

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the
PLANNING COMMITTEE

At: Council Chamber, Guildhall, Swansea

On: Tuesday, 4 April 2017

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: C Anderson, P M Black, D W Cole, A M Cook, M H Jones, E T Kirchner, P B Smith, M Thomas, D W W Thomas, L J Tyler-Lloyd and T M White

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

AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal and Prejudicial Interests.**
www.swansea.gov.uk/disclosuresofinterests
- 3 **Minutes.** 1 - 2
To approve & sign the Minutes of the previous meeting(s) as a correct record.
- 4 **Items for Deferral / Withdrawal.**
- 5 **Determination of Planning Applications under the Town & Country Planning Act 1990.** 3 - 33
- 6 **Planning Application 2013/0617 - Land South Of Glebe Road, Loughor, Swansea.** 34 - 64



Huw Evans
Head of Democratic Services
Tuesday, 28 March 2017

Contact: Democratic Services - 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,
7 MARCH 2017 AT 2.00 PM

PRESENT: Councillor P Lloyd (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
C Anderson	P M Black	D W Cole
A M Cook	E T Kirchner	M Thomas
D W W Thomas	L J Tyler-Lloyd	T M White

Also Present:

Councillor N J Davies

Apologies for Absence

Councillor(s): M H Jones and P B Smith

66 **MR AERON KIRCZEY.**

The Chair indicated that this was Mr Kirczey's last meeting before retirement after 40 years local government service. He indicated that Aeron had been the Highways Advisor to the Committee for many years, and he detailed a brief history of Aeron's employment history.

The Chair, Members and Officers thanked Aeron for his service and wished him well for retirement.

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

In accordance with the Code of Conduct adopted by the City & County of Swansea, no interests were declared.

68 **MINUTES.**

RESOLVED that the Minutes of the Planning Committee held on 7 February 2017 be approved as a correct record.

69 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

70 **PUBLIC RIGHTS OF WAY - CREATION AND EXTINGUISHMENT ORDERS IN PENNARD.**

Chris Dale, Countryside Access Team Leader (Rights of Way) presented a report which outlined the information and background history to the matters relating to the extinguishment and creation of a series of orders for footpaths and bridleways in Pennard following objections.

The options available to the Authority to progress the matter were outlined and detailed in the report.

RESOLVED that the current orders be withdrawn and amended orders be published.

71 **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 application **BE REFUSED** for the reasons set out in the report:

#(Item 1) Planning Application 2015/2357 – 44 Sway Road, Morriston

A visual presentation was given.

- (2) the undermentioned planning application **BE APPROVED** subject to the conditions in the report:

#(Item 2) Planning Application 2017/0077/FUL – 111 Walter Road, Swansea

A visual presentation was given.

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

72 **PLANNING APPLICATION REFERENCE - 2016/1316, PLANNING APPEAL REFERENCE - APP/B6855/A/16/3161603 - 105 RHYDDINGS TERRACE, BRYNMILL, SWANSEA.**

The Head of Planning & City Regeneration presented a report which outlined the decision of the Planning Inspector following an appeal against the decision of the Committee to refuse an application contrary to officer recommendation relating to a Change of Use to an HMO at 105 Rhyddings Terrace.

The comments and reasons behind the inspector's decision were outlined and detailed.

Members discussed the implications of the decision on future HMO applications and on the emerging SPG.

RESOLVED that the decision be noted.

The meeting ended at 2.44 pm

CHAIR

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

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

DATE: 4TH APRIL 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 Llanyfelach Llansamlet Mawr Morriston 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.

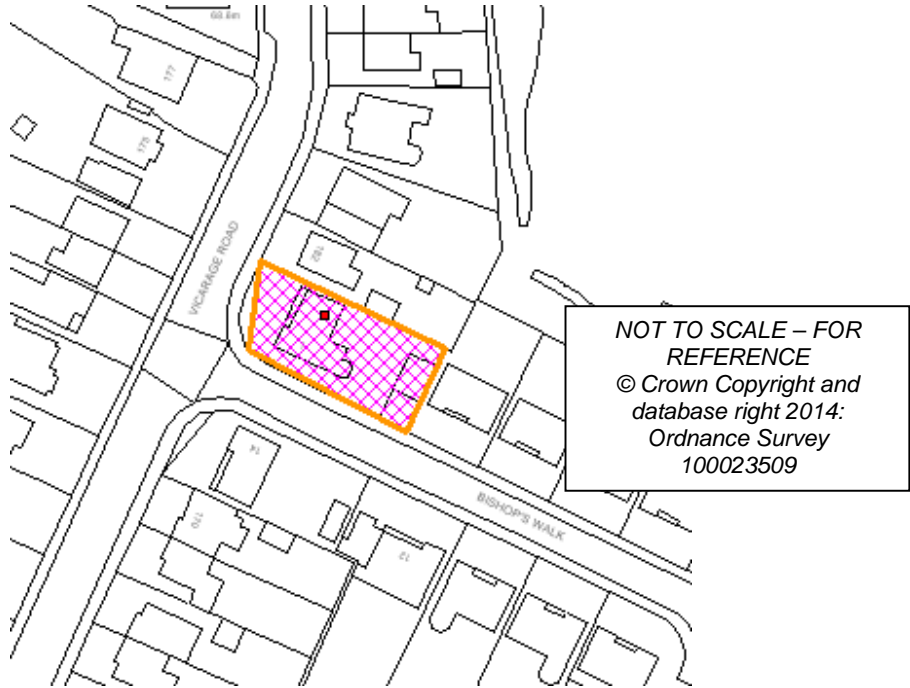
Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2017/0138/FUL	1 Bishops Walk, Morriston, Swansea, SA6 6EE Change of use from a residential garage to a business use for psychic readings and external alterations	APPROVE
2	2016/3322/FUL	28 Kinley Street, St. Thomas, Swansea, SA1 8HF Change of use of 4 bedroom residential dwellinghouse (Class C3) to a 4 bedroom HMO (Class C4).	APPROVE
3	2017/0313/FUL	8A Brynmill Crescent, Brynmill, Swansea, SA2 0AL Change of use from HMO for 6 people (class C4) to HMO for 8 people	APPROVE
4	2017/0464/FUL	3 Grafog Street, Port Tennant, Swansea, SA1 8NG Retention of use of property as a 5 bedroom HMO (Class C4)	APPROVE

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 1 **APPLICATION NO:** 2017/0138/FUL
WARD: Morriston - Area 1
Location: 1 Bishops Walk, Morriston, Swansea, SA6 6EE
Proposal: Change of use from a residential garage to a business use for psychic readings and external alterations
Applicant: Miss Angela Barnett Chriswick



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 - AS6 - Parking/Accessibility
Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0138/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0138/FUL	Change of use from a residential garage to a business use for psychic readings and external alterations	PDE	

This application is reported to Committee for decision as a petition of objection of 30 signatures has been received and a call-in request has been made by Cllr Robert Francis-Davies. A site visit will be held before Committee.

RESPONSE TO CONSULTATIONS

The application was advertised on site and two individual properties were consulted. FOURTEEN LETTERS OF OBJECTION and A PETITION OF OBJECTION WITH 30 SIGNATURES have been received, which are summarised as follows:

1. Extremely busy road and increase in parked cars would cause a safety issue and increased disturbance.
2. Detrimental visual impact with required signage.
3. We had to replace our lost parking space when we converted our garage.
4. The land registry document for our home which applies to all Bishops Walk states that no building shall be used other than incidental to a private dwelling house.
5. The business and hours of operation have not been described fully and is more than a provision of services by means of the sale of retail and wholesale stock.
6. Group and party events are offered suggesting on occasion more than 2 to 3 vehicles.
7. The hours of opening are different on the website.
8. Potential impact for access for emergency vehicles.
9. The proposed parking provision appears to contravene the supplementary planning guidance.
10. The current highway concerns are to be addressed by the implementation of yellow lines.
11. Bishop's Walk is narrower than standard and the vehicles that are frequently parked on both sides of the street result in obstruction.

Highways Observations - Proposals are for change of use from a residential garage to business use and external alterations. This will mean loss of the garage space however the driveway dimensions indicate that it would be possible to accommodate 2 vehicles within the curtilage of the property. On street parking is unrestricted. With regards to clientele, the applicant states that the maximum number of clients is 2 per hour with numbers varying between a maximum of 6-8 to 1-2 clients per day. The business is on an appointment basis and is therefore not a business with a constant or ad hoc flow. The business will close at 5pm each day. On that basis, I do not consider that the loss of the garage space would impact greatly on the parking situation in the vicinity such that it would compromise highway safety. There are no highway objections.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0138/FUL

Applicant supporting statements

I would like to take this opportunity to respond to the objections made to our original application 2017/0138/FUL.

1. The detrimental impact to highway safety.

- Firstly, I operate on an appointment basis only. My clients are scheduled an hour apart; which means that would be one car per hour, there is always a gap so one person would leave before a new client arrived. The space in front of the garage is ample for them to use. My operating hours are between 9am-5pm therefore would not cause an inconvenience for the working homes in the area. Bishops Walk is used by residents on Vicarage Road, this was shared by the neighbours I was fortunate to meet.

2. Residential Street.

- Yes it's residential, but I feel my point above answers this question. Some days I may have 5 clients some days just 2, it has never been a high traffic store due to the fact I work on an appointment basis only. One of the reasons I'm choosing to do this is because the retail aspect only generates 3% of my business, 97% of it comes from the Psychic Readings.

3. The inadequacy of proposed parking.

- This question is repetitive to points 1 & 2, our response remains the same.

4. Signage for the business

- There is not going to be any signage; my business model is completely changing. I don't need to have signage, my clients are very well aware that I have chosen to work from home and are simply willing to follow me.

5. Emergency Access

- This doesn't seem to be a concern for the existing cars that use the road for parking, We haven't noticed a petition for those cars to be removed or asked to stop parking there?

6. Retail traffic

- Again, due to the amount of revenue generated in the business by retail products, it isn't a business that people seek out specifically, in the whole of 2016 the retail revenues were £1,100.00. That should give you an idea of traffic. I have recently launched my website to E Commerce, all retail traffic will be driven through there. The business will be purely driven by the readings.

7. Noise Factor

- There is no noise, there's no music, TV, Radio, nothing. Just me having a one to one conversation with a personal client. I don't work weekends, therefore wouldn't interfere with local residents during their time off at home.

8. Aesthetic to the street

- Instead of a run down rotted garage door that has been there for many years we will now have a double glazed door, there is no shop front, simply an entry way for clients.

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ITEM 1 (CONT'D)

APPLICATION NO:

2017/0138/FUL

Applicant's further letter of support

I've reviewed all of the attachments submitted by the local residents and would like to respond to some of their concern:

1. Google Maps - The photos and information in which they attached was actually from 2012. The business was rebranded and has since been updated to reflect the correct information.
2. The comments in regards to the deeds of the house; it only specifies inside the house itself, not to external buildings on the plot; this we verified upon purchasing the home.
3. The signed petition contains 38 signatures; 25 of which should not apply due to the fact they are residents from Vicarage Road, not Bishops Walk. It is a common fact from speaking with the Welsh Government this morning, 50 relevant signatures are required for the Petition to stand, does this apply to the City and County of Swansea?
4. The 'STORE' they keep referring to is the current business, not the proposed one; therefore it shouldn't stand.
5. Transportation Group representative Amanda Pugh has clearly stated the street is unrestricted. One would think their consent and lack of objection would override personal opinions from residents.

APPRAISAL

Full planning permission is sought for a change of use of the existing detached garage at 1 Bishop's Walk to be used by the applicant for psychic readings. The change of use involves the removal of the garage door and its replacement with a window and door. The internal space will be divided into a waiting area, reading room, cloak room, small kitchen and toilet. The garage measures 6m in length by 4.5m in depth.

The applicant has confirmed that there would be between 1 and 8 clients per day on an appointment only basis with no overlap of appointments and the business hours are 9am to 5pm Monday to Friday. Reference has been made in objections to the way the applicant's existing business is being run. The applicant has confirmed that this proposal is not the same as the existing business and any reference to the way in which the existing business operates should be given little weight in the determination of this application, which should be considered on its own merits.

The main issues to be considered are the impact of the proposal on the visual and residential amenity of the area and highway safety having regard to the relevant policies of the City and County of Swansea's Unitary Development Plan 2008.

Policies EV1, EV2, EV3 and AS6 are relevant to the consideration of this proposal. Policy EV1 seeks to ensure new development accords with the criteria of good design, in particular being appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. Policy EV2 relates to the siting and location of new development.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0138/FUL

Policy EV3 relates to proposals for new development and states that alterations to, and changes of use of, existing buildings will be required to provide access and facilities for all. Policy AS6 relates to parking provision. Supplementary Planning Guidance: City and County of Swansea Parking Standards (March 2012) sets out parking standards and requirements for development proposals.

In visual amenity terms, the replacing of the garage door with a domestic scale door and window would not result in any undue visual detriment to the area.

In terms of residential amenity, it is not considered that the amount of activity proposed at the site would be so significant as to cause demonstrable harm to the surrounding residents with regards to noise and disturbance. Indeed, any comings and goings at the site would take place during the working day when many residents may not be at home e.g. due to work commitments, thus further reducing the chance of perceived unacceptable impact upon their residential amenities.

The amount of vehicular movements at the site is also not considered to be significantly over and above that which would be experienced by a wholly domestic use if the host dwelling occupiers owned several cars. Bishop's Walk is a cul-de-sac which serves 13 dwellings. There is no through traffic using the road and the number of vehicle movements would therefore be low. The Head of Transportation and Engineering raises no highway objection to the proposal as the loss of the parking space is not considered to impact greatly on the parking situation at the site.

The concerns raised by the objectors are noted and they have been addressed above in the main body of the report. The applicant's supporting statement has set out the terms of her business model and an hours of opening condition is recommended which should also alleviate any concerns that have been raised.

It should also be noted that the use of a garage to work from home does not require planning permission provided the dwelling remains principally residential in nature and the use is not considered to materially change the use of the property. This is a matter of fact and degree. However, as the applicant has submitted the application for the change of use instead of a Certificate of Proposed Lawful Use, then, notwithstanding the above, the proposal falls to be considered by the Local Planning Authority as if planning permission is required. Members should be aware however, that planning permission may not be required for the proposed use.

Properties in Bishop's Walk were granted planning permission in August 1980 (2/1/80/0603/03 refers) and no restrictions were placed on the use of the garage. This dictates that the garage may be converted to other uses that are ancillary to the incidental enjoyment of the dwelling house which could in turn remove a parking space from the property without any further recourse to the Local Planning Authority. The comments submitted by an objector indicating that he was required to provide an additional parking space following the conversion of his garage are noted but the reason this extra space was required was because an additional bedroom was being provided and not simply because the garage was being converted.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0138/FUL

In conclusion and having regard to all material planning considerations, the proposal is considered, to be an acceptable form of development at this location subject to conditions to control the use, and would not result in unacceptable impact in terms of visual amenity, residential amenity or highways safety. The proposal therefore complies with the overall requirements of Policies EV1, EV2, EV3 and AS6 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The use shall not be carried out outside the hours of 9am to 5pm from Monday to Friday.
Reason: To protect the amenities of the occupiers of nearby dwelling houses.
- 3 The development shall be carried out in accordance with the following approved plans and documents: proposed elevations and layout, site location plan, block plan received 14th February 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 4 The garage shall be used for psychic readings on an appointment basis only and for no other purpose (including any other purpose in class A2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).
Reason: In the interests of residential amenity and highway safety, taking into account the particular circumstances of this case.
- 5 The use hereby approved shall be carried on only by the occupier of 1 Bishop's Walk, Morriston only.
Reason: This permission has been granted solely having regard to the special circumstances of the case and use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan and any other material considerations.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, AS6.
 - 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 – 4TH APRIL 2017

ITEM 2

APPLICATION NO: 2016/3322/FUL

Location: 28 Kinley Street, St. Thomas, Swansea, SA1 8HF

WARD: St. Thomas - Bay Area

Proposal: Change of use of 4 bedroom residential dwellinghouse (Class C3) to a 4 bedroom HMO (Class C4).

Applicant: Mr Jonathan Williams



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 – 4TH APRIL 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/3322/FUL	Change of use of 4 bedroom residential dwellinghouse (Class C3) to a 4 bedroom HMO (Class C4).	PDE	

RESPONSE TO CONSULTATIONS:

ORIGINAL PLANS - Change of use of residential Class C3) to a 5 bedroom HMO (Class C4), conversion of garage to living accommodation and associated external alterations.

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. 13, 14, 15 & 16 Middleton Street and through display of a site notice dated 26th January 2017.

5 LETTERS OF OBJECTION were received and a PETITION OF OBJECTION with 45 signatures. A summary of the objections raised are as follows:

1. Car parking / highway safety;
2. Impact on the character of the area;
3. Increase in noise;

Highways: The conversion of the garage to living accommodation in conjunction with the increase in bedroom numbers is unacceptable.

I recommend that the application be refused on the grounds that the development will remove the only dedicated parking provision for the dwelling and the increase in bedroom numbers will place undue pressure on on-street parking availability on Kinley Street to the detriment of highway safety

Dwr Cymru / Welsh Water: No objection

AMENDED PLANS - Change of use of 4 bedroom residential dwellinghouse (Class C3) to a 4 bedroom HMO (Class C4).

Amended plans were submitted to remove the conversion of the garage to living accommodation and as a result the scheme would provide a 4 bedroom HMO rather than the 5 bedrooms original proposed.

Neighbours: The amended proposal was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 13, 14, 15 & 16 Middleton Street, Nos. 26, 61 , 75 Kinley Street, 1 Gwynne Terrace & 4 Lee Street and through display of a site notice dated 2nd March 2017.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

10 LETTERS OF OBJECTION were received which are summarised as follows:

1. Car parking / highway safety;
2. Impact on the character of the area;
3. Increase in noise & rubbish;
4. Proliferation of HMO'S in Port Tennant / St. Thomas;
5. Increased in antisocial behaviour;
6. There should be a blanket ban on HMO's until the SPG is adopted;
7. Loss of community cohesion;

Highways: The garage is now being retained and the HMO bedroom number has been dropped from 5 to 4. I recommend that no highway objections are raised to the proposal subject to:

1. The garage being retained for parking purposes only and not to be converted to living accommodation.
2. The dwelling being used by no more than 4 persons at any time in the interest of highway safety.
3. Cycle parking (for four cycles) in accordance with details to be submitted for approval to the LPA shall be laid out prior to beneficial occupation of the HMO.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Joe Hale and due to the fact there has been a petition submitted containing 45 signatures of objection which meets the identified threshold on receipt of the original application.

Description

Full planning permission is sought for the change of use of a 4 bedroom residential dwellinghouse (Class C3) to a 4 bedroom HMO (Class C4). No external alterations are proposed.

The property itself is detached and separated from a number of terraced properties along Kinley Street itself by a lane which leads to Middleton Street. The property has existing accommodation amounting to 4 bedrooms and an integral garage.

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 for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

The public consultation period for the emerging Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently ended (5th March 2017). The responses are currently being reviewed and the SPG will be reported to Committee in due course.

Background and 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 whilst Swansea Local Authority has now produced a SPG related to HMOs until formally adopted it does not carry any weight.

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 it is noted that the scheme relates to the creation of a 4 bedroom HMO. The application drawings show there are 4 existing bedrooms and as such there would be no net gain in bedrooms provided.

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ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

The original scheme proposed the conversion of the existing garage into an additional bedroom (5 bedrooms) but owing to concerns raised both locally and by the Highway Authority, the applicant has removed this bedroom from the scheme and proposes retention of the garage.

Regard needs to be given to the fact that 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 4 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. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance. It is considered reasonable to restrict the number of occupants to no more than 4 people.

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 Council's own HMO register there are no registered HMO properties on Kinley Street (as of the 24th March 2017), however, it is acknowledged that there may be HMO's on the street which have been used pre March 2016. It should also 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 in the area 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.

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

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.

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

There are no external alterations proposed at the property and as such the proposal will have no adverse Impact on visual amenity.

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

Consultation with the Head of Transportation and Engineering on the original scheme, proposing a 5 bedroom HMO, resulted in concerns being raised through an objection. These concerns related to the development removing the only dedicated parking provision for the dwelling and that it would place undue pressure on the existing on-street parking availability on Kinley street to the detriment of highway safety.

The applicant chose to amend the scheme to remove the additional bedroom and retain the garage and further highway consultation was undertaken. An amended response was received removing the initial objection subject to retention of the garage for parking purposes only, limiting the property to be used by no more than 4 persons and cycle parking to be provided.

Whilst the objections received from neighbouring occupiers are noted regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwellinghouse. As such the provision of an existing garage space and the creation of cycle parking that can be secured by planning condition.

In view of the above, subject to an appropriately worded condition in respect of cycle parking, 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

As above, the provision of refuse storage is annotated on the submitted location plan however details have not been provided. It is noted however that there is adequate space at the rear of the property to accommodate refuse storage which can be control via a condition.

Response to Consultations

Notwithstanding the above, 10 individual letters of objection have been received and a petition of objection with 45 signatures, which raised concerns relating to the impact of the proposal upon the number of HMO's in the area, local car parking and highway safety, residential amenity, impact on the character of the area. The issues pertaining to which have been addressed above.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

Issues in respect of antisocial behaviour including noise and litter 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.

In terms of the impact that HMO's have on property prices, this issue is not a material planning consideration which is taken into account during the determination of an application.

Conclusion

In conclusion it is considered that the revised application is acceptable. The Local Authority has no evidence to suggest that the use of this property as a 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.

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 recommendation, 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 recommendation 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:

- 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: CW.16.002.001: Site location and block plan; CW.16.001.003: Existing floor plans, received on 3rd November 2016, CW.16.001.004A: Proposed floor plan, received on 1st March 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The integral garage indicated on drawing number CW.16.001.004A: Proposed Floor plan shall be kept available for the parking of motor vehicles at all times and retained as such in perpetuity and shall not be used as residential accommodation.
Reason: To retain the off street parking provision to serve the residents of the HMO.
- 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.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

- 5 Details of facilities for the secure and undercover storage of four cycles and refuse storage shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained and not used for any other purpose.
Reason: In the interests of visual amenity, residential amenity and providing facilities for sustainable transport.

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.
- 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 – 4TH APRIL 2017

ITEM 3

APPLICATION NO:

2017/0313/FUL

WARD:

Uplands - Bay Area

Location: 8A Brynmill Crescent, Brynmill, Swansea, SA2 0AL

Proposal: Change of use from HMO for 6 people (class C4) to HMO for 8 people

Applicant: Mr A Savory GOTIM FLATS AND PROPERTIES LTD



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 - EV40 - Air, Noise and Light Pollution

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

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (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 – 4TH APRIL 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0313/FUL	Change of use from HMO for 6 people (class C4) to HMO for 8 people	PDE	
87/0602/03	RETENTION OF USE AS A RESIDENTIAL CARE HOME FOR MENTALLY HANDICAPPED OUTPATIENTS	APP	14.07.1987
86/1537/03	CHANGE OF USE FROM DWELLING TO RESIDENTIAL CARE HOME FOR MENTALLY DISABLED OUTPATIENTS.	REF	10.02.1987
85/1658/03	CHANGE OF USE FROM RESIDENTIAL TO RESIDENTIAL CARE HOME FOR MENTALLY DISABLED OUTPATIENTS.	APP	19.12.1985

RESPONSE TO CONSULTATIONS

3 neighbouring properties were consulted. No letters of objection have been received.

A PETITION OF OBJECTION CONTAINING 30 SIGNATURES has been received which makes the following objections:

- 1) Too many HMOs in the area
- 2) Highway safety concerns
- 3) Extra refuse will affect the amenity of the area

Highways - No Objection:

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. This application seek permission for upto 8 people in a HMO (Sui Generis) from a C4 class HMO.

Four parking spaces are available for use by the residents accessed off the rear of the site on an unnamed adopted lane.

The applicant has also indicated details of a cycle store to be sited to the rear of the dwelling to provide a non-car alternative mode of transport. Parking on street is partially controlled by residents parking permits only.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

The dwelling will be eligible to apply for two parking permits as is currently the case. 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 8 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with the submitted details prior to beneficial occupation of the HMO.
3. The rear parking area to be laid out in accordance with the approved plans and maintained as such in perpetuity.

Pollution Control - No comments.

APPRAISAL

This application is reported to committee following receipt of a petition of objection containing 30 signatures and a call in request from Councillor Nick Davies.

Description

Full planning permission is sought for the change of use of 8A Brynmill Crescent from a 6 person HMO (C4) to an HMO for 8 people (Sui Generis).

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 for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017.

Background

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.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst Swansea Local Authority has now produced a SPG related to HMOs. This has now gone through a process of consultation and until formally adopted does not carry any weight.

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 are 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 acknowledged that the proposal results in an increase of two bedrooms to provide an eight bedroom property. A large family could therefore occupy the property under the extant lawful use of the premises (i.e. 6 bedroom dwelling) and as such it is not considered that the use of the premises for up to 8 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, or indeed as the historic use of the property as a 6 bedroom HMO. There is no evidence to suggest that an increase in this manner would result in a 'significant adverse effect' upon the amenity of neighbouring occupiers.

As such, the use of the property as an 8 bedroom HMO is not considered to result in an increase in 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?

From viewing the Council's own HMO register there are 13 properties on Brynmill Crescent which are registered HMOs out of a total of 23 buildings, however, this does not include the application property.

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

The information before the Authority suggests that the property has previously been in use as HMO for upto 6 persons (under previous legislation which did not require planning permission) and on this basis its use as an eight person HMO would not, it is considered, result in an increase in concentration or intensification of HMOs in the street that would justify a refusal in this instance.

Taking an approach that considers the property not be an existing HMO would result in an increase in a percentage of 54% to 60% of properties within the street being a HMO.

On the basis of the evidence before the Authority it is considered that the increase in the number of bedrooms at an existing HMO would not impact upon the concentration or intensification of HMOs within the area and as such the development complies with the provisions of this criterion.

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

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. This application seeks permission for up to 8 people in a HMO (Sui Generis) from a C4 class HMO. Four parking spaces are available for use by the residents accessed off the rear of the site on an unnamed adopted lane.

The applicant has also indicated details of a cycle store to be sited to the rear of the dwelling to provide a non-car alternative mode of transport. Parking on street is partially controlled by residents parking permits only. The dwelling will be eligible to apply for two parking permits as is currently the case.

The Highway Authority has raised no highway objections to the proposal subject to there being no more than 8 persons in the interest of highway safety, cycle parking being provided in accordance with the submitted details prior to beneficial occupation of the HMO and the rear parking area to be laid out in accordance with the approved plans and maintained as such in perpetuity. An increase in the number of residents would require a new planning application and would be covered by licencing and as such a condition to the permission is not necessary. Conditions to secure cycle storage and parking are necessary as part of the development. Subject to conditions it is considered that the development complies with the provisions of policies HC5 and AS6 in relation to highway and parking considerations.

Appropriate refuse storage arrangements can be provided

An area for bin storage is proposed to the rear of the property and this is considered adequate for the purposes of the proposal.

Response to consultations

With regard to the issues raised in the petition of objection, these have been addressed above.

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

Conclusion

Having regard to the planning issues raised it is considered that the development is acceptable. An increase in the number of the bedrooms at the property would not impact upon the character of the area or result in an adverse increase that would impact social cohesion of the surrounding area given the large number of existing HMOs within the street. 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, EV40, 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 recommendation 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:

- 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, proposed plans (2054-17-001-A) received on 10th February 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial occupation of the building as an 8 person HMO the cycle storage and car parking areas shall be laid out in accordance with the approved plans (Drawing 2054/17/001 Revision A) and retained in perpetuity.
Reason: In the interest of sustainability and highway safety.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, AS6, EV40 and HC5 of the City and County of Swansea Unitary Development Plan 2008.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 4

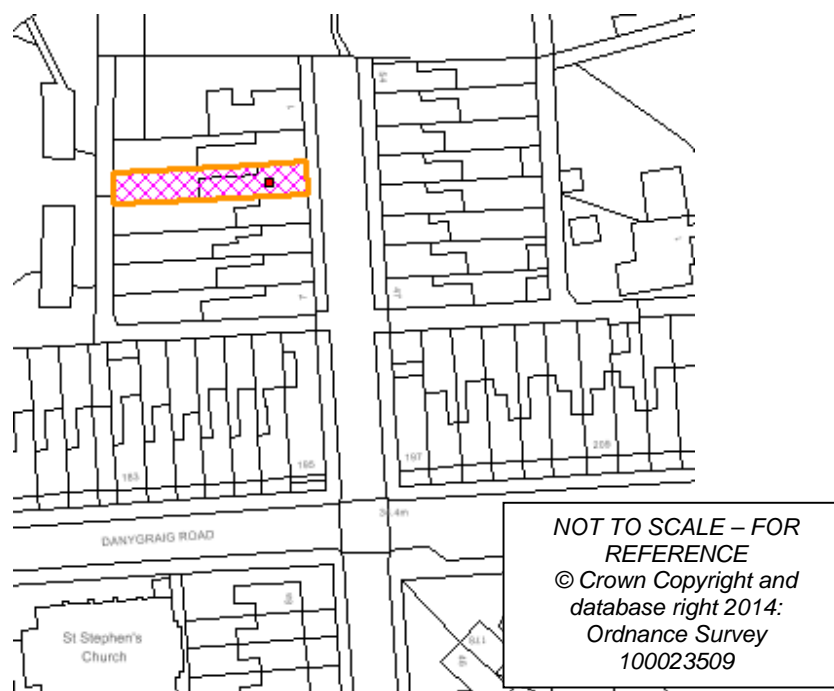
APPLICATION NO: 2017/0464/FUL

WARD: St. Thomas - Bay Area

Location: 3 Grafog Street, Port Tennant, Swansea, SA1 8NG

Proposal: Retention of use of property as a 5 bedroom HMO (Class C4)

Applicant: Mrs. Jacqueline Thomas D & J Property



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - AS6 - Parking/Accessibility

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

UDP - 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 – 4TH APRIL 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0464/FUL	Retention of use of property as a 5 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. 2 & 4 Grafog Street and through display of a site notice dated 7th March 2017.

24 LETTERS OF OBJECTION have been received and a PETITION OF OBJECTION with 102 signatures. The petition states:

"We, the undersigned would like to object to the proposed planning application on the following grounds:-

Parking within the street and community is already an issue. Many households have more than one vehicle this coupled with the need for residential parking since the redevelopment of the SA1 has seen a significant rise in cars parking in the area. The roads are at capacity with cars and this leads to illegal parking this has resulted in problems for public transport and could lead to access issues for emergency vehicles.

The eastside is a Community of families, we have seen many communities such as uplands, Sandfields, Brynmill being taken over with HMO's and the problems they have encountered such as noise pollution, increased rubbish, less housing stock available or affordable. This is not something we wish for our community.

There has been an increase in HMO in the local community since the new university Campus has been built, this is stripping out community of this community spirit, the current health and social care agenda is strengthening communities and utilising communities as a resource however this is unlikely to be viable if residents/families are moving out of the area due to limited housing stock and detrimental impact HMO's have upon neighbours."

A summary of the letters of objection raised are as follows:

1. Increased noise and antisocial behaviour;
2. Loss of value of property;
3. Lack of parking. Application property is located on a cul-de-sac.
4. Poor management of rubbish;
5. Size of property is incapable of accommodating a HMO for 5 people;
6. Proliferation of HMO's is changing the character of the area
7. There should be a blanket ban on HMO's until the SPG is adopted by the Council
8. Eastside is one of the last bastions of traditional communities remaining in Swansea.

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

Introducing more HMO properties in the area reduces housing stock for those native to the area and prevents cultural longevity. Parking is already a considerable issue in the area and will be made worse with further HMO properties.

Dwr Cymru/Welsh Water: Request for standard informative

Pollution Control Division: No objection

Highways: No objection

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 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 5 persons) hence it is still below the six person threshold.

There is no dedicated car parking availability although there is on street availability for residents which is unrestricted.

Cycle parking is referenced as being available in the rear yard and the plans reference this element. This provision will mitigate for the lack of car parking facilities available.

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 5 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with details to be submitted to the LPA and maintained for cycle parking only within one month of the date of this consent.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Joe Hale and due to the fact there has been a petition submitted containing 102 signatures of objection which meets the identified threshold.

Description

Full planning permission is sought for the retention of the use of No. 3 Grafog Street, Port Tennant as a 5 bedroom HMO (Class C4).

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

The application property is a two storey mid terrace property previously occupied as a three bedroom dwellinghouse situated in a cul-de-sac location within the residential area of Port Tennant. No external alterations are proposed.

Applicant's Supporting Statement

The applicant has submitted a supporting statement as part of the application setting out justification for the HMO. The letter states:

"My partner and I purchased this property at the end of 2015. The property had been unoccupied for several years and was in a very poor state of repair. We undertook a full renovation including replacement of roof felt and relaying of existing tiles, plastering, new boiler, replacement kitchen, additional loo, new shower room full decoration, installation of integrated smoke alarms, installation of fire doors to all rooms, plus other improvements. This work was completed in January 2016. The property was then taken on for letting by SAS in Swansea. The first students moved in in summer 2016.

I have only this week discovered that there was a change in planning requirement effective Feb 2016 that means I should have applied for a change of use to C4.

This came to light when I changed letting management company - at no time did SAS tell me about the change in planning requirement - even though they were contracted to provide a complete management service.

So I find myself in a situation of having to apply retrospectively.

I would like to say that during the renovation and subsequently I have spoken with the immediate neighbour in number 5 and told them of my intention to use the house for students - they had no issues with this. As recently as 2 week ago I visited the property to ensure it was in good order and again saw the neighbours - again to issues raised.

The property had been occupied with students since the summer of 2016 and there have been no complaints or issues raised to me during this time.

There are extra bins provided at the property in the back garden and a cycle rack, again in the back garden. There is rear access to the property, so there is no impact on the road frontage. There are no additional vehicles at the property as the students don't have cars with them. Providing a change of use planning is approved, it is my intention to continue to rent the property as an HMO to students, using a different management company."

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 for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

The public consultation period for the emerging Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently ended (5th March 2017). The responses are currently being reviewed and the SPG will be reported to Committee in due course.

Background and 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 whilst Swansea Local Authority has now produced a SPG related to HMOs this has now gone through a period of consultation and will be reported to Committee in due course. Until the SPG is formally adopted it does not carry any weight.

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, it is acknowledged that the proposal would result in the increase of two bedroom to provide a five bedroom property.

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

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 5 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. Accordingly, the Pollution Control division has not raised any objections to the proposal.

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 no registered HMO properties on Grafog Street (as of the 27th March 2017), however, it is acknowledged that there may be HMO's on the street or in the surrounding area which have been used pre March 2016. It should also be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licencing. As a result there may be instances where HMOs exist in the area 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 are 15 properties in the street and allowing this property to retain its use as a HMO would result in 8% of the street being a HMO.

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

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.

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

There are no external alterations proposed at the property and as such the proposal will have no adverse impact on visual amenity.

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

Having consulted the Head of Transportation and Engineering no objection has been raised in relation to the development. It is noted that there is no dedicated parking available although there is on street availability for residents. Cycle parking is annotated on the submitted location plan within the rear yard which would mitigate for the lack of car parking facilities available although no details have been provided but this can be secured by condition.

The development would comply with the provisions set out in the SPG Parking Standards and with no adverse harm identified that could impact highway safety in the area the application is considered acceptable in relation to its impact upon highway safety and parking. Subject to an appropriately worded condition in respect of cycle parking, 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 provision of refuse storage is annotated on the submitted location plan, however, details have not been provided. It is noted however that there is adequate space at the rear of the property to accommodate refuse storage which can be control via a condition.

Response to Consultations

Notwithstanding the above, 24 letters of objection have been received and a petition of objection with 102 signatures which raised concerns relating to the impact of the proposal upon the number of HMO's in the area, local car parking and highway safety, residential amenity, impact on the character of the area. The key issues pertaining to which have been addressed above in the above paragraphs.

Issues in respect of antisocial behaviour including noise and litter 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.

In terms of the impact of HMO's have on property prices, this issue is not a material planning consideration which is taken into account during the determination of an application.

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

Conclusion

Having regard to the planning issues raised, and whilst noting the level of objection, it is considered that the application is acceptable. There is no evidence to suggest that the continued use of this property as HMO would result in a harmful concentration of HMOs within this area or the amenities of neighbouring properties or highway safety. There is no impact upon the visual amenities of the area. As such it is considered that the application complies with 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 recommendation 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:

- 1 The development shall be carried out in accordance with the following approved plans and documents: block plan, existing ground floor plan, first floor layout, ground floor after renovation, site location plan, received on 27th February 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Notwithstanding the plans submitted, within 2 months of the date of this permission, facilities for the secure storage of 5 cycles and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. Within 2 months of the date of approval the cycle and refuse storage shall be provided and retained in perpetuity.
Reason: In the interests of visual amenity, residential amenity and 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.
-

Agenda Item 6

Report of the Head of Planning and City Regeneration

Planning Committee – 4 April 2017

PLANNING APPLICATION REFERENCE: 2013/0617

Residential development comprising 92 dwellings with associated access, drainage and public open space (outline)

Land South of Glebe Road, Loughor

1.0 Background

1.1 The application was reported to Planning Committee on the 10th November 2015 with a recommendation that planning permission be approved subject to conditions and subject to the applicant entering into a S106 Planning Obligation to provide:

- 19 units of affordable housing (AH) on the site;
- an education contribution of £100,000
- a highways contribution of £92,100;
- Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;

Members also resolved that a S106 management and monitoring fee shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).

1.2 With respect of the AH, it was resolved to provide the 19 units of affordable at 42% ACG, of social rented tenure and pepper potted throughout the site. The AH were required to include a range of DQR compliant house types. The design and specification of the affordable units were required to be of equivalent quality to those used in the Open Market Units.

1.3 A copy of the report to the Planning Committee and Action Sheet of the 10th November 2015 are attached as Appendix A and B respectively.

1.4. Since the Committee resolution to approve the proposal (subject to conditions and the signing of S106 Legal Agreement), the Council has received notification from the applicant's advisors of the challenges of meeting the affordable housing requirement detailed within the draft S106, whilst also safeguarding the viability of the scheme. In summary, the applicant is requesting that the AH requirement be revised, so that a lower level of AH is provided within the site. The applicant contends that unless a lower AH contribution is agreed, the scheme is not financially viable and therefore will not be delivered.

1.5 UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in Swansea and underpins the Council's Housing Strategy.

The affordable housing provisions has been subject to extensive negotiations which has now resulted in the revised proposed provision of 15% AH provided at 42% ACG with a 50/50 split between 2 and 3 bedroom accommodation.

- 1.6 The Council's Housing Service have been consulted throughout the negotiations and has confirmed that the provision of 15% social rented tenure affordable housing on site, with a mix of 2 & 3 bedroom houses with a 50/50 split, built to DQR standard is acceptable, subject to the properties being phased across the site in clusters.
- 1.7 Whilst it has been accepted that a lower level of AH is required to make the scheme financially viable and hence deliverable (at this point in time), it is prudent to note that market conditions could improve over the forthcoming years, which could alter matters relating to the financial viability of the scheme. Therefore, the lower level of AH is accepted at that point in time, subject to the proviso that the S106 includes a requirement that the viability of the scheme is reassessed during the submission of any reserved matters application and the level of AH being provided being amended in accordance with the reassessment.

2.0 Conclusion

- 2.1 The original report to Planning Committee on the 10th November 2015 recommended approval of the application. The scheme is still considered acceptable in planning terms and hence is again recommended for conditional approval. However, for the reasons set out above, the S106 requirements relating to AH are amended, subject to the use of a clause relating to the reassessment of the viability of the scheme at reserved matters stage. The other requirements of the S106 agreement remain unchanged.

3.0 Recommendation

- 3.1 The application be approved subject to the applicant entering into a S106 Planning Obligation to provide:
 - 15% of affordable housing on the site; comprising a 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG
 - An education contribution of £100, 000
 - A highways contribution of £92,100;
 - Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;
 - Monitoring fees shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).
 - A reassessment of the financial viability of the scheme upon the submission of any reserved matters application, and the level of AH provided being revised (where appropriate) in accordance with the results of the reassessment;

And in accordance with the conditions set out in the previously accepted recommendation (contained within the report attached as Appendix A).

ITEM 10

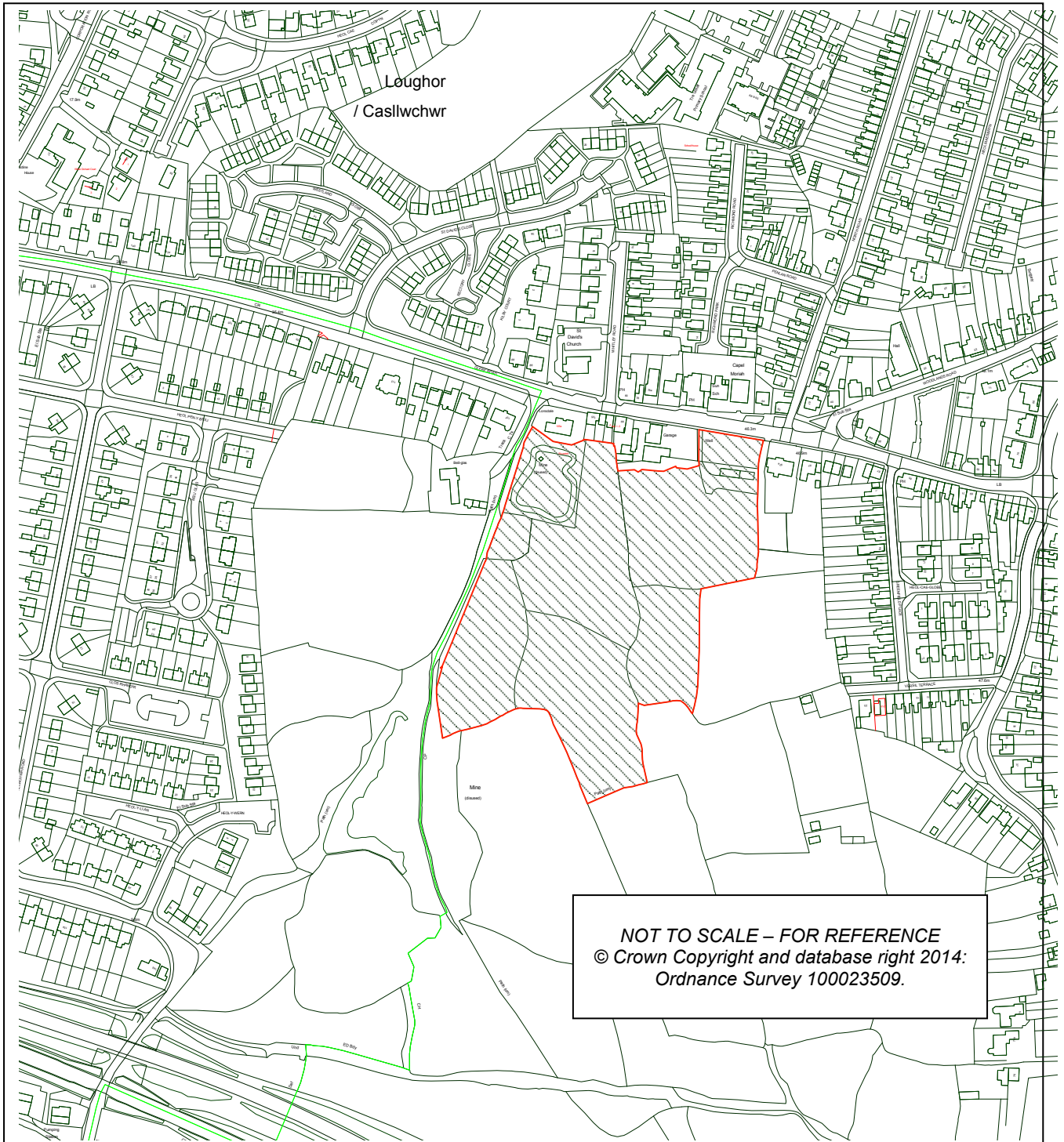
APPLICATION NO. 2013/0617

WARD: Upper Loughor

Location: Land south of Glebe Road, Loughor, Swansea

Proposal: Residential development comprising 92 dwellings with associated access, drainage and public open space (outline)

Applicant: Trustees of T J Thomas



BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	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)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	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)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 10TH NOVEMBER 2015

ITEM 10 (CONT'D)

APPLICATION NO.

2013/0617

Policy HC3	Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
Policy HC17	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)
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2015/0088	Two storey side extension and single storey rear extension Decision: Refuse Decision Date: 16/03/2015

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. 5 LETTERS OF OBJECTION were received which can be summarised as follows:

- As a result of its role in the 140-5 religious revival and association with the evangelist Evan Roberts, Moriah Chapel is an internationally important centre of pilgrimage for tens of thousands of visitors, for this reason there is concern over the impact of the proposed development on parking in the vicinity.
- The proposal is likely to result in reduced parking opportunity in the vicinity, leading to a poor visitor experience, fewer tourists and less income for the local economy.
- Moriah Chapel is widely used and often attracts large numbers of visitors. All visitors currently park along Glebe Road.
- Coaches often visit – stopping outside the chapel
- It is imperative that the Christian Heritage of the area is safeguarded.
- The proposal will have a significantly harmful effect on the local environment
- The proposal does not comply with one of the key principles of 'planning for nature conservation' in that development should provide a net benefit for biodiversity conservation with no significant loss of habitat or population of species (TAN 5)
- The submitted Planning Statement "did not highlight any specific wildlife rarity or exception, but the existence of many hedgerows with intermittent trees add biodiversity value to the site and these have been integrated into the development so that over time they will increase their environmental benefits" – these two statements are considered untrue and misleading
- The development site supports a significant number of birds
- Bats are present on the development site
- The detailed aboricultural report shows the rural nature of this site with an abundance of trees, hedges and wildlife.

- The state of nature report 2013 provides stark warning that far more species are declining than increasing in the UK and if this residential development of 92 houses is permitted then the City and County of Swansea will be contributing to this decline.
- The proposal will disturb the tranquillity currently afforded by this Greenfield site to the detriment of nearby residents.

Llwchwr Town Council – No Objection

Glamorgan Gwent Archaeological Trust – No Objection subject to standard condition.

Dwr Cymru/Welsh Water – No Objection subject to standard conditions and advisory notes.

Natural Resource Wales – No Objection subject to standard conditions and advisory notes.

The Coal Authority – No Objection subject to standard condition

Head of Environmental Management and Protection – No Objection subject to standard conditions

Head of Transportation and Engineering -

1 Background

1.1 This proposal is for the erection of up to 92 dwellings on land south of Glebe Road, Loughor. This is one of 3 sites that have been considered in Transport Assessments for developments along the Glebe Road/Loughor Road corridor. Each of the sites has included the impact of all others so that the combined impact of traffic from all 3 sites can be properly assessed.

1.2 The site has a frontage to Glebe Road of approximately 50m opposite the Moriah Chapel and it is intended to provide a mini roundabout at the access junction which will assist in keeping vehicle speeds low along that section of the highway.

2 Traffic Impact

2.1 Whilst this proposal is for up to 92 dwellings, the transport assessment has assumed to test the impact of up to 120 dwellings. This indicates a traffic generation of 13 arrivals and 50 departures in the am peak with 45 arrivals and 24 departures in the pm peak. The impact of this number of movements has then been assessed at a number of key junctions along the Loughor Road corridor.

2.2 The junctions assessed include;

Site Access

Loughor Road/Belgrave Road

Loughor Road/West Street

These are the junctions where impact is considered to be highest especially when combined with the other development sites on the corridor.

2.3 All junctions are shown to operate within their theoretical capacity. There are indications that the ratio to flow capacity at Belgrave Road and West Street junctions will approach 0.9 and therefore some queuing will take place. This concurs with the assessments submitted on the other development sites.

3 Site Access

3.1 Access would be from Glebe Road opposite Moriah Chapel. Road realignment is indicated and a mini roundabout installed. The realignment of the road to accommodate the necessary geometry for a mini roundabout would result in spare road space outside the chapel. Part of the road works therefore will include a bus layby that will accommodate the dropping off and picking up of church goers. The application is in outline form and therefore detailed design will be required. However indicative plans show that this scenario can be accommodated.

3.2 An indicative layout plan also indicates a possible internal road layout and whilst some minor amendment would be necessary, the proposal to serve the indicated number of dwellings is feasible.

4 Accessibility

4.1 There are footways along Glebe Road and Loughor Road that adequately serve the development. In addition there are two public footpaths present. Footpath LC39 runs along the western boundary of the development and LC 40 which runs through the site. LC 40 will need to be rerouted to follow the internal road alignment. Both footpaths connect to Culfor Road.

4.2 Bridleway LC 38 traverses east/west to the south of the site joining Culfor Road with Waun Road. The bridleway emerges opposite a proposed footpath from the Cae Duke development.

4.3 The National Cycle Network Route 4 utilises Culfor Road and is within reasonable distance of the site.

4.4 There is a 30 min frequency bus service past the site.

5 Road Safety

5.1 The allocated development sites on Glebe Road/Loughor Road have been required to contribute to a range of road safety enhancements in the area. These were identified as requirements under the safer routes in the community scheme and included, traffic calming, a pedestrian crossing and TROs in the wider area. The school drop off facility was a separate issue required to enable improvement to traffic flow along the Loughor Road corridor. This development could generate traffic movements along Waun Road which is in need of traffic calming and there needs to be better linkage with the public rights of way through and adjacent to the site.

To that end, the developer is offering a contribution of up to £92,000 and this sum should be apportioned appropriately towards the range of works identified in mitigation of the additional traffic being generated.

- 5.2 The site access works, which includes the provision of a mini roundabout and bus layby I consider to be a separate issue and a consequence of providing access to the site. These works therefore will require full funding by the development in addition to the indicated contribution towards safer routes in the community.

6 Conclusions and Recommendation

- 6.1 The impact of the development traffic when added to existing and proposed traffic flows in the area is shown to be able to be accommodated on the surrounding highway network. Access improvements will be of general benefit to through traffic and potentially improve highway safety. Highway safety improvements in the area will ensure that development traffic does not have an adverse affect on identified issues and to that end a developer contribution towards mitigating the effects of additional development traffic is recommended.

- 6.2 I recommend no highway objection subject to the following;

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

ii. The site shall not be brought into beneficial, use until a contribution towards local road safety enhancements has been made. This will require a sum of £92,000 to be deposited with the City and County of Swansea Council secured through a Section 106 Agreement.

iii. The site shall not be brought into beneficial use until the access works, including a mini roundabout and associated lay-by have been completed in accordance with engineering details to be submitted and approved.

iv. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Management and Maintenance of Estate Streets - Note

The applicant is advised that to discharge this condition, the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- v. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

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

APPRAISAL

Introduction

Outline planning permission is sought for the construction of 92 residential units. Although the application is in outline form with all matters reserved, some significant supporting information has been submitted relating to amount of development, layout, access and landscaping arrangements.

The application is supported further by:

- Extended Phase 1 Habitat Survey
- Aboricultural Survey and Hedgerow Assessment
- Aboricultural Implications Assessment
- Transport Assessment
- Drainage Strategy

Site and Surroundings

The site is located centrally within the urban settlement of Loughor and is accessed via one vehicle access point from Glebe Road. The northern site boundary backs onto houses and a petrol station, the western boundary is heavily wooded and runs along a public footpath, the eastern boundary abuts an area of open land and the southern boundary adjoins an area of green wedge. The application site extends to five fields, four of which benefit from a land allocation for housing development, the fifth is not allocated and lies within the adjoining green wedge and will be used to provide an attenuation pond and wetland habitat for the development.

Capel Moriah, the adjacent School building and the railings, are all Grade II listed with separate records (LB 479/479/480) and face Glebe Road directly opposite the site. They are constructed of local pennant stone with slate roofs and are largely unaltered and provide a heritage anchor to an area otherwise lacking in features of interest. Much of the significance of these buildings lies in the connection to Evan Roberts and the Welsh Revival in the early 1900's, and for this reason the Chapel attracts many visitors.

The general built character of the area is of irregular suburban blocks with dwellings fronting the street but with some instances of internal road and cul-de-sacs. The variety of block forms coupled with the difference in architectural styles found in the locality suggests an area which has grown incrementally in phases over time. This is further supported by the variety of housing types which range from traditional stone fronted Victorian terraces and public buildings through to larger, more recent house types incorporating modern suburban features such as shallow pitched or hipped roofs with overhangs and integrated garages.

The 3.81 ha site is irregular in shape and falls steadily downwards in a southerly direction providing vistas out from the site to the hillsides on the opposite side of the estuary. As the land slopes down from Loughor, it meets the railway line and A484 bypass at the bottom of the valley where the Afon Lliw River flows out to the Loughor Estuary to the west.

The patchwork of fields which make up the site is defined by well-established trees and hedgerows which are in themselves a significant constraint. A group Tree Preservation Order has been placed on a number of hedgerows and trees that cross the site.

A former mine shaft sits in the North West corner of the site and no development is intended within this area.

The site is allocated as a housing site under Policy HC1 (105) of the City & County of Swansea Unitary Development Plan 2008 (UDP) and although this land allocation extends to an adjoining additional enclosure, this is in separate ownership and the owners have no immediate inclination to bring the site forward for development. Notwithstanding this, the application site forms the majority of the land allocation.

The Proposal

The proposal seeks a residential development of up to 92 dwellings and associated infrastructure. It is acknowledged that the proposal are largely indicative due to the application being in outline form, however, it is considered that any consent issued should inform any future development that the design concept contained within the information submitted with this application should inform any detailed application. A suitably worded informative will be used to communicate this.

The application site layout includes 90 dwelling comprising a mix of 6 different house types. The scale parameters range from 7m – 10m in length; 5m -10m in width and 7m – 10.5m in height.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of residential development at this greenfield site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, impact of the development on access, parking, highway safety and impacts upon environmental interests having regard to the provisions of the polices of the City and County of Swansea Unitary Development Plan 2008 (UDP). There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Principle of Development

The site forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (105) 'Land South of Glebe Road, Loughor Road' where the potential for 110 homes is indicated. This site represents approximately 3.8ha of the wider allocation and with up to 92 homes being proposed, it has a density of approximately 24 homes per hectare.

It is allocated within the Greater North West Swansea housing policy zone. The amplification to the policy confirms that it is not necessary to phase the release of Greenfield land given the relatively low levels of release proposed. These Greenfield sites (including this site) are all within this housing policy zone where there would otherwise be a housing land shortage due to the lack of available alternative sites within existing settlements. Having regard to Policy HC1, the principle of residential development on this Greenfield site is acceptable and in accordance with the UDP housing strategy.

It is noted however that the scheme does not include the whole of the housing allocation site HC1 (105) as it excludes a smaller area of land to the east of the allocation. However it is noted that within the proposed layout, provision is made for future access to this land.

Visual Amenity and Urban Design

The submitted design proposals show the scheme in its wider context which helps to show its relationship to the existing settlement pattern. The site currently comprises open fields lying to and accessed from the southern side of Glebe Road, behind existing properties and with very limited connections in other directions. Given these constraints the scheme integrates as well as possible into the existing community to the north. Given the limited connectivity of the site, it is well served by local facilities (within 175m distance) including 2 pubs, a chapel and petrol station with some local shop facilities. In addition to this there are a number of facilities within half a mile of the proposed site entrance which include Tre Uchaf Primary Scholl as well as a large green space for recreation nearby, Loughor RFC, Gower College Swansea (Gorseinon Campus) and Penuel Chapel. Further afield both Pontybrenin Primary School and Ysgol Gynradd Gymraeg Pontybrenin (Welsh Medium) are located less than a mile from the site. Public transport is within a short walk of the site entrance. It is also intended to provide a pocket park within the scheme for residents' use. Given the limited connections around the site boundaries, as well as the proximity to local facilities, the approach of a single vehicular access point to connect to the existing community is considered acceptable.

The site layout plan presents a scheme which has a mixture of house types and sizes, as well as varying plot sizes, which is a welcomed approach to a housing scheme of this size, as it helps create a mixed community with a good range of housing options as well as visual interest with an increase legibility and sense of place. The area around the site entrance to the north presents a higher density than the remainder of the scheme as a result of the use of terraced dwellings in this location. This succeeds in maximising access to the local facilities and allows for lower density detached houses on the edges which aids integration with the surrounding landscape. Some terraces are present elsewhere within the site but are generally short in nature. The remainder of the site appears suburban in scale and layout with detached or semi-detached properties in plots of varying sizes. Overall the proposal represents a scheme which incorporates a mixture of dwellings types and densities which helps create small character areas.

Although the scheme is wholly residential, the proximity of the site entrance to a number of established local facilities offsets this.

The indicative layout scheme provides a hierarchy of streets with a main access street running through the scheme, supplemented by minor and shared streets coming off this to serve smaller groups of dwellings. The winding nature of the streets within the scheme respond to the natural/suburban location on the edge of the settlement abutting the countryside, and also aids in reducing traffic speeds whilst providing interest and legibility to the scheme. The proposed shared space areas around the linear green neighbourhood (a landscaped area of retained trees and hedgerows within the site) will also help to reduce traffic speeds and create a more pedestrian friendly environment. The building layout is well structured with perimeter blocks and dwelling fronting the streets. Also plots 1 and 13 address Glebe Road at the site access creating a gateway to the site and positive relationship to the established street scene.

Overall the scheme provides well defined streets and spaces as a result of the structure of the building layout providing a visually interesting townscape. Generally views along the street are terminated well at the front elevation of houses, a notable exception to this however, is the initial view into the site from the entrance at Glebe Road which terminates at a row of parking spaces. However, this area is acknowledged as the connecting access point to the future development land to the east. The layout of the scheme appears to be well considered and the proposal presents good definition between the public and private realm with natural surveillance overlooking most publicly accessible areas.

There are no details of the facing materials of the dwellings, but this could draw on a wide palette. Given the proximity of the site entrance to the listed chapel opposite as well as the adjacent pennant stone pub, the character of these buildings will be significant in terms of stitching the character and appearance of the scheme to the wider area. It will therefore be important to ensure a high quality approach at the site entrance, possibly utilising natural stone in order to respond to the setting of the listed chapel.

Overall the indicative scheme is a well thought out response to the site location and its constraints and displays many good principles of urban design, and as such it is considered that the proposed indicative design and layout of the estate is acceptable and complies with the provisions of Policy EV1 and EV2 of the UDP.

Residential Amenity

On the basis that this is an outline application with all matters reserved, the true impact of the proposal on individual households can only be assessed at reserved matters stage. However, some consideration is given below to the indicative layout scheme provided. However, when the reserved matters application is submitted, this issue can be addressed in detail at that stage.

With regard to the amenity of existing residents along Glebe Road, the closest property within the indicative scheme would be Plot 33, however this achieves a separation distance in excess of 40m from the rear of 101 Glebe Road. Whilst Plot 32 is situated closer to the site boundary, it is neighboured by the commercial petrol filling station/garage and as such residential amenity is not a consideration.

In terms of the residential amenities of the future occupiers of the development, overall the proposed garden size for most plots are sufficient for the size of the proposed dwellings, with more generous gardens provided to the larger dwellings in the southern part of the site and less significant gardens for the smaller dwellings to the north around the site entrance. It is in this northern area that some of the plots fall marginally below minimum separation distances

Having regard to the above, it is considered that the proposed development would not result in any significant impacts on the amenities of existing residents in Glebe Road and would not raise adverse impacts in respect of the residential amenities of the future occupiers of the proposed development. The proposal would therefore be in accordance with Policy EV1 of the UDP.

Highways Impacts

The following self-explanatory comments have been made by the Head of Transportation and Engineering

1 Background

This proposal is for the erection of up to 92 dwellings on land south of Glebe Road, Loughor. This is one of 3 sites that have been considered in Transport assessments for developments along the Glebe Road/Loughor Road corridor. Each of the sites has included the impact of all others so that the combined impact of traffic from all 3 sites can be properly assessed.

The site has a frontage to Glebe Road of approximately 50m opposite the Moriah Chapel and it is intended to provide a mini roundabout at the access junction which will assist in keeping vehicle speeds low along that section of the highway.

2 Traffic Impact

Whilst this proposal is for up to 92 dwellings, the transport assessment has assumed to test the impact of up to 120 dwellings. This indicates a traffic generation of 13 arrivals and 50 departures in the am peak with 45 arrivals and 24 departures in the pm peak. The impact of this number of movements has then been assessed at a number of key junctions along the Loughor Road corridor.

The junctions assessed include;

- Site Access
- Loughor Road/Belgrave Road
- Loughor Road/West Street

These are the junctions where impact is considered to be highest especially when combined with the other development sites on the corridor.

All junctions are shown to operate within their theoretical capacity. There are indications that the ratio to flow capacity at Belgrave Road and West Street junctions will approach 0.9 and therefore some queuing will take place. This concurs with the assessments submitted on the other development sites.

3 Site Access

Access would be from Glebe Road opposite Moriah Chapel. Road realignment is indicated and a mini roundabout installed. The realignment of the road to accommodate the necessary geometry for a mini roundabout would result in spare road space outside the chapel. Part of the road works therefore will include a bus layby that will accommodate the dropping off and picking up of church goers. The application is in outline form and therefore detailed design will be required. However indicative plans show that this scenario can be accommodated.

An indicative layout plan also indicates a possible internal road layout and whilst some minor amendment would be necessary, the proposal to serve the indicated number of dwellings is feasible.

4 Accessibility

There are footways along Glebe Road and Loughor Road that adequately serve the development. In addition there are two public footpaths present. Footpath LC39 runs along the western boundary of the development and LC 40 which runs through the site. LC 40 will need to be rerouted to follow the internal road alignment. Both footpaths connect to Culfor Road.

Bridleway LC 38 traverses east/west to the south of the site joining Culfor Road with Waun Road. The bridleway emerges opposite a proposed footpath from the Cae Duke development.

The National Cycle Network Route 4 utilises Culfor Road and is within reasonable distance of the site.

There is a 30 min frequency bus service past the site.

5 Road Safety

The allocated development sites on Glebe Road/Loughor Road have been required to contribute to a range of road safety enhancements in the area. These were identified as requirements under the safer routes in the community scheme and included, traffic calming, a pedestrian crossing and TROs in the wider area. The school drop off facility was a separate issue required to enable improvement to traffic flow along the Loughor Road corridor. This development could generate traffic movements along Waun Road which is in need of traffic calming and there needs to be better linkage with the public rights of way through and adjacent to the site. To that end, the developer is offering a contribution of up to £92,000 and this sum should be apportioned appropriately towards the range of works identified in mitigation of the additional traffic being generated.

The site access works, which includes the provision of a mini roundabout and bus layby I consider to be a separate issue and a consequence of providing access to the site. These works therefore will require full funding by the development in addition to the indicated contribution towards safer routes in the community.

6 Conclusions and Recommendation

The impact of the development traffic when added to existing and proposed traffic flows in the area is shown to be able to be accommodated on the surrounding highway network. Access improvements will be of general benefit to through traffic and potentially improve highway safety. Highway safety improvements in the area will ensure that development traffic does not have an adverse effect on identified issues and to that end a developer contribution towards mitigating the effects of additional development traffic is recommended.

I recommend no highway objection subject to the following;

- i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- ii. The site shall not be brought into beneficial use until a contribution towards local road safety enhancements has been made. This will require a sum of £92,000 to be deposited with the City and County of Swansea Council secured through a Section 106 Agreement.
- iii. The site shall not be brought into beneficial use until the access works, including a mini roundabout and associated lay-by have been completed in accordance with engineering details to be submitted and approved.
- iv. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Management and Maintenance of Estate Streets – Note

The applicant is advised that to discharge this condition, the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- v. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

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

Affordable Housing

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in Swansea and underpins the Council's Housing Strategy. The affordable housing provisions has been subject to extensive negotiations which has resulted in a total of 19 affordable housing units being agreed equating to 20% provision rather than the 30% advocated within adopted Policy and SPG. However, there are a number of unknown costs associated with this development site. As host to a disused mineshaft there is an inevitable degree of grouting going to be required on the site which is currently unquantified but is estimated to be a minimum of £350,000. This figure is considered to offset the slightly exaggerated land value of £1,493,579,000 and the estimated cost per dwelling of sprinkler systems (likely to be a mandatory requirement on all new dwellings from 2016 onwards) of £3,075.00 per unit (£282,000 total). Having regard to this, on balance the provision of 20% affordable housing is considered acceptable and can be secured by a S106 planning obligation.

Education

The Director of Education has requested a financial contribution. The following schools are within the catchment of the application site:

English Medium Primary – Tre Uchaf Primary
English Medium Secondary - Penyrheol Comprehensive
Welsh Medium Primary - YGG Pontybrenin
Welsh Medium Secondary - Ysgol Gyfun Gwyr .

The development will generate the following pupils with the associated cost:

Primary – 28.52 (£295.810)
Secondary – 20.24 (£320.764)

In January 2013, the surplus capacity at Tre Uchaf Primary was 59 with the projection figures for September 2019 being 59 also. However the Welsh Medium primary school YGG Pontybrenin is already over capacity with the projection figures for September 2019 indicating an overcapacity of 65.

In terms of secondary education English medium Penyrheol Comprehensive currently has capacity and the projection figures up to 2019 indicate a surplus capacity of 122. However, YG Y Gwyr has a 2019 projection figure of 168 overcapacity. On this basis a request of £295,810 has been made towards YGG Pontybrenin and £320,764 towards YG Y Gwyr.

The applicant has however contested these figures, based on there being sufficient English medium places and only a shortfall of Welsh medium places, and therefore the contribution should be linked to the anticipated number of Welsh Medium places required. The draft 'Welsh in Education Strategic Plan 2014-17' issued in December 2013 cites the Welsh Medium percentage in the City growing from 10.5% in 2013 to 16.4% in 2019 (year 6 pupils) or staying around the 14% level for Year 2 pupils. It is therefore argued that a fair and reasonable related contribution would be in the order of:

92 dwellings x 0.31 primary aged children x 14% requiring Welsh Medium Places x £10,372 = £41,413.

A similar argument is applied in terms of secondary education, namely that the contribution should only apply to the likely proportion of children that will require Welsh medium provision. The draft 'Welsh in Education Strategic Plan 2014-17' cites Welsh medium percentages in the City growing from 9.45% in 2013 to 13.4% in 2019 (year 9 pupils) . Therefore it is argued that a fair and reasonable contribution would be in the order of:

92 dwellings x 0.22 secondary aged children x 13.4% requiring Welsh medium places x £15,848 = £42,982.

The applicant's rationale that it cannot be accepted that 100% of pupil generated by the proposal will require Welsh medium education is considered reasonable and the estimated figures for Welsh medium education take-up in the City are based on sound Welsh Government Guidance. On this basis, the applicant's suggested contribution of £100,000.00 is considered acceptable and can be secured by a S106 planning obligation.

Open Space / Play Space Provision

UDP Policy HC24 (Play Areas / Public Open Space) requires new housing developments where the level and nature of open space provision in the locality is inadequate, to: make provision for open space within or near to the development or: to contribute towards the provision or improvement of existing off-site facilities.

A request was received from the Parks Department requesting a contribution of £75,000 towards capital construction costs for the upgrading and increasing the size and items of play equipment at Childrens Corner, Loughor Road and Parc William, west of Loughor Road.

In justifying requests for Section 106 Obligations, the Authority is required to have regard to the following tests:

- Necessary to make the development acceptable in planning terms,
- Directly related to the development and

- Fairly and reasonably related in scale and kind to the development

Welsh Office Circular 13/97 (Planning Obligations) also advises that “developers may reasonably be expected to pay for or contribute to the cost of infrastructure which would not have been necessary but for their development. The effect of such infrastructure investment may be to confer some wider benefit but payments should be directly related in scale to the benefit which the proposed development will derive from the facilities to be provided. Developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies”.

To meet the aforementioned tests, the facility needs to be accessible to young families from the proposed development. It is considered that upgrading existing play facilities more than 1km distant from the site would not achieve this. Additionally, the scheme includes two designated play areas as well as significant green corridors/neighbourhood greens. The adopted residential Design Guide seeks to ensure that the starting point for public spaces and play areas is an on-site provision within 5 minutes’ walk or 400m from homes, which this scheme provides. As such the request for £75,000 towards improving existing facilities within the wider community is considered unjustified.

The play and open space provision within the application site is considered to be acceptable and complies with the provisions of Policy HC24 of the UDP.

Ecological Issues

The applicant has submitted an extended Phase 1 Habitat Survey which highlights that the trees and hedgerows have an intrinsic interest in a local context and are likely to function as important sources of shelter and corridors for both bats and birds. Additionally the site provides appropriate habitat for terrestrial mammals. The Council's Ecologist has confirmed that the loss of a number of the trees and hedgerows within the site is acceptable as long as measures are taken to mitigation for this loss. As such it is considered appropriate to recommend conditions ensuring habitat species enhancement, the retention and protection of trees, and that hedgerows are not removed as part of the scheme. It is considered that the recommendations in section 6 of the ecological report should be followed.

Trees

Due to the presence of a number of TPO trees on the site, the proposed indicative site layout incorporates a number of areas of existing vegetation to be retained. These areas relate to historic field boundaries and are well integrated into the scheme and provide character and a level of maturity to the scheme. Retained trees and hedgerows help to create ‘green corridors’ for ecology, provide structure to the development and highlight and create focal areas for open space. These retained features also help to soften views of the development from the wider countryside to the south. The retention of individual trees hedgerows as well as the existing vegetation covering the mineshaft provides good opportunities for biodiversity which helps to partially offset the impact of the development.

The submitted Arboricultural Survey and Hedgerow Assessment provides clear and accurate details regarding the quality, condition and constraints of the trees and hedgerows. Further to this, the Arboricultural Implication Assessment provides a detailed impact assessment of the trees and hedgerows.

Overall the proposal provides adequate space for many of the trees and hedgerows on this site and many of the high quality trees are retained, an example of which is the high quality native oak tree retained as part of the "Pocket Park." It is considered that the proposal is acceptable in arboricultural terms subject to the inclusion of the planning conditions and informatives.

Coal Mining Issues

The Coal Authority considers that the content and conclusions of the submitted Mining and Contamination Assessment are accurate and recommend that a planning condition should be imposed requiring that further intrusive investigation works be undertaken, to confirm shallow coal mining condition within the southern part of the site prior to commencement of development. Subject to this, the Coal Authority has no objection to the proposed development.

Archaeological Issues

Glamorgan Gwent Archaeological Trust have confirmed that they have no objection to the positive determination of this application, provided a condition be attached to any consent granted requiring the applicant to commission an archaeologist to conduct a watching brief during ground works, as there is still the potential to encounter as yet unrecorded remains of Roman date.

Drainage

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Llannant WWTW will be a foul connection. Surface water will be managed and the proposal includes for an attenuation pond in the adjoining enclosure

Dwr Cymru Welsh Water has not objected to this scheme. Whilst Natural Resources Wales raised concerns last autumn regarding the impact of new residential development on the water quality of the estuary, there is no conclusive evidence that supports this view, and the application will discharge between manhole numbers SS57987001 and SS57985101 located in Glebe Road, which ultimate discharges via Llannant WWTW, which is unaffected by the ongoing issues surrounding water quality and surface water discharge in the area. In any event, as indicated above, foul and surface water discharges will be separated.

The arrangements for surface water drainage have been submitted and have been considered by the Council's Drainage Officer and NRW. Surface water from the roofs, hard surfaces and roads will be discharged via an attenuation pond and reed bed system at Greenfield rates.

The details provided are considered to be satisfactory in principle, but it is considered necessary to secure further details of the drainage arrangements via conditions, prior to the commencement of development on site, to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents.

The current application if approved will be subject to planning conditions controlling drainage, including the use of SUDs. On this basis, there is no known evidence to justify refusal on drainage grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34, and EV35 of the UDP.

Other Material Considerations

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to the current status of this Greenfield site, its acceptability for development and impacts upon the highway access, parking and public safety concerns relating to traffic, all of which are considered in the Highways section above. The indicative design and layout considerations have been carefully assessed and amendments have been made to the indicative scheme to ensure that the design and layout would be acceptable. The impact on trees, local wildlife and ecology has been properly assessed by NRW, the Council's Ecologist and the Council's Arboricultural Officer and subject to conditions are considered to be satisfactory in this respect.

Additionally, the site is crossed by a Public Right of Way, the initial part of which currently runs through a narrow un-lit alleyway. As part of the scheme, it is proposed to realign the public footpath which is considered acceptable in principle however, upon planning approval a formal submission to obtain both temporary and permanent diversion will be necessary.

Conclusion

The proposal is for residential development of up to 92 dwellings on a site allocated for housing in the UDP. The proposal is considered to be acceptable in terms of its impacts on the character and appearance of the area, impacts on residential amenity and impacts on access, parking and highway safety.

The indicative layout and design of the development will create a distinctive development that has had regard to the hedgerows bounding the site and will enable land not previously accessible to the public to be used as open space / informal recreation, and will provide connections to the wider sections of the allocated housing site.

The drainage proposals have been considered in the above report including the foul connections and the hydraulic capacity issues, as well as the land / surface water drainage issues.

RECOMMENDATION

APPROVE, subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:

- **19 units of affordable housing on the site;**
- **an education contribution of £100, 000**
- **a highways contribution of £92,100;**

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- **Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;**

1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

2 Detailed plans and drawings with respect to the matters reserved in condition 01 shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

4 The development shall be carried out in accordance with the following approved plans and documents: Drwg No 1107-TP01 Rev A - Existing Site Plan, received 1st May 2013.

Reason: To define the extent of the permission granted.

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

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

6 Notwithstanding the Mining and Contamination Assessment (Ref 10986/PB/12) submitted in support of this planning application, before development works commence on site, a more detailed investigation of the contamination within the site shall be conducted and the results of this (in the form of a Phase 2: Detailed Investigation Assessment Report) shall be submitted to and approved in writing by the Local Planning Authority.

This Phase 2 Assessment shall;

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

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- b. Provide for a more detailed investigation (Human Health Risk Assessment) of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in the originally submitted Mining and Contamination Assessment.

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

In the event that the need for remediation is identified, the applicant/developer shall submit a subsequent detailed report (Phase 3 - Remediation Strategy Options Appraisal) to the Local Planning Authority for its written approval before development works commence on site.

This Phase 3: Remediation Strategy Options Appraisal shall indicate all measures to be taken to reduce the environmental and human health risks identified in the Mining and Contamination Assessment and Phase 2 Assessment, to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

The agreed remediation measures shall be implemented in full.

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

- 7 Prior to the occupation of any residential unit, a verification report demonstrating completion of the works set out in the approved remediation strategy required by Condition 6 and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and the reporting of this to the Local Planning Authority.

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

- 8 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

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- 9 Any topsoil (natural or manufactured), or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only materials approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the Local Planning Authority.

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

- 10 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported material is free from contamination and shall be undertaken in accordance with a scheme agreed in writing with the Local Planning Authority.

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

- 11 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the LPA. The CPMP is to include the following:

- a) Demolition/Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and

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- 11 k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.
l) A community and stakeholder liaison process.
Note: items g - j inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].
Reason: To ensure minimal nuisance impact on local residents/businesses from construction activity.
- 12 Prior to the beneficial occupation of any building the appropriate basic Radon protective measures shall be installed and appropriate validation reports provided to the Local Planning Authority.
Reason: In the interests of ground stability and safety.
- 13 Prior to commencement of works on site, further intrusive investigation works shall be undertaken to confirm shallow coal mining conditions within the southern part of the site. In the event that the site investigation confirms the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the proposed development, any such works should be undertaken prior to commencement of any works on site.
Reason: In the interests of ground stability and safety.
- 14 No development including demolition works shall commence on site until a scheme for the retention and protection of trees of British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection and construction method, required tree surgery operations, service trenching positions and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the construction phase of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works.
- 15 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works.

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- 16 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner with 5 years from the date of the first occupation of any building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
Reason: To ensure as possible that the landscaping scheme is fully effective.
- 17 If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such a size and species and planted at such a time as may be specified in writing by the Local Planning Authority.
Reason: To ensure as far as is possible that the landscaping scheme is fully effective and in accordance.
- 18 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 19 Prior to the commencement of any development, a scheme relating to the maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The surface water system shall be maintained in accordance with the agreed scheme thereafter.
Reason: To ensure the satisfactory long-term operation to prevent the increased risk of flooding.
- 20 Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference numbers SS57987001 and SS57985101 located in Glebe Road as indicated on the extract of the Sewerage Network Plan (attached to this decision notice).
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 21 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

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- 22 The development shall be carried out in accordance with the recommendations contained within Section 6 of the approved Extended Phase 1 Habitat Survey Report by Middlemarch Environmental received on the 30th July 2013.
Reason: In the interest of protecting the ecology of the site and surrounding area.
- 23 Any open excavations during construction phase shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming trapped in open excavations. Details of any ramps or covers to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site.
Reason: In the interest of protecting the ecology of the site and surrounding area.
- 24 Before the development hereby permitted is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 25 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be agreed with the Local Planning Authority.
Reason: To ensure a convenient and safe form of development.
- 26 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
Reason: In the interest of highway safety.

INFORMATIVES

- 1 The reserved matters application shall have regard to the urban design principles, development strategy and structural landscaping principles of the development, as set out in the information submitted in support of this application.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The 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 AS1, AS2, AS6, EV1, EV2, EV3, EV33, EV34, EV35, HC1, HC3, HC17 and HC24 of the Swansea Unitary Development Plan 2008.

- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 5 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 6 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 7 Care should be taken during development, and should anything be uncovered likely to be associated with mining, this should be reported to the Coal Authority.
- 8 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings. The Environment Agency has no knowledge of flooding in this vicinity. However, you are also advised to consult with your Engineers Department, who may hold records/additional information, prior to the granting of planning consent.
- 9 The Environment Agency and the Local Authority have permissive powers to maintain watercourses depending on the watercourse's definition as "Main River" or "Ordinary Watercourse". The responsibility for general maintenance of the river and its banks rests with the riparian owner. Any bankside trees or vegetation within 3 metres of the watercourse should be protected from development in order to promote conservation and preserve visual amenity.

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- 10 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- 11 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.
- 12 The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.
- 13 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under over or within 7 metres of the top of a main river i.e. Nant-y-Fendrod & Nant Bran.
- 14 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991.
- 15 The applicant or his contractor should follow the advice given in BS 3998 (2010) 'Recommendations for Tree Work'.
- 16 The developer is advised to contact Dwr Cymru (Welsh Water) Telephone Swansea 772200 Ext. 2562 with regard to adequacy of water supply and position of water distribution mains in the area.
- 17 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 18 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- 19 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 20 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 21 The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at www.dwrcymru.com or on the Welsh Government's website www.wales.gov.uk.

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ITEM 10 (CONT'D)

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- 22 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or 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. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.
- 23 All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.
- 24 The developer is advised that the Council's Highways Dept will require a Construction Traffic Management Plan prior to construction works commencing on site. The developer must therefore contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.
- 25 Under the Flood and Water Management Act 2010 the City and County of Swansea is now classed as the Lead Local Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permission given and we encourage early engagement to avoid any issues.
- 26 It is an offence under the Town and Country Planning Act 1990 to:
Cut down, uproot, top, lop, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order.
Wilful damage to a protected tree includes damage to its surrounding rooting area by; excavation work, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, disposal of liquids, or the mixing of cement.
- 27 The following restrictions should be applied to all works of demolition/construction carried out on the development site: All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Monday to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 28 No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
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APPENDIX B

AGENDA ITEM NO. 4 DEFERRALS/WITHDRAWALS

ITEM	APP. NO.	SITE LOCATION	ACTION
None			

AGENDA ITEM NO. 5 DETERMINATION OF PLANNING APPLICATIONS

ITEM	APP. NO.	SITE LOCATION	ACTION
1	2015/1760	Old St Nicholas Church Gloucester Place Maritime Quarter Swansea SA1 1TY	APPROVE
2	2015/1705	Old St Nicholas Church Gloucester Place Maritime Quarter Swansea SA1 1TY	APPROVE
3	2015/1903	Furze Bank 34 Hanover Street Uplands Swansea SA1 6BA <ul style="list-style-type: none"> • Application APPROVED, in accordance with the recommendation. 	JLewis/ WPO's
4	2015/1846	Land east of Gorwydd Road, Gowerton, Swansea	APPROVE
5	2014/1192	Hendrefoilan Student Village Hendrefoilan Drive Killay Swansea SA2 7PG	APPROVE
6	2015/1584	Land south of Fabian Way and East of River Tawe Swansea	APPROVE
7	2015/1138	Land to the south of Loughor Road, Gorseinon, Swansea <ul style="list-style-type: none"> • Application REFUSED, in accordance with the recommendation. 	JLewis/ WPO's
8	2015/1529	Llettyr Morfil Farm U/S-Y878 Felindre Swansea SA5 7LU <ul style="list-style-type: none"> • Recommendation of approval NOT ACCPETED. Application REFUSED for the following reason: <ol style="list-style-type: none"> 1. <i>The cumulative effects of the proposed development, when viewed in relation to existing infrastructure and solar farms within</i> 	JLewis/ WPO's

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the area, is considered to have a significant adverse visual impact on the countryside which is not outweighed by the need to provide renewable energy. The development is therefore contrary to Policies EV1, EV21 and R11 of the City and County of Swansea Unitary Development Plan (2008).

9	2015/1611	<p>The Range, Trallwn Road, Llansamlet, Swansea, SA7 9WL</p> <ul style="list-style-type: none"> • Application APPROVED in accordance with recommendation 	JLewis/ WPO's
10	2013/0617	<p>Land south of Glebe Road, Loughor, Swansea</p> <ul style="list-style-type: none"> • Page 194, first bullet point within 'Response to Consultations' should read "1904-05" and not "140-5". • Correspondence has been received from the Council's Housing Service which requests that the affordable "units to be provided at 42% ACG, social rented tenure, pepper potted throughout the site. We ask that the AH units would include a range of DQR compliant house types, 2 & 3 bedroom houses being the preferred property type. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units." • The recommendation is therefore amended, so that the S106 requirements relating to the 19 units of affordable housing is expanded upon as follows; • 19 units of affordable housing on the site (with the units being provided at 42% ACG, social rented tenure and pepper potted throughout the site. The AH should include a range of DQR compliant house types. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. • A S106 management and monitoring fee shall also be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010). • Application APPROVED, in accordance with the amended recommendation. 	JLewis/ WPO's

Circ: PR, PH, RT, KF, ID, CH, PM, JLewis, DC Planning Officers and Technicians, Democratic Services, Legal Services, Chairman and Vice-Chairman.