicant: Mr Christopher Grigson Clyne Valley Community Project



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ITEM 4 (CONT'D)

APPLICATION NO:

2016/3287/LBC

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)

UDP - EV7 - Extensions/Alterations to Listed Buildings

Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

None

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. A petition of OBJECTION containing 115 signatures, SEVEN Individual comments of OBJECTION and TWO comments of SUPPORT have been received which are summarised below:

Petition of objection: 115 signatures

We the undersigned are unhappy with the Council's recent repairs to the Roman Bridge. The laying of a foot thick (lime) concrete surface over the original bridge has ruined the appearance of the 260 year of Grade 2 practice, as it has added to the structure. We strongly object to the retrospective application for the retention of raised walking surface on the restored Roman Bridge (application for Listed Building Consent). The concrete surface must be completely removed.

Comments of objection:

1. This is most unsympathetic work and should be removed
2. The work that has been carried out is clearly unsympathetic to the historic significance of this structure.
3. The work has completely changed the appearance of a much loved Grade 2 listed structure.
4. I accept that there was a need for some repair and repointing but the bridge itself did not need a slab of concrete over a foot thick laid over the top.

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2016/3287/LBC

5. The concrete is a huge and unwelcome addition to the very nature of the bridge and must be removed to restore the bridge to its original appearance.
6. The gate is also an intrusion into the structure and should be removed and maybe replaced further away.
7. This bridge has not been used a thoroughfare for centuries, and has mainly been an attractive and historic artefact, usually viewed from the Mumbles Road, which is in fact a bridge over the stream itself.
8. No good arguments for changing role of this bridge.
9. It should not be a walkway. It should be admired for what it is. As long as anyone can remember, it was always covered with earth and wild grass and other growth. That should be the guide, it could be turfed and pedestrians not encouraged to walk over it.
10. Concerns raised with the processing of the application and conflict of interests.
11. It's astounding that consent wasn't obtained prior to work.
12. The photo showing the cement covered bridge is absolutely appalling and totally unlike the wonderful bridge I remember.
13. The whole idea of having a building or structure listed in the first place is to stop unsympathetic work being carried out so that it can be protected for future generations.
14.it's an eyesore that has compromised the aesthetic beauty and overall appearance of its intended purpose.
15. Please put this unique bridge back to its original state.

Comments of support:

1. As a runner I cross the 'Roman Bridge' and find it quite satisfactory. Having a painting of it, we are well aware of how it used to look but are sure the concrete will weather and become less prominent and that to replace the cobbles would incur health and safety issues. I am of the opinion that the Council has done good work there, and in providing the adjoining picnic tables.
2. If any 'objectors' wish the 'Authorities' to carry out restoration work to return the surface of the Roman Bridge to its condition when built, the neglected state of 5-10 years ago would not meet that criteria.
3. The new surface is perfect for walkers. It feel non-slip even when wet.
4. Mortar is already mellowing.
5. Since new surface I have walked regularly over bridge. I took 45 Swansea Ramblers over the Bridge. Older members all opted to cross the bridge.

Gower Society - We refer to our previous letter of 4th December relating to the above bridge. Since writing we have been informed that the 'concrete' surface that we referred to was in fact an approved lime/concrete surface that was applied on Health and Safety grounds in order to reduce the chance of slipping. If this is the case we would be obliged if you would delete this comment from our previous letter. Of course CADW's requirements are paramount and if they are happy then we will not object.

CADW - Consulted as Roman Bridge is approximately 30m from the edge of the Clyne Valley Historic Park - Confirmed no observations to make.

Applicant Mr C Grigson, Clyne Valley Community Project (VCP) - additional information in support of application

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2016/3287/LBC

The Planning Committee will already have a number of documents relating to the above; however I would like to add a few points to act as a background to the application.

The Clyne Valley Community Project was set up in 2009 by local people who regularly use the Clyne Valley Country Park. We have a Management Agreement with the City & County of Swansea, which has allowed us to maintain and develop permissive paths within the Park boundaries, so increasing public use. In addition, a lot of work has been done in conjunction with Gwent Glamorgan Archaeological Trust and Cadw to record and survey the many old industrial areas in the Park. The Roman Bridge is just one of the Heritage Assets designated by Cadw in Clyne Country Park and there are a number of other industrial sites which have a history to tell (all unfortunately in very poor condition).

In December 1999 the bridge was inspected by Mr B Williams Director of Technical Services and the County Bridge Inspector, Mr S Mitchell, who identified serious faults with the bridge and it was subsequently closed to the public. Following a public meeting organised to discuss ways to reopen the bridge in late spring 2013, CVCP was approached to investigate a grant application to restore and reopen the Roman Bridge for public use. We were successful in a bid to the Landfill Communities Fund (Entrust) in late 2013 and set about writing an invitation to tender for the work required. Three companies were approached who have completed work on various historic buildings within Swansea e.g. the Hafod Copper works, Swansea and Oystermouth Castles. Messrs Fenton Holloway, Bristol were selected and they undertook surveying the bridge and overseeing the work required which was carried out by Weaver, Swansea. This work included a risk assessment to determine the most sensitive way to define the edges of the bridge to prevent users falling into the river. Handrails were ruled out due to their visual impact and instead a slightly raised path with planting to the sloping edges was considered to strike a balance between the character of the bridge and the need to sensitively define the edges. At all times we understood that CCS, Natural Resources Wales and Cadw were informed and the necessary permissions completed.

The work to secure the bridge and provide a safe walking surface, which was also wheelchair and pram friendly, was completed by October 2015 (consideration for bird nesting times and fish spawning had to be added in).

We have received no specific negative comments about the raised path surface and were surprised to be informed by Steve Smith of the complaint to Cadw and the necessity to apply for retrospective listed building consent for the bridge surface. The work was not carried out without due consideration and without taking professional advice. We were aware of the need to be as sympathetic to the character and historic interest of the structure to ensure its longevity and return to public use and so the techniques and materials used are in common with those applied in similar instances in Swansea and the rest of the UK.

It would be have been marvellous if we could have brought the bridge back to its original condition or even that of the picture postcards of the early 1900s, but so much of the materials have been eroded, washed out or robbed that this was impossible.

We would therefore argue that the walking surface be granted consent by virtue of the bridge's restoration and continued use by the public. Should we be required to remove the surface, we would need to apply for further grants. Following removal, and we are not sure of the damage this will cause, the bridge would again be deemed unsafe and closed for public use.

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If earth was used to fill the surface irregularities, this would be in danger of washing away or encourage weed roots to damage the underlying mortar and ultimately the bridge would return to the 1999 condition which we believes serves nobody.

APPRAISAL

Description

The Roman Bridge is a small stone structure over the Clyne River adjacent to the Mumbles Road. It spans the boundary between Sketty and Mayals Wards.

It was listed in 1993 and Cadw noted that 'only the segmental arch rings and soffit survive'. The Cadw list description notes that the Roman Bridge is 'probably an early 18th Century road bridge despite its name'. The reason for listing as a heritage asset of national importance is as 'the remains of an early road bridge'

Historic posts cards (circa 1900) show the bridge as only being the arch structure without parapets. Therefore it has been in a 'semi-ruined' picturesque state for over 100 years. Over the years the context of the bridge has changed with the coming and going of the railway, the construction and widening of Mumbles Road and the general growth of trees. The bridge still remains as a picturesque feature that is most commonly viewed from the south east bank and from Mumbles Road looking over the modern road bridge parapet. It should be noted that the clearance of the area to the west off Mill Lane is not connected to this application.

Main Issues

The main issues for consideration in this instance is the impact of the retained walking surface on the character and integrity of the Listed Building, having regard to prevailing UDP Policies including Policies EV1 (Design), EV2 (Siting) and EV7 (Extensions/Alterations to Listed Buildings) and National Planning Guidance as set out below.

The decision making framework stems from the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of this act indicates that the starting point for the exercise of listed building control is the requirement to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Advice is set out on the application of section 66 of the Act in Welsh Office Circular 61/96, Planning and the Historic Environment. Paragraph 68 indicates that listing of a building should not be seen as a bar to all future change. Paragraph 69 requires applicants for listed building consent need to be able to justify their proposals show why works are desirable or necessary. Paragraph 95 stresses that 'Many listed buildings can sustain a degree of sensitive alteration or extension to accommodate continuing or new uses' and paragraph 70 expands that community benefits are a consideration alongside changes to character. Ultimately the circular stresses the need to understand the special interest of the building in order to judge the effect of the changes.

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The advice contained within the Circular is nearly 20 years old and will soon be replaced by a new Technical Advice Note 24 from Cadw and the Welsh Government. Linked to this, the more recent Cadw 'Conservation Principles' document 2011, sets out a framework for the 'sustainable management of the historic environment'. This document defines conservation as the 'careful management of change'. It goes on to set out aspects of significance that underpin the understanding of a heritage asset and thereby its ability to accommodate sensitive change. The four aspects of significance are:

- o Evidential value - commonly referred to as historic fabric
- o Historical value - typically the linkage with events of past actions
- o Aesthetic Value - this is often referred to as character
- o Communal value - this is often how people currently use or relate to a heritage asset

The Conservation Principles document also sets out guidelines for the management; repair; restoration and new work to heritage assets. With regard to restoration proposals it highlights that this can diminish authenticity of a historic asset and cautions against 'speculative restoration' without evidence. With regards to new work, the document sets tests including the need for full justification, not harming significance of assets, quality of execution and reversible in long term if necessary.

Cadw stress that 'Few sites are so sensitive that they, or their settings, present no opportunities for the addition of new work' (paragraph 30, Conservation Principles) and they give the example of the balance that could be achieved with regard to safety/access in the context of heritage assets stemming from the understanding of significance. 'These [works] may cause some harm to the evidential, historical and aesthetic values of the historic asset, but be more than balanced by increasing the communal values deriving from the sustained use of the asset' (paragraph 37, Conservation Principles)

Emerging Local Development Plan Policy - Heritage Management HC2

The Swansea Local Development Plan (The Plan) is at the deposit stage. The Plan has not been subject to an independent examination and therefore carries little weight. It has been subject to a formal consultation. No objection has been made to the Policy element relating to the protection of historic assets of special local interest.

The emerging Local Development Plan policy on Heritage Management (HC2) emphasises the importance of sustaining heritage assets through sensitive change.

There are a number of other heritage assets in the area around the Roman Bridge and these are considered below:

- o The grade II listed former Mumbles Railway substation (now the Junction Cafe) is some 120m to the south of the bridge where it forms part of the Blackpill Lido complex. There is no intervisibility to the bridge and the setting is not affected by the works that have been carried out.
- o Number 74 Mumbles Road is a distinctive stone built house in a castellated style with a pair of circular towers. This grade II listed building is situated some 40m to the south of the bridge on the opposite side of Mill Lane behind a stone wall. The setting of this listed building is unaffected by the works carried out to the bridge.

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- o The boundary of the Clyne Valley historic landscape is 30m to the west of the bridge. There is very limited intervisibility between the park and bridge therefore the works would have no impact on the setting of the garden. Cadw have been consulted on this relationship to the historic park and they have not responded.
- o The Clyne Valley includes a number of designated heritage assets which are ancient monuments such as the arsenic works which is approximately 400m from the bridge and they are unaffected by the proposals.

The Proposal

This listed building consent application seeks the retention of a raised path with planted side banks across the grade II listed 'Roman Bridge'. The application includes details of the 'as built' works and a listed building justification statement. The Roman Bridge was declared unsafe by the Council in 2000 due to concerns about the structural condition and the lack of any edge protection. Barriers were erected on the banks to either side to stop access and the bridge was overgrown by vegetation.

The Roman Bridge is owned by the Council and the work has been carried out under licence by the Clyne Valley Community Partnership supported by the Council's Design and Conservation Team Leader. The applicant has confirmed that the works were carried out with the necessary consents for working over the watercourse from Natural Resources Wales.

This work has stemmed from requests from the local community to reopen the bridge to walkers. The Council had no funding for the works and therefore grant funding was secured to undertake two aspects:

1. Restore the heritage structure
2. Reopen the bridge to walkers

Specialist heritage structural engineers proved that the bridge structure was safe but that repairs such as repointing with lime mortar and filling internal voids with lime grout were required. Photographs provided by the applicant show that following the repairs and removal of years of accumulated soil and vegetation from the bridge, the original walking surface was not intact. The photographs show that the remaining masonry that is the top of the arch was very uneven and an unsuitable walking surface. The applicant's heritage engineer assessed the options to create a safe walking surface across the bridge with edge definition to highlight the drop into the river and these are summarised in the supporting information:

1. The reinstatement of the 'original' stone parapets was discounted because there was no evidence for their design and height.
2. Various handrail options were considered and discounted due to the harmful visual impact on the character of the bridge
3. Various options for the walking surface were considered including a raised deck leaving the stonework below uncovered.

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The final option for the works as implemented is argued by applicant and their team to be the most sensitive to the character and appearance of the listed structure. This comprises a lime bound ballast path that is raised 20cm above the existing masonry which remains in situ below. This path leaves the masonry of the arch edge exposed on either side with planted sloping edges to either side to highlight the drop to the river.

The applicant acknowledges the problems in establishing the vegetation on the planted side slopes and to rectify this they propose to pin turf to the sloping areas to reflect the vegetation that came to characterise the bridge in recent years. This is an established heritage approach often used to cap historic walls of ruins that are ancient monuments. This approach of turf cappings has been approved by Cadw for the recent works at Oystermouth Castle. It is considered that when established, the planted edges will 'soften' the edges of the raised path and from views of the bridge from the banks and Mumbles Road, this will recreate 'picturesque' effect albeit in a managed manner so that the planting will not be allowed to destabilise the masonry. The rectification works to the side slope planting at the Roman Bridge can be ensured by means of a suitably worded condition. Plus a management plan is needed to ensure that 'woody' plants are removed before the roots can destabilise the masonry - this is standard practice for soft cappings.

It is acknowledged that the work has retained and sensitively repaired the historic fabric of the bridge. Whilst the new path does cover the masonry of the top of the arch; this masonry was never designed to be seen and until recently was covered by vegetation and accumulated soil. Whilst the path is raised above the masonry, this is for safety reasons and the edges will be softened by the planted banks to maintain the picturesque appearance, furthermore the applicant has indicated that the raised path could in future be removed with care. The fact that the works reopen the bridge in accordance with the original purpose is welcomed. It is noted that Cadw guidance highlights that many listed buildings can sustain a degree of sensitive change and that the safe community use of a heritage structure is a significant benefit. Therefore whilst the work does change the character of the listed building it is considered to be acceptable.

The gates and fence on the north bank are partly within the 'listed' area as designated by Cadw. This listed area extends some 7m from the bank and although this area does not appear to contain any standing elements of the bridge, these gates and fence are harmful to the setting of the bridge itself and the applicant acknowledges this issue. They have indicated that the gates and fence are necessary to separate the river from the picnic area/Clyne Valley trail and adjacent car park and they have proposed to relocate the gates and fence to a location outside the listed area. This is considered to be a sufficient distance to avoid any harm to the setting of the bridge. Furthermore the design of the timber gates and fences is considered appropriate to the wooded and semi-rural character of the area. The exact siting of the relocated gates and fence can be ensured through a suitably worded condition.

Response to consultation

The concerns raised in the petition received and the comments made in the letters of objection received have been noted. The material considerations have been addressed in the main body of this report. Further comments that have been made are addressed below:

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The objection comments request that the surface is removed and the bridge turfed. The applicant has indicated that this would not be appropriate as the project was carried out in response to community requests for the bridge to be reopened to pedestrians. For the raised path to be removed and the bridge 'closed' to public use this would require fencing to either side to prevent public access and it is considered that this would harm the setting of the bridge and would be unlikely to secure listed building consent.

The applicant has indicated that whilst the raised path could potentially be carefully removed and replaced by a new lime bound ballast path that follows the curve of the highest points of the historic masonry, this would not have the edge definition and as a result handrails would be required. Whilst this scenario is outside the scope of this current application it is considered that this would significantly change the character and setting of the bridge and would not secure listed building consent.

Some of the comments relate to the 'brightness' of the lime bound ballast surface. The applicant acknowledges that this was light when first implemented, but the recent site visit photos show that the lime is weathering to a grey colour and the dark flecks of the ballast are now showing through. It is not considered necessary to 'stain' the surface as the lime will continue to weather as demonstrated by historic masonry and it is not considered that this is harmful to the character of the listed building.

It should be noted that the comments incorrectly refer to the path being concrete whereas the surface is a softer lime bound ballast and the thickness of the raised path is incorrectly stated as being over a foot thick (i.e. 30cm+) whereas the measured thickness above the masonry edges is typically approximately 20cm.

It has also been raised in the comments that the bridge has not been used as a thoroughfare for centuries which is incorrect. The bridge was regularly used until closed on safety grounds and the Council has received a number of requests over recent years to formally recognise the bridge as a Public Right of Way.

The comments made about the process prior to this listed building consent application have been noted but are outside the scope of this application.

Conclusion

In conclusion, it is considered that the works to construct the raised lime bound ballast path over the grade II listed Roman Bridge is acceptable. This work does change the character of the listed building and this is considered acceptable in the context of heritage legislation which encourages heritage assets to be brought back into use by means of sensitive change. This approach of managing sensitive change can also be seen in other listed building projects in Swansea such as the Glynn Vivian Gallery where sensitive contemporary changes sit alongside restoration of the 1911 building. This can also be seen in the former Central Library where the original building has been restored and is complemented by a bold contemporary glass extension and they are joined by means of sensitive contemporary changes. It is considered that the works at the Roman Bridge also fit into this philosophy; the heritage structure has been sensitively restored and it has been brought back into use by means of the raised path with planted edges that are a sensitive change.

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Overall the proposal is considered to be an acceptable form of development in compliance with Policies EV1, EV2, EV3 and EV7 of the City and County of Swansea UDP.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

Therefore the application is recommended for approval subject to referral to CADW with the following conditions and any direction which may be made by CADW

RECOMMENDATION

APPROVE subject to the following conditions and referral to CADW:

- 1 A strategy for rectifying the planted side slopes, which shall include a plan for managing the vegetation, shall be submitted in writing to the Local Planning Authority, agreed and implemented within 6 months of this decision. Planting shall thereafter take place in accordance with the agreed strategy.
Reason: In the interest of protecting the character and appearance of the listed structure.
- 2 A plan showing the re-siting of the gates and fence to a location outside the listed area shall be submitted to the Local Planning Authority, agreed and implemented within 6 months of this decision.
Reason: In the interests of protecting the setting of the listed structure.

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, EV7
-

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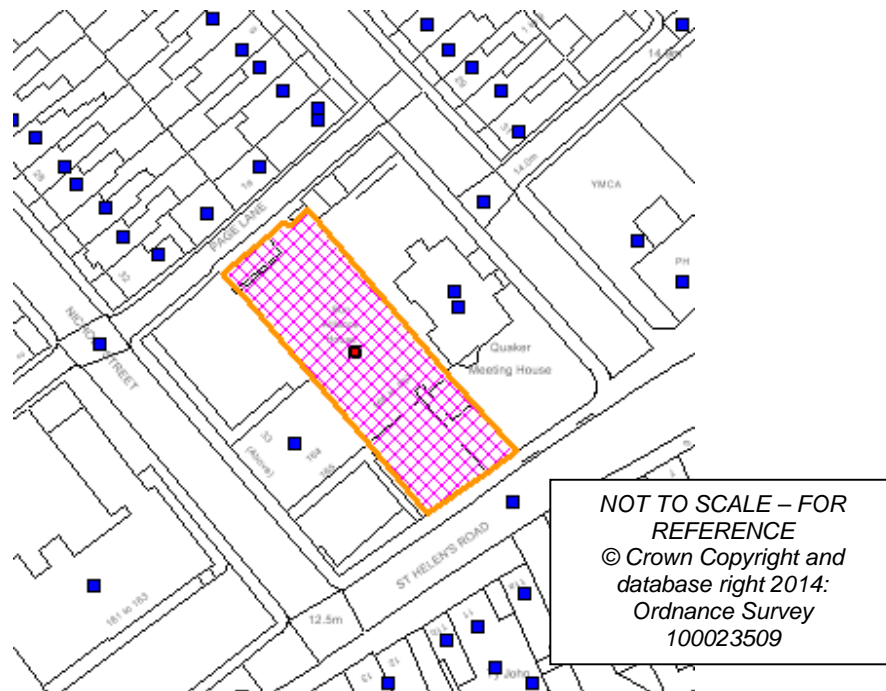
WARD:

Castle - Bay Area

Location: Sun Alliance House St Helen's Road Swansea SA1 4DQ

Proposal: Change of use of property from offices to student accommodation comprising 78 studio apartments, with associated access landscaping works, additional windows and external alterations

Applicant: Hedlunds Property Ltd



BACKGROUND INFORMATION

POLICIES

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 - 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)

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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 - 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 - 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 - HC6 - Flat Conversions

Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, 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)

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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

App Number	Proposal	Status	Decision Date
ENQ2004/14 02	Telecomm	REC	
ENQ2015/04 03	Notification Under the Electronic Communications Code (Conditions & Restrictions) Regulations 2003 to Utilise Permitted Development Rights at Sun Alliance House, St Helens Road, Swansea, SA1 4DQ	ENQCL O	07.07.2015
ENQ2008/21 97	92292 Sun Alliance House, St Helens Road, Swansea - T-Mobile UK Antenna Swap	ENQCL O	19.03.2009
ENQ2003/11 89	Authorised Use	REC	
ENQ2013/15 92	Conversion of upper part of existing office buildings into residential apartments at Sun Alliance House 166-167 St Helens Road Swansea SA1 4DQ	ENQCL O	04.02.2014
ENQ2003/00 29	General	REC	
ENQ2006/11 74	Authorised Use	REC	
ENQ2002/06 12	Telecomm	REC	
ENQ2015/06 31	Replacement six no. antennas, and addition of four no. microwave dishes on existing rooftop pole mounts at Sun Alliance House, St Helens Road, Swansea SA1 4DQ	ENQCL O	10.11.2015
ENQ2014/05 23	Replacement antennas at Sun Alliance House St Helens Road Swansea SA1 4DQ	REC	

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ENQ2013/15 93	Conversion of entire building into student accommodation at Sun Alliance House 166-167 St Helens Road Swansea	ENQCL O	04.02.2014
ENQ2010/17 04	Proposed Change of Use at Sun Alliance House 166/7 St Helens Road, Swansea	ENQCL O	23.11.2010
ENQ2002/14 77	Telecomm	REC	
2016/1523	Change of use of property from offices to student accommodation comprising 78 studio apartments, with associated access landscaping works, additional windows and external alterations	PDE	
2015/0468	Change of use of fourth floor office (Class B1) to private educational facility (Class D1)	APP	20.05.2015
2009/0220	Replacement of 3 antennae and associated works	APP	26.03.2009
2001/0979	Erection of 3 pole mounted antennae and 2 pole mounted dishes	APP	30.10.2001

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 22nd August 2016 and in the press as development which in the view of the Local Authority may have an impact on the amenity of the area. Furthermore the development was advertised as effecting the setting of the adjacent Listed Building. No letters of response were received.

Pollution Control: No objection, subject to condition.

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

Crime Officer: No objection.

AMENDED PLANS WERE SUBMITTED BY THE APPLICANT IN ORDER TO ACCURATELY SHOW THE ROOF PLAN AND THE NUMBER OF UNITS INCREASED. ALL PREVIOUS CONSULTS WERE RECONSULTED AND THE APPLICATION ADVERTISED ON SITE IN THE FORM OF A SITE NOTICE AND IN THE PRESS. THE FOLLOWING RESPONSES WERE RECEIVED:

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Neighbours: One letter of objection was received which raised concerns relating to:

1. Congestion.
2. Recycling.
3. Development should be in the campus.
4. Impact on residential amenity.

Highways: Change of use of property from offices to student accommodation comprising 78 studio apartments, with associated access landscaping works, additional windows and external alterations (amended description) - Sun Alliance House St Helen's Road Swansea SA1 4DQ

1. Introduction
 - 1.1 This application is for a planning permission for works as outlined above on land used as offices
 - 1.2 In order to assess the impact of the development, a Transport Statement was requested but was not forthcoming. Pre-application advice had been given regarding this requirement for the supporting document and also the need for the development to comply with the CCS Parking Standards assessment. In addition the principle of a Highways section 106 contribution would be sought in order to improve the infrastructure for walking/cycling in the area.
 - 1.3 The site is located on St Helens Road and currently the basement area is given over for car parking. The proposed plans show that the basement is now used to store cycles with two disabled car parking spaces indicated as being available accessed off the rear lane (Page lane). Pedestrians can also access the site via these access and the main pedestrian entrance is gained by a stepped and ramped access from St Helens Road.
 - 1.5 The student accommodation will consist of 78 one bed studios spread over six floors.
2. Vehicular Access and Traffic
 - 2.1 There is a car park at basement level which houses an existing car parking area for 30 cars. This car parking area is not going to be retained and thus the only parking present is two disabled spaces access off Page Lane. There is adequate cycle parking shown as being proposed.
 - 2.2 All the roads within the vicinity of the application site have pedestrian footways on both sides of the carriageway together with public lighting.
 - 2.3 In the absence of any supporting information I have been unable to analyse the existing and proposed trips and as such it has not been demonstrated that there would not be an adverse impact on parking in the area and highway safety.
 - 2.4 A brief TRICS analysis for similar student accommodation over the UK undertaken internally indicated that the proposal should be able to be accommodated without any detriment to highway safety but as no information to support this has been supplied then I cannot be definitive one way or the other.

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The student accommodation is likely to generate negligible vehicular traffic due to the limited parking facilities provided which in the main are intended to serve visitors/servicing/and wardens. A Section 106 Agreement to include 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 requested will support this thrust. The site is ideally placed for bus routes too as well as being a short walk to the Quadrant bus station with national links.

2.5 As has been mentioned the main thrust of the modal splits is towards non car modes of transport. For the 78 one bedroom units the sum that will be requested is £39,460 towards a Highways section 106 agreement to promote/enhance cycle/walking/public transport routes. This is in line with the SPG on N Highway Contributions and monies have been received (or promised to receive) from other similar student sites across Swansea.

3. Car Parking

3.1 The site is located outside the City Centre core and as such there is a requirement to provide parking. 2 spaces only are being provided. The parking standards require 11 spaces. However the proximity of the site to the city centre core (which runs along the Kingsway and down Dillwyn Street) is such that I do not consider that a highways reason for refusal solely on parking grounds could be sustained at appeal. Previous appeal decisions by the Planning Inspectorate have not been supportive in general when lack of adequate parking is being cited as the sole reason for refusal.

3.2 The student accommodation is planned to be essentially car-free. 2 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 onto the adjacent residential streets 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 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.

3.4 There is a public pay and display car park available for visitor use adjacent to the YMCA . A further public car park is also available to the north of Northampton lane and also along Kingsway (in a private MSCP) for more long term usage. There is currently a car park located adjacent to Christina Street but this is a development site so long term will not be available. All these facilities are available at cost to the user

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4. Pedestrian and Cycle Access
 - 4.1 Pedestrian/cycle facilities are to be enhanced by the development. A sum of £39,460 will be requested. This will be put towards providing enhanced pedestrian/cycle facilities in the aspirations for the Kingsway redesign. .
 - 4.2 There is a room provided on the basement level to cater for 70 cycles so cycling will be a viable sustainable mode of transport particularly in view of the proximity of the site to the NCN Routes.
5. Public Transport
 - 5.1 The site is currently served by frequent bus services along St Helens Road, Walter Road. 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 is further afield but can be reached by a number of frequent bus services that run past the site.
6. Highways Infrastructure
 - 6.1 The applicant will be required to make a contribution of £39,460 which will be put into the redesign of the Kingsway which is due to start on site in 2017.
 - 6.2 The change of use proposed is unlikely to have any impact on existing highway infrastructure.
 - 6.3 Existing access points are to be utilized so there are no highway safety issues arising from continued use of the points.
 - 6.4 Accident data showed that there were no obvious issues in and around the site.
7. Conclusions
 - 7.1. There was no supporting information provided to quantify movements arising from the proposed student accommodation therefore I cannot say for certain that there will be no highways safety issues arising. It is likely however that the development can be accommodated particularly if the highways conditions proposed relating to Tenancy Agreements are accepted.
 - 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 pedestrian access points.
 - 7.3 The use of the incorporation of the tenancy agreement into the Section 106 agreement should ensure that car use is minimized.

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8. Recommendations

8.1 I recommend that no highway objections are raised to the proposed development subject to the following;

- i. The Section 106 to include details of a parking management scheme for the parking area. The document should make specific reference to general day to day management as well as the pick ups and drop offs which will bring more vehicles than can be accommodated at once.
- ii. 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.
- iii. The Section 106 to include the financial contributions as outlined above (£39,460) for the works to provide a contribution to the proposed infrastructure pedestrian/cycle works on the Kingsway.
- iv. 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.
- v. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

vi. The development to be occupied by students only at all times in the interests of highway safety.

ADDITIONAL HIGHWAY COMMENT: Travel Plan acceptable.

ITEM 5 (CONT'D)

APPLICATION NO:

2016/1523

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

APPRAISAL

This application is reported to committee for decision as the number of residential units being created by the conversion is in excess of 20 units.

Description

Full planning permission is sought for the change of use of the Sun Alliance building from Offices (Class B1) to student accommodation comprising 78 studio apartments, with associated access landscaping works, additional windows and external alterations.

The Sun Alliance is a land mark building situated along St Helens Road within close proximity to the City Centre core. It is one of the tallest buildings within City and whilst historically it contributed to the office portfolio of the city, for a number of years significant parts of the building have remained unoccupied.

The basement will provide 78 cycle spaces, storage space for the residents, plant and electricity sub station facilities at basement level, 11 studio apartments at ground floor level and 1st floor level and, 14 studio apartments at 3rd, 4th and 5th floor level. The ground floor will also provide two disabled parking spaces to the rear of the building, refuse storage and small rear garden area.

Application Site and Surroundings

The Sun Alliance building is a significant building at eastern end of St Helens Road, Swansea. The building was constructed in the 1970's as an office block. The proximity of Swansea City Centre and main bus station provides sustainable transport links for local and national travel, and there is a regular bus route connecting it to the train station. There are also opportunities to improve the existing cycle linkages in the vicinity of the site.

St Helens Road has become a secondary area for office related business, and has a number of vacant units with inactive upper floors, but remains a key route from the City Centre to Brynmill. The area is made up predominately of small retail convenience stores, fast food outlets, restaurants and take-aways interspersed with office uses.

The Sun Alliance building has been divided into a number of office suites, but the applicant indicate that occupancy has reduced significantly over recent years, leaving the building with very few tenants (currently 20% occupied). The applicant has therefore identified an opportunity to change the use of the building to student accommodation in response to the growing demand for bespoke student accommodation. This demand has resulted from the recent and continued expansion programmes of the nearby Swansea University and Trinity St David University. Swansea University is establishing the College of Engineering and School of Management in new buildings at the Swansea Bay campus, while Trinity St David has plans to expand in the SA1 Waterfront Innovation Quarter.

ITEM 5 (CONT'D)

APPLICATION NO:

2016/1523

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 development upon visual amenities of the area, the residential amenities of the neighbouring properties, highway safety, noise and air quality, refuse storage having regard for the provisions of the Swansea Unitary Development Plan and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

There are considered to be no additional issues arising from the provisions of the Human Rights Act or the Well Being of Future Generations Act 2015.

Principle of Development

The application site is located along St Helens Road which is listed as a Local Centre under the provisions of the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities'. St Helens Road is the main through fare which links the City Centre to Brynmill Local centre. As stated above the area comprises a cultural mix of ethnic foodstores, take aways, restaurants and other commercial operations.

The student accommodation use would generate a large number of city centre residents that would add footfall and activity in the city centre. The residents would positively contribute to how the city centre functions by taking advantage of its facilities and amenities. As promoted by PPW, the proposed use would make efficient use of a plot of land that is currently underutilised.

The development would result in the loss of the existing office accommodation, however, as indicated, the office building has had very few tenants in recent years, and the applicants have further indicated that Swansea's total office stock is currently 20% vacant. Moreover, that the City Centre office stock is of poor quality and highly unlikely to be re-occupied attracting poor rental values.

The development of the Swansea University Bay Campus and the University of Wales Trinity St David's Swansea Waterfront Innovation Campus are providing the drivers for the regeneration of Swansea and the requirements for new affordable student accommodation within the City Centre, provides the opportunity to re-generate functionally obsolete property and introduce vitality via people into the City Centre having the knock on effects of re-generating small businesses like shops, café's pubs and leisure facilities which, by their presence will eventually bring back business users into the City Centre from their currently "preferred" out of town locations.

Policy HC6 of the Swansea UDP supports the conversion of underutilised commercial buildings such as this to self contained units of accommodation subject to compliance with the identified set criteria. Reference can also be made to Policy HC11 which supports the use of appropriate City Centre sites for student accommodation.

ITEM 5 (CONT'D)

APPLICATION NO:

2016/1523

Furthermore the Swansea City Centre Regeneration Framework has sub-divided the central area concept plan into areas, and the key vision for the Kingsway / Orchard Street Complimentary Area which lies directly adjacent to this site is focused on providing a new Business District which would accommodate significant new office / employment space. The loss of the office accommodation is therefore considered to be acceptable in principle.

The tall building SPG was adopted in 2008, although this has been updated and was subject to public and stakeholder consultation in 2015, the 2008 version remains the adopted SPG until superseded. In respect of existing tall buildings, the strategy for the refurbishment of existing tall buildings involving the change of materials may provide an opportunity to improve the design quality and functioning of existing tall buildings. Therefore the principle of the conversion of this tall building would be compliant with the general thrust of the tall building strategy.

Visual Amenity

The existing building is of a significant scale which has a harmful impact upon the setting of the adjacent domestic scale Quaker Meeting House which is a Listed Building. The general thrust of the proposal is to retain the existing light brown brickwork and to replace the windows with new grey coloured aluminium frame units.

Following consideration of these amendments with the Councils Urban Design Officer it is considered that the changes primarily relate to the street (south) elevation where the proposal is for a curtain walling system with vertical brise soleil spanning 6 floors in place of the current horizontal window bands. Whilst it is impossible to reduce the monolithic appearance of this elevation, the new fenestration has a vertical emphasis that is more respectful of the listed building and is therefore welcome in visual terms. Following consideration with the Local Authority, the large vertical signage has been removed from the proposal which again is welcome.

Subject to securing full details of the materials to be used in the development via an appropriate planning condition it is considered that the proposed alterations will respect the visual amenities of the host building, the wider street-scene and setting of the adjacent listed building in compliance with the provisions of Policies EV1 and HC6 of the Swansea UDP.

Residential Amenity

The proposal will result in the conversion of the existing building with no new build proposed as part of the application. As such the development will create no new overbearing or overshadowing issues. In terms of overlooking, the building is flanked to the east, west and south by commercial premises and as such the scheme will raise no issues relating to loss of privacy in these directions. The rear of the application site (to the north) does however back onto properties situated along Page Street and Nicholl Street. The building is 'L' shaped in design. The main bulk of the building will enjoy views towards Page Lane and the rear of some of the properties situated along Nicholl Street and Page Street which are sited directly to the rear of the building. The windows in the main part of the building will be sited approximately 30m from the rear gardens of No 31A Nicholl Street and 1A Page Street which is considered a sufficient distance in order to mitigate potential harmful overlooking.

ITEM 5 (CONT'D)

APPLICATION NO:

2016/1523

It should also be noted that the application site is situated within the city centre, where there is a higher degree of mutual overlooking and one would not afford the same level of private amenity space as a suburban location.

The windows in the southwest facing elevation would overlook the adjacent car park, thus improving natural surveillance in this direction and creating issues relating to privacy.

In terms of noise, air and light pollution issues created through the introduction of residential accommodation at this city centre location, having consulted the Councils Environmental Health Department it has been confirmed that there are no issues created through the introduction of this use at this location subject to a condition to address any noise issues. As such the proposal is considered to respect the residential amenities of the neighbouring properties and the future occupiers in compliance with the provisions of Policies EV1 and EV40 of the Swansea UDP.

Highways

PPW 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. Whilst 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.

The site is located in an extremely sustainable location being within close proximity to Swansea Bus Station and along a main bus route to the train station. Therefore the site is considered to have excellent access to public transport and is within very close proximity to the city centre and its numerous local amenities.

Having consulted the Head of Transportation and Engineering it is acknowledged that there is a car park at basement level which houses an existing car parking area for 30 cars. This car parking area is not going to be retained and thus the only parking present is two disabled spaces access off Page Lane. There is adequate cycle parking shown as being proposed.

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ITEM 5 (CONT'D)

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A brief Trip Rate Information Computer System (TRICS) analysis for similar student accommodation over the UK undertaken internally indicates that the proposal would be able to be accommodated without any detriment to highway safety. The student accommodation is likely to generate negligible vehicular traffic due to the limited parking facilities provided which in the main are intended to serve visitors/ servicing/and wardens.

Under the provisions of the Supplementary Planning Guidance document entitled 'Planning Obligations' the proposed scheme would generate a requirement of £39,460 to promote/enhance cycle/walking/public transport routes which will help promote connectivity and encourage sustainable means of transport within the City which is welcome.

The site is located outside the City Centre core and as such there is a requirement to provide parking under the provisions of the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'. Two disabled spaces are being provided to the rear of the property and utilising the parking standards would suggest the development would require 11 spaces which is a shortfall of 9 spaces. Notwithstanding this, the existing building has parking for 30 spaces, however it is acknowledged that a number of these would not meet current parking standards. The applicant indicates that the current floor area dedicated to office space is approximately 3,000 sq m which using the current parking standards SPG would require 50 parking spaces. Therefore in light of the sites sustainable location within close proximity to the city centre core and the fact the development already does not have sufficient parking spaces to serve the extant lawful use, the lack of 9 parking spaces in this instance would not warrant the refusal of this application.

Having consulted the Head of Transportation and Engineering a tenancy agreement preventing the occupiers from bringing cars to site has been requested to be included within the Section 106 in order to ensure that the proposal does not cause overspill parking problems onto the adjacent residential streets. In addition to this it has also been requested that a Parking Management Scheme be included as part of the Section 106 in order 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 and a clause ensuring the occupiers are students from Swansea. It is suggested that the parking management scheme needs to include the start of term drop offs and end of term pickups as there will be a significant increase in cars that cannot be accommodated within the site during these periods.

As stated above the Section 106 Planning Obligation will also secure the financial contributions of £39,460 for the upgrade the cycle network and pedestrian routes within the vicinity of the development. These contributions are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

The Highways Officer has also requested a condition requiring a Construction Method Statement. In this instance, due to the scale of the proposal and potential conflict in the area during the construction phase that could arise an appropriate condition, as specified in the Welsh Government Circular 016/2014, could be utilised to provide details on matters associated with the construction. The Travel Plan submitted as part of this application is considered acceptable .

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Therefore subject to the measures and conditions proposed above the application is considered to comply with the aims and requirements of UDP policies AS1, AS2, AS5 and AS6.

Waste Storage

Policy R16 states that proposals for major new developments will be required to incorporate adequate and effective waste management facilities. The supporting text states that when assessing proposals for major new developments, the provision of waste management facilities for the collection, recycling and other management of all waste likely to be generated must be included. The building accommodates refuse facilities to the rear of the building and allows for refuse vehicles to pick up from the rear lane. Therefore sufficient space is being provided to accommodate refuse storage. A condition to require the details of the waste management as part of the development can be secured via an appropriately worded condition.

Drainage

The means of treating the surface water and foul drainage is not to be altered during the conversion of this building and foul and surface water will be drained to the main sewer. Given the sites City Centre location and no opportunity for the site to utilise soakaways it would seem unreasonable to condition foul and surface water is drained separately from the site. The approval of this application would have no demonstrable impact on the drainage infrastructure over and above what could currently be experienced by the existing use. Therefore the proposal is considered to respect the integrity of the drainage infrastructure in accordance with the provisions of Policies EV33 and EV35 of the Swansea UDP.

Response to Consultations

Notwithstanding the above, one letter of objection was received which raised concerns relating to congestion, recycling, principle of development and the impact on residential amenity. The issues pertaining to which have been addressed above.

Conclusion

The proposed conversion of the Sun Alliance building to student accommodation would conform to the prevailing Development Plan Policies. The opportunity to reuse this building within close proximity to the City Centre will help improve vitality and viability of the City Centre and also improvements to the façade of the building would have a beneficial visual impact on the appearance of the building, the setting of the adjacent Listed Building and the wider area in general. The traffic generation from the proposal would not have an adverse effect on the public highway subject to the student parking being controlled through a the Section 106 Planning Obligation and the highway infrastructure payment will make a valuable contribution to enhancing the city centre cycle network within the area.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

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ITEM 5 (CONT'D)

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In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION:

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

- 1. Car Parking Management in accordance with Management Plan**
 - 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 such as Kingsway MSCP).**
 - 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 produced to the Council evidence of the Owner's compliance with the parking restriction.**
- 2. Highway Infrastructure**

Financial contributions to upgrade works to the pedestrian and cycle facilities £39,460 within the vicinity of the development site. The contributions to be made at an agreed point in the development and tied into the beneficial occupation of any of the units.
- 3 Section 106 Management and Monitoring Fee**

Costs incurred against the management of the obligation based on 20% of the value of the fee = £4,180.00

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 planning conditions:

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ITEM 5 (CONT'D)

APPLICATION NO:

2016/1523

- 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 and 002 - Block Plan, Travel Plan received 1st August 2016, 150377_PL_030_D - Proposed Elevations North and West, 150377_PL_031_D - Proposed Elevations South and East, PL_020_D - Proposed Site Plan, PL_022_C - Proposed Ground Floor Plan, PL_023_C - Proposed First Floor Plan, PL_024_C - Proposed Second Floor Plan, PL_025_C - Proposed third floor plan, PL_026_C - Proposed Fourth Floor Plan, PL_027_C - Proposed Fifth Floor Plan, PL_028_D - Roof Plan received 7th November 2016 PL 150377_PL021_E - Amended Basement Plan received 14th November 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 3 Prior to occupation of any part 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 exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) 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 existing traffic use of the area.

- 4 The development shall be not occupied until the cycle storage facilities as set out on the approved plans have been provided and the facilities shall be retained in perpetuity.
Reason: In the interest of providing appropriate cycle storage facilities for sustainability and highway safety reasons.

- 5 Prior to the development being brought into beneficial use, a Waste/Refuse Management Plan for the future use of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.
Reason: In the interest of sustainability and highway safety.

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ITEM 5 (CONT'D)

APPLICATION NO:

2016/1523

- 6 Prior to their use in the development, and notwithstanding the details shown on the approved details, full details of the materials to be used in the construction of the external surfaces of the development hereby approved, to include samples, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter 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.

- 7 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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, AS2, AS5, AS6, R16, HC17, HC8 and 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 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).

PLANNING COMMITTEE – 10TH JANUARY 2017

ITEM 5 (CONT'D)

APPLICATION NO:

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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

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

- 4 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 tel. no. 01792 636091. In particular, prior to any works commencing a Construction Traffic Management Plan will be required to be agreed with the Highway Management Group.
 - 5 For the avoidance of doubt this permission expressly prohibits any work to the telecommunication masts on the roof of the building.
-

Report of the Head of Planning and City Regeneration

Planning Committee – 10th January 2017

PLANNING APPLICATION REF: 2016/1604

Change of use from residential (Class C3) to HMO for 4 people (Class C4)

3 Lewis Street, St Thomas Swansea SA1 8BP

1.0 Background

- 1.1 This application was reported to Planning Committee on the 6th December 2016 with the recommendation that planning permission be approved subject to conditions. Members did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that they could seek further advice and guidance with respect formulating a reason(s) for refusing the development. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.
- 1.2 In reaching a decision Members will need to consider advice on the award of costs in planning appeals in Welsh Officer Circular 23/93 : 'Award of Costs incurred in Planning and other (including Compulsory Purchase Order) Proceeding'. 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.
- 1.3 A copy of the report to Planning Committee on 6th December 2016 is attached as Appendix A.

2.0 Main Issues

- 2.1 Members did not formulate clear grounds for refusing the application at the committee meeting, however, comments are made below on the various key material planning considerations that need to be taken into account in this instance having specific regard to the criteria of Policy HC5 of the City and County of Swansea Unitary Development Plan. There are no external physical alterations proposed so in this instance the main material planning considerations are noise, nuisance and disturbance, the concentration and intensity of HMO's in the area, car parking and refuse arrangements. More detailed comment is provided in each of the sub-headings below.

Noise, Nuisance and Disturbance

- 2.2 As documented in the officer report the proposal would result in the increase of one bedroom to provide a four bedroom property. A large family could occupy the property under the lawful use, and the number of bedrooms could be increased to four without requiring planning permission.

There is no evidence before the Authority to suggest that the level of noise, nuisance and disturbance associated with the proposed use as a HMO, for use for up to four persons, would generate significant noise, nuisance or disturbance over and above that of a family home. As a result officers do not consider that refusal of the application on this basis could be warranted. The Police and the Councils Environmental Health Department have the power to tackle antisocial behaviour and other noise related issues. If Members disagree with this and take a view that the change of use would result in harm to amenity particularly by virtue of noise and disturbance evidence will need to be provided in order to demonstrate this harm. Policy HC5 criteria (i) is of relevance and members will need to demonstrate that there would be a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance to justify refusal on this basis.

2.3 Concentration and Intensity of HMO's

There are no existing known HMO's along Lewis Street and so it would not be possible to argue that the introduction of a new single four bedroom HMO would result in a harmful concentration or intensification of HMOs in the area under the provisions of Policy HC5 criteria (ii). There is no evidence to suggest that approval of this application would result in any material harm on this basis. Whilst the formulation of a Supplementary Planning Guidance document for HMOs may impose percentage restrictions on the number of HMOs in areas, it is not considered reasonable to impose a blanket ban upon them within specific areas. It should be recognised that HMOs provide a valuable and important contribution towards the provision of affordable housing.

Car Parking and Highway Safety

- 2.4 With regard car parking, it is clear that there is no off-street dedicated car parking available for use by the HMO given the terraced nature of the property with no rear parking provision. Similarly, however, there is no off-street car parking available for the existing dwellinghouse. Parking on the street is laid out and restricted as a Controlled Parking Zone. The Adopted SPG Parking Standards does not seek additional parking provision for small scale HMOs given that there would be a requirement for 3 parking spaces for the existing 3 bedroom property and 3 spaces for up to 6 sharing as part of a HMO. The Highway Authority has been consulted and raised no objection to the application and conditions have been suggested to control the number of persons residing as part of the HMO to 4 and for cycle parking provision.
- 2.5. Should members take a contrary view to officers and consider that the application is not acceptable on grounds of car parking and highway safety clear evidence would need to be provided to justify a reason for refusal and departing from adopted parking standards.

Refuse Arrangements

- 2.3 A sufficient level of space in which to provide refuse storage can be provided to the rear of the property and this can be adequately controlled via an appropriately worded condition. There is no evidence to suggest that the use of the property as a HMO for up to four people would generate specific refuse issues over and above the extant use of the property as a residential property. There are powers under Environmental Health legislation to control the management of such properties in this respect.

3.0 Conclusion

3.1 My original report to Planning Committee on 6th December 2016 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that the Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account my advice given above and in the officer report.

4.0 Recommendation

4.1 The application be approved in accordance with the recommendation set out in Appendix.

If however the Committee does not consider that the application should be approved, the reason(s) for refusal should take into account the advice given above.

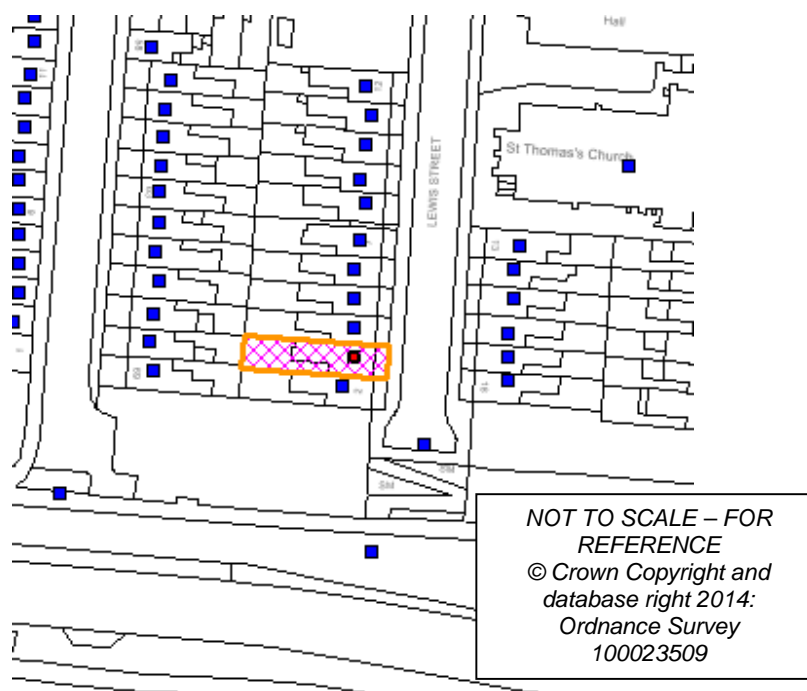
Contact Officer: Ryan Thomas *Extension No:* 5731
Date of 22nd December 2016 *Document Name:* 3 Lewis Street –
Production: 2016/1604

ITEM **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)

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 OBEJCTION 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 OBECTION 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 60dBLnight. 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.

Highways:

The current Parking Standards allow for upto 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 upto 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 and is covered by the Controlled Parking Zone that exists in this and the surrounding streets. The HMO would be eligible for two parking permits, as would be the case if it was a single dwelling so there is no change in that regard.

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.

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?

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.

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:

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 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 four 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.
- 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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Report of the Director of Place

Planning Committee – 10 January 2017

SUPPLEMENTARY PLANNING GUIDANCE ON HOUSES IN MULTIPLE OCCUPATION AND PURPOSE BUILT STUDENT ACCOMMODATION – DRAFT FOR CONSULTATION

Purpose:	This report provides an overview of the draft Houses in Multiple Occupation and Purpose Built Student Accommodation Supplementary Planning Guidance (SPG) document and seeks authorisation to undertake public and stakeholder consultation.
Policy Framework:	City & County of Swansea Unitary Development Plan (Adopted November 2008); Planning (Wales) Act 2015; Planning Policy Wales 2016 (as amended) and related Guidance
Reason for Decision:	To approve the draft SPG as a basis for public and stakeholder consultation.
Consultation:	Legal, Finance, Access to Services, Housing & Public Health.
Recommendation(s):	The draft SPG as attached at Appendix A is approved for the purpose of public consultation.
Report Author:	Tom Evans
Finance Officer:	Paul Roach
Legal Officer:	Jonathan Wills
Access to Services:	Phil Couch
Housing & Public Health:	Mark Wade

1.0 Introduction

- 1.1 This report seeks authority to undertake a 6 week public and stakeholder consultation exercise on the draft Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance (SPG). A copy of the draft SPG is attached as an appendix to this report.
- 1.2 The draft SPG has been prepared to assist the determination of planning applications for HMOs (to accommodate students or other occupiers) and PBSA developments in Swansea. The document will be used to help assess and determine planning applications, and is supplemental to the relevant policies of the adopted Unitary Development Plan (UDP), namely HC5, HC11, EV1, EV2, EV3, and AS6.

1.3 Once the consultation process is concluded, a schedule of comments and responses to all representations received will be reported to this Committee for consideration, along with an amended version of the SPG document.

2.0 Planning Strategy and Policy Context

2.1 Building sustainable communities is one of five priorities in the Council's Corporate Plan (2016/17). This is in alignment with the Planning Act¹, National Planning Policy², and the Well-being of Future Generations Act³, which requires the Council to achieve defined well-being goals including maintaining cohesive communities that are attractive, viable, safe and well-connected.

2.2 There are no specific national HMO or PBSA policies/guidance that prescribe how local planning authorities (LPAs) should determine such development proposals, however relevant policy requirements include ensuring development proposals are considered in terms of their effect on amenity and existing use of land/buildings in the public interest. Consideration of impact on the surrounding neighbourhood is a material planning consideration. National Planning Policy states that the effect of a proposal on the amenity of neighbouring properties should be assessed on general principles reflecting wider public interest (including a standard of 'good neighbourliness'), rather than concerns of the individual. The cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes impact on neighbouring dwellings.

2.3 National policy requires LPAs to have a clear understanding of the factors influencing housing requirements in their area and to facilitate the provision of sufficient housing and choice.

2.4 The extant local planning framework is provided by the adopted Swansea UDP. The most relevant UDP policies relating to HMO and PBSA developments are:

- Policy HC5 'HMOs' – which sets out the criteria to be used to determine a conversion to a HMO.
- Policy HC11 'Higher Education (HE) Campus Development' which sets out the acceptable parameters for HE campus development and that the Council favours appropriate City Centre sites for student accommodation.

2.5 This SPG sets out an integrated planning strategy that clarifies and augments UDP policy for the purpose of determining planning applications for PBSA and HMOs. It seeks to promote PBSA in appropriate City Centre locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; and the potential associated regeneration benefits. In tandem, the SPG acknowledges the important role of HMOs in providing affordable, flexible tenancies and the likely continued demand for them in the future, but seeks to avoid further harmful intensification or concentration and ensure provision is made sustainably.

¹ Planning Act (Wales) 2015

² Planning Policy Wales

³ Well-being of Future Generations (Wales) Act (2015).

2.6 The Council is in the process of preparing its Local Development Plan (LDP). The Deposit LDP includes policies on HMOs (Policy H9) and PBSA (Policy H11), which will be subject to Public Examination in 2017. When the LDP is adopted, anticipated to be in 2018, this SPG will need to be updated to link to its policies.

3.0 Evidence Base

3.1 This SPG is founded on a comprehensive and up to date evidence base. This includes an update of research undertaken by the Council in 2013 on the number, type, distribution and impacts of HMOs in Swansea. A review of relevant national research, other LPA's planning policy approaches, and appeal decisions has also been undertaken.

3.2 A significant amount of engagement has been completed with key stakeholders, including Swansea University and University of Wales Trinity St David (UoWTSD), local private landlords, Registered Social Landlords, The Wallich, Swansea Student Liaison Forum, Council Officers and Local Councillors. Written evidence was also provided by Uplands Ward residents.

3.3 The main findings of this research can be summarised as:

- Current indications suggest there is likely to be steady growth in student numbers over the short to medium term in Swansea.
- There has been a national trend for growth in PBSA. This has seen several major planning applications in Swansea but the only significant build to date is the St Davids development adjacent to the River Tawe.
- Demand is likely to continue for HMOs to fulfil the preferences of some students, and other affordable housing needs, including those resulting from changes to housing benefit for young adults.
- National and local research suggests that certain concentrations of HMOs are resulting in negative community impacts in Swansea.
- A range of threshold approaches have been successfully used by Local Planning Authorities to manage further harmful concentration of HMOs.
- Geographical demand for HMOs from students is likely to increase in St Thomas Ward due to its proximity to the Bay Campus and forthcoming UoWTSD SA1 Innovation Quarter.

4.0 SPG recommendations - Planning Applications for HMOs

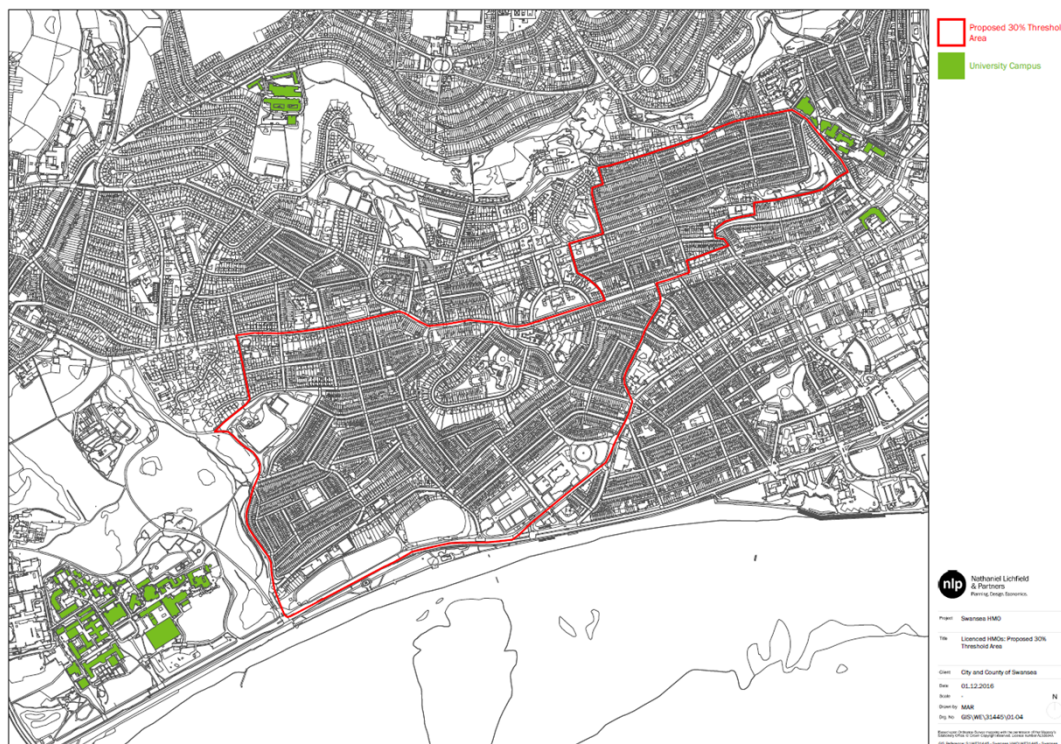
Managing Harmful Concentrations of HMOs

4.1 The SPG supports Council planning policy by recognising that some new HMOs need to be delivered in the future to meet demand, but their provision must be managed sustainably.

4.2 This SPG defines an evidence based threshold above which concentration or intensification of HMOs will be deemed harmful within a 65 metre radius of a proposal. A two-tier threshold approach will be applied:

- No more than **30% in the designated HMO Management Area** (illustrated in extract from SPG reproduced in Figure 4.1 below).
- No more than **10% in the remainder** of the City & County of Swansea.

Figure 4.1: Map Showing Boundary of the HMO Management Area



- 4.3 Within the HMO Management Area, evidence⁴ suggests there are some existing community sustainability and cohesion issues which are resulting from harmful concentrations of HMOs. Between 20-30% of the residential properties in the HMO Management Area are already HMOs, with significantly higher concentrations in places closest to the Swansea University Singleton Campus. The policy approach will limit any further harmful concentration or intensification of HMOs within this area to a ceiling of 30%, meaning that a proposed HMO can result in no more than one in three homes being HMOs within the 65m radius.
- 4.4 This threshold will encourage HMO provision to be more dispersed to other areas in a managed manner, and it should be noted that HMO concentration or intensification in all other areas will be limited to no more than 10%. National research⁵ has identified that 10% is a general 'tipping point' beyond which the concentration of HMOs begins to adversely impact on the character and balance of a community.
- 4.5 It should be noted that there may be circumstances where a HMO proposal would not exceed the defined concentration threshold of HMOs within the radius but may not comply with other policy criteria or policies which would therefore make the conversion of the property to HMO use unacceptable. As such, it does not inevitably follow that a proposed HMO development would be granted planning consent if it is in compliance with the threshold.
- 4.6 A radius approach is considered to be more consistent than considering concentrations by street, which would vary considerably in length. A 65m scale was, following sampling techniques and testing, considered to most accurately reflect the spatial extent of likely HMO impacts in Swansea. A

⁴ Houses in Multiple Occupation in the City & County of Swansea: An Assessment of their Number, Type, Location and Community Impacts. 2013.

⁵ Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings (April 2015).

100m radius option was considered to be too large, typically including properties beyond the spatial scale of likely impacts from a HMO proposal.

- 4.7 The SPG confirms that the Council will, for proposals in Uplands and Castle Ward, use the Council's public register of licensed HMOs as the basis for the calculation. For proposals outside of the Additional Licensing Area, the Council will draw upon up-to-date records available in the public domain from planning applications, licensed HMO data, Council Tax information and Electoral Roll data.
- 4.8 There are some limited locations within the HMO Management Area where the vast majority of properties are HMOs (i.e. over 80%). In such exceptional circumstances the SPG highlights there may be a need for greater flexibility in the application of the threshold where the impact (individually and cumulatively) of an additional HMO may not affect the character of the area. It might also be the case that the market for C3 residential properties will be a lot weaker, particularly for larger dwellings or properties requiring significant repair works. In these defined exceptional instances it would be more appropriate to take a flexible approach to HMO proposals to ensure the sustainable use of these properties rather than have C3 properties stand vacant for long periods. This is an approach that has been applied by other LPAs. Applicants will need to provide an assessment of why an exceptional case is justified and the SPG specifies what this should include.

HMO Impact on Residential Amenity

- 4.9 Council planning policy supports the efficient use of buildings but this also requires careful consideration to avoid conflicts between uses.
- 4.10 Maintaining privacy between HMOs and neighbouring properties will be carefully considered. Due to the nature of HMOs, increased comings and goings are often noted which, in some instances, can lead to noise. The SPG therefore sets out that consideration will be given to implementing planning conditions for noise insulation when converting to a larger HMO (more than 6 persons - Sui-Generis Use Class). The design and layout of any HMO conversion will need to minimise the potential for noise nuisance.

HMO Effect on External appearance of Property and Character of the Locality

- 4.11 The SPG sets out that the acceptability of any physical alterations on HMO properties (e.g. external extensions; dormer windows) will be considered against the Design Guide for Householder Development SPG (2008). Excessive extensions resulting in over development will not be permitted.

Effect on Car Parking and Highway Safety

- 4.12 Parking requirements for HMOs have been updated and clarified in the SPG following the introduction of the C4 use class. A two tier approach will be adopted:
1. For conversion to C4 or new build C4 HMOs, the same maximum parking standards will be applied as a C3 dwelling house – defined as ‘Houses (General Purpose)’ in the current Parking SPG.
 2. For larger HMOs (Sui Generis Use Class), if the proposal is for a conversion to a Sui Generis HMO use, the proposal’s compliance with the ‘Houses in Multiple Occupation’ section in the Council’s adopted Parking Standards will be considered taking into account the current use’s parking requirements (i.e. 3 car parking spaces for up to 6 sharing in a C3 dwelling and 1 space per additional bedroom thereafter). For new build larger HMOs in Zone 1, the same maximum parking standards will be applied as for PBSA in the current Parking SPG. However in Zones 2-6, the HMO criteria in the Parking SPG apply and the fall back position in terms of the existing use and the demand for parking for the existing use should be specified.
- 4.13 In some instances the Council may seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.
- 4.14 Secure cycle parking will need to be provided on the same basis as for apartments (i.e. 1 stand per 5 bedrooms, provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required, is visually unobtrusive to the streetscene and where possible stored to the rear of properties, rather than in front gardens). There may be circumstances where increased provision in cycle storage could be considered as part of an applicant’s justification for lower car parking provision.

Provision of Appropriate Refuse Storage

- 4.15 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste in landlord provided bins, kept in a dedicated refuse store able to accommodate the maximum number of bins required, located to the rear of properties where possible. Proposals for refuse storage to the front of properties which will detract from the local streetscene will not be permitted.

5.0 SPG recommendations - Planning Applications for PBSA

Location and Accessibility

- 5.1 The SPG provides supplementary guidance on how the Council will determine planning applications for PBSA. It clarifies that where proposals for student accommodation are on campus they will be assessed against the criteria under policy HC11. Where they are proposed off campus they will be assessed against UDP Policies including EV1 and EV2.
- 5.2 It is reiterated in relation to Policy HC11 that, in the first instance, City Centre sites will be favoured for PBSA unless the proposed site is within a Higher Education Campus. The City Centre is defined as the City Centre Action Plan Area shown on the UDP Proposals Map.
- 5.3 It is stated that PBSA proposals on the edge of the City Centre will only be considered where it is demonstrated by the applicant through an appropriate assessment that:
- There are no available and suitable sites in the City Centre; and
 - There is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
 - The development would give rise to an overall benefit to the vitality and viability of the City Centre.
- 5.4 Applicants will also be required to demonstrate that the location of the proposed development adheres to the policies contained within the UDP and does not give rise to any conflict with adjoining land uses. They will be required to carry out a detailed Availability and Suitability assessment and the SPG provides detail on what this should include.

Design

- 5.5 The SPG sets out that the Council will resist inappropriate development where it would be detrimental to the amenity of occupants within neighbouring development and within the proposed development itself. This may be due to overlooking, overshadowing or adverse micro-climatic conditions (particularly relevant for a tall building proposal). Proposed buildings should be designed to maximise the living conditions of its inhabitants (e.g. all habitable rooms must benefit from natural light, a means of outlook, ventilation, and a level of privacy).
- 5.6 Evidence will be expected within the planning application to show how the applicant has arrived at the design and how this positively relates to its context. This may require a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment – dependant on the location of the site.

- 5.7 Proposals for tall PBSA will need to have regard to the Council's Tall Buildings Strategy Supplementary Planning Guidance (SPG).
- 5.8 All new PBSA will be encouraged to incorporate sustainable and/or renewable energy features e.g. Combined Heat and Power, green roofs, solar panels etc.

Impact on Amenity

- 5.9 PBSA will not be permitted where it would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character. Depending on the nature and location of the site, an assessment of air, noise and light pollution impact, together with proposals for mitigation should be submitted as part of a planning application. If the results of the assessment and proposed mitigation measures demonstrate there is a significant harm to health or local amenity this would be grounds to refuse planning permission.
- 5.10 Where appropriate, conditions will be attached to planning permissions to protect the amenity and safety of students and nearby residents against air, noise or light pollution.

Waste Management

- 5.11 The SPG states that all PBSA proposals will be required to incorporate adequate and effective provision for storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for collection vehicles and personnel. It sets out the information that will be required to accompany planning applications.

Management Plan

- 5.12 A Management Plan will be required as part of PBSA planning applications. This will need to include information on how the development is intended to be managed to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents. The SPG sets out the minimum information it should include.

Parking Standards

- 5.13 It is clarified that car and cycle parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council's SPG Parking Standards (2012). It sets out that these are maximum standards and flexibility can be justified in terms of car parking in appropriate circumstances with regard to the sustainability matrix. Furthermore, it is noted that the Swansea Central Area Regeneration Framework SPG (2016) states that a limited relaxation of the car parking standards will be considered to facilitate appropriate regeneration proposals within this area where there would be no adverse effects on highway conditions. The SPG confirms that this flexible approach will also be applied to edge of city centre sites for PBSA proposals.
- 5.14 In some instances, increased bicycle provision may be included as part of a case to justify a reduction in car parking.

6.0 Consultation

- 6.1 The SPG document will be subject to a 6 week period of consultation, which is an integral part of the process towards adoption as SPG. The consultation will allow Councillors, members of the public, stakeholders and other interested parties to contribute to the guidance. The aim is to ensure that there is a broad consensus of support for its objectives.
- 6.2 The public and stakeholder consultation process will make use of a variety of consultation methods to raise awareness and maximise the involvement of the community, including: articles in the local media; a public drop-in consultation evening in the Civic Centre foyer for the public/stakeholders where Officers will be available to explain the draft document and invite feedback; and targeted email consultation of local planning agents, specific local organisations, and members of the public registered on the LDP Consultation Database. All information will be readily available at the Civic Centre and libraries in the Sketty, Uplands, Castle and St Thomas Wards. Summary details and promotional materials will be provided in a bi-lingual format. The consultation will be hosted on a Council web page where consultation forms will be available for those who wish to comment.
- 6.3 All comments received will be recorded, evaluated and incorporated into the draft document where considered appropriate. A summary of the consultation will be incorporated into the final SPG document once adopted and a full detailed schedule of representations will be available on request.
- 6.4 A report setting out any amendments made to the SPG as a result of the public consultation will be presented to Members as soon as possible after the consultation period ends, at which time Members will be asked to approve the final version as adopted SPG.

7.0 Financial Implications

- 7.1 The SPG is being prepared by external consultants under the supervision of officers with a ceiling budget of £25,000. There are no additional financial implications arising from the publication of this SPG, as the cost of the public consultation process can be accommodated within existing budgets and staff resources. The consultation will, as far as possible, utilise electronic communication via email and the Internet.
- 7.2 The final adopted document will be made available electronically, so there will be no printing costs.

8.0 Legal Implications

- 8.1 The SPG will provide planning guidance to the adopted UDP (2008), and will be a material consideration in evaluating future planning applications. Following adoption of the LDP in due course, the SPG will similarly provide supplementary policy to relevant policies within the Plan, which will require the SPG to be updated to incorporate relevant cross references to LDP Policy.

9.0 Equality & Engagement Implications

- 9.1 Section 6 of this report outlines equalities considerations in respect of consultation activity. Summary material will be available in Welsh. An Equality Impact Assessment (EIA) screening has been carried out and this indicates that a full EIA is not necessary.

Background Papers:

None

Appendices:

Appendix A: HOUSES IN MULTIPLE OCCUPATION AND PURPOSE BUILT
STUDENT ACCOMMODATION SPG – DRAFT FOR PUBLIC CONSULTATION

Appendix A: LDP Draft Policies H9 and H11

H 9: HOUSES IN MULTIPLE OCCUPATION AND RESIDENTIAL CONVERSIONS WITHIN SETTLEMENTS

Within settlement boundaries, proposals to convert dwellings or underutilised commercial and industrial buildings to houses in multiple occupation, flats or bedsits will only be permitted where:

- i. The development would be compatible with adjoining and nearby uses;
- ii. In the case of buildings with an employment use, there is no over-riding need to retain that use;
- iii. The development would not contribute to harmful concentration or intensification of HMOs in a particular area; and
- iv. The development would not result in an overintensive use of a dwelling/building.

H 11: STUDENT RESIDENTIAL ACCOMMODATION

Proposals for student residential accommodation should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and
- ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and
- iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

Appendix B: Engagement with Stakeholders

1.0 **Engagement with Stakeholders**

1.1 Consultation has been undertaken with various groups in order to inform the drafting of the SPG. The following consultation exercises have been undertaken:

- a Workshop with local landlord representatives;
- b Workshop with Councillors;
- c Liaison with two Registered Social Landlords(RSLs) active in the Swansea area;
- d Interview with a representative from the Wallich;
- e Interviews with representatives at Swansea University and UoWTSD;
- f Presentation at Swansea Student Liaison Forum meeting; and
- g On-going liaison with Council officers across Departments, particularly licensing, planning policy, development management and highways.

1.2 A summary of the key points raised by each group is included below:

Landlord Workshop

1.3 A workshop was held with local landlords on the 7th November 2016. The key discussion points are summarised below:

- a HMOs fulfil an important role in providing affordable accommodation, however landlords felt they are often negatively perceived. Their positive contribution in terms of addressing housing need, whether it be for students or to provide a means of affordable housing, was considered to not be fully recognised.
- b The group felt that demand for HMOs is increasing in Swansea. This was considered to be as a result of increasing numbers of students which is outstripping supply. It was also recognised that the forthcoming Welfare Reforms are likely to increase demand.
- c Whilst PBSA will help to meet the demand, this was not considered to be able to meet this entirely. Also PBSA was considered to be expensive and not affordable to all students.
- d The new Bay campus was recognised to be changing the geographical demand for student HMOs. This was considered to result in more students requiring accommodation within HMOs closer to the Bay campus.
- e Good quality HMOs that are properly managed were considered to not have adverse impacts. The group considered that more responsibility should be given to landlords and/or agencies to more closely manage HMOs.
- f The Uplands and Castle wards were identified as being the most popular areas for HMOs due to the accessibility to the Universities and the City Centre.
- g It was considered there should be more support for encouraging empty properties to be used as HMOs, as this would allow for properties to be brought back into use.

- h It was considered that parking requirements for HMOs should be reduced and the Council should adopt a more flexible approach.

Members Workshop

- 1.4 A workshop was held with members on the 8 November 2016. The key discussions points are summarised below:
 - a Members recognised the positive impact of HMOs, however they considered a balance is required. It was agreed that the main issues are within areas where there are high densities of HMOs and where they are poorly managed.
 - b Members stated there was a need for a policy which works for the community. People are worried about the cohesion of their community as a result of increases in HMOs and PBSA. Members considered that the policy needs to protect areas that currently do not have high densities of HMOs and that are primarily characterised by family housing, such as St Thomas.
 - c Members felt it will be necessary to ensure that the data on the number of HMOs within the area is up to date and robust going forward in order for the policy to work. They considered that there was a need for a methodology to identify the extent of existing HMOs that do not require a license.
 - d Members supported a threshold and radius approach. They considered threshold areas should be clear and tally up with people's perception and the characteristics of a particular area. They considered a defined radius approach – 100m was suggested - may be more appropriate than calculating concentrations according to an alternative geographical scale e.g. Census output area. It was discussed that 100m might be too large in Swansea, but further work would be undertaken to test different sizes.
 - e Members considered that the SPG should provide clear guidance on the parking standards and the criteria for assessing when a reduced level of car parking may be considered to be acceptable.
 - f It was recognised that PBSA can reduce the pressure for new student HMOs and should be encouraged. However, members did consider that some students prefer to live within HMOs and not all students may be able to afford to reside within PBSA.

Swansea Student Liaison Forum

- 1.5 NLP attended the Swansea Student Liaison Forum Meeting on 24th October. An overview of the commission was provided and initial queries answered. Key questions raised related to how and what impacts of HMOs were being analysed, how un-licenced HMOs might be taken account of in drafting the SPG and how the local community could be involved during the drafting process.

Consultation with Local RSLs

- 1.6 Feedback from Pobl and Coastal was sought via email and telephone. The main considerations highlighted were the implications of the Welfare Reform

Act which in 2018 will affect single persons under 35 in social rented accommodation.

- 1.7 The changes were considered to mean that a large number of individuals will no longer be able to afford to rent a social house or flat and as such will require shared accommodation. The demand for this type of accommodation was therefore expected to increase.
- 1.8 Housing Associations were considering the need to provide shared accommodation, which is likely to be delivered through the conversion of existing houses in order to meet this demand.
- 1.9 Feedback highlighted the need that this policy does not prejudice the establishment of HMOs in areas where there may be demand for such accommodation from single people affected by the Welfare Reform changes.

Interviews

Wallich

- 1.10 Feedback from the Wallich highlighted that they expect an increase in demand for smaller HMOs, due to forthcoming Welfare Reforms and Universal credit.
- 1.11 Wallich highlighted that there is a demand for shared accommodation in Swansea for asylum seekers and single persons between the ages of 25 and 35 in particular.
- 1.12 No particular geographical pattern for demand was noted, although some preference was experienced amongst some groups for central locations, which are closer to support networks and community facilities.

Swansea University

- 1.13 The University highlighted an aspiration to grow in-line with the figures set out in this SPG and noted that University applications were at their highest.
- 1.14 The 'cap' being lifted in England and the Diamond Review were highlighted as key factors for the future, which will influence student numbers going forward.
- 1.15 Swansea University was noted to have a large nursing school and therefore the different needs of these students were noted. For example, these students often live nearer the hospital and have different term structures which often require HMO type accommodation. The University advised that the Council needs to develop a sufficiently flexible tool regarding HMOs which accounts for the accommodation requirements of 'non-conventional students' such as these.
- 1.16 The University has aspirations to achieve 20,000 FTE students over the next 3 years (this is equivalent to circa 25,000 bodies).

University of Wales Trinity St David

- 1.17 The University's current plans seek to focus on development at SA1 and the Waterfront. Permission has been granted to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of UoWTSD's revised masterplan proposals to develop its 'Swansea Waterfront Innovation

Quarter'. Planning permission has been granted for Phase 1 which involves construction of a new Library and Faculty of Architecture, Computing and Engineering (FACE) & Technology Building.

1.18 Development at SA1 will be combined with a gradual rationalisation of some other of UoWTSD's existing bases in Swansea including the Townhill Campus which is a proposed housing allocation in the emerging LDP.

1.19 UoWTSD stated that overall student numbers across all of their campuses were not projected to change substantially.

Other Responses

1.20 A significant number of written responses were also received from the residents of Uplands. These responses raised a significant number of locally-specific issues identified by local residents ranging from experience of parking impacts, refuse, thoughts on what is a harmful HMO concentration and other matter.

Appendix C: Distribution of licensed HMO properties as of October 2016



Castle Ward Boundary



University Campus



Licensed HMO (as of
4th October 2016)



Nathaniel Litchfield
& Partners
Planning, Design, Economics.

Project Swansea HMO

Title Licensed HMOs: Castle Ward

Client City and County of Swansea

Date 01.12.2016

Scale

Drawn by IMAR

Exp. No. GIS_VE_31445_01_07

N



Based on Ordnance Survey data and other sources available at the time of publication.
GIS Reference: SW31445 - Swansea HMO VE31445 - Swansea
HMO - Licensed HMOs (Castle) - 01.12.2016.mxd



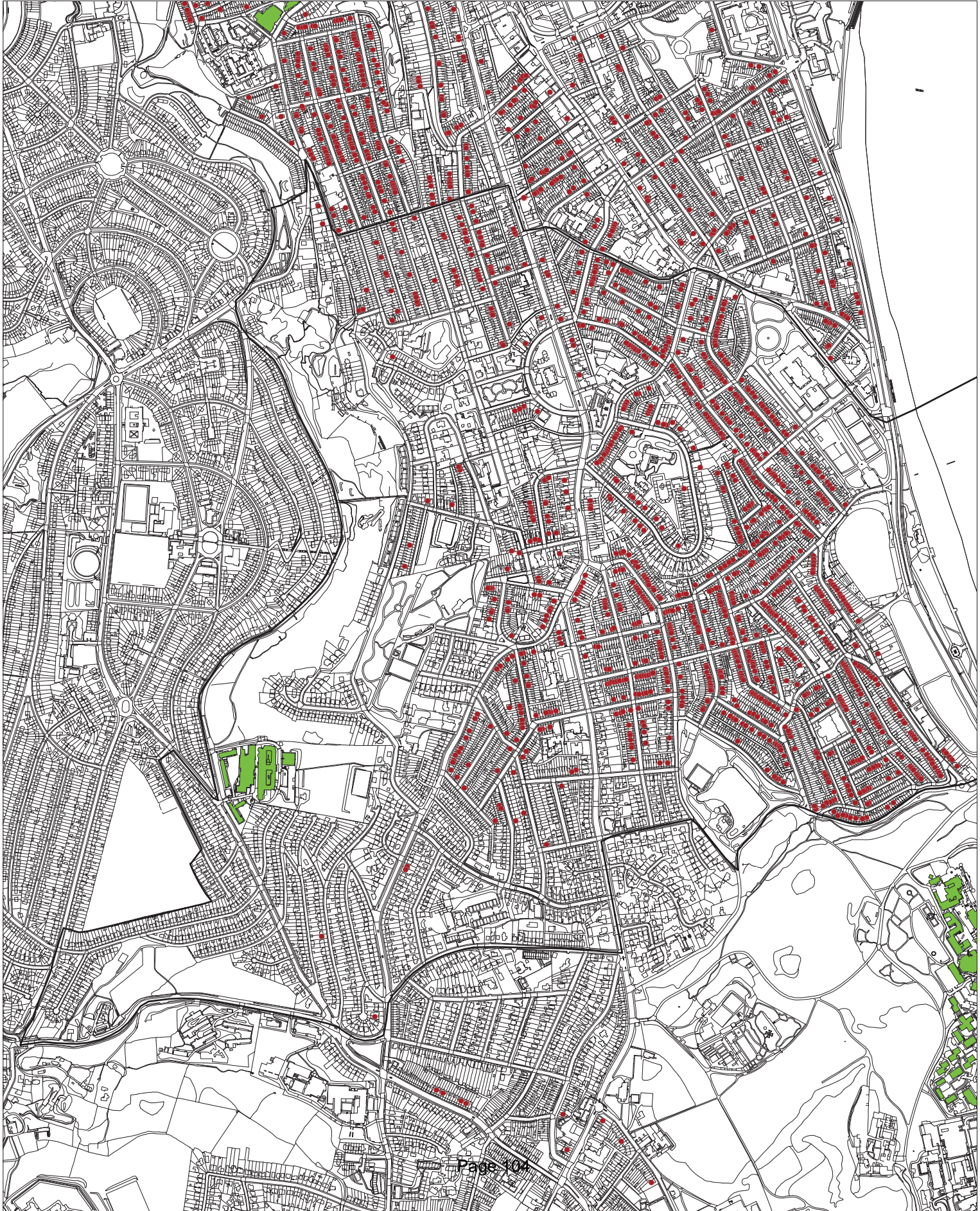
Uplands Ward Boundary



University Campus



Licensed HMO (as of 4th October 2016)



Nathaniel Litchfield & Partners
Planning, Design, Economics.

Project Swansea HMO

Title Licensed HMOs: Uplands Ward

Client City and County of Swansea

Date 01.12.2016

Scale

Drawn by MAR

Eng. No. GIS WE 31445 01.06

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N

St Thomas Ward
Boundary



University Campus



Licensed HMO (as of
4th October 2016)



Nathaniel Litchfield
& Partners
Planning, Design, Economics.

Project Swansea HMO

Title Licensed HMOs: St Thomas Ward

Client City and County of Swansea

Date 01.12.2016

Scale -

Drawn by MAR

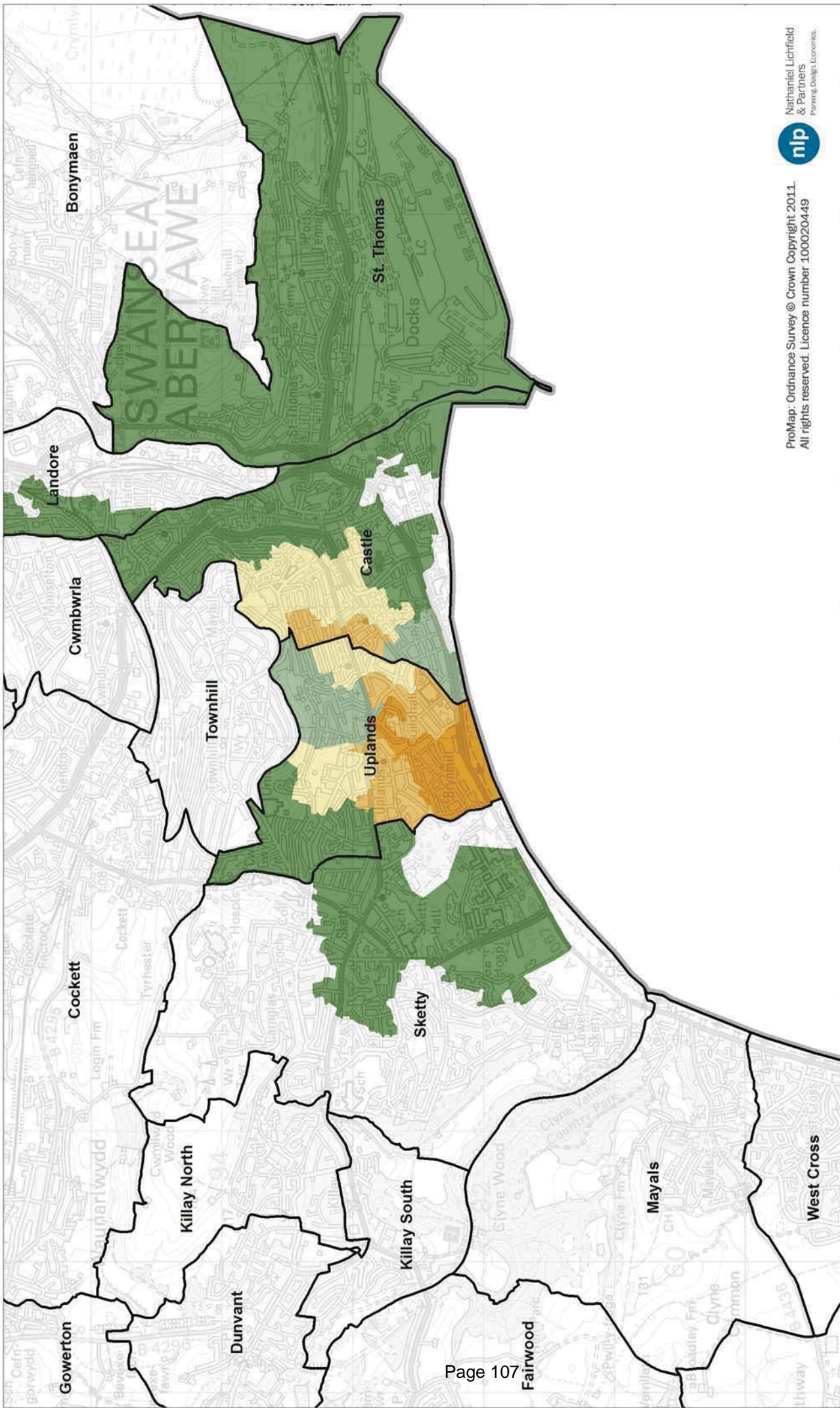
Dwg. No. GIS_VE_31445_01_08

N



Swansea Bay Waterfront
GIS Reference: SW31445 - Swansea HMO VE31445 - Swansea
HMO - Licensed HMOs (St Thomas) - 01.12.2016.mxd

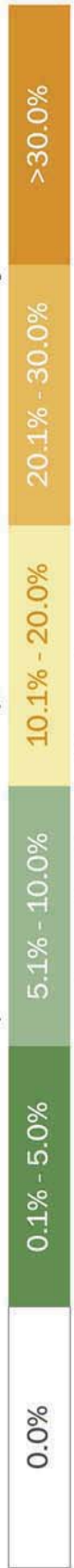
Appendix D: Map of the concentrations of licensed HMOs as a percentage of the total residential properties in that given area



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Nathaniel Lichfield & Partners
Planning, Design, Economics.

Number of licenced HMOs (as of 4th October 2016) as % of total residential stock by LSOA



Ward Boundary

Source: City & County of Swansea Council

Appendix E: Map showing LSOA with 10% or more licensed HMOs of total residential properties

LSOA with 10% or more licensed HMOs of total residential properties



Project Swansea HMO
Title LSOA with 10% or more licensed HMOs of total residential properties
Client City and County of Swansea
Date 08.12.2016
Scale
Drawn by MAR
Dwg. No. GIS WE\314445\01-10



Based on Ordnance Survey data with the permission of the Ordnance Survey Office. © Crown Copyright Ordnance Survey Licence number AL10000000. GIS Reference: S:\WE\314445 - Swansea HMO\GIS\01 - LSOA with 10% or more licensed HMOs of total residential properties - 08.12.2016.mxd

Appendix F: Parking SPG Sustainability Matrix

APPENDIX 5

SUSTAINABILITY

Sustainability points will be awarded to developments that meet the criteria below for their proximity, in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. Award of these sustainability points will result in a reduction in parking requirement as detailed below:

Sustainability Criteria	Maximum Walking Distance	Single Sustainability Points
Local Facilities		
Local facilities include a foodstore, post office, health facility, school etc. Access to two of these within the same walking distance will score single points, whereas access to more than two of these will double the points score.	200m	3 pts
	400m	2 pts
	800m	1 pt
Public Transport		
Access to bus stop or railway station	300m	3 pts
	400m	2 pts
	800m	1 pt
Cycle Route	200m	1 pt
Frequency of Public Transport		
Bus or rail service within 800m walking distance which operates consistently between 7am and 7 pm. Deduct one point for service which does not extend to these times.	5 minutes	3 pts
	20 minutes	2 pts
	30 minutes	1 pt

Thus the sustainability points score for a dwelling within 400m of a school and a post office (1 X 2pts = 2pts), within 300m of a bus stop (3pts) and having a service frequency of every 15 minutes but only between 8am and 6 pm (2 pts – 1pt = 1 pt) would score a total of 6 pts.

Reductions in Parking Requirement

Sustainability Points	Parking Reduction (Per dwelling)	Sustainability Points	Parking Reduction
Residential Developments		All Other Developments (other than shops and retail warehouses)	
10 pts	2 spaces	10 pts	30%
7 pts	1 space	7 pts	20%
		5 pts	10%

Other than for Zone 1 City Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining and for all other developments the reduction shall not be applied unless an acceptable travel plan is also submitted.

Where an applicant wishes a reduced standard of parking to be considered, this form must be completed and submitted accompanied by relevant evidence.

Sustainability Criteria	Maximum Walking Distance	Single Sustainability Points
Local Facilities		
Public Transport		
Cycle Route		
Frequency of Public Transport	Frequency	

Reductions in Parking Requirement Requested

Sustainability Points	Parking Reduction (Per dwelling)	Sustainability Points	Parking Reduction
Residential Developments		All Other Developments (other than shops and retail warehouses)	

Other than for Zone 1 City Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining and for all other developments the reduction shall not be applied unless an acceptable travel plan is also submitted.

Appendix G: Review of Planning Appeals



1.0 Appeals Review

1.1 This section reviews six English and Welsh planning appeal decisions from a range of local authorities who have adopted varying approaches to managing HMOs and/or student accommodation concentrations. As outlined in the earlier section, these broad approaches can largely be categorised into two methods - a 'threshold' or a 'criteria' approach.

1.2 This section summaries the key issues considered in each appeal case and then draws together some conclusions on the observed robustness of these two broad approaches.

Threshold Approach Appeal Cases

Cardiff

Address: 16 Rhymney Terrace, Cardiff, 17 Letty Street, Cardiff, and 93 Richards Street, Cardiff.

Development: Three separate appeals relating to change of uses from C3 to a larger HMO (sui generis)

Appeal Ref: APP/Z6815/A/15/3140589/3140590/3141810

Appeal Date: 22-06-2016

Appeal Decision: Allowed

1.3 The main issue was the cumulative effect of the proposal on the amenity and character of the area, having regard to objectives of maintaining sustainable and balanced communities and whether the proposal conflicts with prevailing planning policies.

1.4 Using the Council's (draft) 50m radius tool, the Council argued that the three proposals were located within areas of high concentration of HMOs (ranging between 50%-59%).

1.5 A key determining factor in this appeal was that all three properties were demonstrated to be operating as shared (3-6 person C3 use class) dwellings at the point the new C4 use class change was introduced. Therefore they were subsequently identified to be a C4 use class. . In each appeal the proposed development was considered on the basis of an increase of occupancy from 6 unrelated persons (C4 use class HMO) to occupancy by 8 persons (sui generis HMO).

1.6 On this basis, the Council considered that each proposal would result in unacceptable cumulative harm to amenity because the increased proportion of transient residents in the area and proliferation of vacant properties in the summer months would lead to less community cohesion and place higher demands on social, community and physical infrastructure.

- 1.7 The Inspector noted that Cardiff's Local Development Plan (LDP) policy did not suggest any particular point beyond which further intensification of HMO occupancy will be considered less favourably. Whilst the Inspector did make reference to the Council's Supplementary Planning Guidance (SPG), which sets a concentration threshold, he gave no weight to this as it was draft and had only just been published for consultation.
- 1.8 The Inspector found that since the 3 properties are likely to continue in HMO use even if the appeals were not to succeed the proposals will make no difference to the number and proportion of properties in HMO use in their respective locations within the Cathays ward. Whilst he acknowledged that occupancy of each property by a larger number of unrelated persons may bring with it marginally greater issues of domestic rubbish control and street litter, he considered these matters are largely for management and resolution via effective organisation of services and community engagement strategies.

- **Key Learning Output:** Highlights the need for a SPG to set a framework for considering policy and determining 'cumulative impact'. Highlights the distinction between considerations of an intensification of HMO use and creation of a new HMO property.

Nottingham

Address: 4 Albert Grove, Nottingham
Development : Creation of an additional seventh bedroom at the appeal property, which is in use as a HMO providing student lets.
Appeal Ref: APP/Q3060/A/12/2181125
Appeal Date: 13-03-2013
Appeal Decision: Dismissed

- 1.9 The main issue in this appeal was the effect of the development on the living conditions of nearby residents, with particular regard to the creation and maintenance of a balanced and sustainable community.
- 1.10 The appeal site was located within an area that had been identified as an area with a high concentration of students (an average concentration of 47% of student households). The Inspector made reference to the Council's Supplementary Planning Document (SPD) 'Building Balanced Communities', which indicated that in an area where students account for more than 25% of households, planning applications will be refused unless the applicant can clearly demonstrate the community balance will not be adversely affected. The applicant had not provided any evidence to show that the community balance in the area will not be adversely affected by the development.

- 1.11 The Inspector noted that there is no substantive evidence to suggest that the living conditions of neighbouring residents would be directly adversely affected by the development with particular regard to noise, disturbance and parking.
- 1.12 The Inspector considered the main issue to be cumulative impact. The Inspector accepted that, whilst the proposal relates to one bedroom, if replicated across the wider area, such development would lead to a more substantial increase in student accommodation, which would prejudice the creation and maintenance of a balanced community.

- **Key Learning Output:** An observed benefit of having a clear threshold and a potential method by which this threshold might be framed to allow the applicant the ability to provide evidence to demonstrate the absence of harm.

Nottingham

Address: 19 Swenson Avenue, Nottingham
Development : Change of use from family residence to student accommodation.
Appeal Ref: APP/Q3060/A/13/2210212
Appeal Date: 13-03-2014
Appeal Decision: Dismissed

- 1.13 The main issues were the effect of the development on the maintenance of balanced communities and on the living conditions of local residents with particular regard to parking, noise and disturbance.
- 1.14 The Council's policies sought to not permit proposals resulting in additional student accommodation in areas with a significant concentration of student household unless the applicant can clearly demonstrate that the community balance will not be adversely affected. The threshold was set at 25% within a specified 'output area'.
- 1.15 The appeal site was located in an area where 46% of households are students, taking into account the average of surrounding output areas the concentration amounted to 30.7%. The Inspector concluded that the development would add to the concentration of students in the area and would have an adverse impact on the aims of policy to create sustainable and balanced communities.
- 1.16 The Inspector considered that an increased concentration would be likely to exacerbate adverse effects e.g. noise, unsatisfactory waste disposal etc. The appellant did highlight the potential (adverse) effects of existing student accommodation in close proximity on their own living conditions (if it continues to be used as a family house) however the Inspector gave little weight to this.
- 1.17 Whilst the Inspector recognised each application and appeal must be treated on its own merits he appreciated the Council's concern that approval of this

proposal could be used in support of similar schemes. He considered this is not a generalised fear of precedent, but a realistic and specific concern given the other properties nearby whose owners may well seek to let their property for the purposes of student accommodation. He therefore concluded that allowing this application could make it difficult to resist planning applications for similar developments in the future and the cumulative effect would exacerbate the harm described.

- **Key Learning Output:** Noted benefit of identifying a clear threshold and a way in which this might be framed to allow the applicant to provide evidence which demonstrates the absence of harm on the community balance.

Newport

Address: Kardinale House, Newport
Development : Change of use from a dwelling to a house in multiple occupation.
Appeal Ref: APP/G6935/A/14/2214123
Appeal Date: 29-07-2014
Appeal Decision: Dismissed

- 1.18 One of the main issues in this case was the effect of the proposed development (8 bed HMO) on highway safety – specifically parking.
- 1.19 The Council's maximum parking standard identified a requirement for 9 no. off-street parking spaces (1 space per bedroom and 1 space per 5 bedrooms for visitors) although the Inspector referenced another HMO appeal¹ where the Inspector concluded in relation to the CCS Wales Parking Standards that the guidance must be interpreted flexibly and with common sense. In that instance the Inspector used 1 space per bedroom and 1 space per visitors as the starting point, before applying reductions taking into account other factors. 'Other factors' in the case of this previous appeal were those which were defined in Appendix 6 of the CCS Wales Parking Standards which uses a 'points' system to take account of location and sustainability. In this previous appeal, the Inspector accepted that this was a suitable basis for establishing an appropriate reduction. The development subject to this appeal proposed to provide 3 spaces, although only 2 were independently accessible. The Inspector did not consider this was adequate and he was not presented with evidence to support the argument put forward which stated students have a lower rate of car ownership.

¹ Appeal at 41 Risca Road, Newport dated 04/07/2011 Ref: APP/G6935/A/11/2148693

- **Key Learning Output:** Noted flexibility and past Inspector interpretation of maximum parking standards for HMOs.

Criteria Approach Appeal Cases

Newcastle-Upon-Tyne

Address: Land at 12 Belle Grove Terrace, Newcastle-upon-Tyne
Development : Retention of three unauthorised HMOs
Appeal Ref: APP/M4510/C/13/2196274
Appeal Date: 17-12-2013
Appeal Decision: Allowed

- 1.20 The main issue in this case was the effect of the development upon (1) the character and appearance of the street scene and that of the locality with particular regard to the intensity of the use and (2) the living conditions of nearby residents having particular regard to noise and general disturbance.
- 1.21 The Inspector found that there was no harm to the street scene from intensification as, whilst the wider area has high concentration of HMOs, the street where the appeal site was located, is not dominated by a high proportion of HMOs. He considered that the limited introduction of three self-contained flats as HMOs, to a street which contains a significant element of family housing and a reasonable mix of accommodation, is unlikely to significantly tip the balance or change the character of the street scene.
- 1.22 It was not therefore considered to have demonstrable harm to the character of the wider locality due to the suitable and sustainable positioning and location of the building in comparison to the surrounding dense and compact locality.
- 1.23 The Inspector found that there was no harm to neighbour's living conditions. The Inspector considered that the location and building was suitable for use as HMO in terms of internal and external spaces and adequate off-street parking in the rear was provided.
- 1.24 The Inspector considered that in the event that noise levels are to such an extent that complaints are likely or cause statutory nuisances, the Council has sufficient powers under other legislation to address these issues. Whilst the Inspector recognises that planning conditions are unlikely to control noise emitted from occupiers congregating outside i.e. smoking, car doors slamming etc this is controlled by the managing agents, which have put in place mechanisms for neighbours to raise legitimate concerns / complaints. Additionally potential occupiers were vetted and references obtained prior to their tenancy.
- 1.25 The Inspector considered that these measures go some way in addressing concerns about anti-social behaviour and general disturbance.

1.26 The Inspector considered that haphazard waste disposal system can be controlled by condition.

- **Key Learning Output:** The noted increased scope for interpretation in a criteria led approach and the possibility that impact on character can be (very) localised – relating to an individual street.

Newcastle-Upon-Tyne

Address: 116 Grosvenor Road, Newcastle upon Tyne
Development : Change of use from C3 to C4..
Appeal Ref: APP/M4510/W/15/3133517
Appeal Date: 15-01-2016
Appeal Decision: Dismissed

- 1.27 The key issues in this appeal related to 1) whether the proposal would result in the loss of a good quality, spacious and convenient dwellings suitable for occupation by a family, 2) the effect of the proposal on the character of the area and 3) the effect of the proposal on the living conditions of occupiers of neighbouring properties (particularly in relation to noise and disturbance).
- 1.28 The Inspector found that Newcastle’s SPD on Maintaining Sustainable Communities accords with the provisions of NPPF which seeks to create sustainable, inclusive and mixed communities.
- 1.29 The Inspector specifically considered how to apply the specific criteria of Policy SC1.
- 1.30 Evidence from a local estate agent was submitted which suggested that whilst the property was suitable and attractive for family accommodation, buyers were deterred by the perceived ‘student’ character of the area. The Inspector contended that the loss of family housing and the changes in character which result from the loss were the items which Policy SC1 seeks to prevent. The Inspector therefore concluded that the house *would* be suitable for occupation by a family.
- 1.31 Another criteria the Inspector considered related to not permitting development that would lead to a level of HMO concentration which would be detrimental to the character of the area. In this case, the Council submitted evidence to demonstrate that 29 of the 63 properties on the lower part of Grovenor Road were HMOs (evidence derived from Council Tax Records and Electoral Registrations) whilst the appellant argued that 57 of the 63 properties were HMOs – although only 13 of these were licenced. The appellant’s evidence was based on discussions with local residents, estate agents and property websites. Therefore the Inspector concluded that there was a high existing

level of HMOs and although the appellant did try to argue that the character has already shifted to one dominated by multiple occupancy. However the Inspector concluded that this would lead to an increased concentration of such uses which would further erode the character of the area.

- 1.32 The Inspector then considered the policy's criterion which seeks to protect against harm to the living conditions of neighbouring residents through the introduction of additional activity, access, traffic or parking. The Inspector considered that due to more comings and goings there would likely be an increased level of noise and disturbance experienced by occupiers of adjacent and surrounding properties.

- **Key Learning Output:** The increased scope for interpreting what is an unacceptable level of HMO concentration (considering impact upon the character of the area). Evidence of licenced and un-licenced HMOs were also drawn upon.

2.0 Conclusion

- 2.1 This review draws together some key issues identified in this sample of HMO appeals. Whilst it has been rather focused, it is apparent that no absolute conclusion can be reached which confirms either the 'criteria' or 'threshold' approach is more robust at appeal. This review demonstrates there are advantages and disadvantages to both approaches.
- 2.2 A **threshold approach** by its inherent nature provides a very clear benchmark to work from in determining what is an acceptable HMO concentration. In this small sample, where authorities have formally adopted a 'threshold' approach Inspectors have not sought to revisit whether this threshold is appropriate or whether the area it is measured on is suitable. Rather the key matters at appeal have then focused upon whether there is any evidence to demonstrate that the proposal would not have adverse impacts on issues such as external appearance, amenity, parking etc.
- 2.3 Specifically Nottingham's (threshold) policy approach did allow for some form of flexibility in applying its threshold. It stated that planning applications which breach the identified threshold would be refused unless the applicant can clearly demonstrate community balance will not be adversely affected. In both appeals reviewed in this location the appellant failed to demonstrate this point however allowing for some of flexibility could in theory allow scope for a more bespoke assessment of impact upon community balance.
- 2.4 The appeals in Newcastle were useful to understand the merits and dis-merits of a **criteria approach**. In these cases, by not setting a threshold this has allowed for consideration of impacts on a site by site basis. However the (opposing) appeal decisions demonstrate there can be difficulties in how the impacts of HMO concentrations on the character of area are considered. This

has yielded some uncertainty but ultimately allows each case to be considered on its own merit.

Implication for Swansea HMO concentration tool

- 2.5 Emerging Swansea LDP Policy H9 (Houses in Multiple Occupation and Residential Conversions within Settlements) sets out 4 criteria which proposals to convert dwellings or underutilised commercial and industrial buildings to HMOs will need to adhere to. The key criteria which relates to HMO concentration states that *“the development would not contribute to harmful concentration or intensification of HMOs in a particular area “*.
- 2.6 Accompanying paragraphs to this policy state that a SPG will define what is deemed a harmful concentration or intensification by setting out threshold limits to be applied to the proportion of the total building stock that HMOs should comprise in different parts of the County.
- 2.7 This appeal review (albeit a small sample) has indicated that the principle of a threshold approach is appropriately robust.

Appendix H: Benchmark Review of Other Planning Policy Approaches



1.0 **Other Policy Approaches Review**

1.1 This section provides a review of six other local planning authorities in Wales and England, strategies and policy frameworks for houses in multiple occupation (HMOs) and purpose built student accommodation (PBSA), in order to identify common practices and approaches. We also include a short summary of the relevant car parking standards in each of these areas and specifically for the 2 Welsh examples summarise the licencing context.

1.2 A summary of the key findings is outlined at the end of this section.

2.0 **Case Study 1: Cardiff**

Adopted Development Plan

2.1 Cardiff's adopted [Local Development Plan](#) (LDP) (2006-2026) has a specific policy (H5) relating to the conversion or sub-division to flats or HMOs. It sets out the following 4 criterion which need to be met:

- a The property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.
- b There would be no material harm to the amenity of existing nearby residents by virtue of disturbance, noise or overlooking.
- c The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area; and does not have an adverse effect on local parking provision.

2.2 The LDP has no specific policy for PBSA.

Supporting Documents

2.3 Cardiff has a draft [Supplementary Planning Guidance](#) (SPG) on HMOs (April 2016), which sets out their policy approach to dealing with planning applications for HMOs. This SPG was consulted upon until 20th October 2016 and has been revised to take of comments. This revised SPG has very recently been approved by Council and therefore has SPG status.

2.4 The Council sets a two-tiered HMO threshold, of 20% within the two wards that have the highest concentration of HMOs, and a 10% threshold in all other wards. It also sets a 50m radius which includes all dwelling houses that have their main frontage facing the street.

2.5 If more than 20% of the dwellings within the highly concentrated areas, or if more than 10% of the dwellings in all other wards, within a 50 m radius of the proposed HMO are already licenced HMOs, then the Council would look to refuse this application unless its implementation, judged in the light of other

material considerations, would serve the public interest. The SPG includes a worked example but does not include mapping to indicate where HMOs properties are currently located.

- 2.6 The SPG also sets out design criteria for assessing proposed HMOs. This takes into account: room size and facilities, recycling and refuse storage, amenity space, parking, cycle storage, noise, light and outlook, access, external alterations and internal alterations impacting on external appearance.

Licencing Context

- 2.7 Cardiff operates a two-tiered HMO licencing approach:

- **Mandatory HMO licencing system:** Citywide

- 2.8 Applies to dwellings that are three-storey or more and contain at least five residents not forming a single household.

- **Additional HMO licencing system:** Cathays and Plasnewydd wards only.

- 2.9 Applies to properties with three or more residents not forming a single household.

3.0 Case Study 2: Newport City Council

Adopted Development Plan

- 3.1 Newport's adopted [LDP](#) (2011-2026) has a specific policy (H8) relating to HMOs. It sets out 4 criteria that proposals to subdivide properties into HMOs will need to adhere to:

- a The scale and intensity of use does not harm the character of the building or locality and will not cause an unacceptable reduction in the amenity of neighbours or result in on street parking problems;
- b Does not create an over concentration of HMOs in one area which would change the character or create an imbalance in the housing stock;
- c Adequate noise insulation is provided;
- d Adequate amenity for future occupiers.

- 3.2 The Council has no specific policy for PBSA.

Supporting Documents

- 3.3 Newport Council adopted its [SPG](#) on HMOs in August 2016. It sets a two-tier threshold, which means that the Council will not support a planning application that would take the number of HMOs, considered as a proportion of local housing stock, above a specified limit.

- 3.4 In 'defined areas' this limit is 15%; in other areas, 10%. It notes that proposals that exceed these figures will be unsuccessful unless their implementation, judged in the light of all other material considerations, would serve the public interest.
- 3.5 Like Cardiff, it uses a radius to identify an area in which to apply the thresholds limits. This area will include all residential properties where their entire principal elevations lie within a 50 m radius. It notes that, in areas where there are only a handful of properties within the 50m radius, the council will apply the relevant threshold to an area that contains at least 10 dwellings.
- 3.6 Should a 50m radius fail to capture the required number of properties, the Council will select the nearest 10 dwellings from the same side of the street as the proposed HMO.
- 3.7 The SPG includes a worked example of this tool and also includes a link to an on-line mapping tool which shows where other HMOs are. The SPG also sets out design criteria for assessing proposed HMOs. This takes into account: parking provision, amenity considerations, character of the area, design considerations, alterations to listed buildings, alterations to buildings within conservation areas.
- 3.8 Licencing Context: Newport operates a two-tiered HMO licencing approach although it's not clear from the SPG which geographic areas this covers:
- **Mandatory HMO licencing system**
- 3.9 Applies to dwellings that are three-storey or more and contain at least five or more persons.
- **Additional HMO licencing system**
- 3.10 Applies to properties that contain more than two households.

4.0 **Case Study 3: Falmouth**

- 4.1 Given the merger of several smaller authorities into one unitary authority - Cornwall Council – the policy context for the Falmouth area is complex. However of most recent note is the current consultation on Cornwall Council's Site Allocations Development Plan Document ([DPD](#)). With regards to Falmouth, the DPD sets out a three pronged approach to manage HMOs and PBSA (see para 7.44):
- a The introduction of an Article 4 Direction and Neighbourhood Plan, which will be able to prevent further loss of the existing houses stock to student accommodation;
 - b Any increase in the student cap at the Penryn Campus should only be lifted in a phased manner, directly linked to the delivery of bespoke, managed, student accommodation (i.e. when a student accommodation scheme has been built, an equivalent increase in the Penryn Campus

student cap is allowed). An appropriate mechanism must also be implemented to monitor any future growth and its impacts; and

- c The identification of a small number of sites that could appropriately deliver managed student accommodation; with sites identified both off-site and on-site to satisfy future needs.

4.2 To facilitate the third point, a series of site options have been identified to support the delivery of managed student accommodation.

4.3 It further notes that the any proposed development relating to student accommodation, including change of use, should also have due regard to the Falmouth Neighbourhood Plan, which when adopted will form part of Cornwall's Local Plan and will provide policies to manage student accommodation proposals within the town.

Falmouth Neighbourhood Plan & forthcoming HMO Article 4 Direction

4.4 On request from Falmouth Town Council, Cornwall Council is in the process of introducing an Article 4 Direction in Falmouth. The [Article 4](#) would require new HMOs in Falmouth that fall into the Dwelling Use Class C4 to apply for planning permission. The Article 4(1) direction comes into force on 16 June 2017.

4.5 The policy approach for dealing with planning applications for HMO will be set out within a Falmouth Neighbourhood Plan. The Neighbourhood Plan is currently in progress and not available in draft form at this stage.

4.6 The Neighbourhood Plan will set out where HMOs would and would not be permitted. Planning applications will be assessed against the policies set out in that plan. The intention is stated to not be to prevent any future HMO increases, as they are recognised as a vital element of Falmouth's housing options. The Article 4 will be used to maintain a balanced and sustainable mix of housing options in particular locations by ensuring HMOs don't reach unsustainable levels in concentrated areas. It is stated that research identified particular clusters of HMOs – ranging from 12% to 24%.

4.7 The [Neighbourhood Plan](#) website states that this forthcoming Plan could be used to set the criteria for how these planning applications are decided. These could, for example,

- a prevent further changes of use to HMO in the areas already significantly affected by HMOs if they would cause harm to amenity or community balance;
- b set positive criteria for planning permissions for changes of use to HMO in other areas, subject to an upper limit.

5.0 **Case Study 4: Birmingham City Council**

Adopted Plan

5.1 The Unitary Development Plan (UDP) is the current existing development plan for Birmingham. It was adopted in 1993 and reviewed in 2005. It has a specific policy relating to [HMOs](#). The following criteria is used in such determining planning applications:

- a effect of the proposal on the amenities of the surrounding area and adjoining premises;
- b the size and character of the property;
- c the floorspace standards of the accommodation;
- d the facilities available for car parking;
- e the amount of provision in the locality.

5.2 The following guidance will also apply:

5.3 The use of small terraced or small semi-detached houses for HMO will cause disturbance to the adjoining house (s) and will be resisted. The impact of such a use will depend, however, on the existing use of adjoining properties and on the ambient noise level in the immediate area.

5.4 Where a proposal relates to a site in an area which already contains premises in similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

Supporting Documents

City Wide Policies - Residential Uses Specific Needs SPG

5.5 The Council has an adopted [SPG 'Specific Needs Residential Uses'](#), which provides further guidance on space standards for HMOs and also minimum bedroom sizes for Student Accommodation.

5.6 The Council recognises that the demand for student residential accommodation of all types generally exceeds the supply available and therefore does not wish to unduly restrict the supply of accommodation.

5.7 It notes that parking for student accommodation is treated on its merit through proximity to the campus.

**Area based planning policies - Selly Oak, Edgbaston and Harborne:
Houses in Multiple Occupation Article 4**

- 5.8 Birmingham City Council introduced an Article 4 Direction in Selly Oak, Edgbaston and Harborne, which requires planning permission for the change of use of a family home to a use class which falls into dwelling Use Class C4 – “Houses in Multiple Occupation. The Article 4 direction came into force on 30 November 2014.
- 5.9 Alongside the Article 4 direction, a [Planning Policy Document \(November 2014\)](#) has been prepared and will be a material planning consideration until the policy is included in the forthcoming Development Management Development Plan Document.
- 5.10 The policy aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. The policy approach is:

Policy HMO1

Conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses.

Emerging Planning Policies

- 5.11 The Council has been in the process of preparing its Development Plan which will cover the period up until 2031.
- 5.12 The latest version of the Plan ([pre-submission document part 3, 2013](#)) has a specific policy relating to PBSA. It notes that PBSA provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:
- a There is a demonstrated need for the development
 - b The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport
 - c The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity
 - d The scale, massing and architecture of the development is appropriate for the location
 - e The design and layout of the accommodation together with the associated facilities provided will create a positive living experience.

5.13 The Development Plan has no specific policies relating to HMOs.

Case Study 5: Nottingham City Council

Adopted Plan

5.14 Nottingham City Council's [Aligned Core Strategy](#) (adopted 2014) recognises that increased numbers of student households and HMOs has altered the residential profile of some neighbourhoods dramatically, and has led to unsustainable communities and associated amenity issues.

5.15 It notes that the problem is most acute within Nottingham City, and in order to help address this, the City Council introduced an Article 4 Direction in March 2012 that requires planning permission to be obtained before converting a family house (C3 dwelling house) to a (C4) House in Multiple Occupation anywhere within the Nottingham City Council area.

5.16 The Core Strategy also encourages PBSA in appropriate areas. It recognises that such developments can provide a choice of high quality accommodation for students and also assist in enabling existing HMOs to be occupied by other households, thus reducing concentrations of student households.

Emerging Policies

5.17 The policy approach to considering planning applications for student accommodation and HMOs is set out in the emerging Nottingham [City's Part 2 Local Plan \(Publication Version January 2016\)](#). The plan has a specific policy (HO6) relating to HMOs and PBSA.

5.18 In assessing planning applications for HMOs, the Council will consider the following criteria:

- 1 Existing proportion of HMOs and/or student households and whether this will amount to a 'significant concentration'
- 2 The individual characteristics of the building or site and immediate locality;
- 3 Any evidence of existing HMO and/or PBSA within the immediate vicinity of the site that already impacts on local character and amenity;
- 4 Impact of the proposed development on the character and amenity of the area;
- 5 Whether the proposal would incorporate adequate management arrangements, and an appropriate level of car and cycle parking having regard to the location, scale and nature of development;
- 6 Whether the proposal would result in the positive re-use of an existing vacant building or site that would have wider regeneration benefits;

- 7 Whether adequate evidence of the need for new PBSA of the type proposed has been provided; and
 - 8 Whether new PBSA is designed in such a way that it can be capable of being re-configured through internal alternations to meet general housing needs in the future.
- 5.19 Where there is already a 'significant concentration' of HMOs and/or student households in an area, planning permission will not usually be granted for further HMOs or PBSA. A 'Significant Concentration' is considered to be 10%.
- 5.20 Appendix 6 of the Local Plan Part 2 sets out the methodology for determining areas within a significant concentration of HMOs. It notes that these areas are identified using Council Tax information to map the properties where student exemptions apply combined with Environmental Health records of properties known to be in use as HMOs.
- 5.21 It identifies Output Areas comprising of 10% or more HMOs/Student Household, along with contiguous Output Areas. Output Areas are defined by the Office for National Statistics and are stated in this Plan to provide the only independently defined and convenient geographical units for the purpose of this approach. An Output Area comprises relevant data for approximately 125 households.
- 5.22 A weighing factor is applied to council tax exemption data in respect of Halls of Residence / PBSA of similar formats, based on the application of an average student household size of 4 persons. Therefore a 100 bed space Hall of Residence would equate to 25 student households.
- 5.23 The area of measurement for determining whether there is a 'significant concentration' is the Home Output Area within which a development proposal falls and all Contiguous Output Areas (those with a boundary adjoining the Home Output Area), thereby setting the development proposal within its wider context.
- 5.24 Having defined the relevant Output Area cluster, Council Tax data and Environmental Health records are then used to provide a combined total for HMOs / Student Households within the cluster. Essentially the information will show that there are 'x' households within the cluster (taken from Ordnance Survey Address Point data and cross-checked with Council Tax Household data) of which 'y' are HMOs / Student Households (taken from the Council Tax and Environmental Health data). This is expressed as a percentage.
- 5.25 The Plan also has a specific policy (HO5) relating to the location for PBSA. It notes that PBSA of an appropriate scale and design will be encouraged in the following locations:
- a Allocated sites where student accommodation use accords with site specific Development Principles;

- b University campus;
- c Within the city centre boundary;
- d Above shopping and commercial frontages within defined Town, District and Local Centre, and within other commercial frontages on main transport routes where this assists in the regeneration of underused sites and premises;
- e Sites where student accommodation accords with an approved SPD.

Supporting Documents

- 5.26 The Council's 'Building Balanced Communities' [SPD](#) (adopted 2006 and reissued in March 2007) sets out, amongst other things, the Council's approach to the provision of student housing. The SPD pre-dates the Council's Core Strategy and Emerging Local Plan. The SPD seeks to encourage the provision of PBSA in appropriate locations and to restrict the provision of further student housing in areas with a recognised over-concentration of students, where the creation and maintenance of balanced communities is therefore seen as an issue.
- 5.27 With regards to HMOs, the SPD notes that planning permission will be refused where the development would prejudice the creation and maintenance of balanced communities. In deciding whether the creation and maintenance of balanced communities is prejudiced, the City Council will have regard to:-
- a the percentage of households in a locality that are made up solely of full time students (appendix 1);
 - b the overall number of students in an area, which can have an important influence on community balance. For instance, the presence nearby of PBSA can lead to large numbers of students in an area of relatively few student households; and
 - c whether the area currently has relatively few student households, but is in danger of becoming unbalanced as numbers increase and the problems identified in appendix 2 are beginning to manifest.
- 5.28 An area of significant student concentration are 'output areas' which comprise 25% of student households and above. In an area where students account for more than 25% of households, planning applications will be refused unless the applicant can clearly demonstrate that the community balance will not be adversely affected.

6.0 Case Study 6: Newcastle City Council

Adopted Plan

- 6.1 Newcastle City Council adopted its [Core Strategy and Urban Core Plan](#) (CSUP) on 26 March 2016. It notes that the Council will continue to support

PBSA in suitable and accessible locations supported by access to local services. The policy seeks to focus the provision of PBSA within the Urban Core.

- 6.2 The UDP was adopted in 1998 although some policies still remain saved following adoption of the CSUP in 2016. The main policy (H1.5) relating to student housing in the UDP is however superseded by the CSUP.
- 6.3 The CSUP includes a broad policy (CS11: Providing a Range and Choice of Housing) which seeks to focus the provision of PBSA within the Urban Core.
- 6.4 The [UDP](#) has a (saved) Development Control Policy Statement (5) which refers to HMOs. It notes that the following criteria will be taken into account in determining planning applications for HMO:
- a General nature of the locality, including the incidence and impact of intensive residential uses;
 - b Effect on the character of the locality;
 - c Size and suitability of the premises;
 - d Outlook and privacy of prospective occupants;
 - e Effect on adjacent and nearby occupiers;
 - f Impact on any necessary fire escapes;
 - g Availability of adequate, safe and convenient arrangements for car parking;
 - h Local highway network and traffic and parking conditions;
 - i Provision for refuse storage facilities;
 - j Ease of access for all sections of the community;
 - k Views of consultees and nearby occupiers;
- 6.5 It further notes that the grant of planning permission for HMO's may include conditions relating to, inter alia:
- a Soundproofing of premises;
 - b Car parking to be provided before first use;
 - c Refuse storage facilities;
 - d Provision of means to enable access for all.

Supporting Documents

- 6.6 In 2011, the Council introduced the Maintaining Sustainable Communities SPD with the aim of controlling the growth of HMOs. Since that time the Council has adopted its Core Strategy and Urban Core Plan. The Council has therefore reviewed the 2011 SPD, and an updated [draft SPD](#) (September 2016) is out for consultation until 25 November 2016.

- 6.7 It notes that the Council introduced three HMO Article 4 Directions between 2011 and 2013.
- 6.8 Policy SC1 – HMO Changes of Use sets out the policy against which planning application for HMOs will be considered. The Council does not adopt a threshold approach to assessing the acceptability of planning application for HMOs. Rather the policy sets out 9 criteria, which take into account factors such as loss of a suitable family home (in Article 4 areas). Other considerations listed are also generally applied in all locations – such as unacceptable harm to the amenity of neighbouring residents, detrimental to the character and appearance of the locality or existing building, highway and parking issues, whether it would lead to a level of concentration of such uses that would be damaging to the character of the area (level of concentration is not defined).
- 6.9 In the case of Tyneside flats within Article 4 areas, the policy further restricts the change of use of an upper flat to an HMO, and the extension or alteration of an upper flat HMO to facilitate the creation of additional habitable space within the roof space through the insertion of new or increased size rooflights or dormer window extensions.
- 6.10 Within an HMO Article 4 area, the policy notes that PBSA will not be granted. The supporting paragraph notes that developments for new PBSA in Article 4 areas would also result in an increased density of shared housing in areas which already experience impacts associated with this form of accommodation. It is therefore also necessary to control the growth of this form of development. The form of development covered could be new build or conversion of existing properties and cover tradition three to six person small HMO, larger HMO or accommodation that is designed specifically for student or other forms of occupation.
- 6.11 Policy SC2: Housing in the Urban Core refers to residential development in the Urban Core of the City. The policy requires the design of PBSA, including HMOs (both C4 and Sui Generis) to ensure that it can be adaptable to alternative future uses.

Interim Planning Guidance on Purpose Built Student Housing (November 07)

- 6.12 The Council has an adopted Interim Planning Guidance on PBSA. This document pre-dates the Core Strategy and Urban Core Plan. The document sets out an overall strategy to address student housing needs in Newcastle, and deals specifically with new purpose built student housing. It seeks to promote and enable the development of a range of good quality PBSA schemes in appropriate, sustainable locations. The document notes that alongside encouraging the development of PBA, the Council is seeking to discourage the conversion of family houses into flats or HMOs.

- 6.13 It notes that relevant guidance relating to PBSA may also be included within Area Action Plan DPD, and within development briefs for individual sites.
- 6.14 The document identifies potential sites for student accommodation, many of which are within and at the edge of the city centre. Other sites have been identified where these are accessible to the University Campuses via sustainable means of transport. In particular it considers:
- a Site Size
 - b Estimated Student Bed spaces
 - c Location
 - d Current use/background
 - e Constraints
 - f Ownership, Property and Land issues
 - g Timescales
 - h Planning Context including sustainability / transportation etc.
 - i Regeneration Issues.
- 6.15 A scoring framework was developed in order to assess the overall suitability of these sites. The criteria used is as follows:
- a Accessibility to the Campuses
 - b Site size / Capacity
 - c Planning Merits
 - d Regeneration Merits
 - e Availability / Timescales
- 6.16 The resulting site scores were intended to help identify which sites were potentially suitable without prejudicing consideration of any planning application.

Case Study 7: Belfast City Council

- 6.17 The Council has a guidance documents on the management of HMOs referred to as the 'Subject Plan'. The Belfast HMO strategy is to:
- a Protect the amenity of areas where multiple occupation is, or is likely to become, concentrated;
 - b Accommodate the need and demand, while maintaining a community balance;
 - c Focus HMO development in areas where it can contribute to regeneration; and
 - d Promote appropriate development of purpose built student accommodation.

- 6.18 The Council adopt a threshold approach to identify the extent to which further HMO development will be permitted in different locations. In areas where there are currently houses in multiple occupation, or within an area that is likely to become concentrated, planning permission will only be granted where the number of HMOs does not exceed 30% of all dwelling units within the Policy Area.
- 6.19 The 30% threshold was considered to be the upper limit for conversion to multiple occupation, as this level could potentially assist regeneration but at the same time would not necessarily result in the local communities becoming imbalanced. The Council identified 22 areas where HMOs are concentrated and which already exceeds 30% of the dwelling units. Consequently, no further HMO development will be permitted within these areas until such time as the proportion of HMOs falls below 30% i.e. the change of use of HMOs to a dwelling house. Outside of the 22 HMO Policy Areas, and designated HMO Development Nodes (this refers to HMOs within commercial or shopping areas, the Council adopts a 10% threshold based on the number of dwelling units on that road or street. In instances where such road or streets exceeds 600m in length, the number of dwelling units within 300m either side of the proposal on that road or street will be taken into account.
- 6.20 The Council consider that setting a limit of 10% will allow a degree of managed and controlled growth of HMOs.
- 6.21 The Council also adopts a criteria based policy in determining planning applications for HMOs. It notes that planning permission will only be granted for HMOs where all of the following criteria are met:
- a Any HMO unit within a Policy Area does not exceed 4 bedrooms;
 - b Any HMO unit is not wholly in the rear of the property without access to the public street;
 - c The original property is greater than 150 sq m gross internal floor space when any house is being converted to flats for HMO use;
 - d All flats for HMO use are self-contained

Purpose built student accommodation

- 6.22 In June 2016, the Council adopted its Supplementary Planning Guidance (SPG) on Purpose Built Managed Student Accommodation. The guidance is structures into 6 key criteria consisting of:
- a Location and accessibility;
 - b Design quality
 - c Impact and scale
 - d Management
 - e Need

f Planning agreements.

7.0

Car Parking Standards

A summary of the various car-parking standards is included overleaf:



	Cardiff 2010 Parking Standards	Newport 2015 Parking Standards	Cornwall 2004 Parking Standards	Birmingham 2012 Parking Standards	Nottingham 2016 Emerging Parking Guidance	Newcastle 2015 Parking Standards	Belfast Belfast Metropolitan Area Plan
HMOs	C3 HMOs in non-central areas: maximum 1 car parking space per unit, with 0.25 visitor spaces per unit and 0.25 cycle parking per unit. Not clear what the requirement would be for HMOs in central areas.	HMOs in central areas: standards do not specifically differentiate for HMOs – just ‘houses’ at 0.5 to 1 space per unit. HMOs outside of the city centre: the requirement for HMOs is 1 space per bedsit, and 1 visitor space per 5 units.	No specific standard for HMOs. Studios/bedsits is 1 space / 3 units.	No specific standard for HMOs	C4 HMOs is differentiated although it notes that it is based on discussions with Planning/Highways	No specific differentiation for HMOs.	No specific differentiation for HMOs.
PBSA	Sui Generis PBSA in all areas: 1 space per 25 beds, and 0.25 cycle visitor short spaces in addition at 0.05 per unit	PBSA within the City Centre: 1 space per 25 beds for servicing, wardens and drop-off areas, with no visitor spaces. PBSA (under college/university control) outside of the City Centre: 1 space per 25 beds for servicing, wardens and drop-off areas. The visitor car parking requirement is 1 space per 10 beds (for students and/or visitors).	Higher and Further Education: – 1 sp/2 staff and 1 sp/15 total possible students.	Purpose Built Student Accommodation (Use Class C2): Area 1: 1 space per 10 bedrooms. Area 2: 1 space per 7.5 bedrooms. Area 3: 1 space per 5 bedrooms (lower provision will be appropriate in campus situations)	C2 PBSA is differentiated. Notes that it is based on discussions with Planning/Highways	No differentiation for PBSA but (C3) student Accommodation is specified: 1 per 4 bed space and where appropriate 1 per unit of warden accommodation and suitable pick up and drop areas. In some instances no parking will be acceptable in the city centre.	No specific differentiation for PBSA.

8.0 **Summary**

8.1 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs and PBSA.

Method of Managing HMOs

8.2 This review has identified two broad approaches:

- 1 Threshold; or
- 2 Criteria.

Threshold

8.3 Those that adopted a threshold approach defined a geographic area (a radius or an output area). This area was then used as a basis for considering whether an identified concentration threshold was breached.

8.4 Defined radius sizes varied between 50m and 100m and took account of licenced HMOs in these areas. Although in some instances, account was also taken of unlicenced HMOs as well.

8.5 Belfast looked at the number of dwelling houses within the street as a basis for considering whether an identified concentration threshold was breached.

8.6 The Nottingham case study took account of student only HMOs, PBSA and Halls of Residences within a defined 'output area' comprising approximately 125 households.

8.7 Threshold identified in the case studies varied between 10%, 15%, 20%, 25% and 30%.

Criteria

8.8 Newcastle was an example where a specific percentage threshold was not defined and instead the Authority used a criteria policy to assess the acceptability of a proposed new HMO. Slightly stricter controls were applied within Article 4 areas compared with other areas. The identified criteria policy related to topic areas such as amenity, character, appearance and refuse.

Managing PSBA

8.9 Methods of managing PSBA differed between case studies, although most sought to focus such developments in existing campus locations and/or central areas. Case studies in Newcastle and Falmouth showed some authorities had sought to proactively identify prospective sites for PSBA development.

Car Parking Standards

8.10 A wide range of approaches to car parking standards was identified with no real correlation in approach. Some case studies identified specific standards

for HMOs and/or PBSA whilst others did not. This mix in approaches, to some degree, reflected the varied age of the various guidance documents (i.e. some pre-dated changes to the use classes order).

Appendix I: Threshold Map

Proposed 30% Threshold Area



University Campus



Nathaniel Litchfield & Partners
Planning, Design, Economics.

Project Swansea HMO

Title Licenced HMOs: Proposed 30% Threshold Area

Client City and County of Swansea

Date 01.12.2016

Scale

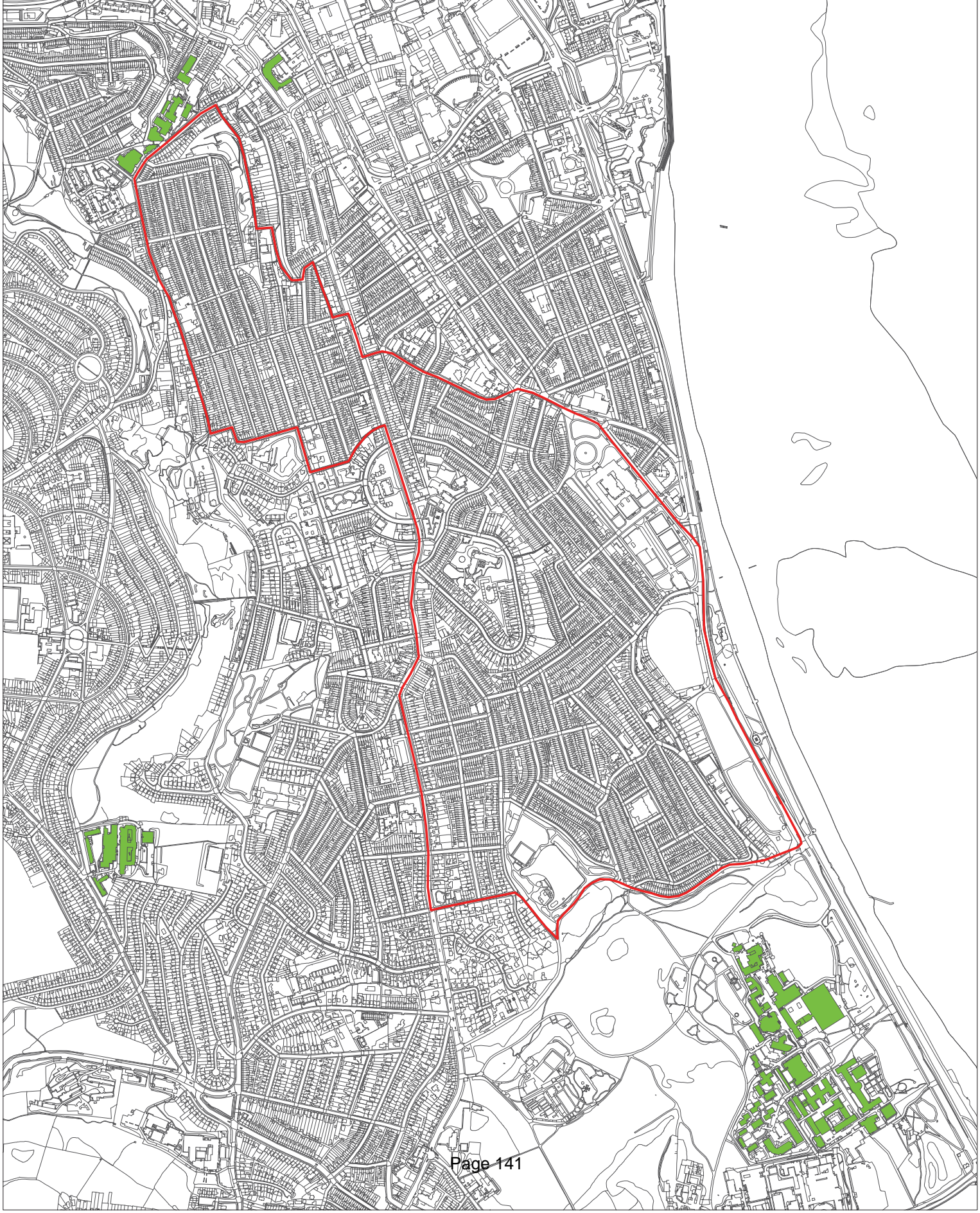
Drawn by IMAR

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Information on this plan was prepared with the assistance of the Ordnance Survey
GIS Database. SW\31445 - Swansea HMO\WE\31445 - Swansea
HMO - Licenced HMOs - Proposed 30% Threshold Area - 01.12.2016.mxd



Appendix J: Sensitivity Testing

- Proposed HMO
- Other Licenced HMO (as of 4 October 2016)
- Dwelling House

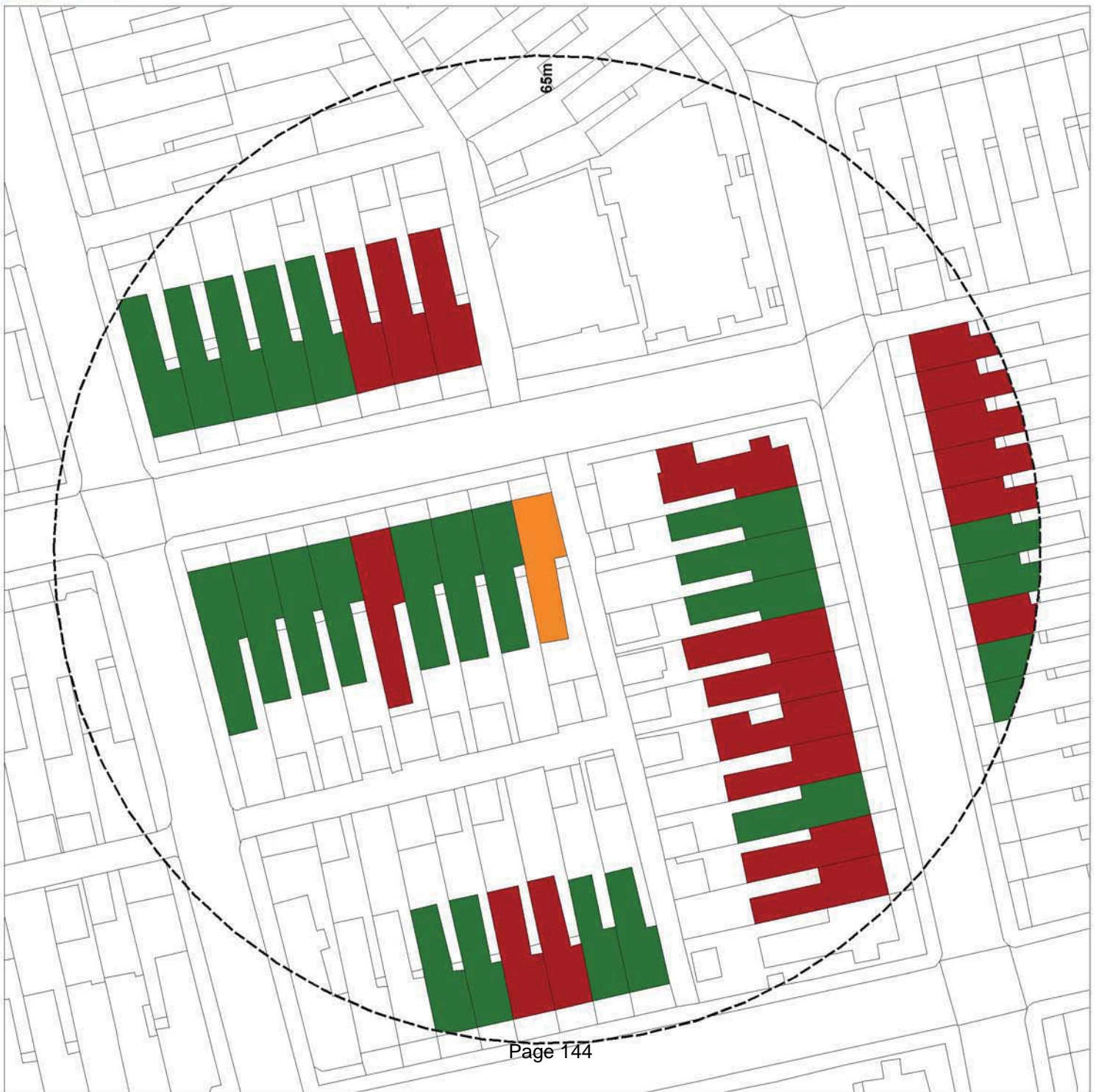
52 dwelling houses
19 HMOs
37% of all dwelling houses are HMOs

Source: City & County of Swansea Council



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- Proposed HMO**
 - Other Licenced HMO
(as of 4 October 2016)**
 - Dwelling House**
- 45 dwelling houses
19 HMOs
42% of all dwelling houses are HMOs
- Source: City & County of
Swansea Council



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- Proposed HMO
- Other Licenced HMO
(as of 4 October 2016)
- Dwelling House

70 dwelling houses
16 HMOs
24% of all dwelling houses are HMOs

Source: City & County of
Swansea Council



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- Proposed HMO**
 - Other Licenced HMO
(as of 4 October 2016)**
 - Dwelling House**
- 11 dwelling houses
5 HMOs
45% of all dwelling houses are HMOs
- Source: City & County of
Swansea Council



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**Houses in Multiple
Occupation & Purpose Built
Student Accommodation**

**Supplementary Planning
Guidance (SPG)**

**Draft for Public
Consultation**

December 2016

31445/GW/SDv

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1.0 Introduction

Overview

- 1.1 Building sustainable communities is one of five identified priorities in the City & County of Swansea's (CCS) Corporate Plan (2016/17), which states:

"We need to work together to build and support sustainable and thriving communities because this will result in the best possible outcomes for people, reduce the need for public services, and consequently reduce the cost of services.

Sustainable communities are ones people want to live, work and bring up their families within. These are communities in which the vulnerable find support, people run businesses, and families work well and stay together"

(Swansea Corporate Plan 2016/17 p25)
- 1.2 This Supplementary Planning Guidance (SPG) sets out the Local Planning Authority's (LPA) approach to planning sustainably for Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA).
- 1.3 It defines the planning policy framework that the LPA will use to determine planning applications for these types of development and provides detailed guidance on the way adopted Development Plan policies will be applied.
- 1.4 Within Swansea there are diverse communities and neighbourhoods which each occupy a different function in the housing market. Maintaining a mix of housing types, tenures and choice is important in helping to achieve sustainable communities. Within this mix, it is vital to ensure an appropriate quantum and quality of accommodation is provided for students to allow for the sustainable growth of Swansea University and the University of Wales Trinity St David (UoWTSD). These are important economic drivers for the City and their continued success will play a key role in delivering increased prosperity to Swansea and the wider region.
- 1.5 In some areas of Swansea, the concentration of HMOs has led to negative impacts that are threatening the sustainability of these communities. Additionally, PBSA developments are increasingly coming forward as a means of helping to meet the housing needs of students and potentially may reduce the pressure for additional HMOs.
- 1.6 This SPG aims to provide a clear framework for making effective and consistent decisions to manage the location and concentration of HMOs in the public interest. The SPG is set against a context that recognises the important role HMOs play in providing an affordable housing choice for students and non-students, whilst recognising that negative impacts can arise without appropriate control. The SPG also provides guidance on how the LPA will consider proposals for PBSA, including providing clarity on the most appropriate locations for such development.

2.0 Terms of Reference

- 2.1 This chapter sets out some key definitions which are relevant to the remainder of this SPG.

House in Multiple Occupation (HMO)

- 2.2 The planning system defines HMOs into two different use classes dependant on their size:
- a **Small HMOs:** in broad terms this relates to shared dwelling houses which accommodate between 3-6 unrelated persons who share basic amenities. This type of property is defined as Use Class C4.
 - b **Large HMOs:** relates to shared dwelling houses with more than 6 unrelated persons sharing basic amenities. Such development is defined as a 'Sui Generis' use class.
- 2.3 The Use Classes Amendment Order 2016, which created the C4 use class in Wales, came into force on 25th February 2016. Since then, changes of use to both Use Class C4 and Sui Generis require planning permission.
- 2.4 The legal definitions of an HMO used by the Council's Planning Service are based on the Use Classes Order. This differs slightly to those which have to be used by the Housing and Public Protection Service for HMO property licensing purposes.
- 2.5 Under the Housing Act (2004), all HMOs of three or more storeys occupied by five or more people not forming a single household are subject to 'Mandatory Licensing'. 'Additional Licensing' for HMOs is applicable in Castle and Uplands Wards where all properties in which three or more people forming two or more households sharing basic amenities have to be licensed (HMOs with more than ten occupiers managed by an educational establishment are exempt from licensing).
- 2.6 For more information on HMO licensing please visit www.swansea.gov.uk/hmolicensing or contact the HMO Licensing Team for more information – e-mail evh@swansea.gov.uk or telephone (01792) 635600.

Purpose Built Student Accommodation (PBSA)

- 2.7 For the purposes of this SPG, PBSA is defined as predominantly larger-scale residential accommodation specifically for occupation by students. This may include new build development or the conversion of existing premises (e.g. large office blocks). It includes accommodation developed by Universities and also the private sector.

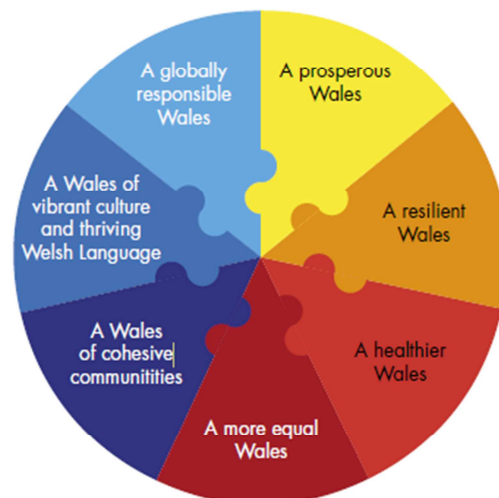
3.0 Planning Strategy and Policy Context

National Planning Policy

Planning Policy Wales (PPW)

- 3.1 PPW sets out the land use planning policies for Wales. It identifies that a key role of the planning system is to manage the development and use of land in the public interest.
- 3.2 PPW makes it clear that it is not the role of the planning system to protect the private interests of one person against the activities of another. It further notes that development should be considered with regards to its effect on the amenity and existing use of land and buildings based on general principles reflecting the wider public interest, rather than the concerns of the individual.
- 3.3 It defines the goal of sustainable development as:
“to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”
- 3.4 PPW outlines that the Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development. In carrying out this duty, actions which public bodies must take include:
- setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals; and
 - taking all reasonable steps (in exercising its functions) to meet those objectives.
- 3.5 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales (see extract below). A key one which informs the context for this SPG is *“a Wales for cohesive communities”*. This aims to deliver attractive, viable, safe and well-connected communities.

Figure 4.1 Well-being Goals



Source: *Planning Policy Wales (November 2016) Chapter 4 Planning for Sustainability*

- 3.6 PPW recognises that a home is a vital part of people's lives, noting that it 'affects their health and well-being, quality of life and the opportunities open to them'. The Welsh Government's approach is to therefore:
- 1 Provide more housing of the right type and offer more choice;
 - 2 Improve homes and communities, including the energy efficiency of new and existing homes; and
 - 3 Improve housing-related services and support particularly for vulnerable people and people from minority groups.
- 3.7 PPW advises that local planning authorities will need to have a clear understanding of the factors influencing housing requirements in their area.
- 3.8 It advises that the cumulative effects of development or redevelopment, including conversion and adaptations, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

Local Planning Policy

Adopted Swansea Unitary Development Plan (UDP)

- 3.9 The Swansea Unitary Development Plan (UDP) was adopted in November 2008. It provides the statutory basis for determining all planning applications submitted to the Council.
- 3.10 The UDP contains two key policies against which proposals for HMOs and PBSA will be considered as outlined below:

Policy HC5: Houses in Multiple Occupation:

"Proposals for conversion of dwellings or non-residential properties to HMOs will be permitted subject to satisfaction of the following 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"*

Policy HC11: Higher Education Campus Development:

"Higher education campus development will be permitted provided that:

- i. The layout, design, scale, density and use of materials is satisfactory, and reflects designing out crime principles,*
- ii. The intrinsic qualities of the site are recognised and respected,*

- iii. *The relationship with adjacent buildings and spaces are satisfactory,*
- iv. *There is an acceptable means of access (including by public transport, walking and cycling), and an appropriate level of parking,*
- v. *Landscaping to an appropriate standard is incorporated as an integral element of the development,*
- vi. *There would be no significant adverse effect on residential and landscape amenity, natural heritage and historic environment, and*
- vii. *Transport Assessment and Travel Plans submitted with the application are satisfactory*

The use of appropriate City Centre sites for student accommodation will be favoured. Expansion of student accommodation at Hendrefoilan Student Village together with enhanced social and support facilities will be permitted through:

- *Redevelopment and intensification of the existing accommodation, and*
- *Limited additional development on the 'Quadrant Site'.*

Deposit Local Development Plan (LDP)

- 3.11 The Council is in the process of preparing its Local Development Plan (LDP) which on adoption will replace the UDP as the new development plan for CCS. The Deposit LDP includes policies on HMOs (Policy H9) and PBSA (Policy H11), which will be subject to scrutiny at Public Examination. Copies of the draft policies are included in Appendix A.

Other Planning Guidance

- 3.12 The following adopted SPGs are also relevant to HMO development and PBSA:
- 1 Places to Live – Residential Design Guide (adopted January 2014)
 - 2 Planning for Community Safety (adopted December 2012)
 - 3 Planning Obligations (adopted March 2010)
 - 4 Design Guide for Household Development (adopted June 2008)
 - 5 Swansea Central Area Regeneration Framework (February 2016)
 - 6 Tall Buildings Strategy (adopted November 2016)
 - 7 Car Parking Standards (adopted March 2012)

Summary

- 3.13 Taking into account the above national and local planning policy context the LPA seeks to set out guidance on its integrated planning strategy for determining planning applications for HMOs (to accommodate students and other occupiers) and PBSA, given the obvious and direct relationship between demand arising for both, the likely increase in such demand and having regard to the expansion plans of Swansea's Universities and factors affecting wider housing requirements.
- 3.14 The LPA's planning strategy seeks to promote PBSA in appropriate sustainable central locations, recognising the positive contribution this type of development can make in terms of widening the accommodation choice for students enabling them to live in accommodation with the space and facilities suited to their needs with good access to

services, facilities and public transport. The LPA favours PBSA within City Centre locations and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for this area, while also giving appropriate consideration to the potential impact on amenity of, or potential for conflicts with, surrounding uses.

- 3.15 In tandem with this, the LPA recognises the important role HMOs play in providing affordable, flexible tenancies and housing choice for students and non-students. The LPA's planning strategy aims to avoid harmful further intensification or concentration of HMOs but allow for the provision of HMOs to be made in a sustainable manner to meet future demand in appropriate locations. To supplement the Development Plan policy, the LPA seeks to set out an evidence based definition of harmful HMO concentration or intensification and further guidance on how it will be calculated. More guidance is provided on up to date parking standards for HMOs following the introduction of the C4 use class.

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4.0 Evidence Base Review

- 4.1 This SPG is founded on a comprehensive and up to date evidence base. An update has been completed of research undertaken by the Council in 2013 on the number, type, distribution and impacts of HMOs in Swansea. A review of relevant national research, other LPA's planning policy approaches, and appeal decisions has also been undertaken. A significant amount of engagement has been completed with Swansea University and UoWTSD, local private landlords, Registered Social Landlords (RSLs), The Wallich, Swansea Student Liaison Forum, Council Officers across Departments and Local Councillors; and written evidence provided by residents from Uplands Ward (please see Appendix B for more details on this engagement). The main findings of this research are summarised below.

Analysis of the Role and Demand for HMOs

Number and Distribution of HMOs

- 4.2 As of October 2016 there were 1,615 licensed HMOs in CCS. Based on Council Tax data, approximately 65% of these properties are exempt from Council Tax because they are fully occupied by students. According to research undertaken by the Welsh Government in April 2015¹, Swansea has the second highest number of licensed HMOs in Wales after Cardiff.
- 4.3 The vast majority (98%) of existing licensed HMOs are located in either Uplands Ward (67%) or Castle Ward (31%). The proliferation of HMOs in these two Wards has contributed to them being defined as an 'Additional Licensing' area where all HMOs require licensing. There are therefore comprehensive up to date records regarding the number and location of HMOs within these Wards.
- 4.4 Outside of Castle and Uplands Wards only larger properties captured by Mandatory Licensing are recorded. As a result there are a significant number of properties that now fall under the new planning Use Class C4 definition of an HMO but, as they are not subject to licensing and did not require planning permission before the use class order change in February 2016, their location is not recorded on any Council licensing or planning database.
- 4.5 The production and maintenance of a comprehensive database mapping Use Class C4 HMOs outside of Castle and Uplands Wards will be an important and urgent task for the Council to support the application of this SPG.
- 4.6 Appendix C illustrates the distribution of licensed HMO properties as of October 2016.
- 4.7 Appendix D includes a map of the concentrations of licensed HMOs as a percentage of the total residential properties by Lower Super Output Area (LSOA²).
- 4.8 Appendix E includes a map showing the LSOAs with 10% or more licensed HMOs of total residential properties.

¹ Houses in Multiple Occupation: Review and Evidence Gathering (April 2015).

² Lower Super Output Area is a geographical area, typically containing 1,500 residents and 650 households.

- 4.9 Current concentrations within LSOAs range from around 35% in parts of Uplands and Castle Wards to less than 10% in St Thomas and Sketty. It is acknowledged that there are localised areas and individual streets within these Wards which exhibit significantly higher concentrations again.

HMO Planning Applications in Swansea

- 4.10 Following the amendment to the Use Classes Order, which has widened the scope of development proposals that require planning permission, the Council has experienced a 'spike' in the number of planning applications for a change of use to a HMO. Since the change to the Order, the Council received 34 planning applications in 2016³. The vast majority of these applications were for changes of use from a residential (C3) use to a HMO use (C4 use or sui generis use). A smaller number were change of use applications seeking permission to change other uses e.g. day nursery, offices and guest house to a HMO use. Other applications included a certificate of existing lawful use and change of use from a HMO to self-contained flats. However, this represents just 2% of the total number of licensed HMOs in Swansea and there is no evidence to suggest there has been a significant increase in the number of HMOs in Swansea over recent years.

The Private Rented Sector

- 4.11 The Council's Local Housing Market Assessment (LHMA) identified that approximately 17,100 households in Swansea (16%) rent privately (based on Census 2011 data).
- 4.12 The increased importance of the private rented sector is likely to continue due to a combination of declining housing affordability and continued increases in the rates of household formation that are not being met by the owner occupier sector.
- 4.13 In particular the LHMA identifies a need for 2,600 one bedroom homes between 2010-2025 across a range of tenures including the private rented sector.
- 4.14 HMOs are a key component of the private rented sector providing low cost rented accommodation on a flexible basis. In particular, HMOs meet a need for younger adults looking to share accommodation through choice as well as those across a wider age range on lower incomes unable to afford independent living.

Welfare Reforms

- 4.15 Another key factor which is likely to increase demand for HMOs in Swansea is Welfare Reform. These forthcoming changes include cuts to Housing Benefit which will reduce payments to social tenants if their rent is currently higher than the amount of Housing Benefit they would receive in the private rented sector. For single people under 35 this means that their housing benefit will be capped at the level deemed necessary to rent a room in a shared house, which may be significantly lower than rents for one bedroom social rented flats.

³ As of 7th October 2016

Summary of Role and Demand of HMOs

- 4.16 Whilst it is difficult to identify an exact level of future HMO demand, indicators suggest that it will increase and that provision of new HMOs will play a very important role in meeting:
- the needs of the City's important growing Higher Education establishments;
 - those who require the more flexible form of tenure provided by the private rented sector;
 - those unable to access home ownership and requiring smaller shared accommodation in the interim;
 - the demands created by welfare reforms.

Analysis of HMO Impacts

HMO Impact Analysis in Swansea

- 4.17 HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people. They also make an important contribution to the local economy and help to support and enliven centres. This can positively contribute to the viability and vitality of centres (e.g. Uplands).
- 4.18 Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion and higher levels of noise and waste complaints.
- 4.19 The Council is committed to addressing these concerns which conflict with the Corporate Plan objectives in the interests of delivering sustainable and thriving communities.
- 4.20 Findings on the localised impacts of harmful concentrations of HMOs within Swansea⁴ reflect national research at both the Wales and UK level. This wider research also demonstrates that high concentrations of HMOs without proper regulation can lead to negative community impacts⁵.
- 4.21 Some of the key findings taken from the Council's research together with further analysis undertaken by NLP are set out below. This analysis concentrates primarily upon Uplands and Castle Wards but reference is also made to the St Thomas Ward as a result of the likely changing geography of HMO demand and supply associated with the near-by University Bay Campus and SA1 proposals.

Key Findings

- The Uplands is the most densely populated Ward in the local authority area, Castle is ranked third.
- The Uplands, Castle and St Thomas Wards have all experienced an increase in the number of people living in private rented tenure and a decrease in the number of people living in owner occupied accommodation over the last two decades.

⁴ 2013 Report by the Council entitled Number, Type, Location and Community Impacts of HMOs in Swansea.

⁵ see 2008 Ecotec Report for the UK Government "Evidence Gathering – Housing in Multiple Occupation and possible planning responses" and 2015 Report for Welsh Government "Houses in Multiple Occupation: Review and Evidence Gathering".

- There is surplus capacity within local schools in each of these three Wards.
- Uplands and Castle Wards, both contain areas ranked in the top 10 most deprived in Swansea based on the Welsh Index of Multiple Deprivation (WIMD)⁶.
- Looking at the Housing Indices within the WIMD, Mount Pleasant within Castle Ward is the most deprived housing area in Swansea whilst Brynmill within Uplands Ward is the second most deprived housing area.
- Castle Ward also ranks poorly in terms of income, employment, health, education and community safety indices.
- Levels of crime and anti-social behaviour within the beat areas⁷ of Mount Pleasant and Brynmill are higher than the benchmark beat average⁸, whilst levels recorded within the beat areas of Sandfields, Uplands and St Thomas were below the benchmark beat average.
- The number of waste and noise complaints within Castle and Uplands is higher than the County Ward average across other Wards in Swansea. With regards to St Thomas, whilst the number of waste complaints is higher than the Ward average, the number of noise complaints is lower.
- The average number of parking notices issued within Brynmill, Mount Pleasant and Uplands was higher than the County Ward average, whilst St Thomas is below the County average.

Conclusion

- 4.22 The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, house prices, and the forthcoming changes to Housing Benefit, their role within the housing market is increasingly important.
- 4.23 Analysis undertaken for this SPG supports previous Council findings that there appears to be a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts can be summarised as:
- Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
 - Isolation for the remaining family households in areas with very high concentrations of HMOs;
 - Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
 - Issues of anti-social behaviour, noise, burglary and other crime;
 - Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;

⁶ Local levels of deprivation are measured by the Welsh Index of Multiple Deprivation (WIMD). This uses a range of data to rank areas in eight categories, ranging from income to health, which are then combined to create a multiple deprivation score for each area. These categories are referred to as 'domains'.

⁷ A beat area is a geographical area and time that a police officer patrols.

⁸ The benchmark beat average has been calculated from a list of similar beats provided by South Wales Police.

- Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs.

4.24 These findings continue to justify the need for a clear and fit for purpose planning policy framework on HMOs to ensure that this necessary and important form of accommodation is properly controlled. In particular it supports the requirement to seek to avoid development that would lead to harmful concentrations or intensification in a particular area.

Other Planning Policy Approaches to HMOs

- 4.25 A review of the HMO strategies and policy frameworks of seven other local planning authorities in Wales and England, was undertaken to identify common practices and approaches.
- 4.26 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs. However, there are two broad approaches identified, namely:

- a) Threshold
- b) Criteria

(a) Threshold Approach

- 4.27 Those that adopted a threshold approach defined a geographic area (a radius or an output area). This area was then used as a basis for considering whether an identified concentration threshold was breached.
- 4.28 Defined radius sizes varied between 50m and 100m and mostly took account of licensed HMOs in these areas. In some instances, account was also taken of unlicensed HMOs.
- 4.29 Belfast looked at the number of dwelling houses within the street as a basis for considering whether an identified concentration threshold was breached.
- 4.30 The Nottingham case study took account of student only HMOs, PBSA and Halls of Residences within a defined 'output area' comprising approximately 125 households.
- 4.31 Thresholds identified in the case studies varied between 10% - 30%. These took into account the existing HMO concentration levels by area, and the Authority's spatial strategy for sustainably accommodating further HMO provision.

(b) Criteria Approach

- 4.32 Newcastle was an example where a specific percentage threshold was not defined and instead the Authority used a criteria policy to assess the acceptability of a proposed new HMO. Slightly stricter controls were applied within Article 4 areas compared with other areas. The identified criteria policy related to topic areas such as amenity, character, appearance and refuse.

Car Parking Standards

- 4.33 A wide range of approaches to car parking standards was identified with no real correlation in approach. Some case studies identified specific standards for HMOs and/or PBSA whilst others did not. This mix in approaches, to some degree, reflected the varied age of the various guidance documents (i.e. some pre-dated changes to the use classes order).
- 4.34 The full review is included within Appendix H.

Review of Appeal Decisions

- 4.35 To identify key issues highlighted by independent Planning Inspectors, a review of six English and Welsh planning appeal decisions from a range of local authorities who have adopted varying approaches to managing HMOs and/or PBSA concentrations (as noted above) has been undertaken.
- 4.36 The review draws together some key issues identified in this sample of HMO appeals. It is apparent that no absolute conclusion can be reached which confirms either the 'criteria' or 'threshold' approach is more robust at appeal. This review demonstrates there are advantages and disadvantages to both approaches.
- 4.37 A threshold approach by its inherent nature provides a very clear benchmark to work from in determining what is an acceptable HMO concentration. In this small sample, where authorities have formally adopted a 'threshold' approach Inspectors have not sought to revisit whether this threshold is appropriate or whether the area it is measured on is suitable. Rather the key matters at appeal focused upon whether there is any evidence to demonstrate that the proposal would not have adverse impacts on issues such as external appearance, amenity, parking etc.
- 4.38 Specifically Nottingham's (threshold) policy approach did allow for some form of flexibility in applying its threshold. It stated that planning applications which breach the identified threshold would be refused unless the applicant can clearly demonstrate community balance will not be adversely affected. In both appeals reviewed in this location the appellant failed to demonstrate this point. However allowing for some degree of flexibility could in theory enable scope for a more bespoke assessment of impact upon community balance.
- 4.39 The appeals in Newcastle were useful to understand the merits of a criteria approach. In these cases, not setting a threshold has allowed for consideration of impacts on a site by site basis. However the (opposing) appeal decisions demonstrate there can be difficulties in how the impacts of HMO concentrations on the character of area are considered. This approach lacks the clarity of the threshold approach but ultimately allows each case to be considered on its own merit.
- 4.40 This appeal review indicates that the principle of a threshold approach is appropriately robust. A fuller review of the key issues considered and the key learning outputs in each appeal case is included within Appendix G.

Issues highlighted by National Research on HMOs

- 4.41 In April 2015, the Welsh Government (WG) published a report which examined the extent of concentration of HMOs in Wales. The Report was entitled “Houses in Multiple Occupation: Review & Evidence Gathering (April 2015)⁹. The report considers the issues associated with concentrations of HMOs, as well as existing legislation and best practice in both Welsh and non-Welsh authorities. The report made recommendations in respect of both local authority practice and potential changes to the regulatory framework (this report was published prior to the changes made to the Use Classes Order).
- 4.42 The report recognises that high concentrations of HMOs have caused changes to local communities which have led to major concerns in those communities. Impacts are noted in relation to displacement of established communities, exclusion of first time buyers, anti-social behaviour, degrading of the general environment and street scenes and parking problems. The Report also cross-references to other research in England¹⁰ which includes evidence that large concentrations of HMOs have a significant impact on the community. Specifically in Swansea, the Report recognises that the number of licensed HMOs is the second highest in Wales (after Cardiff). Using census data, High concentrations of HMOs were identified specifically in Uplands and Castle Wards with anticipated growth of HMOs in the St Thomas area.
- 4.43 The report notes that there is significant evidence, both from its research and other studies, of concerns from local communities increasing once HMO concentrations rise above 10%. It makes a recommendation that a 10% threshold is used as a proxy for designating Additional Licensing areas. The report notes that this level (10%) has been used in some planning policies as a benchmark for significant impact on communities.

Analysis of Role and Demand for PBSA

Growth of PBSA sector

- 4.44 The PBSA sector has grown strongly in recent years. This growth has seen the PBSA sector outperform many other more traditional property sectors and this trend is reflected in the increased number of investors entering this market to secure long-term income streams.
- 4.45 In the 1990s – 2000s student accommodation was largely met by private, typically buy-to-let landlords as well as halls of residences managed by Universities. However this national pattern is changing with the PBSA sector growing to help meet accommodation demand. Latest research¹¹ suggests that the sector now houses a third of all full-time students in over 550,000 purpose built bedspaces in the UK.
- 4.46 This relatively recent national trend is also now being experienced in Swansea. For example the LPA has approved circa. 3,200 bed spaces¹² for PBSA in the last three years on sites located within and around the edge of the City Centre. Swansea is

⁹ <http://gov.wales/topics/planning/planningresearch/publishedresearch/houses-in-multiple-occupation-final-report/?lang=en>

¹⁰ Evidence Gathering – Houses in Multiple Occupation and Possible Planning Responses, CLG 2008 ECOTEC

¹¹ Savills Research Spotlight on UK Student Housing 2016 [<http://pdf.euro.savills.co.uk/uk/residential---other/spotlight-uk-student-housing-2016.pdf>]

¹² As of 7th October 2016.

identified as a development opportunity in recent research¹³. The Savills research, however, does identify a particular challenge in Swansea in that the low local rents might make it more difficult to develop PBSA products that deliver a positive land value.

Role & Importance of the Universities in Swansea

- 4.47 Swansea University and UoWTSD make an important positive contribution to Swansea and its region. They help make Swansea vibrant, contribute to the social fabric of the area and also make a significant contribution to the local economy. Research in 2015 suggested that 6,482 Full Time Equivalent jobs are generated in Swansea from University activity – the second largest number in Wales after Cardiff. This represents 5.6% of the employment in Swansea. This same research suggests that the economic impact of the Higher Education sector in Swansea amounted to £629.5 million (Gross Value Added) in 2014/15¹⁴.
- 4.48 This importance is further re-emphasised in the Swansea Bay City Region Economic Regeneration Strategy (2013-2030) which seeks to maximise the long-term development of Higher Education, such as the new science and innovation campus at Swansea University, in order to support the transition of the City Region to an important knowledge-based and innovation-driven economy.
- 4.49 The Universities are therefore very important components of the local economy and their plans for expansion will reinforce this position delivering significant benefits to the local economy.

University Plans

- 4.50 In the 2014/2015¹⁵ academic year, there were approximately 26,400 students attending Swansea University and UWTSD, although not all of these students live in Swansea.
- 4.51 The number of undergraduate acceptances in 2015/2016 to UoWTD's Swansea campus and Swansea University is up 1% compared with the last academic year.
- 4.52 On average Swansea University and UWTSD have grown by a combined average of 4% per annum over the last 15 years. Rolling forward this average growth rate up to 2024/2025 (next 10 years) would yield an additional 5,780 full time students.
- 4.53 A simple rolling forward of past trends, however, takes no account of the on-going major development proposals by both Swansea University and UWTSD. Whilst it is difficult to predict with absolute certainty how student numbers will change in the future, these growth plans are expected to increase overall demand for student accommodation and change the spatial demand given the relocation of major teaching centres to SA1, Fabian Way, and the City Centre.
- 4.54 Figure 4.1 shows how the Full Time (UK) students that lived in Swansea were accommodated in 2014/15¹⁶. The majority, 46% (circa. 5,500) lived in private rented

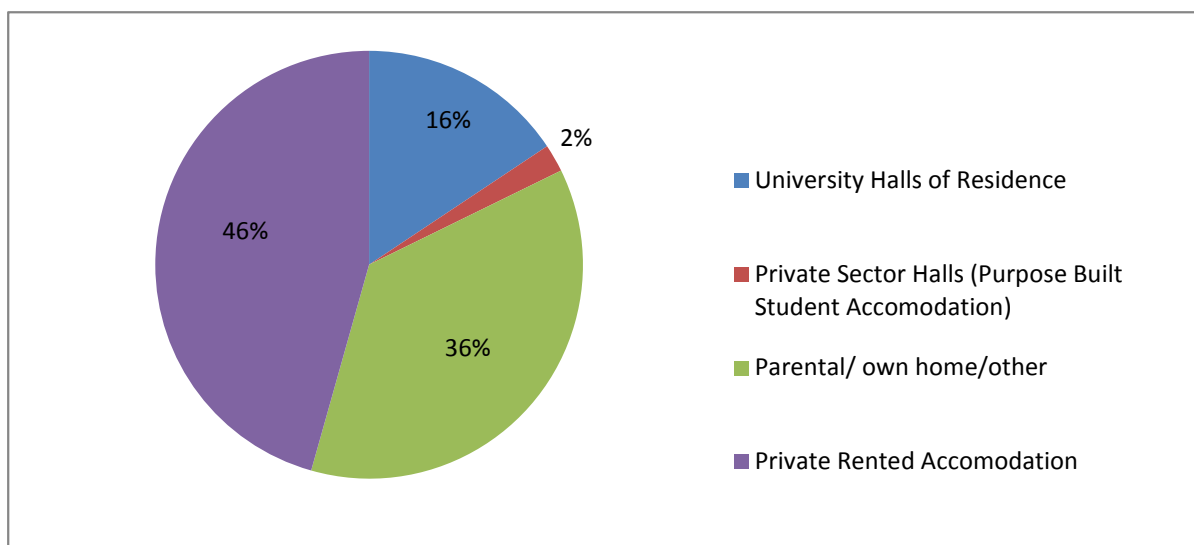
¹³ Savills Research Spotlight on UK Student Housing 2016 [<http://pdf.euro.savills.co.uk/uk/residential---other/spotlight-uk-student-housing-2016.pdf>]

¹⁴ The Economic Impact of Higher Education in Wales (October 2015)

¹⁵ Latest available HESA data

accommodation with 16% (circa. 1,900) in university halls of residence and only 2% (circa. 250) in private sector halls of residence.

Figure 4.1 Swansea Students: Accommodation Profile



Source: HESA Data 2014/15

Swansea University

- 4.55 Swansea University is seeking to grow its student numbers to 20,000 Full Time Equivalent students over the next 3 years. In addition its Strategic Plan (2012-17) sets a target to have over 1,580 full time equivalent post-graduate students by 2017.
- 4.56 There are approximately 5,000 Engineering and Management students based at the new Swansea University Bay Campus and 650 support staff. Currently Phase 1 of the new campus construction is complete and 1,500 student residences have been constructed on-site. It is understood that 500 more units are due to be completed by the end of 2017.

University of Wales Trinity St David

- 4.57 Establishing a strategic presence in Swansea at SA1 (Swansea's Waterfront Innovation Quarter) is one of UoWTSD's key aims¹⁷. The first phase of this development will deliver a library and faculty of architecture, computing and engineering, with associated central teaching and faculty space. Construction of phase 1 is underway and the aim is to be operational at the start of the academic year in 2018.
- 4.58 This planned development will provide a greater geographic focus for the University, which is currently dispersed through a number of buildings across Mount Pleasant, Townhill and Swansea City Centre. In addition to its proposals at SA1, UWTSD has recently completed major new facilities on Alexandra Road within the City Centre.

¹⁶ This relates to students who attend Swansea University and UoWTSDs students only.

¹⁷ See Strategic Plan (2013-2017)

Planning Applications for PBSA

- 4.59 In the last three years, approximately 3,200 PBSA¹⁸ additional bed spaces have been granted planning permissions or have been resolved to be granted planning permissions (subject to Section 106 agreements). Whilst this is a significant increase it is still below the anticipated level of growth in student numbers and will still mean that there is a very substantial reliance on the existing housing stock to meet future accommodation needs.

Other Planning Approaches to PBSA

- 4.60 A review of the HMO and PBSA strategies and policy frameworks of six other local planning authorities in Wales and England, was undertaken to identify common practices and approaches.
- 4.61 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs and PBSA.
- 4.62 Methods of managing PBSA differed between case studies, but most sought to focus such developments in existing campus locations and/or central areas. Case studies in Newcastle and Falmouth showed some authorities had sought to proactively identify prospective sites for PBSA development.
- 4.63 The full review is included within Appendix H.

Summary of Evidence

Demand

- 4.64 Whilst it is difficult to predict with certainty, current indications suggest there is likely to be a steady growth in student numbers living in Swansea in the short to medium term. This is likely to mean there will be increased demand for both HMOs and PBSA in Swansea. Similarly, Welfare Reform changes and the likely continuation of people being unable to access home ownership is likely to further fuel demand for HMOs.
- 4.65 The highest levels of demand for student occupied HMOs is likely to remain within the Uplands and Castle Wards, however, there is already anecdotal evidence of an increase in HMOs (that do not require a licence under Mandatory Licensing) in St Thomas Ward due to the proximity of Swansea University's Bay Campus and the increased presence of UoWTSD at SA1.
- 4.66 In addition, planning permission has been granted for residential development on the existing Hendrefoilan Student Village which reinforces the shift in the provision of student accommodation away from West to Central and East Swansea.
- 4.67 Based upon current pressures, demand for PBSA is likely to focus on sites in and adjacent to the existing University campuses/ developments and the Central Area of Swansea.

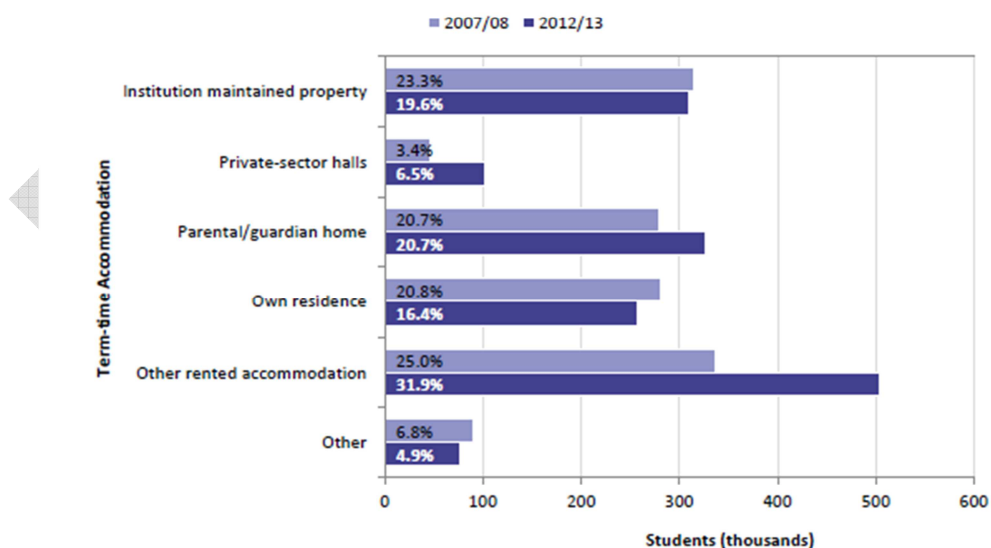
¹⁸ As of 7th October 2016

Supply

- 4.68 In terms of PBSA there has been a significant increase in new provision and conversions (constructed and in the pipe-line) both directly by the relevant Universities but also by private providers within Swansea. It is likely that this new build programme will assist in meeting a significant proportion of the increased accommodation needs of this sector but it is unlikely to significantly reverse the demand for HMOs. Indeed, whilst there is interplay between demand for PBSA and HMOs, it is not accurate to assume there is a direct correlation i.e. that future increases in PBSA supply will reduce demand for HMOs by the same amount. To make this assumption would unduly simplify a complicated process and underplay factors such as student preferences and behaviour, and any price differential between the two accommodation types. Welsh Government Research¹⁹ has looked at this point and Figure 4.2 below includes an extract of the changes in term time accommodation experienced over the period 2007/08 and 2012/13.
- 4.69 The research found that during this period the percentage share of private-sector halls has almost doubled (3.4% to 6.5%) whilst other rented accommodation (predominantly HMOs) has increased by just over a quarter (25.0% to 31.9%), but appears now to have plateaued. Furthermore, to complete this research, feedback was sought from non-Welsh Universities and some other authorities. This feedback reported a reduction in demand for student HMOs, whether or not this is replicated in Swansea will depend on factors such as the price differential between the two accommodation types not being substantially greater.

Figure 4.2: Change in Term Time Accommodation between 2007/08 and 2012/13

Figure 17: Change in Term Time Accommodation Between 2007/08 and 2012/13



Source: *Welsh Government Research: Houses in Multiple Occupation: Review & Evidence Gathering (April 2015)*
[\[http://gov.wales/docs/desh/research/150505houses-in-multiple-occupation-hmo-final-report-en.pdf\]](http://gov.wales/docs/desh/research/150505houses-in-multiple-occupation-hmo-final-report-en.pdf)

¹⁹ Welsh Government Research: Houses in Multiple Occupation: Review & Evidence Gathering (April 2015)
[\[http://gov.wales/docs/desh/research/150505houses-in-multiple-occupation-hmo-final-report-en.pdf\]](http://gov.wales/docs/desh/research/150505houses-in-multiple-occupation-hmo-final-report-en.pdf)

- 4.70 Recognising these demand and supply factors, the LPA's policy response needs to encourage appropriate PBSA schemes in sustainable locations but also manage concentrations of HMOs in a way which allows for sustainable future growth to meet anticipated increases in demand.

DRAFT

5.0 Planning Applications for Houses in Multiple Occupation

- 5.1 This chapter provides guidance on how the LPA will determine planning applications for Houses in Multiple Occupation.
- 5.2 The following provides supplementary guidance relating to the relevant UDP policies HC5, EV1, EV2, EV3 and AS6. Policy HC5 relates to the conversion of dwellings or non-residential properties to HMOs only, and does not apply to new build development for HMOs. All proposals for conversion to a HMO, will be expected to meet all of the criteria specified in the policy.

Policy HC5 Houses in Multiple Occupation

Proposals for conversion of dwellings or non-residential properties to HMOs will be permitted subject to satisfaction of the following 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

i) Effect upon residential amenity

- 5.3 Council planning policy supports the efficient use of buildings and recognises the benefits of making best use of existing resources such as encouraging residential living above retail and commercial uses in centres. Creating a mix of uses can help to create vibrant and enlivened centres but also requires careful consideration to avoid a conflict between uses arising.
- 5.4 Specifically in relation to noise, due to the nature of higher density living, increased comings and goings are often noted which, in some instances, can lead to noise issues. Consideration should, therefore, be given to the use of noise insulation when converting existing properties into larger HMOs (more than 6 persons - Sui-Generis Use Class) and the extent to which the proposal's design and layout minimises the potential for noise nuisance. Whilst this is primarily the preserve of Building Regulations it may be deemed necessary to attach planning conditions which require the installation of sound insulation to properties in certain circumstances.
- 5.5 Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application. The principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity.

ii) Definition of a harmful concentration or intensification

5.6 This SPG defines a threshold above which concentration or intensification of HMOs will be deemed harmful, whilst also striking an appropriate balance in allowing for sustainable future growth in HMOs. This threshold has been identified based on an understanding of:

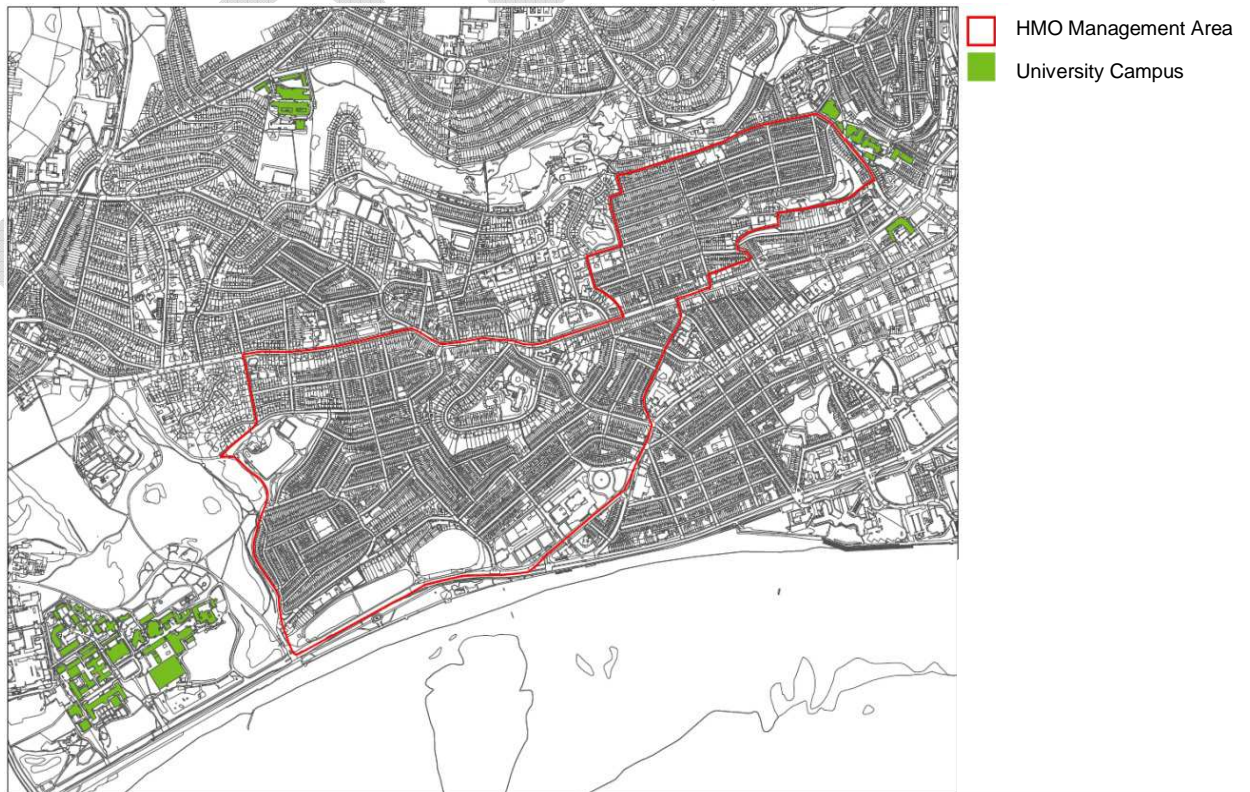
- current HMO concentrations,
- demand and supply for HMOs and PBSA,
- a review of other local authority approaches; and
- findings of national research undertaken by the Welsh Government

5.7 Reflecting the current uneven concentrations of (licensed) HMOs and the identified impacts of high HMO concentrations (see Evidence Base Review in Chapter 4), a two-tier threshold approach will be applied by the LPA to determine whether an area has reached a point at which further HMOs would have a harmful effect.

5.8 **In the defined HMO Management Area, a threshold of 30% of residential properties being HMOs will be applied.** The boundary of the HMO Management Area is illustrated in Figure 5.1 and also Appendix I. The Management Area incorporates part, but not all, of the Uplands and Castle Wards.

5.9 **Outside the defined HMO Management Area, a threshold of 10% of residential properties being HMOs will be applied.** Parts of the Uplands and Castle Wards are outside the HMO Management Area, as are all other Wards across the County.

Figure 5.1: HMO Management Area Boundary



Source: NLP

- 5.10 In considering whether a proposal breaches the defined threshold level for that area, the LPA will assess the concentration of HMO properties within a 65 metre radius of the HMO planning application proposal (in accordance with the methodology set out below). The LPA will seek to resist planning applications for HMOs that breach the identified threshold for that area, unless there are material considerations which demonstrably outweigh the identified concerns regarding harmful concentration or intensification.
- 5.11 Within the HMO Management Area, evidence²⁰ summarised in Chapter 4 suggests there are some existing community sustainability and cohesion issues that are related to harmful concentrations of HMOs. Between 20-30% of the residential properties in the HMO Management Area are already HMOs (see Appendix E), with significantly higher concentrations in some places, notably in Brynmill closest to the Swansea University Singleton Campus. Application of the 30% threshold will therefore limit further concentration or intensification of HMOs within this area to a ceiling that is consistent with current provision. In broad terms the approach restricts new HMOs in the Management Area to no more than one in three homes being HMOs.
- 5.12 This threshold will encourage future HMO provision to be more dispersed to other areas in a managed manner. HMO concentration or intensification in all other areas will be limited to no more than 10%. National research²¹ has identified that 10% is a general 'tipping point' beyond which the concentration of HMOs can adversely impact on the character and balance of a community, having regard to demographic norms and impacts associated with demographic change.
- 5.13 It should be noted that there may be circumstances where a HMO proposal would not exceed the defined concentration threshold of HMOs, i.e. it would comply with the thresholds defined, however it may still not comply with other policy criteria/parts of the development plan thereby rendering the proposed change of use to HMO unacceptable. Fundamentally, not all proposals that comply with the thresholds defined in this SPG will be given planning permission since all applications are determined against a range of factors and material considerations.

Application of the Threshold

- 5.14 In considering whether a proposal breaches the defined threshold level the LPA will assess the concentration of HMO properties within a 65 metre radius of the HMO planning application proposal. A radius approach is considered to be more consistent than considering concentrations by street which would vary considerably in length. In terms of the size of the radius, a 65m scale was considered to more accurately reflect the spatial extent of likely HMO impacts in Swansea, following GIS testing in different parts of the City to explore how many properties this would on average include. A 100m radius option was considered to be too large in the Swansea context and would typically include a significant number of properties which were considered to extend beyond the spatial scale of likely impacts from a HMO proposal.
- 5.15 Proposals either to create a new or additional HMO property will be assessed against all of the UDP policy HC5 criteria.

²⁰ Houses in Multiple Occupation in the City & County of Swansea: An Assessment of their Number, Type, Location and Community Impacts. 2013.

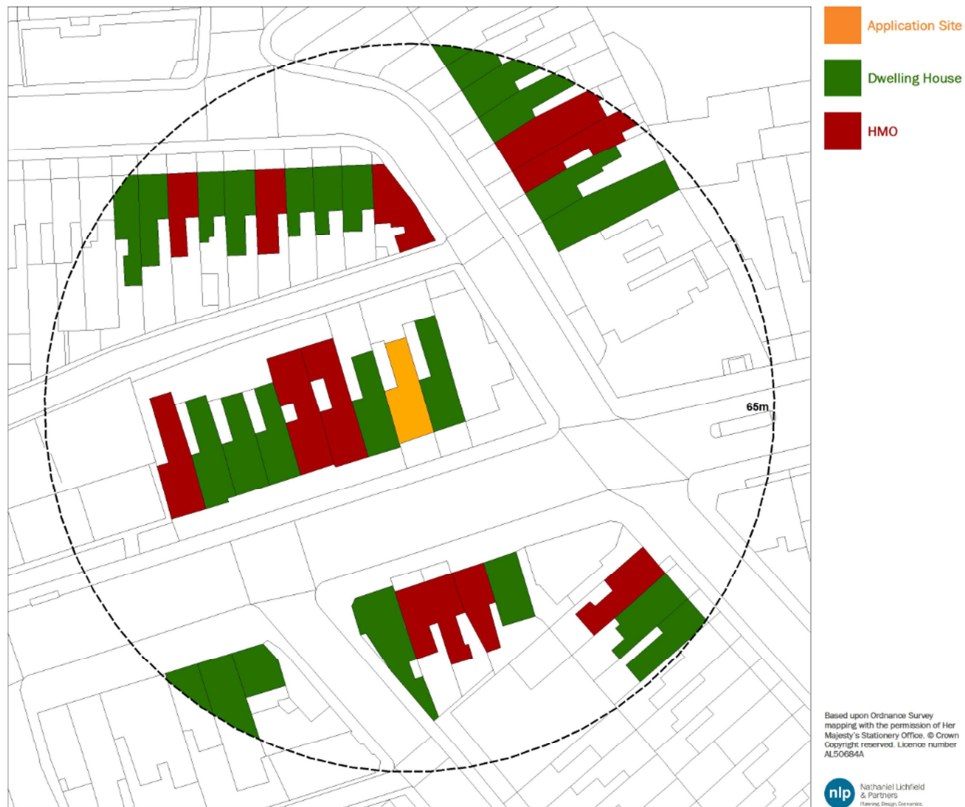
²¹ Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings (April 2015).

- 5.16 In terms of Policy HC5, applications which seek to increase the number of bedrooms within an existing HMO will only be considered against criterion (i), (iii), (iv) and (v).
- 5.17 In order to understand the full extent of HMOs within the 65m radius, the LPA will for proposals in Uplands and Castle Ward use the Council's public register of licensed HMOs as the basis for the calculation. For proposals outside of this Additional Licensing Area, the LPA will draw upon up-to-date records available in the public domain from planning applications, licensed HMO data, Council Tax information and Electoral Roll data.
- 5.18 The radius will be measured from the centre-point of the proposed property's street frontage. The threshold to be applied will be set according to the location of the proposed HMO.
- 5.19 For example, if the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 30% threshold will be applied – and vice-versa.
- 5.20 Appendix J includes the results of sample testing which was undertaken to understand the implications of applying the 30% threshold via a 65m radius approach. The results of this show that one out of a sample of four locations would not breach the threshold. This ratio is considered appropriate recognising the need to achieve a balance between managing the concentrations of HMOs in the public interest but allowing for some growth to meet future demand.

Example 1

- 5.21 The following provide some worked examples of implementing the threshold approach.
- 5.22 The below example shows that there is a total of 38 dwelling houses within the 65m radius, including the application property. There are a total of 12 HMOs, which accounts for 32% of all dwelling houses. This would be above the identified threshold of 30% and therefore the LPA will seek to resist the planning application, unless there are material considerations which demonstrably outweigh concerns regarding harmful concentration or intensification.

Figure 5.2: Worked example of the 65m radius approach within the 30% threshold HMO Management Area



Source: NLP

Example 2

- 5.23 Within the example below, only 2 of the dwelling houses are HMOs, which accounts for 2% of all dwelling houses within the radius. This would be below the identified 10% threshold and therefore the conversion of the property to a HMO would be acceptable, subject to satisfactorily meeting all other relevant UDP policy requirements and supplementary guidance.

Figure 5.3: Worked example of the 65m radius approach within the 10% threshold area (outside of the HMO Management Area)



Source: NLP

- 5.24 A 65m radius approach has been adopted to capture the likely spatial extent of HMO impacts e.g. amenity, parking, waste and noise. All dwelling houses within this radius will be counted where their main street facing entrance is included within this radius. Where the radius dissects a property frontage, the property should be included if 50% or more of its primary frontage is included within the defined radius.

Demonstrating Exceptional Circumstances for HMO conversions (C3 to HMO C4 or Sui Generis use)

- 5.25 The LPA will seek to resist planning applications for HMOs that breach the relevant threshold in their defined area, unless there are exceptional circumstances or material considerations that demonstrably outweigh the identified concerns set out above regarding harmful concentration or intensification.
- 5.26 There are some limited locations within the HMO Management Area where the vast majority of properties are HMOs (i.e. where in the HMO Management Area over 80% of the residential properties within the 65m radius of a proposal are HMOs). In such exceptional circumstances there may be a need for greater flexibility in the application of the threshold where the impact (individually and cumulatively) of any additional HMOs may not affect the character of the area. It might also be the case that the market for C3 residential properties will be a lot weaker, particularly for larger dwellings or properties requiring significant repair works. In these defined exceptional instances it would be more appropriate to take a flexible approach to HMO proposals to ensure

the sustainable use of these properties rather than have C3 properties stand vacant for long periods. This is an approach that has been applied by other LPAs in England.

5.27 Planning applications within the HMO Management Area where the proposal would result in 80% or more of residential properties being HMOs should be accompanied by an assessment of why an exceptional case is justified. This should include:

- Evidence that the property has been unsuccessfully marketed for a C3 use at a reasonable asking price for a period of at least 6 months.
- Reasons why, and evidence to justify, that the property is unviable for C3 use (e.g. financial viability of any renovations needed; lack of demand for traditional family accommodation in that area).
- Any particular characteristics of the property (e.g. scale or layout) which make it suited to HMO use and unsuitable for other uses such as C3.
- Proximity to a commercial area already subject to noise disturbance.
- Any other relevant material considerations.

iii) Effect upon the external appearance of a property and character of the locality

5.28 The acceptability of any physical alterations on HMO properties (for example, external extensions; dormer windows) will be considered against guidance included in 'A Design Guide for Householder Development SPG (adopted June 2008) [<http://www.swansea.gov.uk/spg>]. Some conversions to a HMO can result in excessive extension proposals and such over development will not be permitted. Listed-building consent may be required for both internal and external alterations to a listed building. If the property is in a Conservation Area, Conservation Area Consent may be required. Please seek advice from the Council's Urban Design and Conservation Team.

iv) Effect on local car parking and highway safety

5.29 Whilst the Council's SPG Parking Standards (adopted March 2012) [<http://www.swansea.gov.uk/spg>] pre-date the introduction of use Class C4 for HMOs they remain material to decisions on individual planning applications. The LPA will adopt a two tier approach:

- a For smaller HMOs (C4 Use Class):
For conversion to C4 or new build C4 HMOs, the same maximum parking standards will be applied as a C3 dwelling house – defined as 'Houses (General Purpose)' in the current Parking SPG.

- b For larger HMOs (Sui Generis Use Class):

If the proposal is for a conversion to a Sui Generis HMO use, the LPA will consider the planning application's compliance against the 'Houses in Multiple Occupation' section in the Council's adopted Parking Standards taking into account the current use's parking requirements (i.e. 3 car parking spaces for up to 6 sharing in a C3 dwelling and 1 space per additional bedroom thereafter). For new build larger HMOs in Zone 1, the same maximum parking standards will be applied as for PBSA in the current Parking SPG. However in Zones 2-6, the HMO criteria in the

Parking SPG apply and the fall back position in terms of the existing use and the demand for parking for the existing use should be specified.

- 5.30 Applicants should consider evidence regarding the particular parking issues (e.g. records of accidents) in the locality including whether there are any particular land uses that generate high levels of traffic and car parking.
- 5.31 In some instances the LPA may also seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.
- 5.32 Secure cycle parking should be provided in HMO proposals on the same basis as for apartments, which require 1 stand per 5 bedrooms. There may be circumstances where increased provision in cycle storage could be considered as part of an applicant's justification for lower car parking provision. However the LPA will consider each case on its own merit.
- 5.33 Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required. Appendix 3 of the Council's Parking Standards SPG contains further information on this standard.
- 5.34 All cycle storage areas visible from the public realm should be well integrated into the streetscene and visually unobtrusive. Further information is provided in 'Places to Live: Residential Design Guide SPG' (Adopted January 2014) [<http://www.swansea.gov.uk/spg>]. Where rear access arrangements allow, cycles should be stored to the rear of properties, rather than in front gardens.

v) Provision of appropriate refuse storage

- 5.35 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.
- 5.36 All refuse and recycling for HMOs should be suitably stored in landlord provided bins. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging.
- 5.37 All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties which will detract from the local streetscene will not be permitted. Details of the proposed refuse storage arrangements must be provided with the planning application.

6.0 Planning Applications for Purpose Built Student Accommodation

- 6.1 This Chapter provides guidance on how the Council will determine planning applications for PBSA.
- 6.2 The following provides supplementary guidance to the relevant UDP policies HC11, EV1, EV2, EV3 and AS6. Policy HC11 relates to higher education campus development within Swansea. Whilst the policy relates to all forms of campus development it does state that appropriate City Centre sites will be favoured for student accommodation. The recent increase in the number of applications for PBSA has led to a demand for further guidance on this element of the policy.
- 6.3 Supporting UDP paragraph 3.4.3 recognises that Higher Education bodies in Swansea, including Universities, are seeking to expand over the next 5-10 years. However it notes that existing space limitations mean that any expansion plans are likely to result in proposals being brought forward for further campus development. Paragraph 3.4.5 states that increased student accommodation within the City Centre will be encouraged.
- 6.4 Where proposals for student accommodation are on campus they will be assessed against the criteria under policy HC11, where they are proposed off campus they will be assessed against UDP Policies including EV1 and EV2.
- 6.5 The LPA will favour, in the first instance, City Centre sites for PBSA unless the proposed site is within a Higher Education Campus.
- 6.6 The LPA will consider PBSA proposals on the edge of the City Centre where it can be demonstrated:
- a there are no available and suitable sites in the City Centre; and
 - b there is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
 - c the development would give rise to an overall benefit to the vitality and viability of the City Centre.

Demonstrating an Appropriate PBSA Scheme

- 6.7 As part of a planning application for PBSA, the applicant must demonstrate that the development complies with the guidance standards set out below. This applies to all PBSA irrespective of its location and will be a material consideration in the determination of a planning application.

Location and Accessibility

- 6.8 PBSA must in the first instance be located within the City Centre Action Plan Area. Proposals at sites located outside the City Centre (other than those on existing campus developments located within the Local Authority administrative boundary) will need to provide an assessment to demonstrate the proposal's conformity to criteria a, b and c outlined above.

- 6.9 Any PBSA proposed on the edge of the City Centre will need to have acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport.
- 6.10 It will also be necessary to demonstrate that the location of the proposed development adheres to the policies contained within the UDP and does not give rise to any conflict with adjoining land uses.
- 6.11 Applicants will be required to carry out a detailed Availability and Suitability assessment that should address the following.

Availability

- 6.12 In order to assess the availability of potential sites and premises within the City Centre, the assessment should include information on the following two availability matters. Under each theme are set out some of the considerations which can be drawn upon in order to demonstrate a robust assessment has been undertaken into the site's/premises' availability:

1 Site Ownership and Land Assembly

- i What is the known land ownership / land assembly arrangement of the site/premises that have the potential to constrain the future development of the site?
- ii Is the site/premises within single or multiple ownership?
- iii Are there any ransom strips, covenant restrictions and/or public rights of way which restrict its availability?

2 Marketing

- i Is the site or premises vacant?
- ii Is the site or premises being advertised for sale on the open market?
- iii Are there any known marketing issues that would constrain the future development of the site in terms of its availability to purchase?

- 6.13 If the availability of the site or premises is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Suitability

- 6.14 In order to assess the suitability of potential sites and premises within the City Centre Action Plan area, the assessment must include adequately detailed information on the 5 themes set out below.
- 6.15 Under each theme are set out some of the considerations which can be drawn upon in order to demonstrate a robust assessment has been undertaken into the site's/premises' suitability for PBSA.

1 Site size and capacity

- i Is the site or premises a sufficient size to accommodate the proposed development?

2 Policy merits / constraints

- i What site-specific policies contained within the UDP are relevant to the site or premises and do these make it unsuitable for PBSA future development ?
- ii What is the current use and condition of the potential site or premises?
- iii Are there any other considerations which make the site or premises unsuitable for development? E.g. is PBSA compatible with the surrounding land uses, are unacceptable amenity impacts likely to occur etc?

3 Planning History

- i What is the known planning history of the site or premises? Applicants can refer to the Council's online planning history database to access this information.
- ii Is the site or premises subject to an extant planning permission for development? If so, what is the likelihood/timescale of permission being implemented?
- iii Does the planning history/status represent a potential constraint to the future development of the site or premises?

4 Accessibility

- i How accessible is the site or premises to key facilities and services via sustainable transport modes?
- ii How accessible are the existing University campuses via sustainable transport modes?
- iii Are there any other site or premises specific access constraints which mean the site is not suitable?

5 Any other constraints

- i Are there any other constraints that would constrain the future development of the site or premises e.g. drainage capacity issues, or known contamination issues?

6.16 If any of the above criteria regarding the suitability of the site is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Design

6.17 UDP Policy EV1 sets out the good design principles which all new development should accord with.

6.18 Specifically new PBSA development should be designed so it responds to its local context and wherever possible seeks to improve the built environment.

6.19 PBSA proposals, by their nature, are often high-density developments. The Council supports the principle of high density living and energy efficient design provided it is carefully designed and integrated with surrounding areas.

6.20 Proposals for new development should have regard to the desirability of preserving the setting of any listed building, which is often an essential part of its character.

- 6.21 The LPA will expect evidence within the planning application to show how the applicant has arrived at the design and how this positively relates to its context. This may require a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment – dependant on the location of the site.
- 6.22 The LPA will resist inappropriate development where it would be detrimental to the amenity of occupants within neighbouring development and within the proposed development itself. This may be due to overlooking, overshadowing or adverse micro-climatic conditions (particularly relevant for a tall building proposal). Proposed buildings should be designed to maximise the living conditions of its inhabitants. For example, all habitable rooms must benefit from natural light, a means of outlook, ventilation, and a level of privacy.
- 6.23 Landscaping plays an important part in helping to integrate new development into its surroundings and PBSA developments will be expected to include appropriate levels of landscaping for aesthetic and functional purposes. The LPA encourages the use of the indigenous species in such schemes and on-going management of these areas will be secured via section 106 agreements in certain circumstances.
- 6.24 PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. Access routes should be designed to be overlooked by building frontages, wherever possible and security lighting used to minimise the risk of crime whilst avoiding unnecessary light pollution. The Council's adopted 'Planning for Community Safety' SPG provides further guidance, on increasing community safety and reducing crime and the fear of crime, in order to improve the quality of life for existing and future students and residents.

Tall Buildings

- 6.25 Proposals for tall PBSA will need to have regard to the Council's Tall Buildings Strategy Supplementary Planning Guidance (SPG). The SPG defines tall buildings as a *'building that is more than twice the height of adjacent buildings'*. The adopted strategy identifies zones within Swansea City Centre where tall buildings are 'welcomed' and other areas where they may be 'considered'. There is a general presumption against tall buildings outside of the areas identified for visual and infrastructure reasons. The strategy also sets out guidelines for the design of tall buildings.
- 6.26 Taller, higher density PBSA are unlikely to be supported in locations within or adjoining existing residential neighbourhoods, as this is likely to conflict with the existing character and amenity of the area.

Sustainable /Renewable Energy

- 6.27 All new PBSA will be encouraged to incorporate sustainable and/or renewable energy features e.g. Combined Heat and Power, green roofs, solar panels etc.

Impact on Amenity

- 6.28 PBSA will not be permitted where it would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character (see UDP Policy EV40).

- 6.29 Depending on the nature and location of the site, an assessment of air, noise and light pollution impact, together with proposals for mitigation should be submitted as part of a planning application. If the results of the assessment and proposed mitigation measures demonstrate there is a significant harm to health or local amenity this would be grounds to refuse planning permission.
- 6.30 Where appropriate, conditions will be attached to planning permissions in order to protect the amenity and safety of students and nearby residents against air, noise or light pollution.

Waste Management

- 6.31 All PBSA proposals will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel, in accordance with UDP policy R16.
- 6.32 The following information will need to be provided as part of a planning application for PBSA, to demonstrate how waste will be managed:
- a Plans demonstrating an adequate footprint for the internal and external on-site waste, recycling, composting, separation and storage facilities; and
 - b Details of proposed access routes for 26 tonne recycling and refuse collection vehicles, including adequately sized access pathways and service roads with suitable dropped kerbs and crossovers. These requirements will need to be considered in accordance with the User Hierarchy as featured in Manual for Streets.

Management Plan

- 6.33 A management plan will be required to be submitted as part of PBSA planning applications. The management plan will need to include information on how the development is intended to be managed in order to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents.
- 6.34 The management plan should, at a minimum, include the following information:
- a Information on the general maintenance and management of the site, including external amenity / landscape space;
 - b The arrangements in place in terms of servicing – deliveries and waste/recycling storage and collection;
 - c A travel plan, including the management of (residents and visitor) parking. This will also need to demonstrate the measures in places to encourage use of sustainable methods of transport and how any tenancy agreement will be managed;
 - d Details on the management of traffic particularly that at the beginning and end of term;

- e Measures relating to site safety and security, such as CCTV, adequate lighting and intercom systems, security doors etc. in order to create a safe environment for occupants and to reduce the opportunities for crime;
- f Procedures for minimising and managing community complaints, such as issues relating to noise, anti-social behaviour. Details may include soundproofing, noise control measures, code of conducts for student behaviour, complaints procedures, University / Student liaison officer etc.

Parking Standards

Car

- 6.35 Parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council's SPG Parking Standards (adopted March 2012). The parking standards will be material to decisions on individual planning applications. The current maximum standards are as follows:

Table 6.1: Current Maximum Parking Standards

PBSA – Maximum Car Parking Standards		
	<i>Residents</i>	<i>Visitors</i>
ZONE 1	1 space per 25 beds for servicing, wardens and drop-off areas	Nil
ZONE 2 TO 6		1 space per 10 beds (for students & or visitors)

Source: Swansea Council SPG Parking Standards

- 6.36 Notes 1-8 included on page 17 of the current SPG Parking Standards will still be applied.
- 6.37 The guidance figures given are maximum standards and flexibility can be justified in appropriate circumstances in accordance with the sustainability matrix (included in Appendix 5 of existing SPG). Furthermore, the Swansea Central Area Regeneration Framework SPG (2016) states that a limited relaxation of the car parking standards will be considered to facilitate appropriate regeneration proposals within this area where there would be no adverse effects on highway conditions. This flexible approach will also be applied to edge of city centre sites for PBSA proposals.
- 6.38 In terms of the sustainability matrix, points will be awarded to developments in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. Where an applicant wishes a reduced standard of parking to be considered, the form within appendix 5 of the SPG must be completed and submitted, and must be accompanied by relevant evidence. See Appendix F of this SPG for a copy of this Sustainability Matrix.
- 6.39 In instances where parking cannot be provided on site, or it is judged as not being required on other grounds beyond the sustainability matrix (for example there is no available on street parking nearby; or there are overriding regeneration objectives), the applicant may be required to provide a financial contribution towards alternative

transport measures where appropriate or identified parking management arrangements.

- 6.40 Other than for Zone 1 locations, a reduction shall not be applied unless an acceptable travel plan is also submitted. In addition to this, a condition requiring a legal tenancy agreement to prevent students parking on neighbouring streets within a 3 mile radius of the accommodation building may also be applied to some developments. Additional car parking management details will need to be included within a submitted Management Plan to demonstrate, for example, how tenancy agreements and car parking will be managed to avoid highway issues arising etc.

Bicycles

- 6.41 In terms of bicycle parking the following standards will be required for PBSA:

Table 6.2: Bicycle parking standards for PBSA

PBSA – Cycle Parking		
	Long Stay	Short Stay
All Zones	1 stand per 2 bedrooms	No requirement

Source: Swansea Council SPG Parking Standards

- 6.42 In some instances, increased bicycle provision may be included as part of a case to justify a reduction in car parking. The LPA will consider the appropriateness of this approach on a case-by-case basis however. Further information is provided on these requirements in Appendix 3 of the Parking Standards SPG, March 2012 [<http://www.swansea.gov.uk/spg>].
- 6.43 Further detail on motorcycle parking is also outlined in this document, which states the amount of motorcycle parking provision should be based on 5% of total car parking provision. Further information on this is contained in Appendix 4 of the Parking Standards SPG, March 2012 [<http://www.swansea.gov.uk/spg>].

Agenda Item 10

Report of the Director of Place

Planning Committee – 10 January 2017

ADOPTION OF SHOP FRONT & COMMERCIAL FRONTAGE DESIGN GUIDE AS SUPPLEMENTARY PLANNING GUIDANCE

Purpose: To inform Members of the representations received during the recent consultation on the Shop Front & Commercial Frontage Design Guide and to agree the proposed amendments to the draft guide and adopt it as supplementary planning guidance (SPG).

Policy Framework: City and County of Swansea Unitary Development Plan (Adopted November 2008).

Reason for Decision: To approve the final version of Shop Front & Commercial Frontage Design Guide and adopt this as Supplementary Planning Guidance.

Consultation: Legal, Finance, Access to Services.

Recommendation(s):

- 1) Agree the proposed amendments to the Shop Front & Commercial Frontage Design Guide as set out in appendix B,
- 2) Approve the SPG, as amended,
- 3) Agree to adopt the Shop Front & Commercial Frontage Design Guide as Supplementary Planning Guidance (SPG).

Report Author: Huw Jenkins, Design and Conservation Officer

Finance Officer: Jeff Dong

Legal Officer: Jonathan Wills

Access to Services: Ann Williams

1.0 Introduction

- 1.1 The Shop Front & Commercial Frontage Design Guide has been prepared to help raise the quality of shop fronts and other types of commercial frontage throughout the City & County of Swansea. The document will be used to help assess and determine planning applications and supplements the design policies of the Unitary Development Plan. It is intended that the document will be adopted as SPG to the forthcoming Swansea Local Development Plan 2010 – 2025: Deposit Plan (June 2016) in due course.
- 1.2 This design guide will supersede previous outdated guidance provided in the form of short leaflets and will provide more comprehensive guidance on a range of issues affecting the design of shop fronts including the different character approaches based on analysis of the existing context, detailed guidance on the various components of the shop fronts as well as lighting and security measures.
- 1.3 This report outlines the 6 week public consultation process which was undertaken on the document (22nd August – 3rd October 2016), and summarises the range of comments received from residents and stakeholders. The report also responds to those views and comments, and recommends amendments which will help to clarify and refine the proposals contained in the public consultation draft document.

2.0 Background and Policy Context

- 2.1 At the national level, Planning Policy Wales (Edition 7, July 2014) and Technical Advice Note 12: Design (2014) advocate the development of high quality design and development.
- 2.2 The design policies of the Unitary Development Plan (2008) comply with this national guidance, with policies such as EV1 setting out general design criteria for new development and Policy EV4 ensuring that development schemes provide for high quality public realm. Policy EV13 specifically addresses the quality of shop front proposals whilst a number of other UDP policies address the quality of design in particular circumstances which can affect proposals for shop fronts and commercial frontages including:
 - Policy EV7 – Listed Buildings
 - Policy EV9 – Conservation Areas
 - Policy EV14 – Advertisements
 - Policy EC6 – Local Shopping Centres & Neighbourhood Facilities
 - Policy CC2 – City Centre Retail Core
- 2.3 In addition to the varying planning policy contexts that can affect shop front and commercial frontage proposals, the style of the host building as well as that of the wider street and area must also be considered. Therefore, it is necessary to set out clear local guidance to highlight the correct approach for each context as well as to raise design standards. This will formalise the design advice provided by the Council's officers, and provide developers with a clear understanding of what is expected of their proposals.
- 2.4 This design guide has a key role to play in raising standards of design in Swansea City Centre as part of the regeneration programme. Well-designed frontages create much more attractive neighbourhoods for those shopping, visiting, working and living within these areas.

- 2.5 In many cases good design need not cost more, but poor design can have long term negative consequences and economic and social costs. Given that shop and commercial frontages are typically located at eye level, these provide the first and lasting impression of an area for many people and can influence whether they wish to return. Therefore day to day development control decisions in relation to these shop fronts and commercial frontages are a key part of the physical regeneration process. The need for clear local guidance to help raise design standards is therefore especially important.

3.0 Shop Front and Commercial Frontage Design Guide SPG

- 3.1 The Shop Front and Commercial Frontage Design Guide (attached as Appendix B) is aimed at improving the character and appearance of all shop fronts and commercial frontages within the City and County of Swansea. It would therefore be used to assess and negotiate the wide range of shops and commercial frontages present within the whole city and county area. Underpinning this guidance document are a number of key aims which include:

- Encouraging the preservation of good quality period shop fronts which contribute to the history and/or aesthetic quality of the area.
- Ensuring proposals relate satisfactorily to the shop building and the wider street as a whole.
- Ensuring the provision of access for all to ground floors.
- Ensuring that advertising is integrated with the shop front and that it respects the character of the building and the surroundings.
- Encouraging the unobtrusive integration of security features into the shop front.
- Retaining and improving access to upper floors.
- Discouraging the inappropriate imposition of national corporate image shop fronts in sensitive areas.

- 3.2 The guide does not prescribe a particular architectural style, rather it stresses the importance of analysing the context to find the correct approach to the development and once this has been selected then further detailed design issues can be addressed. It would therefore be used to assess and negotiate the wide range of shops and commercial frontages present within the city and county area.

- 3.3 The guide sets out a design approach assessment chart for the undertaking of shop front and commercial frontage works across the City and County of Swansea area. Depending on various aspects of the context of the development such as the location of the proposed shop and the character of the building proposals will fall into 1 of 5 categories:

- Heritage Approach – Retain / Repair
- Traditional Approach
- Modern Interpretation Approach
- Modern with some Traditional References
- Modern Approach

3.4 The document also provides detailed design guidance for a comprehensive approach to the aspects of the character and appearance of the frontage as well as access, signage, lighting, security measures as well as other features such as canopies, outdoor seating areas, ATMs etc.

3.5 The guide is therefore about more than just how shop and commercial frontages look and seeks to provide guidance for an integrated approach to all of the various considerations of shop and commercial frontage design.

4.0 Public Consultation

4.1 On the 3rd September 2015 the draft Shop Front & Commercial Frontages Design Guide was presented to Planning Committee. Members resolved to endorse the draft document to be issued for public and stakeholder consultation.

4.2 The draft Shop Front & Commercial Frontages Design Guide was subject to a 6 week consultation exercise which ran from the 22nd August 2016 until the 3rd October 2016.

4.3 The following consultation methods were used:

- Notification emails highlighting the consultation on the draft document were sent to Councillors, Community Councils and specific and local consultation bodies.
- A dedicated webpage was established to explain the consultation and allow the electronic document to be downloaded in pdf format.
- Bilingual posters were sent to all libraries for display.
- A bilingual summary leaflet was also made available which distilled the guidance down to two sides of A3 paper.
- A Press Release was issued and featured within the South Wales Evening Post website on the 22nd August 2016.
- The consultation was featured in the 'Have your Say' section of the Council home page on the web site.
- An accessible version of the document (text only version with written descriptions of photos and graphics for visually impaired people) was produced in liaison with the Disability Liaison Group and SAFE and made available for visually impaired people on the website.

4.4 A presentation to Designers, Developers, Agents, Housing Associations and the Disability Liaison Group to publicise the draft guide and gain feedback was proposed however this was cancelled due to lack of booking responses.

4.5 In total, comments from 15 individual respondents were received. These respondents covered a wide range of organisations and interests including planning agents, access representatives, external consultees, and members of the public. The full list of respondents can be found in Appendix A. The relevant comments received can be summarised as:

- The need to include information on obstructions on the pavement and further reference to the Swansea 'Pavements for People' policy;
- A suggestion to include information on approaches to improving the appearance of vacant shop fronts;
- The need to include security rating information for various shop front components (doors, windows, glazing, lighting, grilles and shutters);

- A suggestion to allow for the use of existing solid roller shutters to be painted by artists;
- A suggestion about providing hanging baskets to improve the public realm.

4.6 All of the above comments have been included within the document as appropriate additions to the text.

5.0 Financial Implications

5.1 The amendments proposed to the SPG have no additional cost implications for staff time and resources.

5.2 The final adopted document will be made available electronically, so there will be no printing costs.

6.0 Legal Implications

6.1 The draft Guide has been subject to extensive consultation as required by the Welsh Government guidance on the preparation of supplementary planning guidance.

6.2 The Shop Front and Commercial Frontage Design Guide once adopted will provide supplementary planning guidance to the adopted City and County of Swansea Unitary Development Plan (2008) and will be a material consideration in evaluating planning applications.

6.3 It should be noted that SPG can still be adopted by the Council after the Unitary Development Plan expires. The status any such SPG will be more as stand-alone guidance in determining applications until the Local Development Plan is adopted but it will still have to be considered. The Council will still be using the UDP as the extant plan until the LDP is adopted but guidance can still be adopted by the Council in the meantime. It is guidance rather than statute and so should be given the appropriate weight by members and by the Head of Planning and City Regeneration when delegated powers are being used to determine applications.

7.0 Equality & Engagement Implications

7.1 Section 4 of this report outlines equalities considerations in respect of consultation activity. An Equality Impact Assessment (EIA) screening was carried out prior to the public consultation and this indicated that a full EIA was not necessary. As a part of the public consultation a Welsh language version of the guide was provided. Furthermore an accessible version of the document (as highlighted in paragraph 4.3) was made available for visually impaired people. Finalised versions of both of these documents will be made available on the website alongside the English version.

Background Papers:

None

Appendices:

A Table of representations received on the draft Shop Front and Commercial Frontage Design Guide

B Final draft of the Shop Front and Commercial Frontage Design Guide

Appendix A

Table of representations received on the draft Shop Front and Commercial Frontage Design Guide

List of respondents on draft Shop Front & Commercial Frontages Design Guide

No	Name	Address	Email Address
1	Andrea Gordon (Guide Dogs Cymru)	Building 3, Eastern Business Park, St Mellons, Cardiff, CF3 5EA	Andrea.Gordon@guidedogs.org.uk
2	Councillor Des Thomas		Cllr.Des.Thomas@swansea.gov.uk
3	Adrian Davies		Ukbossfacilities@gmail.com
4	Mike Cahill (MC Design Inc.)		mike_cahill@hotmail.co.uk
5	Ray Jones		rayjones261946@btinternet.com
6	Anita Stock		stock869@btinternet.com
7	Pamela Jones		pamela.jones37@ntlworld.com
8	Christina Demarco		tinamansi@hotmail.co.uk
9	Esprit		esprit1@sky.com
10	Richard Rowlands		rowlandsrj75@hotmail.com
11	Mike Harvey (Designing Out Crime Officer)		Michael.Harvey2@south-wales.pnn.police.uk
12	Violeta (Macro Violetics)		violeta@macrovioletics.co.uk
13	Mike Davis (Dilly's Kitchen)		mike@dillyskitchensketty.co.uk
14	Patrick Thiele		patrick.thiele@outlook.com
15	Paula Pritchard (The Residents & Traders Association of Sketty)		victorialuciohp8@btinternet.com

Comments

Respondent	Comments	Council response	Recommended change
1	<p>10.1 It is important to promote a safe and uncluttered pedestrian environment. To this end, the Council considers that the licensing of portable advertising boards on the pavement (public highway) should be carefully controlled. Pedestrians can be put at risk through poorly sited advertisements. Good design is particularly important for people with impaired vision, mobility difficulties and those pushing prams, who can be seriously disadvantaged.</p> <p>AG comment - This needs to echo our new "Pavements Are for People" policy in Swansea, Ben George is leading on it and you may have spoken to him already, but I'd say we need specific guidance on location of A boards, i.e. minimum acceptable pavement with, static location, (so people with sight loss know where the A board is), and, ideally, locating them against the building line.</p> <p>10.10 Many shops, particularly cafes, restaurants, greengrocers or hardware shops use an area in front of the shop for tables and chairs or to exhibit goods for sale. Outdoor areas may require planning permission and advice should be sought from the Planning Department. Care should be taken to avoid obstruction and to allow access for all users. This use may require a licence from the Highway Authority. Please contact the Highways department for further clarity on this.</p> <p>AG comment - This needs to be stronger: Shops often almost obstruct the entire pavement with their displays, and tables and chairs need to stay within the area for which they are licensed, again, this needs to echo the Pavements are for People policy.</p>	<p>Comment in relation to paragraph 10.1 – Details of the ‘Pavements are for People’ policy are provided in paragraphs 10.12 – 10.14 as well as example photos of the unacceptable blocking of pavements with signage.</p> <p>Comment regarding paragraph 10.10 – Reference is made to Pavements are for People Policy in paragraphs 10.1 & 10.12 – 10.14 (re-numbered 10.13 – 10.15 as result of new paragraph added), however issues with policing and enforcing fall outside of the scope of this guidance and would be dealt with by the council Pavement licensing team (Highways).</p>	<p>Add the following text to the end of paragraph 10.1:</p> <p><i>“ . . . To help provide a safe and accessible environment for all the council has a ‘Pavements are for People’ policy. Please see paragraphs 10.13—10.15 for further details (or the council website for full details).”</i></p> <p>Add new paragraph 10.16:</p> <p><i>“10.16 The purpose of licensing external displays, seating and other forms of activity on the street is therefore to ensure that these stay within the area to which they are licensed and do not cause obstructions within the public realm which can be particularly hazardous to some users.”</i></p>
2	<p>I welcome the introduction of a Shop Front Guide in SCC. Is it possible to include guidelines on how the appearance of the shop front should be when a tenancy ends, i.e. the state of many shops that are empty leave a lot to be desired and e.g. if the current BHS store is left with SALE notices etc. splashed across its windows that will make the centre of the city look extremely poor.</p>	<p>The support is noted</p> <p>In some areas temporary art hoardings and window vinyls have been installed as means to improve the appearance of vacant shops. However this is not typically a planning issue but could be addressed through regeneration funding or section 215 if the appearance of the building is particularly detrimental to the streetscene.</p>	<p>Change title of Section 10 to Other Features & Considerations in order to better reflect wider scope of section and new paragraphs (paras 10.17–10.20) to state:</p> <p><i>“Vacant Shops & Commercial Premises</i></p> <p><i>10.17 If a shop or commercial building is to be left vacant following the end of a tenancy, shop owners should consider means of improving the appearance of the street through the use of appropriate vinyl stickers, art hoardings or displays. A high quality appearance to an empty shop can also help to improve the attractiveness of this to potential business</i></p>


			<p>occupants.</p> <p>10.18 Where empty commercial buildings are considered to be particularly detrimental to the appearance of an area these could be served with an 'Untidy Land Notice' under Section 215 of the Town and Country Planning Act 1990.</p> <p>10.19 Such a notice can be served on the owner or occupier of any private land or building which is in an unreasonably untidy condition and which the Council consider has an adverse effect on the amenity of the area.</p> <p>10.20 The Notice will specify what needs to be done to correct the situation within a given timescale. It is an offence not to comply with the notice within the specified period. If the requirements of the notice are not carried out in the required timescale the landowner could be fined and have a criminal record."</p> <p>Also add one photo example of both an art hoarding and vinyl sticker approach to vacant shop units within Swansea.</p>
3	<p>I would like to give my opinion of how the council could possibly improve the centre.</p> <p>I think the city should have a new city inner park. The old Oxford Street school, which is now a shabby car park could be the location of a new niche park. The city could purchase the whole block and demolish the poor ugly 1960 s buildings.</p> <p>Think a nice beautiful park to attract people into the centre surrounded by cafes and coffee shops.</p> <p>Bring people back to the centre make it something to be proud of again</p>	<p>Comments in relation to general ideas to improve the city centre. These are addressed by the Swansea Central Area Regeneration Framework and are not specifically relevant to the proposed shopfront guidance document.</p>	No change
4	<p>I support the draft document.</p>	<p>The support is noted.</p>	No change
5	<p>As a resident of Swansea I fully support the proposal for shop fronts and commercial properties throughout the Swansea area and around Swansea Bay.</p> <p>At present it is a hotch pot of varying designs and a much more co-ordinated approach would vastly improve the area and its ability to thrive. The new building and renovations currently seen in both Swansea City and Mumbles show how successful a co-ordinated approach can be. I applaud Swansea Council for being forward looking and wish them every success in delivering this for</p>	<p>The support is noted.</p>	No change

Shop Front & Commercial Frontages Design Guide - Record of Public Comments

	all of us who live and work or visit this area.		
6	I can appreciate that new shop fronts and new commercial frontages may encourage more people to use the facilities of Sketty. However I understand that the new flats proposed on the existing car park will greatly reduce the parking spaces in Sketty. Where is the balance in this situation?	<p>These comments are in relation to a specific development proposals for Eversley Road/Vivian Road(ref 2014/1172) which have been approved. The comments have been forwarded onto case officer.</p> <p>No comments are made specifically in relation to the guidance document or content within this.</p>	No change
7	<p>I find it ludicrous that the council intends spending money on shops many of whom will relocate when the building of flats in the only car park will take place in the near future. Talk about putting the cart before the horse. It is difficult to park in Sketty now which at present is a good little shopping area but will become a lot of empty shops with nice new fronts when this development takes place.</p> <p>Note: Email titled – shop front design sketty</p>	<p>These comments are in relation to specific development proposals for Eversley Road/Vivian Road (ref 2014/1172) which have been approved. The comments have been forwarded onto case officer.</p> <p>The proposed Shop Front Design Guide is intended as a guidance document for private developers and owners of shops who wish to change the appearance of these through the planning process. Any such works will therefore be undertaken at the cost of these individuals and not the council.</p> <p>No comments are made specifically in relation to the guidance document or content within this.</p>	No change
8	<p>My ideas for improvements.</p> <p>Pavements made safe even and attractive uniform design.</p> <p>Parking on one side only shop side,</p> <p>Diagonally, take some tarmac pavement away for this.</p> <p>Weed control</p> <p>Subsidise hanging baskets for all shops.</p> <p>Make old petrol station a seating garden area. Streetlife are campaigning for this.</p> <p>Have a big sign on Gower road naming the shops in Eversley road.</p> <p>Maps from tourist info with adverts of shops around the edge of page.</p>	<p>These comments are in relation to general ideas to improve the public realm around Sketty Cross. They are not specifically relevant to the proposed shopfront guidance document.</p>	No change
9	I feel this is madness to spend money on shop fronts when the businesses will be a real threat from the closure of Eversley Road car park for up to two years	<p>These comments are in relation to a specific development proposal for Eversley Road/Vivian Road (ref 2014/1172) which have been approved. The</p>	No change

	<p>while Coastal develop their housing ,and then considerable less spaces than they have now. When people can't park they drive on. Why are the council not investing in alternative parking?</p>	<p>comments have been forwarded onto case officer.</p> <p>The proposed Shop Front Design Guide is intended as a guidance document for private developers and owners of shops who wish to change the appearance of these through the planning process. Any such works will therefore be undertaken at the cost of these individuals and not the council.</p> <p>No comments are made specifically in relation to the guidance document or content within this.</p>	
10	<p>How the new design for external signage was approved is beyond me. Its a complete backwards step. Anyone could have come up with that design in 20 seconds using the Arial font. The signage in previous years have had at least some design merit to them and enhanced the area. I would be grateful for a reply as to why anyone thought this would improve the area.</p> <p>Note: Email titled – Wig & Pen public house, St Helens Road</p>	<p>Comments relate to signage for the Wig and Pen pub on St Helens Road.</p> <p>No comments made specifically in relation to the guidance document or content within this.</p>	No change
11	<p>Whilst Section 9 in the paragraph relates to Security there is no reference made to security standards. It is important that this document in providing security advice also advises on recognised security standards.</p> <p>For this reason I would ask for the following to be included under Section 9 Security:</p> <p><u>(i). Door Sets.</u></p> <p>Low risk retail units should be fitted with door sets that comply with the security standard PAS 24, LPS 1175 SR1 or equivalent. Higher risk retail units should have door sets with a higher security rating e.g. LPS 1175 SR2.</p> <p><u>(ii). Window security.</u></p> <p>Vulnerable windows fitted in retail units should comply with the security standard PAS 24, LPS 1175 SR1 or equivalent. Higher risk retail units should have windows with a higher security rating e.g. LPS 1175 SR2.</p> <p><u>(iii). Glazing.</u></p> <p>All accessible glazing should incorporate one panel of laminated glass to a minimum thickness of 6.4 mm. The glass should be certificated to BS EN 356: 2000 rating P1A</p>	<p>Comments from the Police Designing Out Crime Officer (PDOCO) regarding specific security rating information for doors, window units, glazing, grilles and shutters, lighting.</p> <p>PDOCO also recommends that door recesses should be avoided – However a contextual response is considered more appropriate which takes into account the crime context, street character and conservation status of the site.</p>	<p>Given the technical nature of the Security rating information this will be included as an appendix at the end of the document with a reference note in Section 9 – New paragraph 9.20 to state:</p> <p><i>“A list of the recommended security ratings for doors, windows, glazing and grilles and shutters can be found in appendix 2 at the back of this document.”</i></p> <p>Add new bullet point to section 7.2 to state:</p> <p><i>“g) When considering whether to recess a shop door as part of the proposals a balanced and contextual design response which takes into account the street character, local crime context and any heritage designations should be taken. <u>In high crime context areas where there are character or heritage restrictions it is recommended that doors be set flush with the remainder of the shop front or the recessed door be protected by a roller shutter.”</u></i></p>

	<p>Occasionally when large laminated glazed panels are used on south facing elevations there have been incidents of glazing failure (cracking) due to thermal stress. Whilst the use of toughened glass may be seen as a simple solution ordinary toughened glass offers no security resistance. It is therefore recommended that the inner pane of glass used in a double glazed unit is laminated toughened.</p> <p>This combination of the two sheets of toughened glass and the interlayer offers both resistance to intrusion and thermal stress.</p> <p>Laminated glazing should be fitted to all external doors and windows in areas where there are crowded places e.g. town or city centres. This is to reduce the amount of injuries caused by broken glass during a terrorist incident.</p> <p><u>(iv). Grilles and Shutters.</u></p> <p>Any grilles or security shutters fitted to protect doors or windows should meet the security standard LPS 1175 SR1 or equivalent. A higher security rating may be required on the most vulnerable premises.</p> <p><u>(v). Lighting.</u></p> <p>Any lighting installed on premises should complement and enhance any CCTV installed on site.</p> <p><u>(vi). Door recesses.</u></p> <p>Recesses where possible should be avoided.</p>		
<p>12</p>	<p>I have become aware of your public consultation with regards to the measures needed to provide a better and more welcoming place for business.</p> <p>Some of the security measures are very well thought and contribute to the comfort and accessibility (such as limiting the use of the sidewalk for advertising, and promoting ways to reducing the barriers for access such as steps).</p> <p>My most immediate concern is the funding provided. What would happen to those small businesses which have not got enough budget and may not qualify for fully funded refurbishment works?</p> <p>Personally, I would take advantage of the shutters which</p>	<p>These comments are supportive in relation to security measures and accessibility on the street.</p> <p>Comments regarding funding concerns – The council has a grant funding programme with a set budget for each year as outlined in section 11. Unfortunately due to council budget constraints this cannot cover all proposals for refurbished shops etc. As such funding is dealt with on case by case basis with those projects which deliver the most economic benefits (e.g. most jobs created, most vacant space brought back into beneficial use etc.) qualifying for such funding.</p> <p>Comments in relation to the appearance of vacant shops – In some areas temporary art hoardings and window vinyls have been installed as means to</p>	<p>Add new paragraph 9.7 to state:</p> <p><i>“However where existing solid roller shutters are in use consideration should be given to improving their appearance through appropriate artwork painted onto these. If this includes shop signage and/or logos then this approach would require the submission of a signage application.”</i></p>

	<p>are already in place and use them as a canvass for artwork (as opposed to seeing graffiti as vandalism). In fact, some building contractors use their fences as a canvass for local artists (i.e. in Oxford Street). Many places in bigger and artistically minded cities, like Bristol, have an allowance for street art that makes it personal and brightens the place.</p> <p>This would be a great initiative for all the art students that are educating themselves in Swansea (Gower College, Trinity Saint David University), being able to use the existing "unwelcoming" shutters and transform them into something beautiful and meaningful. This would also save the hassle of application for grants, stress on the shop owners, disturbance of customers while the works are happening, disposal of the old shutters, acquirement of new ones that may not cover the glass from danger completely. So, if your decision is purely for aesthetic reasons, I would recommend the artwork solution.</p> <p>Another point that I have interest in is the good condition of vacant shops for the sake of security. I run a business of pop-up cafe for health and well-being (where I cater for food allergies, all gluten-free and vegan, nut-free, no refined sugars) and I am looking for ephemeral venues I can "shop-sit" while the building is not being occupied by a permanent owner. My interest match your need for security and someone who is taking care of the venue, therefore I would like to discuss this issue further and get to an agreement to use one of the multiples venues in Swansea town centre (such as the former Polish bakery, the former Turkish shop, etc.) which are ready for business and I could use short term.</p>	<p>improve the appearance of these. However this is not typically a planning issue but could be addressed through regeneration funding or section 215 if the appearance of the building is particularly detrimental to the streetscene.</p> <p>Comments in relation to shutters – The general approach is for new shutters to be at least 75% open (typically brickbond type) in order to provide a welcoming, attractive and safe environment (when closed - typically at night). However there may be scope for painted artwork on existing solid shutters however this would need the co-operation of existing owners etc.</p> <p>Comments in relation to ‘pop up’ shops are outside of the scope of the guide and such enterprises are typically led by the landowner – However comments forwarded onto City Centre Manager for consideration.</p>	 <p>Example of painted roller shutter approach</p> <p>(Will also require re-numbering of existing paragraphs 9.7 – 9.18)</p> <p>Section 10 has also been amended to address earlier comments on temporary treatments of vacant units.</p>
<p>13</p>	<p>I would like to see my shop front design to be in keeping with the shop to my left (as you look at it).</p> <p>Also it would be nice if the pavements could be improved, look and safety.</p> <p>Then how about hanging baskets off lamp posts or the pedestrian road barriers.</p> <hr/> <p>Could you consider access to customers who are visiting Sketty should have an ability to park. With the loss of 1/2 our carpark through the coastal development. Can you consider looking to take over/purchasing land to have another carpark. This would then be in line with the Killay shops.</p>	<p>This comment relates to a specific business premises in Sketty and is not relevant to content of draft guidance document.</p> <p>The general comment regarding pavements is not considered relevant to content of the draft shopfront guidance document.</p> <p>The comment about hanging baskets is relevant and this requires a minor amendment.</p>	<p>Add new paragraph 10.12 to state:</p> <p><i>“10.12 In appropriate locations hanging baskets can add interest and greening to shops. Where these are proposed consideration should be given to how best to integrate them into shop front designs.”</i></p> <p>Will require re-numbering of previous paras 10.12 – 10.14</p>

	Note: 2 separate emails received		
14	<p>ideas for local food market venue and to attract tourism</p> <p>I ran a food business recently and had my own stall built after I designed it. I think a market put together with multiple of that stall dimension and build with a few modifications would be ideal to support the community in establishing new business; and the best location would in my view be the derelict grounds opposite the costal group parking space in Eversley road. I have the architects drawings for that stall.</p> <p>Also, in 2005 I created a promotional tourism video for swansea (and there are others), please see: https://www.dropbox.com/s/ool9yto9tus20g1/VTS_02_1.VOB?dl=0</p> <p>attached (superior market stall prototype)</p> <p>Note: Pictures attached to email</p>	<p>These comments relate to specific area and proposals and are not relevant to content of the draft shopfront guidance document.</p> <p>The comments relate to tourism marketing are again not relevant to content of the draft shopfront guidance document.</p>	No Change
15	<p>Could we please suggest, that by placing parking on the agenda for Sketty Cross, possibly on the land alongside the Seventh Day Adventist Church? This would be an asset for all concerned.</p>	<p>These comments relate to the Sketty area and are not relevant to the content of the draft shopfront guidance document.</p>	No Change

Appendix B

Final draft of the Shop Front and Commercial Frontage Design Guide

SHOP FRONT & COMMERCIAL FRONTAGE DESIGN GUIDE

Draft for Adoption



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Appendices

1. Hierarchy of Shop Front Works—Summary Checklist
2. Security Standards
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4. Consultation Statement

1. Introduction

1.1 This guide has been produced with the aim of improving the character and appearance of all shop fronts and commercial frontages within the City and County of Swansea except for those located within retail parks which will be dealt with on a case by case basis. It would therefore be used to assess and negotiate the wide range of shops and commercial frontages present within the city and county area including surf shops in Gower, bars on Wind Street, department stores in Swansea city centre, banks in district centres and corner shops everywhere. It is important to note that the guide will be applicable to the entire frontage and not just to the ground floor areas of applicable buildings.

1.2 Through the application of a series of tried and tested principles of good design which also respect the specific character and context of the host building and locality; the quality of commercial frontages and areas can be increased. This design guide has a key role to play in raising standards of design in Swansea City Centre. Well designed frontages create much more attractive neighbourhoods for those shopping, visiting, working and living within these areas.

1.3 Whilst shop fronts are minor relative to the potential strategic regeneration of Swansea City Centre, they cumulatively make up much of the ground floor frontages in the city core. Given that these are located at eye level they provide the first and lasting impression of the city centre for many people and can influence whether they wish to return. Therefore day to day development control decisions in relation to these shop fronts and commercial frontages are a key part of the physical regeneration process.

1.4 This approach is supported at the national planning policy level with one of the key objectives for retail areas being to:

“Enhance the vitality, attractiveness and viability of town, district, local and village centres. . .”

(Planning Policy Wales (Edition 7) paragraph 10.1.1)

1.5 Planning Policy Wales then goes onto to explain:

“Vitality is reflected in how busy a centre is at different times and in different parts, and attractiveness in the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract investment, not only to maintain the fabric but also to allow for improvement and adaptation to changing needs.”

(Planning Policy Wales (Edition 7) paragraph 10.1.3)

1.6 In addition to the goals of improving the vitality, attractiveness and viability of retail premises as set out in PPW, Technical Advice Note (TAN) 12: Design goes onto state:

“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

(TAN 12: Design (2014) paragraph 2.6)

1.7 In order to meet the aforementioned objectives of Planning Policy Wales in a contextually appropriate manner this document will set out clear guidance and certainty in the assessment planning applications for new commercial shop front development throughout the County.

1. Introduction

1.8 At the local level the emerging Swansea City Centre Strategic Framework Review notes the low quality nature of the edges of the retail core at page 16. This is in part a reflection on the quality of the shop fronts and commercial frontages as well as a reflection on the nature of the businesses. Within the Priority and Complementary Areas identified in the emerging SCCSF Review there is a constant theme of raising standards both of new development and in changes to existing buildings, for example:

“Promote the use of high quality materials and workmanship and design which requires less maintenance without sacrificing quality. High Street priority area.” (page 65)

“Ground floor areas should have a positive relationship with the public realm. New buildings which address the street with active frontage at the ground floor and above, adopting a layout and scale that provide a good sense of continuity, enclosure and overlooking of the street, achieving high quality urban form; St David’s priority area.” (page 68)

1.9 The recent high quality shop fronts and carefully designed signage installed as part of the Urban Village scheme on Swansea High Street demonstrates how these elements can help raise the quality and character of the wider area.

1.10 This guidance will be adopted as Supplementary Planning Guidance (SPG) linked to policies EV1, EV4, EV7, EV9, EV13, EV14, EC6, EC NR & CC2 of the Swansea Unitary Development Plan (UDP).

1.11 Underpinning this guidance document are a number of key aims which include:

- Encouraging the preservation of good quality period shop fronts which contribute to the history and/or aesthetic quality of the area.
- Ensuring proposals relate satisfactorily to the shop building and the wider street as a whole.
- Ensuring the provision of access for all.
- Retaining and improving access to upper floors.
- Ensuring that advertising is integrated with the shop front and that it respects the character of the building and the surroundings.
- Encouraging the unobtrusive integration of security features into the shop front.
- Discouraging the inappropriate imposition of national corporate image shop fronts in sensitive areas.

1.12 For advice on any aspect of this document please contact the Design and Conservation Team on 01792 637341.

2. Using this Design Guidance

2.1 This guide sets out the design considerations for the undertaking of shop front and commercial frontage works across the City and County of Swansea area. Depending on various aspects of the context of the development such as the location of the proposed shop and the character of the building a different approaches to the design of the shop front may be may be appropriate or not.

2.2 By following the flow chart to the right this will provide a guidance as to which approach(es) will be appropriate for each application. Each approach is colour coded and specific advice relevant to this is provided within the document.

2.3 The flow chart sets out the early questions that should be asked when assessing the site in order to choose the most appropriate response to its context. Design approaches to shop front and commercial frontage proposals will fall into 1 of 5 categories:

- Heritage Approach - Retain / Repair
- Traditional Approach
- Modern Interpretation Approach
- Modern with some Traditional References
- Modern Approach

2.4 In some cases more than one approach may be considered acceptable in principle, however the final proposals will be assessed on the merits of the design as well as through a justification of the proposals based on thorough site context analysis.

2.5 Once the correct overarching design approach has been selected then further detailed design issues can be addressed. The remainder of this document therefore sets out a rational approach to assessing the context of the site as well as providing more detailed guidance for the various design approaches set out in the flow diagram to the right.

How to use the guidance

Section 3—Various considerations for **Understanding the Street & Building Context**.

Section 4—Considerations for proposals in **Conservation Areas** of affecting the setting of **Listed Buildings**.

Section 5—Overarching guidance for each of the remaining **4 Design Approaches**.

Section 6—Detailed guidance for the various **Shop Front Features**.

Section 7—Guidance for ground and upper floor **Access**

Section 8—Guidance for **Signage & Lighting** to be incorporated into proposals.

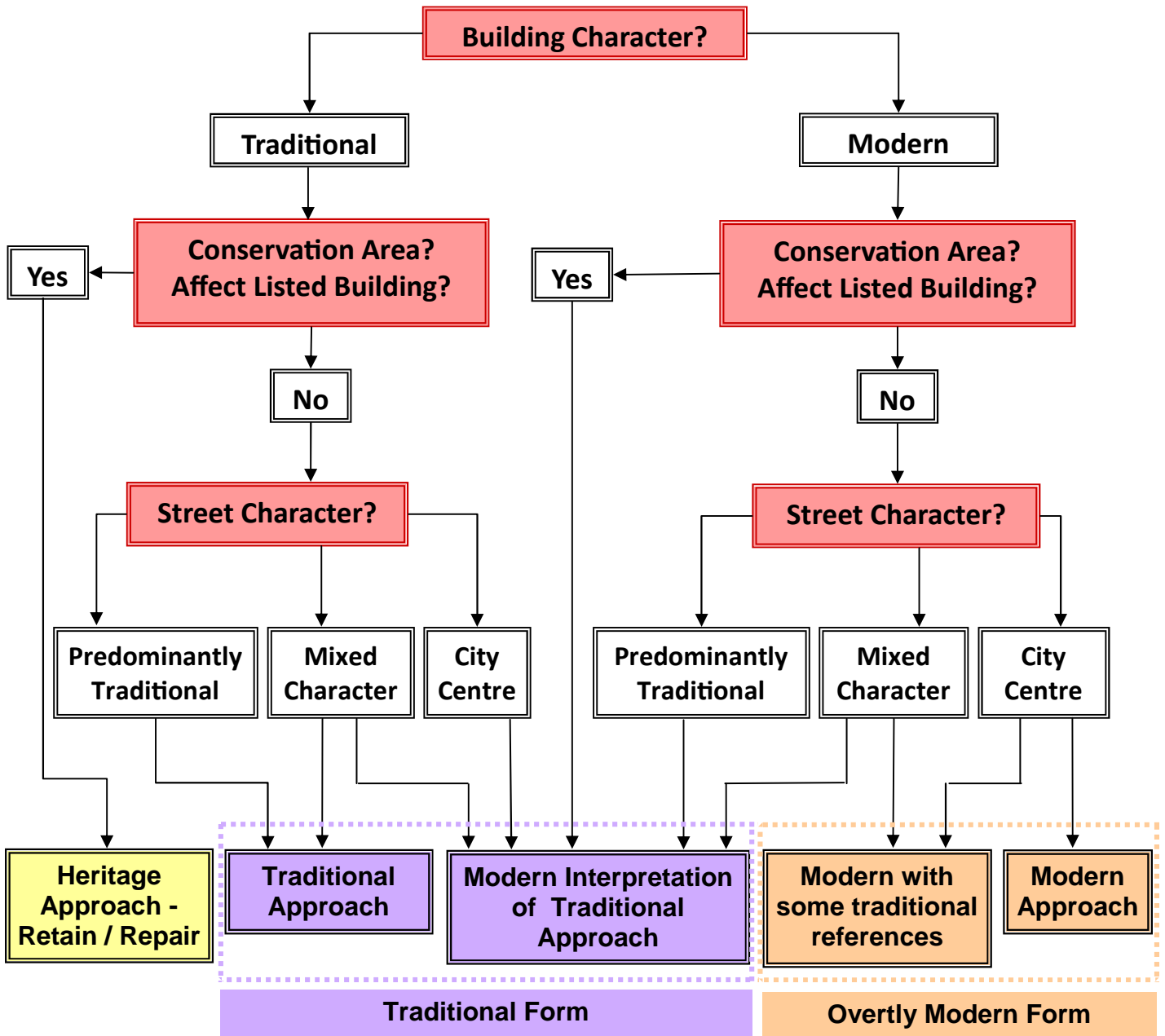
Section 9—Guidance for **Security** measures (such as roller shutters etc).

Section 10—Considerations for other **Other Features** such as canopies, outdoor seating areas, ATMs.

Sections 11—13—highlight **Grant Funding** and set out the **Planning Policy Context & Submission Requirements**.

2. Using this Design Guidance

Design Approach Assessment Chart



It should be noted that in the context of the above 'Modern' refers to the character of any buildings or developments built in the Post-War (1945 onwards) period rather than buildings built in any specific architectural style defined as part of the 'Modern' or 'Modernist' movement.

3. Understanding the Street & Building Context

3.1 In order to appreciate which approach to shop front design is appropriate will involve undertaking an analysis of the street and building context. Understanding the local context can help to highlight the underlying scale, proportions and features of the street and building and aid the provision of high quality shop fronts which help to enhance the character of retail areas. Well considered proposals typically benefits all businesses in the area through providing a higher quality environment with a greater sense of identity.

Street Context

3.2 The quality of a street has an impact on whether people choose to visit an area and affects how long they stay. Well designed streets also contribute to wider perceptions of neighbourhoods.

3.3 The character of a street is derived from the scale and proportion of its component buildings, as well as from their individual style and detailing. Retail streets where shops have uniformity in their character (proportions, materials and details) tend to have a stronger sense identity and place which helps to attract people. It is therefore important to look for consistent patterns along the street such as the repeated arrangement of pilasters or windows, or the continuous line of cornices. The perceived quality of a shopping street can be down-graded by one poorly-designed shop front. The City and County of Swansea area incorporates a variety of both traditional and modern retail streets/areas.

3.4 The division of a terrace into narrower plots is important in establishing the character of many streets, and helps to give strong vertical proportions to individual units. This unifying sense of verticality typically defines the character of most traditional and many modern retail streets. Poorly considered proposals can disrupt the sense of verticality by either providing continuous shop fronts which extend across the front of more than one property; or providing wide, squat windows; or proposals which do not respect original property divisions often appear poorly integrated into the host building as well as the wider streetscene and can weaken the character of the both.



Left: This shop extends across three units, but the fascia sign is broken into sections rather than extending across the whole shop front.

3.5 Where streets do not have uniform building heights and equal plot divisions, there is often a “hierarchy” to the component buildings - a variation in scale and proportion, with key buildings gaining prominence in the street. This hierarchy should be respected when altering shop fronts.



3. Understanding the Street & Building Context

Building Context

3.6 The perception of a building changes as it is approached. The eye first notices the outline and general character of the street. Then the individual property is picked out and its shape and proportions noted. Finally, the style and details of doors and windows, colours and textures are observed. With this in mind, shop front designers should consider the layering effect of the wider character of the street as well as the character and style of the building and its features. Good design provides interest and harmony at each level.

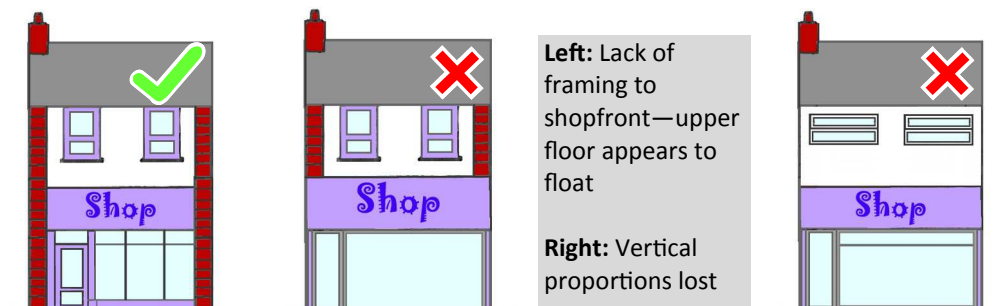


The perception of a shopfront changes as the building is approached

3.7 The shop front should be seen as an integral part of the building and the design of these should consider the building as a whole. The scale, proportions, character and materials of new elements (such as fascia signs) should therefore relate to those of the whole building as well as to each other. As a general rule, a restrained approach leads to a higher quality design.

3.8 Traditional shop fronts typically exhibit vertical proportions and a solid surround in order to provide a strong frame to the display window which complements the overall appearance of the building. In traditional buildings this is achieved through the use of pilasters, fascia and stall riser but the overall visual unity of the façade can easily be lost as a result of the unsympathetic introduction of modern shop fronts into these buildings which often use large, undivided windows and minimal framing features. Large areas of ground floor glazing on traditional buildings give an uncomfortable appearance where the floors above look unsupported.

3.9 However the introduction of a stall riser can help to give a firm base to a shop front and help to integrate it more successfully into the facade. The principle of a stall riser is appropriate for shop fronts in both historic and modern buildings. Similarly approaches to shop fronts in modern buildings should also consider utilising vertical emphasis and a shop front frame as the benefits of a well-balanced shop front with strong vertical elements are twofold. Firstly, the proportions better complement the upper floors of the facade, and secondly, marked vertical emphasis helps slow the eye and hold the potential customers attention.



3. Understanding the Street & Building Context

Importance of the group

3.10 As well as taking the design of the host building into account the design of shop fronts should also consider the character and appearance of adjoining buildings. To ensure that buildings retain their distinctiveness and detailing, individual shop windows should be separated by consoles and pilasters even if they serve a single shop. Unity of appearance can be achieved by ensuring the upper and lower levels of the fascias are the same height and doorways have a regular pattern. Distinction between shops can be achieved by the use of different colours, lettering etc.



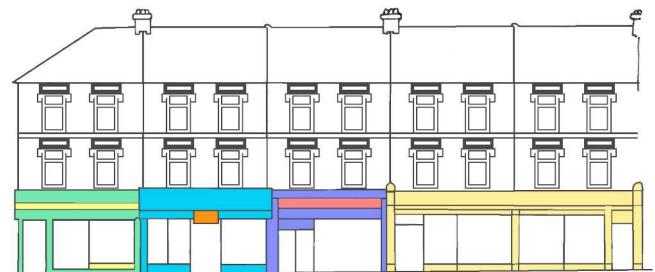
Above: A row of shops before refurbishment. the shop fronts do not relate to each other or to the buildings. In addition, the solid shutters detract from the streetscene.



Above: The same shops have been refurbished as a block to ensure a unity of appearance. Individual shop fronts are separated by pilasters whilst signage allows individuality.



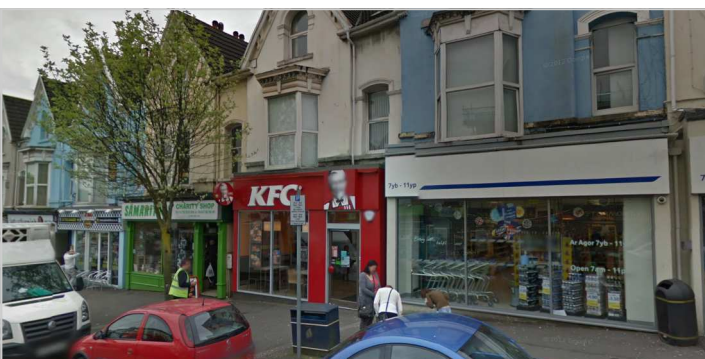
Shops with a common framework appear ordered



Shops with a mixed framework can appear unbalanced

Sloping Streets

3.11 Where a row of shops is located on a sloping street, consideration should be given to how best to accommodate the topography of the street. Typically this will involve staggering the height of fascia signs between the 2 adjacent units in order to provide a transition from the lower level to the higher level.



Left: This row of shops shows how fascia signs can be staggered/stepped to provide a relatively uniform transition along a terrace of shops on a sloping street/hill.

In order to achieve a level of uniformity across the row it is important that the individual fascia signs are relatively uniform in height and width across individual building frontages.

3. Understanding the Street & Building Context

Shops on Corners

3.12 Shops on corners have a particular impact on the quality of the street as they are usually the most prominent due to their double frontage. As such It is particularly important that they are designed to a have a high quality frontage on both sides.

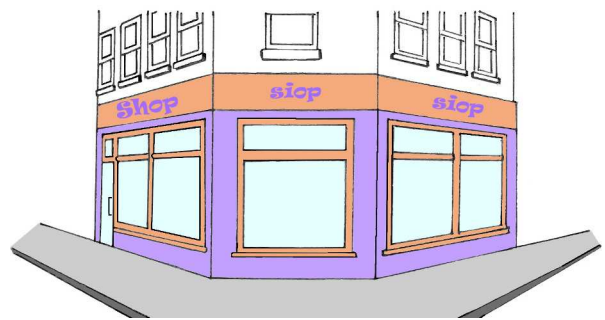
3.13 When designing the shop front, careful consideration needs to be given to providing access on the corner plot.

3.14 Where possible, shop fronts located on the corner of streets should look to provide pedestrian access to the unit on the corner of the site. If an entrance has been accommodated on the corner unit, it may also be acceptable to provide an additional entrance on either side of the unit.

3.15 To maximise advertisement opportunities on corner units whilst reducing clutter on shop fronts, hanging and projecting signs should be located at the end of the fascia, which is farthest away from the corner.



Providing the entrance on the corner can draw the attention of pedestrians on both streets.



Poorly placed entrances reduce the legibility of the building for users.

Checklist for Understanding—Street & Building Context

- a) Consider the context within which the shop front exists. Respect age, style, proportions, and character of the building and those surrounding it. Consider the predominant design/ theme in the street.
- b) The design should be sensitive to the specific context and character of the area. However where the existing context is poor new shop fronts should seek to enhance the character and appearance of the area.
- c) Respect the character of neighbouring properties. Do not extend new shop fronts across two or more shop buildings without expressing the rhythm of the upper floors in the shop fronts.
- d) The scale and proportion of window frames, doors, fascias and any other external features should respect the established character of the streetscape as well as the architectural and historical features of the upper floors. Horizontal features including stall risers and door panels should be aligned and not be clearly disproportionate to their neighbouring feature.
- e) Materials should be in harmony with the age and design features of the rest of the main building and neighbouring properties. Materials should be sympathetic in colour and texture to those of the shop building and street as a whole and the type and number of different materials should be kept to a minimum.

4. Conservation Areas & Listed Buildings

4.1 Areas or buildings of special architectural and historical value are typically protected via **Conservation Area** or **Listed Building** designations. Given the importance of these the planning system has a **statutory duty to protect the character and appearance of properties within these designations under the Planning (Listed Buildings and Conservation Areas) Act 1990.**

Listed Buildings

4.2 Any alterations to shop fronts that are a part of a listed building will need to be consistent with the age or style of the building and will require listed building consent. In the case of the listed buildings, even minor alterations, which might otherwise be permitted development (such as alterations to the detailing of stucco or woodwork, small features or specially treated glass), would require Listed Building Consent. However repairs undertaken on a 'like-for-like' basis may not require Listed Building Consent. For further information on works to Listed Buildings please contact the Design & Conservation Team on 01792 635091.

Conservation Areas

4.3 The Local Authority is empowered to designate areas of special architectural or historic interest as conservation areas, in order to protect their character. In such areas, special attention is paid to the desirability of preserving or enhancing the character of the area including historic shop fronts. Conservation area consent is required for substantial demolition works in such areas and as such may be required for the demolition of an existing shop front depending on the scope of the works.

4.4 By understanding the style of the period, it is possible to ascertain the appropriate design for any proposed works. The influencing factors may include the age and the style of the existing building, the age of the existing shop front, the materials previously used, the historic purpose of the shop etc.

4.5 As part of the overall design, it is the little details that make the building individual and interesting. Many of these items, such as door handles, patterns in glass or sign writing on the side of a building, may be original and an important part of the historic value. These features should be retained and incorporated into the proposed design.

Corporate/National Brand shops in Conservation Areas

4.6 Most national chain/brand retail businesses adopt a standard house style to all of their stores. The purpose of house style is understandable; it is to make the company recognisable in all towns through the use of a standard image for its branches. However in Conservation Areas or where the proposals affect the setting of a Listed Building this house style approach can become an unsatisfactory intrusion into the streetscene and will also be incompatible with strengthening of the individuality of shopping areas. Therefore the corporate image should be interpreted with sensitivity towards the particular character of the host building and in Conservation areas, and it should be modified to accord with the local context/streetscene when appropriate in these circumstances, companies must be prepared to adapt their house styles to match the character of the building and the wider area.

4.7 The design of shop fronts should take account of the design of the building and adjoining buildings. To ensure that buildings retain their distinctiveness and detailing, individual shop windows should be separated by consoles and pilasters even if they serve a single shop. Unity of appearance can be achieved by ensuring the upper and lower levels of the fascias are the same height and doorways have a regular pattern.

4. Conservation Areas & Listed Buildings



Above: Examples of shop fronts where the standard house style of branding has been modified to better fit the host building and/or local area.

A more sensitive approach is especially important in special areas such as Conservation Areas and can also help to strengthen the individuality of different shopping areas/streets.

Checklist for Understanding — Heritage Approach (Retain / Repair)

- a) Proposals in Conservation Areas should preserve or enhance the character or appearance of the area and the Local Planning Authority will normally approve schemes which achieve this aim.
- b) Applications which seek to remove good quality original shop fronts or replace these with new/modern designs will generally be resisted. Works to original and relatively unaltered traditional shop fronts are likely to only be supported for repair and reinstatement works. Support for alterations to such shop fronts will only be given if enhancement of the building and streetscene can be fully justified.
- c) Any original architectural features that have been concealed by later additions should be restored. Repairs should generally be undertaken on a 'like—for—like' basis, matching the design and materials of the original features to be repaired.
- d) Buildings should be refurbished via an 'evidence based' approach where possible. This can be obtained by studying historic photographs and carefully understanding the history and era of the building.
- e) Similarly new shop front design in conservation areas should look to respect and take design cues from existing features of architectural merit and/or historical records.
- f) Traditional building practice, materials, and techniques should be used for the restoration of older properties, Modern uPVC framed double-glazed windows are not appropriate in older shop buildings.
- g) Where shops are located in Conservation Areas and/or listed buildings it may be necessary to adapt the standard 'house style' of national chains and corporations in order to respect the character and identity of the area / building. In such circumstances the corporate branding of a shop front comes secondary to the quality of the shop front design and the need to preserve and enhance the street scene.

5. New Shop Fronts

5.1 Proposals to provide new shop fronts through either renewal or replacement of an existing one will typically require planning permission and building regulations approval. Applications to replace existing modern shop fronts of poor design quality and/or a dated appearance with a more appropriate design will generally be supported.

5.2 Broadly speaking there are 4 different types of approach for new shop fronts:

- **Traditional**
- **Modern Interpretation of Traditional Approach**
- **Modern with some Traditional References**
- **Modern**

5.3 Consideration of whether a traditional or more modern approach is most suitable will need to be explored through a thorough analysis of the physical context (existing building, the wider streetscene etc), the planning policy context (is the shop within a conservation area? Does it affect the setting of a listed building? etc) as well as any other site specific considerations which are relevant.

Traditional

Appropriate for:

- **Traditional host building in street with a predominantly traditional character**
- **Traditional host building in street with a mixed character**

5.4 Traditional shop fronts are designed like picture frames; to set out the goods on display and distinguish each shop from its neighbours. This principle is a valuable basis for designing shop fronts of all types.

5.5 Good quality traditional shop fronts are the supported approach for proposals:

1. In conservation areas.
2. Affecting the setting of listed buildings.
3. In streetscenes with a prevalence of traditional shop fronts.
4. Where the host building has a strong traditional character

5.6 In the City and County of Swansea area, traditional shop fronts are generally considered to be those which exhibit the character and appearance of Victorian premises due to the prevalence of this type within the county.

5.7 Proposals for new traditional shop fronts will therefore be assessed against the design principles of the typical Victorian shop front. In order to best replicate this style the shop front should include certain key components.

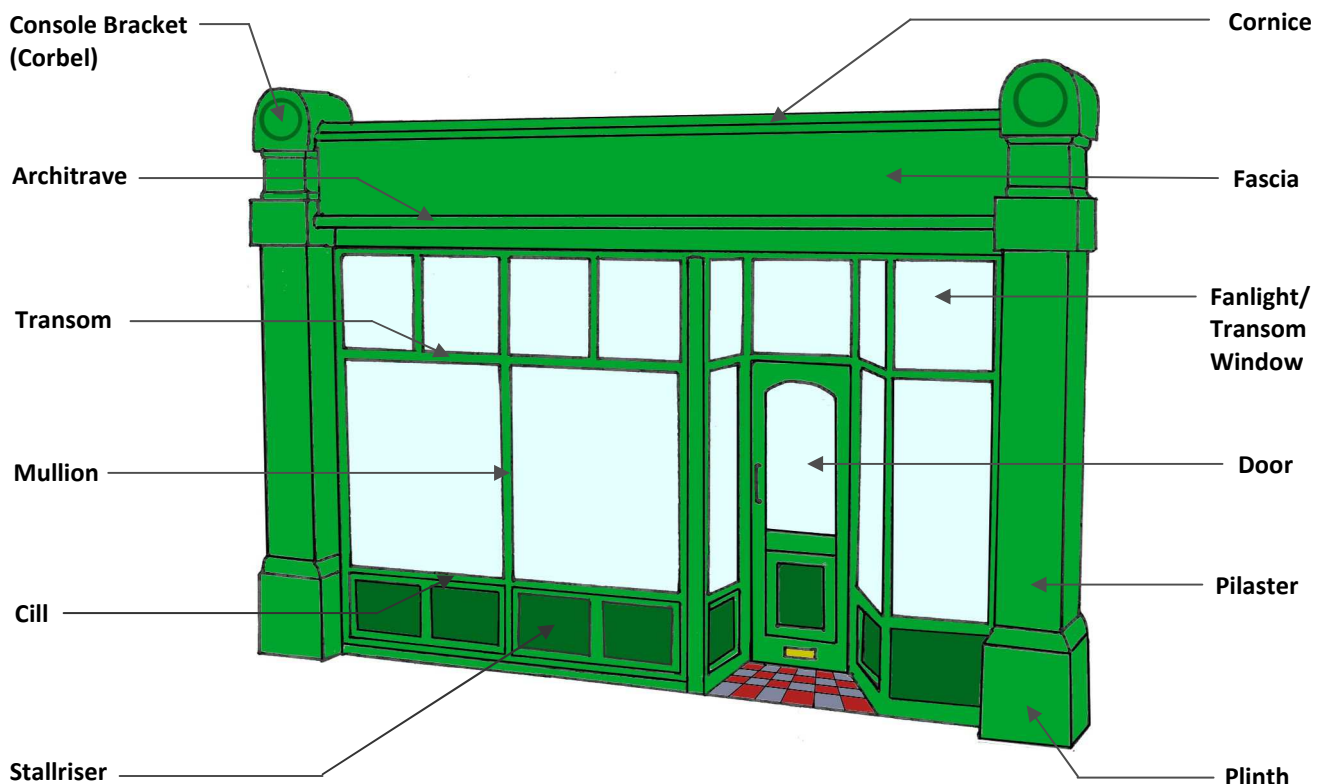
5. New Shop Fronts

5.8 There are several key components of well designed shop fronts which help to add richness and detail to the shop and wider streetscene and these should be incorporated into all new shop front proposals in an appropriate manner. Each part of the shop front has a specific role:

- The **cornice** provides a frame for the fascia and protects it from the weather.
- The **fascia** is the main location for the shop name and details about the business.
- The **consoles** also provide a frame for the fascia. In rows of shops, they separate fascias from those of adjoining shops.
- The **pilasters** have the same role as the consoles: to frame the shop front and separate it from its neighbours. Pilasters typically incorporate a **capital** at the top and a **plinth** on the bottom.
- **Transoms and mullions (glazing bars)** are not essential in modern windows but can reduce the cost of replacement if a window is broken.
- The **stall riser** helps protect the window from road dirt and damage and can be strengthened to guard against ram raiding.

5.9 These are the main elements of a traditional shop front and each has a practical purpose, as well as contributing to the character of the building. Shop fronts in more modern buildings may not need all of these elements.

Traditional Shop Front



5. New Shop Fronts

Modern Interpretation

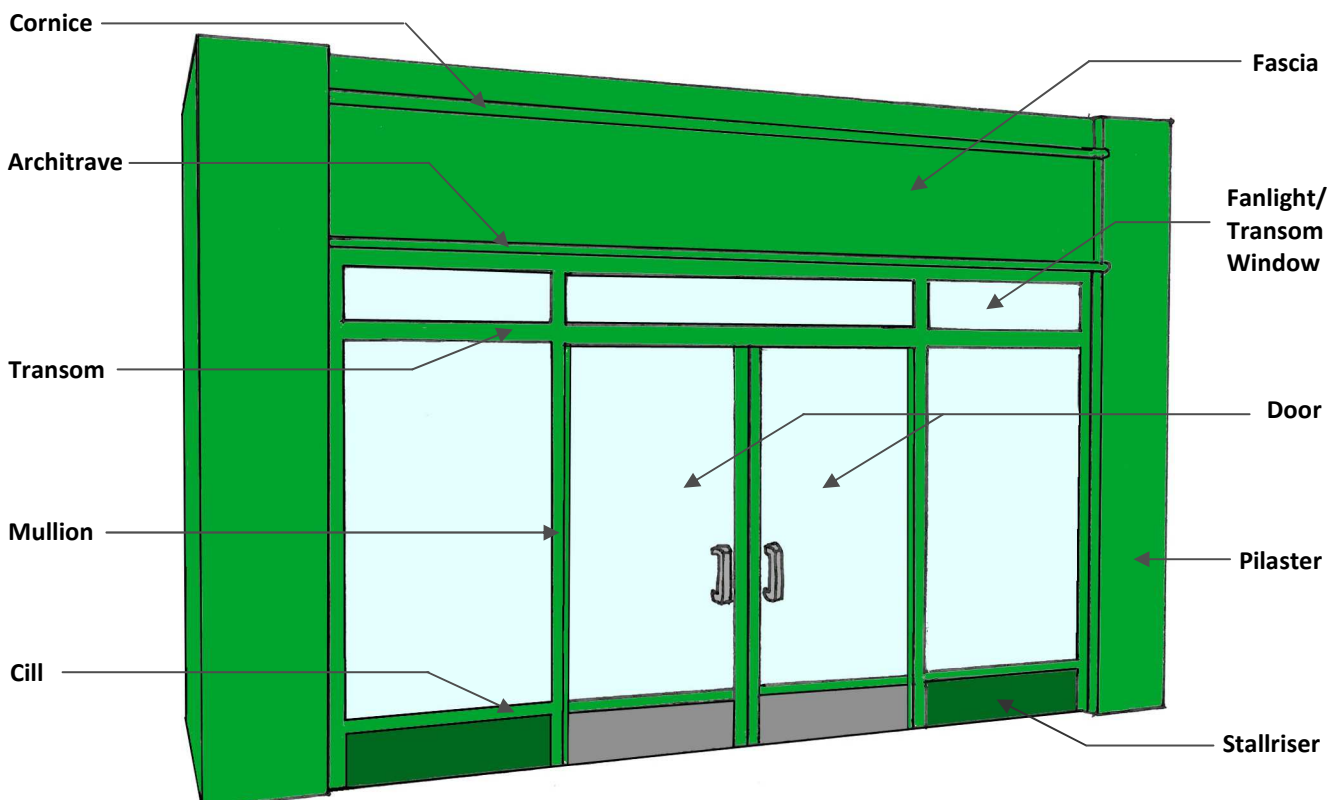
Appropriate for:

- Traditional host building in street with a mixed character
- Traditional host building in the city centre
- Modern building in a conservation area
- Modern building in a traditional street

5.10 In many instances the character of the host building or the street will provide opportunities to provide a more modern interpretation of the traditional shop front. This approach is typically appropriate where there is a difference between the character of the host building and the wider street (see above).

5.11 Modern interpretations of traditional shop fronts generally have less ornamental detailing than traditional shop fronts but they still create a 'frame' to the shop front. In order that these modern interpretations enhance the character and appearance of retail areas these should include well proportioned components which also exhibit a level of depth and detailing to these.

Modern Interpretation of Traditional Shop Front



5.12 Typically traditional shop fronts possess a three dimensional quality and level of enrichment generally lacking in modern shop fronts. Too many modern shop fronts are dull and unrewarding because they are overly flat, and have little differentiation from the plane of the wall. As they are mostly seen by pedestrians at close distances and from oblique angles a lack of projection and recession is a missed opportunity for enrichment. As such modern shop front designs should generally follow the approach of traditional shop fronts albeit interpreted in a modern manner.

5. New Shop Fronts



Left: Traditional shop front design incorporating elements such as transom windows, decorative pilasters and corbels. Features such as these give traditional shop fronts a strong sense of character as a result of these being more decorative and detailed than modern approaches.



Right: Modern interpretation shop front design is typically less decorative than traditional designs but still incorporates the same elements albeit in a simpler, more contemporary manner.



Checklist for Understanding—Traditional & Modern Interpretation

- a) New shop fronts should have three dimensional interest (projecting and recessive elements) to create a sense of solidity and robustness to the shop exterior.
- b) Using pilasters, stall risers, mullions, transoms and fascias collectively can help to provide proportion to a shop front design.
- c) New shop fronts should be sufficiently anchored to the ground through the use of stall risers to give visual support to the upper floors of the host building and provide robustness to the proposals. Schemes for modern all-glass shop fronts which give no sense of support to the host building and that jar against older, richer shop buildings will be resisted.
- d) The design of new shop fronts should retain and incorporate rather than conceal any architectural features of the host building.
- e) Materials should be selected to reflect and enhance the character of the building and wider area. These should be durable and easy to maintain.
- f) The rhythm of the upper floors should be maintained or reinstated if necessary, especially where adjacent premises are to be operated as a single unit. In this case, each adjoining building should be individually expressed by retaining or reintroducing vertical elements (where they existed) such as pilasters between each shop front and masonry bands between upper floors
- g) Modern interpretation shop front proposals typically have less detailing than traditional shop fronts. Where such a design is proposed ensure that this has enough richness of texture and detail to give interest to the shop front and wider streetscene.
- h) Detailing and design of modern interpretation shop fronts can apply similar characteristics, proportions and principles as surrounding traditional shop fronts, without necessarily using the same decorative details and materials.

5. New Shop Fronts

5.13 In some specific locations there may be opportunities where a more imaginative approach will be acceptable. A more comprehensively unusual shop front will attract attention to itself and could become a focal feature. Appropriate locations for such an approach would be where the street and building character is mixed or within the city centre. However even within these areas there may be inappropriate locations for such an approach such as in the centre of an existing harmonious group of buildings, or where the new shop front would draw the eye to from an established landmark. A key test will be the quality of the imaginative proposals as this is not an excuse for mediocre design.

Modern with some Traditional References

Appropriate for:

- **Modern building in a mixed character street**
- **Modern building in the city centre**

5.14 In some instances there will be opportunities to provide shop fronts which have a more contemporary appearance and begin to break away from the traditional approaches as shown on the preceding pages. In specific contexts (see above) it may be appropriate to provide a shop front which utilises some but not all of the elements/features of a traditional approach and begins to introduce different materials or bold colour and lighting schemes.



Modern

Appropriate for:

- **Modern building in the city centre**

5.15 Where the host building has a post-war character and is located in the city centre there may be scope to provide a shop front which totally breaks away from the traditional approach to provide a more eye catching facade. This could be achieved by altering the form of shop front elements and providing cladding, different materials or bold painting schemes which break up the shop front or whole building façade.



Left & Right: Modern approaches to shop fronts on modern buildings in the city centre are less restricted by historical context and a variety of forms can be provided to catch the eye and provide a memorable shop front.



5. New Shop Fronts

International examples of modern approaches to shop front design which play with form, colour and materials to create iconic and memorable shop front designs.

Design approaches such as these will only be considered acceptable on modern buildings in the city centre.



6. Shop Front Features

6.1 **The following shop front features are typically found on traditional shop fronts and modern interpretations of these.** Where such an approach is utilised the design of the shop front should follow the principles set out for each component. However these principles are not intended to stifle high quality innovative designs in appropriate locations such as on post-war buildings in the city centre. In appropriate circumstances there may be scope to approach these principles in a more flexible manner, provided this can be justified through a high quality shop front design.

Fascia, Cornice & Console

6.2 The fascia is the flat or outwardly sloping section at the top of the shop front below the cornice whereby the sign/name of the shop is located. Consoles are the brackets at each end of the fascia, and traditionally allow for the fascia to be inclined. In a more modern context they simply define the ends of the fascia and provide separation from adjoining fascias.

6.3 **Fascias form the dominant feature of the shop front.** The fascia is key to advertising the shop products and/or services and is usually the first feature a customer will take notice of. Therefore it is critical that acceptable materials for fascias are used and incorporated into the wider design of the shop front. This will ensure that it remains an attraction without harming the overall shop front.

6.4 **The cornice sits above the fascia and provides a visual cap to the top of shop fronts.** In traditional shop fronts the cornice is usually timber moulding and lead topped whereas modern shop fronts typically present less ornate styles. Whether traditional or modern, all cornices should be neat and provide a well—defined cap to the shop front.

6.5 Design approach:

- a) The scale, design and angle of the fascia should be appropriate to the character, height and period of the building and in proportion with the shop front and wider streetscene. Excessively deep, wide or tall fascias should be avoided;
- b) Fascia height and alignment should retain historic proportions. Fascias should typically be aligned throughout a group of shops by keeping to a standard width, normally that of the capital. This promotes both a more attractive street scene and also ensures that each shop front retains its original, balanced proportions;
- c) Oversized fascia-boards, oversized writing and unsuitable materials such as plastic will not be permitted;



Oversized Fascia sign with overly large lettering detracts from the uniformity of the streetscene.

Plastic finishes in garish colours also detract from the quality of the fascia and can make a shop front look cheap.

6. Shop Front Features

- d) the use of box fascias should be avoided as they are often unsympathetic to the surroundings in terms of bulk, size, materials and the lighting within the box fascia;
- e) Where a shop occupies several units, each should have a separate fascia, linked visually by a common design. Continuous fascias are visually dominant and cut across the pattern of the terrace.



Lacks proportion and relationship with rest of the building.



A consistent fascia relates to the adjacent shopfront and the rest of the building.

- f) In a traditional design the fascia is normally positioned between the consoles which form 'bookends' to the fascia. The fascia, therefore, should be the same height as the console. With more modern design approaches separation between adjacent fascias should be provided extending the pilasters up to the level of the cornice.
- g) Where there is no historic information to reference, size should be in keeping with the proportions of the building, paying reference to surrounding buildings.
- h) Any existing fascias of historic and/or architectural merit on shop fronts should be incorporated into design proposals and not be covered by a new fascia or sign;
- i) Non acrylic and matt finish materials should be used in fascia design on heritage assets;
- j) The use of angled/canted fascias is encouraged for traditional shop fronts.



Traditional console



Angled fascia sign



Above: Raised lettering adds a sense of depth and robustness to fascia signage and can be utilised in a number of ways to suit the style of the shop.

Above: Traditional shop front designs can often be enhanced through the use of hand painted signs.

6. Shop Front Features

Windows, Transoms, Mullions & Bi-Folding Doors

6.6 Original windows and glazing are important features of historic buildings helping to set the proportions of the shop front whilst clearly display the goods on sale. Likewise, other elements such as glazing bars, mullions and transoms should also retain a scale and proportion which is consistent with the rest of the building. These elements in particular should be designed to reflect the architectural period of the shop front and building.

6.7 A **Transom** divides the window horizontally, often between the door and door light. These can allow high-level opening lights for ventilation. Transoms can be introduced to improve window proportions, or to define decorative glazing below the fascia.

6.8 **Mullions** provide vertical division of shop front windows. Reinforced mullions in a shop front can strengthen the glazed areas and limit the amount of glazing to be replaced following breakage.

6.9 **Bi-Folding Doors** are typically provided on commercial frontages such as bars, restaurants and cafes in order to provide an opportunity to open up the frontage during periods of good weather and to provide more of an connection between the inside and outside of the premises.

6.10 Design approach:

- a) Traditional style windows and glazing types should be utilised on historic buildings.
- b) The shop window should be kept as transparent as possible. Treatments to glazing, such as panelling, etching, reflective or tinted glass, which is used to provide signage or restrict the view into a shop, should be kept to the very minimum necessary.
- c) Window etched effect graphics can supplement the main signage of the unit provided this is proportional to the windows, the shop front and the building as a whole.
- d) The use of vertical elements such as mullions is generally encouraged to add a sense of verticality to the shop front and also break up large areas of glazing.
- e) Mullions should line up above and below transom level and may reflect vertical alignment of windows on upper floors.
- f) Where bi-folding doors form part of the proposals these should be designed to complement the design of the frontage in terms of materials and colour.
- g) Where bi-folding doors are proposed these must not impinge on highway or obstruct pedestrian movement. A separate access door should be provided also in order to allow for easy access for all into the premises when the bi-folding doors are closed.



Above: Bi-folding doors can create a more open connection between inside and outside and allow for social activities to spill out onto the street.



Above: Transoms and mullions add detailing and limit the amount of glass to be replaced if broken.

6. Shop Front Features

Pilasters

6.11 The pilaster is a vertical column which frames the shop front, provides visual support to the fascia and the upper floors of the building and visually separates shops. Pilasters usually project from the rest of the shop front and incorporate a capital at the top and a plinth on the bottom.

6.12 Design approach:

- a) Pilasters are an integral part of shop front design and should always be incorporated into shop front design in some capacity in both modern and traditional designs. The design of a pilaster in terms of height, width, materials and make up will vary depending on the shop front style and the building itself.
- b) Where a single shop front extends across two or more buildings, pilasters should be provided between adjacent buildings in order to provide vertical rhythm and to break up wide shop fronts.
- c) Pilasters and capitals should always follow the same rhythm and style as the floors above. By doing this, the pattern of the building is consistent from its base, up to the eaves.
- d) Existing pilasters that harmonise with the host building and nearby existing shop fronts should be retained.
- e) On heritage assets, mouldings on pilasters (and capitals) should take prompts from surrounding properties and historic records.



Above: Pilasters should be incorporated into all shop front design in some form and the design of these should take cues from the style of the shop front and host building.

Left: Example of a new shop front without pilasters. As can be seen the more solid upper floors appear to float above the glass ground floor resulting in a highly noticeable split between these and an odd, fragmented appearance to the overall building.

6. Shop Front Features

Stall Riser

6.13 Stall risers visually anchor to the ground and have both a visual and security function. Where appropriate materials and colours are used, stall risers will add positively to the appearance of the shop front whilst enhancing the display of goods on sale. They can also protect the shop fronts from accidental knocks, splashes and other potential damage as well as providing a robust hidden deterrent to ram-raiding therefore adding to the security of the shop front. Common materials for stall risers include timber, stone, brick and ceramics.

6.14 Design approach:

- a) Proposals for traditional or modern interpretation shop fronts which are devoid of stall risers and are glazed right down to floor level are unlikely to be acceptable given that a stall riser has both a functional and visual role to play.
- b) Similarly, such designs which employ stall risers which are too tall are also unlikely to be acceptable. As a general rule their height should not exceed 25% of the total shop front height. In order to ascertain the appropriate height of a stall riser an analysis of the host building and wider streetscene should be made.
- c) The scale of the stall riser required should typically be in proportion with the plinth supporting the pilaster.
- d) A cill detail should be included between the glazing and the stall riser.
- e) Existing stall risers that harmonise with the host building and nearby existing shop fronts should be retained or incorporated into new shop front designs where appropriate.
- f) The stall riser should be finished in a quality hard wearing material which is easy to clean.



Above: Traditional or modern interpretation shop fronts which omit a stall riser lack a robust anchor point to the ground, appear fragile and exposed and are more susceptible to damage.



Above: Stall risers have several benefits including helping to protect from damage at ground level as well as framing the shop front. Where stall risers are of a matching height across a row of shops this helps to provide uniformity and character to the streetscene which can help to create a coherent sense of place.

6. Shop Front Features

Materials & Colours

6.15 Materials, in terms of types, colour, variations and quality; can either enhance or detract from the physical appearance of a shop front. Using appropriate type and quality of materials is essential to ensure the protection and enhancement of an individual building and the wider streetscape.

6.16 The imaginative use of materials can also positively aid access for people with visual impairment. Contrasting colours and textures, for instance, including those on doors and shop floor entrances, will make them recognisable therefore allowing ease of access.

6.17 Design approach:

- a) All materials used should be high quality, durable and robust. The design of attractive and unique shop fronts through the creative use of materials and colour will be supported in appropriate locations.
- b) Materials and colour contrasts should be carefully selected for to conform with the accessibility requirements of Building Regulations Part M. Considerations such as the appropriate use of colour contrast between the frame and door, and the door and handle and the use of tactile paving at the entrance to a shop to aid the visually impaired will be supported.
- c) The materials used for individual shop fronts should typically be influenced by the host building. The use of traditional materials such as painted hardwood timber should be a common starting point for all traditional shop fronts.
- d) For shop fronts on heritage assets or within conservation areas, materials and colours for all constituent parts of the shop front should complement the architectural style and period of the individual building and the surrounding streetscape.
- e) There will be greater scope to use modern materials on newer buildings. However, designers must avoid the use of acrylic sheeting, Perspex, plastic, standard natural finish aluminium and unpainted softwoods.



Above: Utilising a range of non-complementary materials and colours gives a fragmented appearance to shop fronts.



Above: By considering the architectural style of the building and utilising more appropriate materials and colour palettes even more modern designs can often be successfully integrated into the overall building façade.

7. Access

Access—Entrances

7.1 Entrances must ensure access for all. Shop users include people with disabilities, and also people with pushchairs or prams. Access needs to relate to those who use wheelchairs, those with others with mobility issues such as rheumatism or arthritis, pregnant women and senior citizens as well as blind or partially sighted people.

7.2 Design approach:

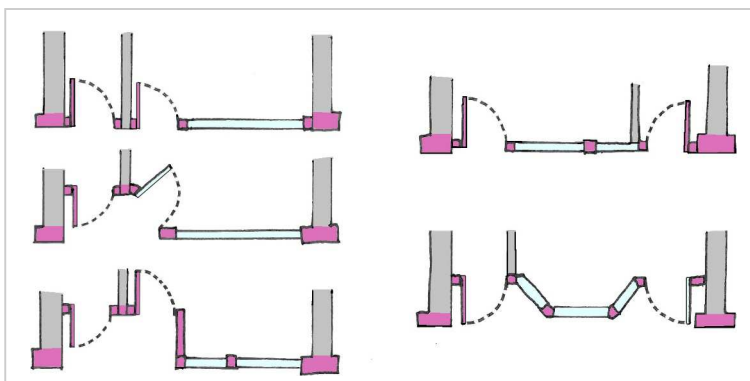
- a) The location of entrances should respect the rhythm of the street & the verticality of upper floors.
- b) On traditional shops proposals for new entrances should respect and complement the design of the existing entrance, provided such entrances are themselves of aesthetic quality.
- c) All access doors, steps and ramps should comply with the latest building regulations standards to allow access for all. The design of the shop front should incorporate safe, easy and convenient access to the premises for everyone, including disabled and elderly customers, and customers with buggies.
- d) Where doors have two leaves it should be possible for a wheelchair, pushchair or pram to enter through one door without having to open both doors. Two-way swing doors are useful for those who find it difficult to pull a door towards them. Revolving doors should be avoided.
- e) Frameless glass doors, and doors with large areas of glass can be hazardous, as partially-sighted people and children may not see them. Give special consideration to thresholds, door widths and design, colour contrasts, and symbolic signage.
- f) Solid entrance doors do not allow visibility into the shop which discourages use and contributes to the problem of inactive/dead frontages. Glass visibility panels should be fitted to solid entrance doors, positioned so that children and people in wheelchairs as well as other adults can see into the shop.
- g) When considering whether to recess a shop door as part of the proposals a balanced and contextual design response which takes into account the street character, local crime context and any heritage designations should be taken. In high crime context areas where there are character or heritage restrictions it is recommended that doors be set flush with the remainder of the shop front or the recessed door be protected by a roller shutter.
- h) In some cases it may not be possible to employ all the potential solutions to improve access without detriment to the design/character of the building or a special designation (Conservation Area, Listed Building etc). If a building is of heritage value then it is important

7. Access

Access—Upper floors

7.3 The City and County of Swansea encourages the use of upper floors above shops for uses which complement the ground floor retail use such as office or residential uses as these help to add vibrancy to the shopping areas and town centres.

7.4 Where fire doors for upper floor uses are required these must be designed in a manner which is both satisfactory to the design of the shop front and wider streetscene as well as Building Regulations.



Left: Examples of upper floor access doors incorporated into shop fronts.

Outward opening access doors and fire escapes must be recessed in order to avoid these from obstructing the public highway.

7.5 Design approach:

- a) For reasons of security and safety entrance doors should provide for direct access to the street, in preference to the rear of a property, where there is less opportunity for surveillance.
- b) Doors to upper floors should harmonise with the shop front. In particular new access doors to historic properties should be sensitively designed to ensure that they are in keeping with the existing features of the shop front.
- c) Any existing access to the upper floors should be retained. However where new access is required a separate door should be provided for unrelated upper floors uses. Where a separate door to upper floors is required, these should be designed as an integral part of a shop front.
- d) Outward opening fire doors must be carefully integrated into frontages so as not to impinge on the pavement/highway.



Left & Right: Examples of shop fronts with secondary access doors successfully integrated into these.

Doors can be accommodated in a number of ways as highlighted above.



8. Signage & Lighting

Advertisement consent

8.1 Signs and Advertisements typically form part of the design of new shop fronts and it is important that these are considered as a part of a holistic design approach to the whole shop frontage.

8.2 Advertisement proposals for shop fronts will typically require advertisement consent. This is a separate application process to the planning application for the shop front proposals but both planning and advertisement applications can be submitted in tandem.

Create a clear and simple shop front that attracts customers

8.3 The first impression of a shop is crucial and has the potential to attract passers by or turn them away. Shoppers may be reluctant to enter a shop when they cannot see into and so one of the most important things is not to confuse people with a crowded space.

8.4 De-cluttering the front of your shop can significantly improve its appearance and attractiveness to shoppers as uncluttered, clean and simple displays look more appealing than displays that are crowded with random items and signage. Too many posters and notices can make your shop look tatty and weaken the message you are trying to make.

8.5 Many shoppers are reluctant to enter shops they cannot see into and it is therefore good practice to keep posters and notices to a minimum, avoid the use of blank vinyls and avoid layouts where display units back onto windows. A shop is most clearly identified if it only has one or two clear signs, which can be located in the zone below the shop sign and above the main window.

8.6 It is also important to minimise signage above the shop as this can make your shop and the street look too busy and tatty. Therefore, as a general rule, signage above the shop fascia level should be avoided and this will often require submission of an application for advertisement consent.



Above: Too much signage can be confusing to shoppers and weaken your message.



Above: Avoid use of vinyls—These make a shop look cheap and also restrict views into the shop which can put off potential customers from entering.

Businesses and signage on upper floors

8.7 Primarily, retail and commercial uses occupy ground floor levels and as such signage should be displayed upon a shop front fascia. Repetition of signage should therefore be avoided and additional signs and banners on the storeys above the shop front will not be considered suitable.

8. Signage & Lighting

8.8 Where businesses occupy the upper floors, the display of advertisements should be limited to lettering applied to windows. A suitable size and style need not spoil the elevation. There is also the potential for further discrete signage above or next to (on a plaque for example) any entrance doorway serving this use.

8.9 Where no upper floor use exists and these areas are utilised for storage traders are encouraged to pay attention to the appearance of windows on these floors. In these instances consideration should be given obscuring windows so that these storage areas are not visible.



Left: Hand painted signage sensitively applied to the window can improve the appearance of a shop front whilst also maintaining views inside.



Left: The shop front window is completely obscured by signage creating an oppressive and unwelcoming shop front.

Signage in Conservation Areas

8.10 For traditional shop fronts in the most sensitive areas, hand written letters or individual lettering applied to the fascia may be the most appropriate solution. Raised metal or timber letters may be acceptable subject to the overall design of the signage but garish shiny plastics are not suitable. Clear well spaced letters are as easy to read as larger oversized letters.

8.11 The sign should be limited to the name of the shop with a simple graphic logo and maybe the street number. Signage with excessive information creates visual clutter and will not be acceptable. Whether directly attached to buildings or as part of a fascia sign, all lettering and graphics should be moderately sized and should be in proportion to the dimensions of the fascia area.

8.12 Adopting a standardised design approach of set letter sizes, logos and colours may not be appropriate for every building and street. Corporate signage and branding therefore should not dictate the style of the shop front, the signage and the appearance of the fascia. Corporate identity should be appropriate to the scale and character of the building as a whole. It should not overpower the aesthetic and needs to be carefully considered.

8.13 Using signs provided by advertisers will often erode the simplicity and appearance of the building and also make groups of buildings appear cluttered and should therefore be avoided. Free-standing illuminated signs hung within the window-display should also be avoided.

8.14 Subtle finishes to glazing can add interest to the appearance of a shop front. For example, glass engraving may be used to create variety. This may provide a high quality advertising opportunity, or an opportunity to say something about the nature of the business.

8. Signage & Lighting

Checklist for Understanding—Signage

- a) Proposals for shop front signage should be simple and not result in a proliferation of signs and/or posters.
- b) All external signs must be of a high standard of design, relate architecturally to the host building, be in keeping with the surrounding scale and townscape and not detract from the streetscene.
- c) New shop fronts in the city centre should generally incorporate raised fascia lettering to add an element of robustness and quality to signage in order to raise standards of design. Flat signage types such as painted fascias may be considered acceptable depending on the character of the building and the submission of a justification statement.
- d) There should be a clear visual break between the ground floor and upper floor uses. Prominent signs above fascia level will not be considered acceptable. Simple window etchings are more appropriate for upper floor uses.
- e) Fascia signs must not be oversized in relation to the shop front. These should therefore be located within the traditional fascia level with lettering and logos in scale with the size of the fascia and shop front.
- f) Projecting signs should be at fascia level only and are restricted to one per commercial unit.
- g) Corporate signage and branding should not dictate the style of the shop front, especially in areas of special consideration and/or where the host building is of heritage value.
- h) Proposals for solid or blank frontages on non-retail commercial premises e.g. betting shops, offices, and restaurants will be resisted.

Lighting

8.23 The use of illumination for shop fronts should be carefully considered as good lighting can positively enhance the character and setting of a place or building; but excessive lighting can equally detract and also adversely affect neighbouring amenity as well as contribute to light pollution. Applicants are strongly advised to discuss proposals with a planning officer with a view to producing sensitive and energy efficient schemes.

8.24 Lighting should be considered as part of the overall design rather than a later addition. Subtle lighting can add vitality to the night time street scene. Poorly considered and designed illumination such as box illuminated signs can look garish rather than stylish - these will generally not be permitted. Over-illumination must be avoided as it can upset the balance of light by conflicting with street lighting.

8.25 Possible lighting solutions:

External Lighting: Ideally light sources should be concealed and carefully directed at the fascia, avoiding glare. The lighting units themselves should be as subtle as possible and not divert any attention away from the fascia.

Suitable lamp types could include tungsten halogen floods, tungsten spotlights, low voltage tungsten and LED spotlights, swan-necked metal arms and concealed fluorescent tubes. All wiring and trunking should be concealed behind the fascia.

8. Signage & Lighting

Backlit Lettering: Translucent plastic letters or graphics inset into an opaque panel and illuminated from behind may be an acceptable and discrete way of lighting the fascia given that the light box is fully recessed behind the fascia.

Individual Halo Lettering: Individual letters can stand proud of a surface and be lit from behind to produce a halo effect; a treatment which is suitable for fascias or wall mounting. Where this method is used it should be subtle and good quality individual letters should be used. Plastic lettering is not acceptable for listed buildings,

Cool Cathode Tubes: Neon signs will generally be resisted.

Building Illumination: Shop window display lighting contributes to a safe night-time environment. Discrete spotlighting to highlight the architectural features of building is welcomed.

Projecting Signs: Illumination for hanging signs should be external, subtle and well directed.

Lighting in Conservation Areas & on Listed Buildings

8.25 Not all of the possible lighting solutions highlighted above will be suitable in all instances. If the host building is located in a conservation area or is a listed building or lies in close proximity to one then there may be restrictions on what lighting can be utilised in these locations.

8.26 Shop front proposals in these areas should seek to provide lighting solutions which preserve or enhance the character and appearance of these special designations.

Checklist for Understanding—Lighting

- a) In respect of sustainability and degree of available control the use of LED or low energy lighting is encouraged.
- b) Generally, large spot lights or dominant lighting which creates pools of light and areas of shade will not be considered acceptable.
- c) Intermittent, flashing lighting or moving displays will not generally considered to be acceptable.
- d) Subtle internal window lighting is encouraged to promote vitality in the street and aid security, especially at night time.
- e) Proposals for new box illuminated signs will generally not be considered acceptable unless justification can be provided for these.
- f) Possible lighting solutions in conservation areas or affecting a listed building (or its setting) may be more restricted and the advice of the Planning Authority should be sought in these instances.

9. Security

9.1 Security measures should be chosen both for their effectiveness as well as their image on the shop and the wider streetscene. Whilst there is sometimes a need for security to commercial premises, it is rarely necessary to resort to designs which present wholly solid exteriors to the street.

9.2 Consideration should be given to the impact of security measures on the street at night. It is generally best if shop windows are visible at night and internally illuminated with appropriate low level lighting. This enhances the look of shop fronts and enables out of hours window shopping. It also increases safety and security by acting as a deterrent to theft.

Roller Shutters

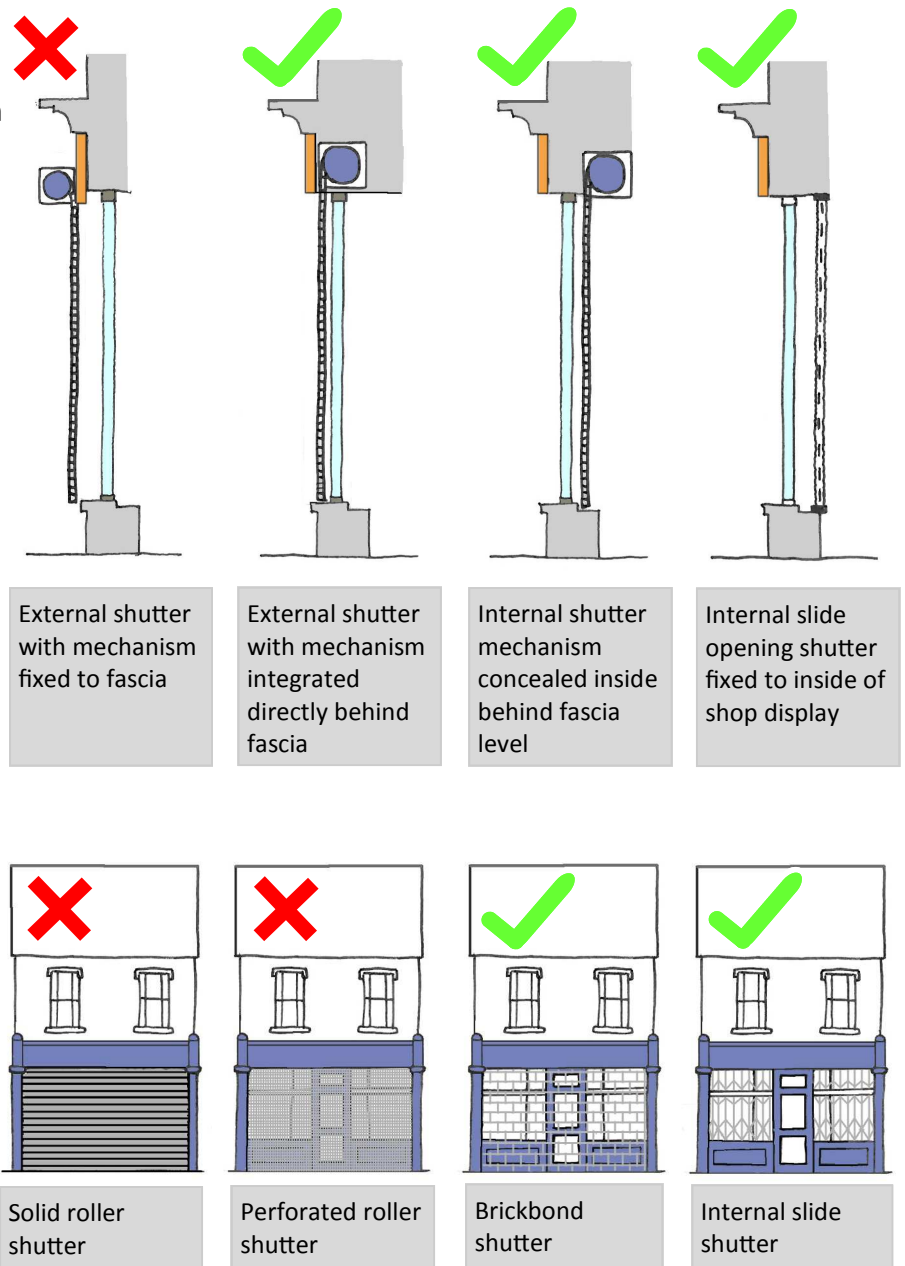
9.3 Roller shutters and grilles can be mounted either internally or externally. Planning permission is typically required for external shutters.

9.4 Internal grilles are the least visually disruptive measure when considering the external appearance of a shop front, as the box housing can be easily concealed within the building and the façade remains unaltered.

9.5 Streets with solid shutters can feel hostile and lifeless at night and often attract graffiti. As such external shutters are discouraged as they can create an unwelcoming, fortress type atmosphere that people avoid. They may even allow intruders to enter properties from the rear entrance undetected.

9.6 When regarding new proposals for roller shutters the Council will therefore not grant planning permission for solid or perforated shutters which are less than 75% open.

9.7 However where existing solid roller shutters are in use consideration should be given to improving their appearance through appropriate artwork painted onto these. If this includes shop signage and/or logos then this approach would require the submission of a signage application.



9. Security



Left: Existing roller shutter in Swansea city centre painted with new artwork to improve the appearance of the shutter and provide additional visual interest.

In situations where existing solid roller shutters are present there may be scope to include artwork provided that this is appropriate to the character and appearance of the business, host building and the wider streetscene.

9.8 Acceptable shutter and grille types include the following:

Demountable Grilles

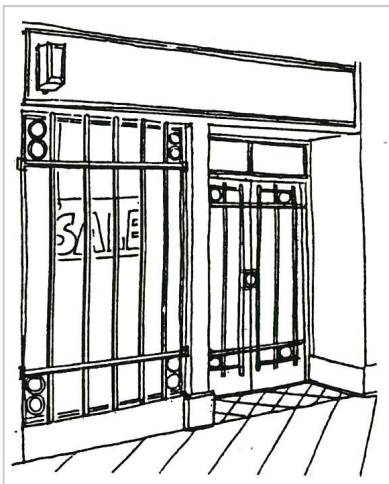
Fixed to the outside of windows and doors and generally housed in runners or on hooks and padlocked to the shop front.

Porticullis Roller Grilles

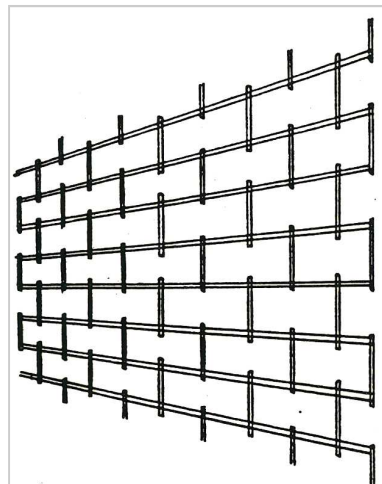
Allows for visibility through into shop premises as well as affording protection against theft and vandalism. Such a grille should be housed in a box to the rear of the fascia.

Brickbond Roller Shutters

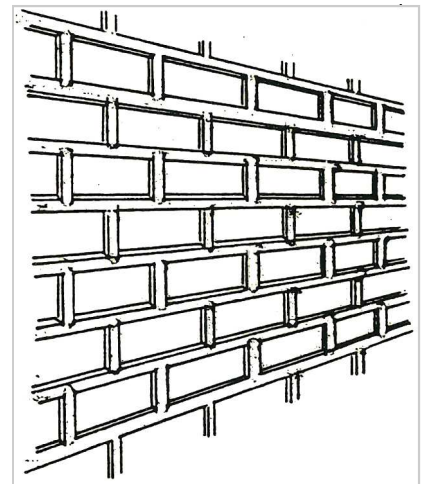
These will generally be acceptable if they give maximum views into the shop and are not an oppressive intrusion into the streetscene by virtue of the colour or size. The open area must comprise at least 75% of the total shutter area, and should be similar to a porticullis grille in appearance.



Demountable Grilles



Porticullis Roller Grilles



Brickbond Roller Shutters

9.9 The use of plain metal finishes should be avoided and anodised or powder coated matt finishes are preferred. Samples and/or product photos of the proposed finish should be submitted as a part of the planning application.

9.10 Shutter boxes must be concealed behind the main fascia, or if this is not practicable their projection should be minimised. They should never project forward of the pilasters. Where shutter boxes are too bulky they often detract from the features of the building and can harm the appearance of the shop and the street.

9. Security

Security Glass and Glazing Considerations

9.11 Laminated and toughened glass may be used instead of plate glass. This is the preferred alternative to external shutters or grilles, and can give high levels of security. It also enables goods to remain on display outside business hours, and gives the shop front a high quality appearance.

9.12 Consideration should be given to subdividing glazed elements into smaller parts as single pane display windows are vulnerable to vandalism and theft. Using smaller panes by providing transoms and mullions allows for easier replacement of damaged parts which reduces the cost of damage. Any subdivision of windows should be undertaken as an integrated part of the overall shop front design.

Bollards

9.13 Bollards are typically installed as a measure against ram raiding. However these are often unsightly and add to the visual clutter of the streetscene as well as potentially causing obstruction to pedestrians, especially those who are partially sighted or disabled and people with pushchairs. Bollards located close to shop fronts also detract from their appearance. As such this approach to security will generally be resisted unless exceptional circumstances justify their use.



Left: Bollards will not typically be accepted as part of a shop front design as these can cause obstruction on the street. Drop down or retractable bollards may be considered acceptable where the use of these can be fully justified.

9.14 Where bollards are accepted as part of the shop front proposals these should be of a removable or drop down nature. However such an approach will require careful consideration to ensure that such features are co-ordinated with the design of the shop front. They should also be secure so as not to encourage erection during shop opening hours.

9.15 Where new or reinstated shop fronts are proposed and there is a need to provide ram raid protection this should be incorporated as anti-ram raid reinforcement to the stall riser.

Electronic security devices—CCTV, alarms, security lighting etc.

9.16 The use of security devices such as closed circuit TV (CCTV), alarm systems and security lighting can greatly reduce crime against shops. Such devices will generally be encouraged provided that these do not adversely affect the appearance of the shop front.

9.17 The positioning of alarm boxes should be considered as an integral part of the design of the shop front. They should therefore be sited in unobtrusive positions that avoid interference with any architectural details. They should also be painted to co-ordinate with the colour of the shop front.

9.18 Unsightly wiring and ill sited additions such as burglar alarms can detract from the quality of a shop front. Wherever possible, wiring should be internal, and if external should not be visible. Redundant systems should be removed to prevent clutter.

9.19 Consideration should also be given to the use of low energy lighting within the shop at night as this can contribute to street lighting and help deter crime. Where recessed doorways are present these should also be illuminated in lobbies to deter opportunities for crime.

9.20 A list of the recommended security ratings for doors, windows, glazing and grilles and shutters can be found in appendix 2 at the back of this document.

9. Security

Checklist for Understanding—Signage

- a) Incorporate security measures into designs at an early stage. Security features should be unobtrusive and well integrated into the design of the shop front to avoid an unrelated, 'tacked on' appearance.
- b) Security measures should not exceed what is reasonably necessary to give protection against burglary and vandalism.
- c) Proposals for roller shutters must ensure that these at least 75% open.
- d) Solid or perforated roller shutters will generally be resisted and will only be considered acceptable in exceptional circumstances where their use can be fully justified.
- e) Shutter box housings should not stand proud of the fascia nor hide any architectural feature. They should be fully incorporated into the fascia and runners should be inside the pilasters.
- f) It may be acceptable in certain circumstances to bring the fascia forward to hide the box housing. The housing however should be totally enclosed by the fascia and integrate with the shop front as a whole. This approach would not be acceptable on traditional buildings and in conservation areas.
- g) Grilles and roller shutters should not cover the whole shop front but protect only the glazed area.
- h) The use of plain metal finishes will not generally be considered acceptable and appropriately coloured anodised or powder coated matt finishes are preferred.
- i) Ram raid bollards will generally be resisted. Anti-ram raid stall risers should be used instead.
- j) Vacant shops should be left in good condition and temporarily boarded up if necessary. If likely to be vacant for a long period, illustrated boarding might be considered or, alternatively window display space can be let for gallery purposes or for advertising placed within the display area, which also discourages nuisance advertising such as fly posting.



Above: Solid Roller shutters can give the impression that an area is unwelcoming and unsafe which may drive shoppers away. Solid roller shutters can also attract graffiti which further increases negative perceptions of the area.



Above: Brick bond roller shutters provide security whilst allowing for more active views into the shop, improving the perception of the street and allowing for 24 hour viewing of shop window display items.

10. Other Features & Considerations

A-boards

10.1 It is important to promote a safe and uncluttered pedestrian environment. To this end, the Council considers that the licensing of portable advertising boards on the pavement (public highway) should be carefully controlled. Pedestrians can be put at risk through poorly sited advertisements. Good design is particularly important for people with impaired vision, mobility difficulties and those pushing prams, who can be seriously disadvantaged. To help provide a safe and accessible environment for all the council has a 'Pavements are for People' policy. Please see paragraphs 10.13—10.15 for further details (or the council website for full details). Specific guidance from this policy on A-boards can be found in appendix 3 of this document.



10.2 Anyone proposing to place portable advertising boards on a highway that is maintained at public expense will require a licence. A licence for the erection of portable advertising boards issued under the Highways Act 1980 is valid for a maximum of 12 months or ending 31 March of each year (whichever is sooner). Where it is proposed to place a portable advertising board on a privately maintained forecourt, over which the public have limited access, a licence will not be required.

ATMs

10.3 Where ATMs are to be provided these should form an integral part of the shop front design so that their inclusion does not undermine the integrity of the shop front. This means ensuring that ATMs are centralised within the panel or window into which they are fitted and should also be located in highly active public environments with good natural surveillance. A facility for the deposit of unwanted receipts should be considered as part of the design. The location of other facilities such as cigarette bins, deposit boxes should also be considered as part of the overall design.

Blinds & Canopies

10.4 Blinds and canopies are primarily used to provide protection from the weather for shoppers and goods outside a shop. They can be an attractive addition to a shop front and the wider street scene when considered as an integral part of the shop front design.

10.5 Blinds/canopies should be in keeping with the character of the building and not obscure architectural features.

10.6 The most suitable type of canopy is a straight canvas retractable type. This is a tilt of hard wearing canvas, fully retractable into a recessed box forming an integral part of the fascia. The blind/canopy should be the width of the fascia and the accompanying blind box should be fitted flush with or behind the fascia. The installation of such a canopy does not normally require planning permission unless it is installed on a listed building. However if it is proposed to include logos or signage on these then an application for signage consent will be required.



Above: Shop front showing blinds retracted



Above: Shop front showing blinds open

10.7 Fixed, Dutch or folding canopies are less likely to be considered appropriate as they are generally more visually obtrusive due to a lack of storage box or housing. As such these types tend to

10. Other Features & Considerations

create clutter in the streetscene and obscure architectural details of buildings.

10.8 Highways regulations require that all blinds and canopies should provide a clear area for movement to avoid causing obstruction on the pavement and highway. In addition to this careful consideration should be given to the visual impact of such features as well as technical aspects relating to weather conditions etc.

10.9 Proposals will therefore be required to meet the following criteria:

- a) The outer edge of the blind/canopy needs to be a minimum of 0.5m away from the kerb line;
- b) The height of the blind/canopy must be no less than 2.75m above pavement level to ensure that pedestrian movement is not impeded;
- c) It is important that the design of a blind/canopy respects the character of the building, and that its size, proportion, position, colour and shape complements that of the shop front building;
- d) Retractable blinds should retract fully into the fascia. Blinds should be boxed discreetly and not obscure the shop front or other architectural features;
- e) The use of non retractable canopies will not be permitted in conservation areas and on heritage assets;
- f) In the city centre fixed glazed canopies may be appropriate to allow for protection against adverse weather conditions;

Outdoor Seating & Spill out Displays

10.10 Many shops, particularly cafes, restaurants, greengrocers or hardware shops use an area in front of the shop for tables and chairs or to exhibit goods for sale. Outdoor areas may require planning permission and advice should be sought from the Planning Department. Care should be taken to avoid obstruction and to allow access for all users. This use may require a licence from the Highway Authority. Please contact the Highways department for further clarity on this.

10.11 Properties wishing to use the public realm for tables, chairs or to exhibit goods for sale must ensure that waste and recycling is managed to avoid it resulting in street litter. Businesses have a duty of care to dispose of waste correctly. For further information please contact Waste Management.

10.12 In appropriate locations hanging baskets can add interest and greening to shops. Where these are proposed consideration should be given to how best to integrate them into shop front designs.



Above: Outdoor seating can add activity and vitality to the street which helps to attract people to streets and businesses.



Above: A retractable canopy can also help to provide shelter from the weather and allow the space to be used for longer periods of time.



Above: Some shops can use space in front of these as an additional display area provided these are well conceived. This area should not be used for additional signage.

10. Other Features & Considerations

10.13 All features affecting the public realm will be required to be compliant with the Council's 'Pavements are for People' policy. In the context of this policy pavement means any paved footpaths, footways and shared use surfaces that are the responsibility of the Authority.

10.14 The purpose of the policy is to set general standards to ensure safe usage for all users of pavements (where practicable) as well as provide a framework, principles, best practice and standards (attached to legislation) that will guide the design, management and maintenance of pavements.

10.15 The policy has several principles which are applicable to this guide:

- Pavements are used by a diverse range of people with different needs and requirements which need to be respected.
- Meet as far as is possible best practice and legislative requirements.
- The appearance of a pavement is an integral factor in the quality and character of a place.
- Endeavour to ensure that everyone can use our pavements by removing obstacles that cause hazards and designing the layout and selecting street furniture to prevent them from causing a hazard.

10.16 The purpose of licensing external displays, seating and other forms of activity on the street is therefore to ensure that these stay within the area to which they are licensed and do not cause obstructions within the public realm which can be particularly hazardous to some users.



10. Other Features & Considerations

Vacant Shops & Commercial Premises

10.17 If a shop or commercial building is to be left vacant following the end of a tenancy, shop owners should consider means of improving the appearance of the street through the use of appropriate vinyl stickers, art hoardings or displays. A high quality appearance to an empty shop can also help to improve the attractiveness of this to potential business occupants.

10.18 Where empty commercial buildings are considered to be particularly detrimental to the appearance of an area these could be served with an 'Untidy Land Notice' under Section 215 of the Town and Country Planning Act 1990.

10.19 Such a notice can be served on the owner or occupier of any private land or building which is in an unreasonably untidy condition and which the Council consider has an adverse effect on the amenity of the area.

10.20 The Notice will specify what needs to be done to correct the situation within a given timescale. It is an offence not to comply with the notice within the specified period. If the requirements of the notice are not carried out in the required timescale the landowner could be fined and have a criminal record.



Above Left: Providing the appearance of a occupied shop front through the use of vinyl stickers.

Above Right: Art hoardings can be used to provide a bolder covering to more dilapidated buildings.

11. Grant Funding

11.1 Please contact the City & County of Swansea Strategy Development (Regeneration) team on (01792) 637266 for information on current local grant funding schemes which may be applicable to cover some of the costs of improvement works. The Grant funding scheme for shop fronts has a set budget every year and is subject to certain conditions which may need to be met prior to the submission of any planning application. You are therefore advised to contact the team prior to this stage.

Grant Funded Shop Front Improvement Examples

53—54 Wind Street



Before



After

11. Grant Funding

53—54 Wind Street



Before



After



11. Grant Funding

68 High Street



Before



After

71 High Street



Before



After

11. Grant Funding



Other Useful Contacts:

- Welsh Government:
 - Business information — business.wales.gov.uk
 - Business Grants — gov.wales/funding/grants/business
- Business in Focus — www.businessinfocus.co.uk
- Centre for Business — www.centreforbusiness.co.uk
- Landsker Business Solutions — landsker.co.uk

12. Planning Policy Context

12.1 This section outlines the national and local policy framework relevant to shop front applications.

National Policy

Planning Policy Wales (2014)

12.2 Planning Policy Wales (PPW) states that the appearance and scale of development proposals as well as their relationship to the local context are material planning considerations and that Local Planning Authorities should reject poor and non-contextual designs. (Paragraph 4.11.9)

12.3 The guidance goes on to state that In areas recognised for their landscape, townscape or historic value such as Areas of Outstanding Natural Beauty (e.g. Gower AONB) and conservation areas, as well as in areas with established and distinctive character, it can be appropriate to promote or reinforce traditional and local distinctiveness. In such areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials will be particularly important. (Paragraph 4.11.10)

12.4 The issues of accessibility for all should be considered early in the process. (Paragraph 4.11.11)

12.5 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. (Paragraph 4.11.12)

12.6 In existing centres, the restoration of redundant buildings which are worthy of retention can make them suitable for re-use for a variety of retailing, commercial, entertainment, cultural or residential purposes. (Paragraph 10.2.5)

12.7 Policies and supplementary planning guidance should support management of town centres and, where appropriate, of smaller centres. Such management, involving enhancement and promotion, can be an important factor in achieving vitality, attractiveness and viability of town, district, local and village centres. (Paragraph 10.2.8)

Technical Advice Note 7: Outdoor Advertisement Control (1996)

12.8 Designers should be prepared to compromise on matters of corporate design where it is unsuitable in a particular area, but corporate designs should not be refused simply because a local planning authority dislikes the design. (Paragraph 5)

12.9 Where an area is designated as a conservation area '... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area' in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements. (Paragraph 16)

Technical Advice Note 12: Design (2016)

12.10 In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solutions which reverse the trend. (Paragraph 4.5)

12.11 A key area in which individuality can be expressed is in the design of signs and advertisements. The degree to which signs are appropriate to their context is a critical consideration. Through skilful design it is possible to modify standard company signs to respect sensitive context without loss of

12. Planning Policy Context

corporate image and this practice should be encouraged. Whereas a sensitive or traditional approach to the design of signs may be needed in historic areas, elsewhere, imaginative signs, appropriately illuminated, can contribute to the vibrancy and visual interest of town centres. . . Care should always be taken however, to avoid a proliferation of signs that could lead to clutter and confusion in the street scene. (Paragraph 5.16.1)

12.12 It is important to ensure that signage is designed with the needs of visually and cognitively impaired people in mind and floor level advertising such as 'A' boards should be avoided where they would hamper movement. (Paragraph 5.16.2)

Local Policy

12.13 The City and County of Swansea Unitary Development Plan (UDP) sets out the policy context which informs all planning application decisions.

12.14 The following policies are those relevant to shop front proposals. These form the policy context for developments of this type and are significant in the determination of these proposals. Below is a brief summary of the most relevant policies. For full wording of these policies see the UDP.

EV1 sets out the objectives of good design.

EV3 sets the requirements for accessible developments.

EV4 sets out the design requirements for developments which impact upon the public realm.

EV9 sets out the standard of design in Conservation Areas and the requirements for the preservation or enhancement of these areas.

EV13 sets out the design requirements for shop fronts.

EV14 sets out the design requirements for signage.

EC4 sets out the criteria for new retail development proposals.

EC5 sets out the requirements for proposals in District Shopping Centres.

CC2 sets out the criteria for new retail development proposals in the City Centre retail core.

Supplementary Planning Guidance

12.15 This Supplementary Planning Guidance (SPG) document sets out specific information relating to commercial and shop front proposals. It should also be read in conjunction with other adopted SPG documents for the county such as:

- Planning for Community Safety
- District Centres, Local Centres and Community Facilities
- Emerging Conservation Area Review SPGs— Mumbles, Morriston, Uplands

12.16 There is also an extant shop front SPG dated which is now nearly 20 years out of date. It is intended that this new Shop front SPG document will eventually replace this.

13. Planning Submission

Design Checklist

Existing Streetscape:

Has the relationship of the proposed design taken into account the rest of the building as well as those adjoining it? Has the design considered the overall character of the immediate environment?

Building Elevations:

Is the scale and design of any shop front in proportion to the facade of the building? Do the upper floors and shop front complement one another to create one harmonious building frontage?

Shop front Design:

Are there any historic shop front elements that are capable of being retained and remediated? Are there any historical photos which give clues about the original design of the shop front? Are the design materials and features employed in the scheme high quality? Do they respond to the historical context of the shop front?

Signage:

Is the graphic design style, advertisement and illumination appropriate to the rest of the shop front, building and streetscape? Does it contain Welsh language?

Canopies and Blinds:

Have they been considered within the overall design of the shop front and the building as a whole? Are they appropriate to the use of the premises?

Security:

Do security devices obstruct any architectural features on the building or have a negative visual impact? Have internal sliding security grilles been considered?

Access:

Does the design allow access to all, including people with disabilities, in accordance with the Equalities Act 2010?

Submission Requirements

- **Planning Application Form**
- **The correct fee**
- **Design & Access Statement:**
 - A statement to describe in simple terms how design and access issues relevant to the application, have been considered and addressed.
- **Plans, Elevations and other illustrated materials:**
 - Site Location Plan at a scale of 1:1250. This should show at least two named roads in the area and two numbered/named surrounding buildings. The application building should be edged clearly with a red line.
 - Block Plan at a scale of 1:200. This should show the application building in relation to boundaries with adjoining buildings, roads, footpaths and adjoining land. The plan should include some written dimensions.
 - Existing and Proposed Elevations at a scale of 1:50. Elevation(s) should clearly show the

13. Planning Submission

building as exists. Proposed elevations should include proposed materials and styles, colours, fittings and the proposed material and finish of windows and doors. The elevations should show the applicant buildings relationship with adjoining properties.

- Existing and Proposed floor plans at a scale of 1:50. Where relevant, fully detailed existing and proposed plans will be required. These must show details of any changes to access.
 - Detailed plans and cross sectional elevations at scale of 1:20. It is anticipated that detailed drawings will be required due to the intricate nature of the proposals; this is particularly true where the application building is listed. Details plans and cross sections should show new doors, windows and shop front details such as mouldings, fittings, joinery details, lettering, signage and the integration of any security features.
 - Photographs showing the context of the existing building and wider streetscene.
- **A Heritage Statement:**

This is required with all applications for listed buildings. A written statement should include a schedule of works, an analysis of the significance of the architecture, history and character of the building, and a justification for the proposed works. The justification should include the impact of the proposed works on the special character of the building, adjacent buildings and wider setting.

Appendices

1. Hierarchy of Shop Front Works—Summary Checklist

De-clutter

This can be a cheap and effective way of improving your shop without the need for planning permission or building regulations approval.

Remember to:

- **Minimise signage** and keep window displays simple
- Avoid unsightly wiring and **sensitively locate features such as burglar alarms**

Repair & Reinstatement

Repair and reinstatement often involves changes to the exterior of the shop front and will likely require planning permission or building regulations approval. Reusing existing features is also a cheap and sustainable way of improving your shop.

Always repair, or replace on a like-for-like basis, any remaining original shop front details. This is especially important where shop fronts contribute to the character of conservation areas. Use photographic records or old drawings to help restore original details where these have been lost from those buildings that either do or can contribute to the character of the conservation area. Where original records are not available, use designs (e.g. for fenestration, shop fronts, and materials) that reflect the character, detail and interest of similar buildings of the same period as the shop building.

Remember to:

- **Reuse existing features**
- Repair with appropriate **materials** and in matching **colours**
- Consider **access**
- Relocate suitable roller **shutters or grilles** internally

Renewal

Renewal of shop fronts often involves significant changes to shop fronts and will require planning permission and building regulations approval.

Remember to:

- Design the **window** area to bring balance and proportion to the shop
- Use appropriate **materials and colours**
- Provide appropriately sized **fascias and lettering**
- Ensure **projecting and hanging signs** are located in the right place and are not too large
- Avoid bulky **illuminated box signs**
- Design the **doorway and internal areas** to allow access for all including wheelchair users
- **Subdividing a shop** will require Planning permission and Building Regulations approval. In most cases a new shop front is likely to be required
- Incorporate **stallrisers** for a traditional look
- Allow the shop window to be seen at night, preferably through the use of **security glass** windows. Where **security shutters and grilles** are to be installed these should be of an open design
- Ensure **canopies and awnings** suit the character of the building
- Ensure **wiring and other features** such as burglar alarms are appropriately sited

Appendices

2. Security Standards

(i). Door Sets.

Low risk retail units should be fitted with door sets that comply with the security standard PAS 24, LPS 1175 SR1 or equivalent. Higher risk retail units should have door sets with a higher security rating e.g. LPS 1175 SR2.

(ii). Window security.

Vulnerable windows fitted in retail units should comply with the security standard PAS 24, LPS 1175 SR1 or equivalent. Higher risk retail units should have windows with a higher security rating e.g. LPS 1175 SR2.

(iii). Glazing.

All accessible glazing should incorporate one panel of laminated glass to a minimum thickness of 6.4 mm. The glass should be certificated to BS EN 356: 2000 rating P1A

Occasionally when large laminated glazed panels are used on south facing elevations there have been incidents of glazing failure (cracking) due to thermal stress. Whilst the use of toughened glass may be seen as a simple solution ordinary toughened glass offers no security resistance. It is therefore recommended that the inner pane of glass used in a double glazed unit is laminated toughened.

This combination of the two sheets of toughened glass and the interlayer offers both resistance to intrusion and thermal stress.

Laminated glazing should be fitted to all external doors and windows in areas where there are crowded places e.g. town or city centres. This is to reduce the amount of injuries caused by broken glass in the event of an incident.

(iv). Grilles and Shutters.

Any grilles or security shutters fitted to protect doors or windows should meet the security standard LPS 1175 SR1 or equivalent. A higher security rating may be required on the most vulnerable premises.

(v). Lighting.

Any lighting installed on premises should complement and enhance any CCTV installed on site.

Appendices

3. Pavements for People policy—Licensing on Pavements (Signs /A–boards

A-FRAME ADVERTISING BOARDS AND RETAIL/TRADE DISPLAYS

It is also important to remember that this section only refers to A-Frames or advertising boards located on the publicly maintained highway, not A-Frames or advertising boards placed or stored on private land or forecourts.

Planning permission is not required for the use or placement of A-Frames or advertising boards for retail and trade advertising or displays. These are removable structures which do not fall within planning regulations.

The placement of A-Frames or advertising boards on adopted highways will not be permitted unless a license has been issued, or consent been given, by the Highway Authority.

A licence for the location of an advertising board or retail/trade display issued under S115E of the Highways Act 1980 is valid for a maximum of 12 months.

The Council may levy reasonable annual licensing charges, £50 per annum for a sign relating to a single business, £100 per annum for signs incorporating multiple businesses. The charges will be reviewed annually.

All applications must be accompanied by a current copy of the applicants Public Liability Insurance – not less than five million pounds.

The applicant must indemnify the Council against all actions, proceedings, claims and liability howsoever arising from any injury or damage caused by their A-Frame or advertising board.

Displays of retail goods, i.e. newspapers displayed in racks placed immediately in front of, or temporarily affixed to a building, projecting a distance of not more than 125mm from the façade of the premises into the highway, should not be considered as obstructions to the highway, and therefore a licence shall not be required and no enforcement action should be taken. However, a trade display will not be permitted if the display hinders the free passage of pedestrians, and/or the footway is not wide enough to accommodate both a trade display and 1.8 meters of unobstructed clearance.

A business that has a licence or consent for the location of an A-Frame or advertising board outside of its premises, may allow a part of that advertisement to be used to promote, or direct customers to a separately owned business premises remote from the location of the board. This provision may be useful where the 'remote' business is located on a side street and the licensed/consent premises is located at the junction of that side street and a street carrying higher pedestrian traffic.

Hanging signs that project from above the shop frontage may, in some locations, be a realistic, cost effective alternative where these Conditions of Use, or any additional requirements that the Council may require, prevent the positioning of an A-Frame advertising board upon the footway. It is strongly recommended that the Council bring this option to the attention of business owners if the Council consider that this may be an acceptable alternative in any location within their areas.

Appendices

CONDITIONS OF USE

The City & County of Swansea will only permit A-Frame advertising boards and/or retail/ trade displays to be located on the public highway, subject to the following conditions:

- The location of the advertising board or display must not hinder passage by the emergency services, or hinder access to, or egress from the premises, or to any adjacent premises, including fire evacuation routes, or cause a nuisance or hazard to persons using the highway or any adjacent land or premises;
- A licence/consent for only one A-Frame advertising board per premises will be issued by the Council, (unless the premises has public access from more than one street, in which case one A-Frame advertising board per street is acceptable);
- Where multi occupancy premises exist, e.g. shopping arcades/centres or alleyway locations, this Policy provides for the provision of one A-Frame advertising board to be located at each public street entrance, each of which may be a composite board used to advertise more than one business;
- The location of the advertising board or display must be within the limits of the frontage of the premises, unless it is deemed by the LHA that the advertising board would be better situated on an alternative piece of highway land;
- The positioning of the advertising board or display is to be agreed between the premises owner/manager and the Council;
- Advertising boards and display furniture must be constructed of suitable materials and kept in good repair, with the type and style of the board and display furniture to be used, agreed between the owner/manager of the premises and the Council, subject to the following conditions:
 - Advertising boards must not be more than 0.6 metres wide;
 - Advertising boards and displays must not be more than 1.0 metres tall (total height including display items)
 - Advertising boards and displays must be sufficiently stable so as not to blow over.
- The advertising board should be solid and in a colour/design which is distinct from the surrounding area, without being too visually dominant, to provide a contrast to assist the visually impaired;
- Rotating signs will not be permitted on the highway.
- A minimum of 1.8 metres clearance, unobstructed by other street furniture or trees, must be maintained. Where pedestrian flows are high, the District Council will make an assessment as to the width of clearance required, if it is considered that an unobstructed clearance greater than 1.8m is appropriate to ensure the safety of all highway users;
- Suitable account must be taken of highway facilities in the immediate vicinity of the proposed 'A' board or display, e.g. bus stops, taxi ranks or pedestrian crossings, which will themselves give rise to intermittent footpath obstruction, and must therefore, be taken into account when considering unobstructed clearance;
- The advertising board or display shall not encroach onto the highway by more than 0.7 metres from the façade of the premises without the express consent of the Council;
- The advertising board or display furniture must not be fixed to any street furniture or other parts of the highway;
- The location of the advertising board or display must not obscure the visibility for road users of road signs, or obstruct the view of road users at pedestrian crossing facilities, junctions, accesses or bends;
- The location of the advertising board or display must not obscure the visibility for pedestrians

Appendices

- of vehicular road users;
- Specific hours of operation will be indicated on the licence, however, generally the licence/ consent will not permit the 'A' board or display to be in position before 07:30 or after the premises that they are advertising has ceased trading for the day, or when the premises are not open for business, or after 21:30;
- The advertising board or display must not be erected other than in accordance with the provisions of the licence or terms of consent;
- The owner/manager of the premises is not to make, or cause to be made, any claim against the LHA or Council in the event of any property of the owner/manager becoming lost or damaged in any way from whatever cause;
- Third Party Public Liability Insurance to the sum of five million pounds must be held by the owner / manager of the premises to indemnify both the LHA and the Council against any and all claims that may arise from the use of the advertising board or display;
- The advertising board or display must be removed at the instruction of the LHA or the District Council for the purpose of:
 1. Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required by the LHA, the Council or any Statutory Undertaker,
 2. Access required by emergency services,
 3. Any other reasonable cause.
- If a licence has been issued, the licence holder must not display the advertising board or display after the end of the licence period or on any sooner revocation of the licence;
- Each application for an advertising board will be treated on its own merits.
- The application fee for an advertising board will be refunded if the application to place an advertising board on the highway is unsuccessful.

Notwithstanding adherence to the Conditions of Use outlined above and any additional conditions required by the Council, if an 'A' Board or retail / trade display was considered to be causing an obstruction or nuisance to highway users, City & County of Swansea reserve the right to utilise the provisions of the Highways Act 1980, to remove the items concerned.

Appendices

4. Consultation Statement

On the 3rd September 2015 the draft Shop Front & Commercial Frontages Design Guide was presented to Planning Committee. Members resolved to endorse the draft document to be issued for public and stakeholder consultation.

The draft Shop Front & Commercial Frontages Design Guide was subject to a 6 week consultation exercise which ran from the 22nd August 2016 until the 3rd October 2016.

The following consultation methods were used:

- Notification emails highlighting the consultation on the draft document were sent to Councillors, Community Councils and specific and local consultation bodies;
- A dedicated webpage was established to explain the consultation and allow the electronic document to be downloaded in pdf format;
- Bilingual posters were sent to all libraries for display;
- A bilingual summary leaflet was also made available which distilled the guidance down to two sides of A3 paper;
- A Press Release was issued and featured within the South Wales Evening Post website on the 22nd August 2016;
- The consultation was featured in the 'Have your Say' section of the Council home page on the web site;
- An accessible version of the document (text only version with written descriptions of photos and graphics for visually impaired people) was produced in liaison with the Disability Liaison Group and SAFE and made available for visually impaired people on the website.

4.4 A presentation to Designers, Developers, Agents, Housing Associations and the Disability Liaison Group to publicise the draft guide and gain feedback was proposed however this was cancelled due to lack of booking responses.

4.5 In total, comments from 15 individual respondents were received. These respondents covered a wide range of organisations and interests including planning agents, access representatives, external consultees, and members of the public. The full list of respondents can be found in Appendix A. The relevant comments received can be summarised as:

- The need to include information on obstructions on the pavement and further reference to the Swansea 'Pavements for People' policy;
- A suggestion to include information on approaches to improving the appearance of vacant shop fronts;
- The need to include security rating information for various shop front components (doors, windows, glazing, lighting, grilles and shutters);
- A suggestion to allow for the use of existing solid roller shutters to be painted by artists;
- A suggestion about providing hanging baskets to improve the public realm.

4.6 All of the above comments have been included within the document as appropriate additions to the text.

