



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Pwyllgor Cynllunio

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mawrth, 7 Awst 2018

Amser: 2.00 pm

Cadeirydd: Cynghorydd Paul Lloyd

Aelodaeth:

Cynghorwyr: C Anderson, P M Black, L S Gibbard, M H Jones, M B Lewis,
R D Lewis, P B Smith, A H Stevens, D W W Thomas, L J Tyler-Lloyd a/ac T M White

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am Absenoldeb.
- 2 Datgeliadau o Fuddiannau Personol a Rhagfarnol.
www.abertawe.gov.uk/DatgeliadauBuddiannau
- 3 Cofnodion. 1 - 4
Cymeradwyo a llofnodi fel cofnod cywir gofnodion y cyfarfod(ydd)
blaenorol.
- 4 Eitemau i'w Gohirio/Tynnu'n ôl.
- 5 Gorchymyn Cadw Coed Dros Dro GCC 646. 5 - 24
- 6 Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990. 25 - 179
- 7 Abergelli Power Limited (APL) – Adroddiad Eitem ar Orsaf Bŵer Nwy. 180 - 187

Cyfarfod Nesaf: Dydd Mawrth, 4 Medi 2018 ar 2.00 pm

Huw Evans

Pennaeth Gwasanaethau Democraidd

Dydd Mawrth, 31 Gorffennaf 2018

Cyswllt: Gwasanaethau Democraidd - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 3 July 2018 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

L S Gibbard
R D Lewis
D W W Thomas

Councillor(s)

M H Jones
P B Smith
L J Tyler-Lloyd

Councillor(s)

M B Lewis
A H Stevens
T M White

Also Present:

Councillors J W Jones & I E Mann

Apologies for Absence

Councillor(s): C Anderson and P M Black

11 **Disclosures of Personal and Prejudicial Interests.**

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

Councillor M H Jones – Minute No.14 - Planning Application 2018/1047/S73 (Item 6) - Personal and Prejudicial as some of the objectors/supporters are close personal friends - made a statement under paragraph 14(2) of the Code and left prior to discussion.

12 **Minutes.**

Resolved that the Minutes of the Planning Committee held on 5 June 2018 be approved and signed as a correct record, subject to deletion from Minute No 8 (page 2 of the Minutes) relating to Item 2 Planning Application 2018/0659/FUL. This a duplication and is already recorded correctly on page 3.

13 **Items for Deferral/Withdrawal.**

None.

14 **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/updates to this schedule were reported and are indicated below by (#)

Resolved

1) that the undermentioned planning applications **Be Approved** subject to the conditions in the report/and or indicated below(#):

(Item 1) Planning Application 2018/0802/FUL - Change of use from residential (Class C3) to HMO (Class C4) for 3 people at 78 Ysgol Street, Port Tennant, Swansea

A visual presentation was provided.

(Item 2) Planning Application 2018/0730/FUL - Change of use from a 5 bedroom residential (Class C3) to 5 bed HMO for 5 people (Class C4) and rear roof extension with Juliet balcony at 63 Westbury Street, Swansea

A visual presentation was provided.

Councillor I E Mann (Local Member) addressed the Committee and spoke against the application.

(Item 3) Planning Application 2018/0951/S73 - Construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm - Section 73 application to vary Condition 2 (Plans - revised building footprint / envelope) of planning permission 2016/1511 granted 29/06/2017 at Plot A1, Kings Road, Swansea Docks, Swansea

A visual presentation was provided.

Application approved subject to a Section 106 Unilateral Undertaking/Deed of Variation.

(Item 5) Planning Application 2018/1054/FUL - Change of use from residential (Class C3) to a 4 bed HMO for up to 6 people (Class C4) at 20 Phillips Parade, Swansea

A visual presentation was provided.

Councillors I E Mann (Local Member) addressed the Committee and spoke against the application.

(#) (Item 6) Planning Application 2018/1047/S73 - Variation of condition 2 of Planning Permission 2014/1038 granted on the 15th September 2014 to allow the use of the premises until 00.30hrs (Fri and Sat) and midnight (Sun-Thurs) and to allow customers to purchase food to be consumed off the premises up until the same time. (Amended Description) at 3 The Precinct, Killay, Swansea

A visual presentation was provided.

Councillor M H Jones made a statement under paragraph 14(2) of the Code and left prior to discussion.

Emma Kamio (Applicant) addressed the Committee

Councillors J W Jones (Local Member) addressed the Committee and spoke against the application.

Report updated as follows:
Late petition of objection reported.

The third and fourth line of the second paragraph on page 77 should read;
“...No 438 Gower Road has a flat at first floor level....”

2) that the undermentioned planning application **Be Refused** for the reasons outlined below:

(Item 4) Planning Application 2018/0954/FUL - Change of use from a 4 bed residential (Class C3) to a 5 bedroom HMO for 5 people (Class C4) at 30 St Albans Road, Brynmill, Swansea

A visual presentation was provided.

Councillor I E Mann (Local Member) addressed the Committee and spoke against the application.

Application refused contrary to Officer recommendation for the following reason:
The proposal, in combination with the existing high number and percentage of Houses in Multiple Occupation (HMOs) within St Albans Road (27 properties out of 46 amounting to 59%) will result in a harmful concentration and intensification of HMOs in the street and wider area (28 out of 46 properties amounting to 61%). This cumulative impact, both in terms of the number of occupiers within the road and the nature of the use for upto 6 occupants as a C4 use will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to the wider community not being balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the City and County of Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9, November 2016) of creating sustainable and inclusive mixed communities.

15 Confirmation Of Article 4(2) Direction In Relation To Selected Properties And Boundaries Within The Ffynone And Uplands Conservation Area.

The Urban Design & Conservation Team Leader presented a report which provided Committee with an update report on the representations received during the

consultation on the proposed Article 4(2) Direction in regard to selected properties and boundaries within the Ffynone & Uplands Conservation Area and to confirm the final Article 4(2) Direction.

The background to the review process, the areas/locations covered and consultation process undertaken and responses received were all outlined in the report.

Resolved that

- 1) the consultation responses received as set out in appendix A (to the report) be noted.
- 2) the final Article 4(2) Direction as set out in appendix B (to the report) be confirmed.
- 3) the Head of Planning and City Regeneration be delegated to write to all affected properties confirming the final Article 4(2) Direction.

The meeting ended at 3.30 pm

Chair



Report of the Head of Planning and City Regeneration

To Planning Committee

07 August 2018

Provisional Tree Preservation Order TPO 646

Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn (2018)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 646: Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn. (2018).

Recommendation:

That the Tree Preservation Order: Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn, be confirmed with the omission of trees T5 and T16.

For Decision

1. Introduction

- 1.1 The provisional Order was served on 5th February 2018.
- 1.2 The order was made following several reports of a large oak tree being felled on the boundary with Carmarthen Road.
- 1.3 Trees retained in the development as well as those planted as part of the approved landscaping scheme are protected by this order as they all contribute to the local amenity.

2. Objections and Representations

- 2.1 Three letters expressing objections have been received within the minimum required consultation period. No letters of support have been received.
- 2.2 In addition to the objections two representations were received to clarify tree positions and numbers.

2.3 The objections received are summarised below:

1. 15 Heol Iscoed:

- The Occupier objects to the adjacent oak tree (T1) being protected as it has previously dropped a branch into their garden. For this reason, they consider it a danger to their children.

2. 56 Gelli Deg:

- The Occupier objects to the two lime trees adjacent to his garage (T15 and T16) from being protected as 'they have potential to cause structural damage'.
- They do not see that any remaining trees included on the TPO are at risk.
- They also state that the trees do not 'significantly benefit' the local amenity.

3. 34 Gelli Rhedyn:

- The Occupier objects to the tree preservation order as the trees are blocking light to their garden and they have problems with falling leaves.

2.4 The two representations are summarised below:

1. 26 Heol Iscoed: There is not an oak tree in the garden of 26 Heol Iscoed, labelled on the plan as T5.
2. 39 Llwyn Teg: There are seven trees in their front garden and not five as stated on the plan in group G6.

3 Appraisal

3.1 Letters have been sent to the objectors to address their objections and explain the TPO more fully. The objections were not withdrawn following receipt of this additional correspondence.

Objections

3.2 15 Heol Iscoed. Any work that is required to mitigate an imminent risk can be done under exemption i.e. no application to carry out the work is required. This was the case on the 6th of July 2018, when the landowners carried out work to remove a snapped branch.

3.3 Any other work can be applied for, free of charge. The TPO has not increased the risk the tree poses to the adjacent residents and will not prevent work required for safety reasons.

3.4 56 Gelli Deg. The trees were planted by the developers as part of the approved landscaping scheme. This scheme would have taken into account the proximity of structures, soil type and depth of foundations as detailed in the National House Building Council guidance notes (NHBC 4.2).

3.5 In addition to the design of the scheme, if the trees start to cause damage an application to remove them is likely to be successful.

- 3.6 Confirmation of the TPO would give an element of control over the removal of trees to protect the local amenity. Several trees and tree groups remain on the site as well as landscape planting; removal of these trees would harm the local amenity. The Occupier of 56 Gelli Deg objects to the two trees planted as part of the approved scheme being included in the order as they may cause a problem in the future; removal of trees without good reason is why the TPO was served. No application to remove these trees has been received from the objector.
- 3.7 The two lime trees as stated were planted as part of the approved landscape scheme. The reason for the landscape scheme was to contribute to the local amenity, their contribution will increase as they increase in size. However, it is noted that tree T16 is in poor condition and does not merit protection.
- 3.8 34 Gelli Rhedyn. This address is a corner plot that has trees on two sides of the garden. The trees have previously been cut back leaving very little overhang of branches into the garden. The light levels within the garden could not be improved significantly without the removal of the trees; this would require consent from the landowner.
- 3.9 The trees were retained within the development as they contribute significantly to the local amenity. There is no right to light although reasonable pruning is likely to be approved if it does not significantly affect the amenity the trees provide.
- 3.10 The Objector has made a tree works application; however, this was not approved due to the harmful nature of the proposed work. Below is the photograph used in the application to illustrate the proposed pruning.



Photograph 1: Proposed pruning from refused application 2018/1002/TPO.

Representations

- 3.11 26 Heol Iscoed. Tree T5 was misplaced on the original order and is not present in the garden of 26 Heol Iscoed. This should be omitted from the order.
- 3.12 39 Llwyn Teg. Group G6 is defined as five oak trees, the Occupier has counted two trees that are twin stemmed as four trees. No amendment to the order is required.

4. Recommendation

That the Tree Preservation Order: Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn, be confirmed with the omission of trees T5 and T16.

Contact Officer: Alan Webster
Extension No: 5724

**Town and Country Planning Act 1990
Town and Country Planning (Trees) Regulations 1999**

TPO 646. Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn, Fforestfach, Swansea (2018)

The COUNCIL OF THE CITY AND COUNTY OF SWANSEA

in exercise of the powers conferred on them by sections 198 and 201^(a) of the Town and Country Planning Act 1990^(b) hereby make the following Order—

Citation

1. This Order may be cited as, Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn, Fforestfach, Swansea (2018)

Interpretation

2. In this Order “the authority” means the Council of the City and County of Swansea and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application of section 201

3. The authority hereby direct that section 201 (provisional tree preservation orders)[©] shall apply to this Order and, accordingly, this Order shall take effect provisionally on

... 5th February 2018 .

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

5.—(1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land^(d) of the statutory undertaker and the work is necessary—
 - (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(a) 1991 c.59, see section 72

(b) 1989 c.29.

(c) 1986 c.31.

- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991^(a); or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989^(b).

(2) In paragraph (1), "statutory undertaker" means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986)^(c),
- the holder of a licence under section 6 of the Electricity Act 1989,

(a) 1991 c.59, see section 72

(b) 1989 c.29.

(c) 1986 c.31.

- a gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984^(d) to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,
- a universal postal service provider in connection with the provision of a universal postal service.

1

Application of provisions of the Town and Country Planning Act 1990

7.—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated (“the relevant land”) a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9.—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or

- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

[Application to trees to be planted pursuant to a condition

[10.] In relation to the tree[s] identified in the first column of Schedule 1 by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

Dated this 5th [day] of February 2018 [insert month and year]

[if the Council's Standing Orders require the sealing of such documents:]

The Common Seal of the City and County of Swansea Council
was hereunto affixed in the presence of -

D. J. Smith
Authorised Signatory.



[if the Council's Standing Orders do not require the sealing of such documents:]

[Signed on behalf of the [insert name of Council]]

.....
Authorised by the Council to sign in that behalf]

[CONFIRMATION OF ORDER

This Order was confirmed by the City and County of Swansea Council without modification on the day of20....

OR

[This Order was confirmed by the City and County of Swansea Council subject to the modifications indicated

by.....
.....
.....

..... [state how indicated], on the day of20....

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by City and County of Swansea Council on the day of[insert month and year]]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the City and County of Swansea Council on the day of[insert month and year] under the reference number..... [insert reference number of the variation order]]

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

[This Order was revoked by the City and County of Swansea Council on the day of[insert month and year] under the reference number..... [insert reference number of the revocation order]]

.....
Authorised by the Council to sign in that behalf]

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	Land to the south of 15 Heol Iscoed
T2	Birch	Front garden of 31 Heol Iscoed
T3	Lime	Front garden of 14 Heol Iscoed
T4	Oak	Garden of 23 Gelli Deg
T5	Oak	Rear garden of 26 Heol Iscoed
T6	Oak	Rear garden of 28 Heol Iscoed
T7	Oak	As above
T8	Oak	Garden of 67 Heol Islwyn
T9	Oak	As above
T10	Oak	Rear garden of 16 Heol Islwyn
T11	Oak	Front garden of 10 Gelli Deg
T12	Oak	Open space to the east of Gelli Deg
T13	Oak	As above
T14	Birch	Front garden of 44 Gelli Deg
T15	Lime	Side of garage 56 Gelli Deg
T16	Lime	As above
T17	Cherry	Front of 26 / 28 Gelli Deg
T18	Cherry	Front garden of 12 Gelli Deg
T19	Cherry	As above
T20	Ash	Front garden of 8 Heol Iscoed

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
A1	All trees of whatever species	Land between rear gardens of Llwyn Teg and Gelli Rhedyn

Groups of trees (within a broken black line on the map)

Reference on map	Description	Situation
G1	2 Oak	Front garden of 8 Heol Iscoed
G2	2 Oak	Front garden of 14 Heol Iscoed
G3	3 Cherry	Side of 18 Heol Iscoed
G4	2 Oak, 1 birch	Rear of 12 Heol Islwyn
G5	2 Ash	Front garden of 2 Gelli Deg
G6	5 Oak	Front of 39 Llwyn Teg
G7	2 Alder	Side of 7 Llwyn Teg
G8	3 Birch	Open space north of 72 Llwyn Teg
G9	2 Birch	Open space to the east of Gelli Deg
G10	3 Cherry	As above

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
NONE		

SCHEDULE 2

**PART I
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED
WITH ADAPTATIONS OR MODIFICATIONS**

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)—</p> <p>(i) omit—</p> <p>“, in such manner as may be prescribed by a development order,”,</p> <p>“such” in the second place where it appears, and</p> <p>“as may be so prescribed”; and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute—</p> <p>“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p>(i) substitute—</p> <p>“Subject to subsections (1A) and (1B), where” for “Where”;</p>

	<p>"the authority" for "a local planning authority";</p> <p>"consent under a tree preservation order" for "planning permission" where those words first appear; and</p> <p>"consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p>(ii) after "think fit", insert—</p> <p>"(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (1) insert—</p> <p>"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).".</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute—</p> <p>(i) "Any" for the words from "Without" to "any";</p> <p>(ii) "consent under a tree preservation order" for "planning permission to develop land";</p> <p>(iii) "the consent" for "the permission"; and</p> <p>(iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions)	<p>(a) In subsection (1) substitute—</p> <p>(i) "the authority" for "a local planning authority";</p>

<p>and failure to take such decisions)</p>	<ul style="list-style-type: none"> (ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear; (iii) “consent under such an order” for “planning permission” in the second place where those words appear; (iv) for paragraph (c) substitute— <ul style="list-style-type: none"> “(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.”. <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute—</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <ul style="list-style-type: none"> (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow; (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”. <p>(d) For subsection (4), substitute—</p> <p>“(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”.</p>
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	<p>(e) For subsection (5), substitute—</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> (i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”; (ii) “consent under a tree preservation order” for “planning permission”; and (iii) “the authority,” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”. <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

PART II
 PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,
 AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

(1) Where the authority—

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

Section 79

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.



Agenda Item 6

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: 7th August 2018

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

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

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



Two Stage Voting

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

The first vote is taken on the officer recommendation.

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

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

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 77 and 78 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

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

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

Contents

Item	App. No.	Site Location	Officer Rec.
1	2018/0585/FUL	The Tillers, Marsh Road, Llanrhidian, Swansea, SA3 1EU Replacement dwelling	Approve
2	2018/1286/FUL	25 Danygraig Road, Port Tennant, Swansea, SA1 8LY Change of use from residential (Class C3) to 5 bed HMO (Class C4) for 5 people	Approve
3	2018/1323/FUL	22 Rhyddings Park Road, Brynmill, Swansea, SA2 0AQ Change of use from residential (Class C3) to 4 bed HMO for 4 people (Class C4)	Approve
4	2018/1329/FUL	134 King Edwards Road, Brynmill, Swansea, SA1 4LW Change of use from residential (Class C3) to 7 person 7 bedroom HMO, including the installation of a handrail to rear garden and steps	Approve
5	2018/1386/FUL	6 Lewis Street, St Thomas, Swansea, SA1 8BP Change of use from residential (Class C3) to 5 bedroom HMO for 5 people (Class C4)	Approve
6	2017/1930/FUL	Swansea Jack, 130 Oystermouth Road, Swansea, SA1 3RW Demolition of existing building and replace with two storey building with accommodation in the roof space, incorporating an office on the ground floor and two self-contained, 2 bedroom maisonettes on the upper floors	Approve
7	2018/1263/RES	Plot A9, Swansea Waterfront, Swansea, SA1 8AN Construction of multi storey car park (details of access, appearance, landscaping, layout & scale pursuant to condition 6 of outline planning permission 2015/1584 granted on 10th November 2015)	Approve

Item	App. No.	Site Location	Officer Rec.
8	2017/2606/FUL	<p>Land North Of Jockey Street, Swansea, SA1 1NS</p> <p>Demolition of existing building and construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms - a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces)</p>	Approve
9	2018/1023/FUL	<p>Plot A1, Kings Road, Swansea, SA1 8PH</p> <p>Construction of purpose built student accommodation between 7 and 9 storeys (591 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm</p>	Approve

Planning Committee – 7th August 2018

Item 1 (Cont'd)

Application Number:

2018/0585/FUL

UDP - EV22 - Countryside General Policy

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
 - ii) Practical management and improvement measures.
- (City & County of Swansea Unitary Development Plan 2008)

UDP - EV26 - Area of Outstanding Natural Beauty

Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number	Proposal	Status	Decision Date
2018/0585/FUL	Replacement dwelling	PDE	
2017/1073/ELD	The use of the building as a single dwellinghouse (Certificate of Lawfulness)	Was Lawful	20/10/17

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press as a 'departure' to the Swansea Unitary Development Plan (2008)

No response were received.

The Gower Society

OBJECT- We have studied the application and offer the following observations.:

1. We are aware of the Approval of Application 2017/1073. for a Certificate of Lawful Use.
2. Application 2018/0585 shows a proposed dwelling that is not on the original footprint (although we think the proposal in form is in keeping with the AONB Design Guide) and is a two story structure much higher than that covered in 2017/1073..
3. The proposed dwelling is also a two story structure whilst that referred to in 2017/1073 is a single story.
4. We therefore consider the application as an over development in the open countryside In the circumstances we have no alternative but to object to this application.

Natural Resource Wales

No objection subject to advisory notes

Ecology Officer

No comments

Planning Committee – 7th August 2018

Item 1 (Cont'd)

Application Number:

2018/0585/FUL

APPRAISAL

Full planning permission is sought for a replacement dwelling house at The Tilers, Llanrhidian, Gower. The existing property comprises of a static caravan with a series of additions and extensions. The site is situated within both the open countryside and the Gower AONB. The application is being reported to Committee for decision as it is considered to be a 'departure' from the Unitary Development Plan.

The site is located in an isolated location at the edge of marshland between Llanrhidian and Wernfrewd and has expansive views of the surrounding rural landscape and marshland. The existing dwelling, although within a relatively open site, is nevertheless relatively concealed due to its very shallow and linear design. Although relatively concealed from the immediate surroundings, the site may be viewed at a significant distance from public vantage points.

A previous application for a Certificate of Lawfulness for the use of the building as a single dwelling house (2017/1073/ELD) was determined to be lawful on 20th October 2017. The application included sufficient evidence to demonstrate that the dwelling known as The Tilers, Marsh Road, Llanrhidian, had been used continuously as a residential dwelling house (Class C3) in excess of 4 years.

Main Issues

The main issues for consideration in this instance relate to the principle of a replacement dwelling at this location, the impact of the scale, design and appearance of the proposal upon the character and appearance of the area and the Gower AONB, impacts upon residential amenities of the neighbouring properties, impacts upon the ecology and highway safety, having regard to the provisions policy EV1, EV2, EV19, EV22 and EV26 of the Swansea Unitary Development Plan (2008) (UDP), and the Council's adopted Supplementary Planning Guidance document entitled 'A Gower AONB Design Guide'.

Policy Context

Policies EV1 and EV2 of the UDP require a development to relate satisfactorily to its local context and existing development patterns, integrate effectively with adjacent spaces and public realm, protect the amenities of the surrounding area including residential amenity, take into account, and where possible retain landscape features, trees and hedgerows and have regard to visual and residential amenity and highway safety. Policies EV22 and EV26 of the UDP seeks to conserve and enhance the countryside and in particular the Gower AONB for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value.

Policy EV19 of the UDP relates to replacement dwellings in the countryside and permits such development where:

- (i) The residential use has not been abandoned,
- (ii) The proposed new dwelling is similar in terms of its siting, scale, design and character with the dwelling it is to replace, and
- (iii) The development complements the character of the surrounding area.

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The main aim of these policies is to prevent the replacement of rural dwellings with inappropriate new development that detracts from the character of villages and the countryside in which they are set.

Whilst Policy EV19 requires replacement dwellings to be similar in terms of siting, scale, design and character to the dwellings to they will replace, it is not considered that it is intended to prevent appropriate development where it can be clearly demonstrated that there would be no harmful impact on the character of the area through the increased size of a dwelling or where there is an enhancement in the appearance of the existing dwelling. At the same time it is paramount that any new dwelling achieves a high quality design that responds to, protects and enhances the inherent qualities of the countryside and Gower AONB, whilst also respecting the residential amenity of surrounding properties, and the scale and massing of the existing dwelling. Where abandonment has occurred or the dwelling has been vacant for a considerable period of time and/or deteriorated to the extent that re-use for residential purposes would involve rebuild, such proposals would fall to be considered as new residential development in the countryside and assessed against appropriate policies. As the dwelling is currently occupied the issue of abandonment is not material to the consideration of this application.

Whilst these policies are relevant during the determination of this application, it is also important to note that Planning Policy Wales states that Local Planning Authorities should encourage high quality design of buildings and spaces in their policies and guidance. They should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

Whilst it is acknowledged that the dwelling may comply with criterion (i) of Policy EV19, it is not similar to the existing dwelling in terms of its footprint, scale and height and therefore is not considered to comply with criterion (ii). The application has therefore been advertised as a Departure from the provisions of the UDP.

The adopted Supplementary Planning Guidance document entitled 'A Gower Design Guide' provides additional clarification with respect to proposals which depart from the provisions of Policy EV19 of the UDP. The Design Guide states that it is not the intention of the SPG to stifle appropriate modern or innovative designs which are sensitive to the AONB in accordance with Policy EV1 or to restrict proposals which would complement the character of the Gower in accordance with Policies EV19(iii) and EV26. It is acknowledged that it would be a missed opportunity not to replace an existing nondescript or poorly designed dwelling with a better designed dwelling that enhances the appearance and character of the locale and the AONB. Furthermore paragraph A1.29 of the Gower Design Guide states that proposals may be considered an exception to the policy where the scheme is considered to be high quality in terms of sustainability and design exhibiting due regard for its rural location in the countryside. The design assessment of the proposed building is contained within the following paragraphs, and it is therefore considered, in this instance, that the larger replacement dwelling can be considered as an acceptable departure to the development plan.

Item 1 (Cont'd)

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Visual Impact

The site lies within the countryside and Gower AONB and it is paramount that any new dwelling achieves a high quality design that responds to, protects and enhances the inherent qualities of the countryside and Gower AONB whilst also respecting the residential amenity of surrounding properties and the scale and massing of the existing dwelling. The primary objective is the conservation and enhancement of natural beauty of the countryside. The proposal has been assessed against the relevant section of the Gower AONB Design Guide SPG, 'new houses in the countryside'. New dwellings in the countryside need to integrate with their rural surroundings, taking into account not only the character of any adjacent buildings but also the landscape in which they sit. Development should respond to the sites particular landscape characteristics and must not have a negative impact upon any key views or the wider landscape.

The site is located in an isolated position accessed via a single track from Marsh Road to the north. The existing dwelling comprises a former caravan and converted stable building with an entrance hall link. The proposal comprises a two storey, 'L' shaped building with additional single storey flat roofed side element. The proposal is sited in a similar location to the existing buildings, amongst a small cluster of buildings including barns/stables. The Gower AONB Design Guide advises that a replacement dwelling may be able to be more sensitively sited than the existing dwelling (A1.36c). It is noted that there are direct views into the site from Marsh Road and the visual impact of the proposal is paramount.

The Gower AONB Design Guide goes on to state that a larger dwelling may be considered favourably where the design can be demonstrated to be of a high quality. Replacement dwellings should not have a more significant visual impact than the existing building. Whilst there may be no immediate built context, the scale and mass of a proposal should be considered with regard to the landscape setting (i.e. visual impact, key views).

The existing dwelling, comprising a former caravan and stable buildings offers no architectural merit and subsequently there is scope to depart from such character and appearance. The Design Guide suggests three appropriate design styles in sensitive rural areas, i) traditional, ii) modern vernacular and iii) contemporary. All proposals will need to demonstrate that they are of the highest design quality, sensitive to the surroundings in terms of layout, scale and massing, and the choice of materials and detailing is appropriate to its context, form and function. Whilst it is not the intention to stifle appropriate modern / innovative designs which are sensitive to the AONB, the design approach should be fully explained within a Design and Access Statement (DAS).

The submitted DAS, seeks to highlight factors that have influenced the design process and explain and demonstrate the rationale behind the proposed design. As noted in above, the site is located in an isolated position and whilst the proposed building will sit amongst a small cluster of existing buildings, there will inevitably be views of the proposal from Marsh Road. As demonstrated within the DAS, the cluster of buildings will however be viewed against a strong backdrop of sloping fields and native woodland. The DAS also includes a proposed section through the lowland plateau which shows that the orientation and roof form has been designed to minimise impact on the landscape.

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The proposed dwelling takes a 'modern vernacular' form and the DAS provides explanation/justification for this approach, stating that this approach was adopted to make reference to the local vernacular whilst utilising local materials. The resultant built form takes a simple form, devoid of unnecessary detailing which originated from the design (scale, form and massing) of St David's Church, Marsh Road which epitomises 'simple form and minimal detailing'. To this regard, the information provided within the amended DAS is considered satisfactorily to justify the proposed built form. This combined with the orientation of the building assist in reducing the visual massing of the building.

The materials and fenestration detailing are further justified, with the proposed material palette comprising corrugated black metal cladding, vertical timber boarding and stone, providing an organic approach which allows the building to integrate with the landscape backdrop, making reference to agricultural buildings and the rural context.

The form and massing of the building is therefore considered acceptable and the design concept and visual character of the building adequately reflect local character upon which the concept is based. The proposed dwelling displays a suitably simple appearance which again, reflects local character. It is considered that the sympathetic design, helps minimise the visual impact upon the wider landscape and Gower AONB and as such it is considered to respect and enhance the character and appearance of its local context. The use of natural quality materials throughout is critical to the success of the scheme and in order to ensure the quality of the scheme is maintained as it is essential that the proposal relates to its wider context and as such the quality of the materials is critical. This will be addressed by the use of a suitably worded condition.

Overall therefore, the principle of a 'modern vernacular' built form in this location is considered acceptable and it is considered that the development is of a high quality which will safeguard and protect the natural beauty of the Gower AONB and the natural qualities of the countryside. In addition its siting, form and design will ensure the proposal is compatible with its countryside location in compliance with the principles of Policies EV1, EV2, EV3, EV19, EV22 and EV26 of the Swansea UDP and Gower Design Guide.

Sustainability

The Design and Access Statement suggest strong environmental credentials. Given the nature of this proposal, it is considered that this scheme should be an exemplar sustainable building. To this end a series of appropriately worded conditions are recommended ensuring the dwelling achieves Code for Sustainable Homes Level 4 (or similar industry standard). This follows the approach adopted for other replacement dwellings such as Heritage Acres, the Bungalow, Lunnon, Bryn House and Stormy Castle and is also required in the Supplementary Planning Guidance document entitled 'A Gower Design Guide' for new dwellings which are contrary to the provisions of Policy EV19 of the Swansea UDP.

Residential Amenity

The application site enjoys an isolated concealed setting with no neighbouring residential properties to impact upon.

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Representations received

One letter of objection has been received from the Gower Society which expresses concern in relation to the overdevelopment of the site, this matter is addressed within the main body of the report above.

Highways

The application site has an established access off marsh road and ample parking and turning provision within the site. The proposal is not considered to have any impact upon current highway standards..

Ecology

Although a full protected species survey has not been carried out, a bat scoping survey was submitted with the application which indicates that during the scoping inspections, no evidence of bats were found. The Council's Ecology Officers have been consulted, and have not offered any comment on the application. The use of precautionary advisory notes are therefore recommended.

Drainage and Flooding

The site is located outside of the main sewered area. and the applicant will need to contact Natural Resource further to obtain a permit or a registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulation 2010, (an advisory note to this effect is recommended.

The site of the proposed dwelling is located outside of the flood zone. However, part of the access track which leads to the property from Marsh Road is located in Zone C2 on the development advice map and also within Zone 2 of Natural Resource Wales flood map. Therefore, this section of the track is considered to be at risk of flooding. However, the residential use of the site and access thereto is already established and the proposed replacement dwelling raises no further risk over and above that existing. A series of flood risk awareness advisory notes are recommended as a precaution.

Responses to representations received

One letter of objection has been received from the Gower Society which considers the proposed two storey dwelling in place of the single storey structure is to replace is an over development of the site. These comments are noted, however, the visual impact of the proposal and acceptability of the design, is addressed in detail above.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, for the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV3, EV22 and EV26 of the UDP and the Gower AONB Design Guide and will complement the character and appearance of the area.

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In overall design terms, the proposal is considered to be of a high quality design and will demonstrate how a well considered design can respond positively to the sensitive landscape of the countryside. The scheme clearly does not comply with criterion (ii) of Policy EV19, as it is not similar in terms of its scale, design and character with the dwelling it replaces.

However, the scheme is considered to be of a high quality and will Code Level 4, which it is considered justifies a departure from the provisions of UDP Policy EV19, in accordance with the Gower AONB Design Guide.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this 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 WBFG 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: TPS.17.TILLERS.SL.A Site Location Plan, TPS.18.003.TILL.PROP.ELEV.A Proposed Elevations, TPS.18003.TILL.PROP.SEC.A Proposed Sections received on 8th March 2018, TPS.18.003.TILL.PROP.LAY.SL A Block Plan, received 10th May 2018, TPS.18.003.TILL.PROP.FLO .A Proposed Floor Plans received 14th May 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the construction of the dwellinghouse a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the dwelling hereby approved is occupied and shall thereafter be retained as such.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 4 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 4 (or similar industry standard) and achieve a minimum of 3 credits under category Ene1 - Dwelling Emission Rate, in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.

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- 5 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 4 (or similar industry standard) and a minimum of 3 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 6 The dwelling hereby approved shall not be occupied, until a Code for Sustainable Homes 'Final Certificate' (or similar industry standard) is submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate has been achieved for the dwelling, in accordance with the requirements of Code for Sustainable Homes Technical Guide, November 2010 (as amended).
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 7 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 8 No development shall commence until details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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, EV19, EV22, and EV26.

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Item 1 (Cont'd)

Application Number:

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- 2 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 2017. 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 whether a bat is present at the time or not. 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 (0300 065 3000).

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

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

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- 4 The applicant is advised to sign up to Natural Resource Wales Floodline Service, further details of which are available from Natural Resource Wales website: www.naturalresourceswales.gov.uk or on 0345 988 1188.

- 5 You are advised to note the following information provided by Natural Resources Wales (NRW)

We note that the site is located outside of the main sewerage area. Should the applicant wish to utilise a non-mains / private sewerage treatment system, then in addition, to any planning permission and building regulations approval; a permit or a registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulation 2010, is required from Natural Resources Wales. Further guidance is available on our website at: <http://naturalresources.wales/apply-andbuy/water-abstraction-licences-waterdischarges/register-your-septic-tank-package-sewagetreatment-plant/?lang=en>.

However, as the planning and permitting process are separate, NRW is unable to preempt and decision in relation to the granting of an Environmental permit.

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Item 2 (Cont'd)

Application Number:

2018/1286/FUL

UDP - AS6 - Parking/Accessibility

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

Site History

App Number	Proposal	Status	Decision Date
2018/1286/FUL	Change of use from residential (Class C3) to 5 bed HMO (Class C4) for 5 people	PDE	

APPRAISAL

This application has been called to Committee at the request of Councillor Joe Hale.

RESPONSES TO CONSULTATIONS

Public Response

Twenty two letters of objection have been received along with an objection petition of 36 signatures have been received which are summarised below:

- o Local people are being priced out of the market
- o Impact on school numbers
- o More rubbish, noise and cars
- o The area has severe parking problems
- o Houses of this type are better suited to young families
- o All HMO applications should be halted until SPG/LDP is rectified
- o Over intensification of HMOs
- o Detrimental impact on neighbouring properties
- o Impact on highway and pedestrian safety
- o Community cohesion is threatened
- o Privacy may be compromised
- o Increase in pollution from cars
- o Crime may increase
- o 10% HMO limit was suggested for the area of Port Tennant, there seems to be an over allocation of HMOs on Danygraig Road
- o Adverse effect on elderly neighbours

Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 5 bedroom HMO for 5 people (Class C4) at No. 25 Danygraig Road, Port Tennant.

The application property is a two storey, end of terrace dwelling currently occupied as a three bedroom dwelling house.

No external alterations are proposed and as such the proposal will have no impact upon visual amenity.

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Item 2 (Cont'd)

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2018/1286/FUL

Pollution Control - No objection

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety, having regard to the provisions of Policies EV1, EV4, AS6 and HC5 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance (SPG) document entitled 'Swansea Parking Standards'.

Principle of Use

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 historically been a large concentration of HMO properties in some parts of Swansea which has happened predominantly 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 people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst the Local Authority has produced a Supplementary Planning Guidance (SPG) document related to HMOs this has yet to be formally adopted and thus does not carry any weight.

Policy HC5 of the City and County of Swansea Unitary Development Plan supports the conversion of dwellings to HMOs subject to compliance with 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 criterion of the above is addressed below:

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Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

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 as a HMO for up to five people would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwellinghouse. 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.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant a refusal of this application in this instance. The proposal is considered to respect residential amenity, in compliance with the provisions of Policies EV1, EV40 and HC5 of the City and County of Swansea Unitary Development Plan.

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 occupation (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 also 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 the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance' (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set out above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is noted from the Council's own HMO register that there are two registered HMO properties along Danygraig Road (as of 26th July 2018) (No. 1 and 101 Danygraig Road). It is however acknowledged that there may be other properties along Danygraig Road which have been used as HMOs pre March 2016. It should also be noted that outside the Castle and Uplands wards, only larger properties are captured under 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 are not subject to licensing requirements.

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In terms of planning permissions the Council has granted permission for C4 HMO uses at Nos. 24, 40, 42, 136, 169 and 172 Danygraig Road. Of relevance here is that that Danygraig is a long road and takes in a number of properties (approx. 327). Out of those permissions the nearest property to the application property granted permission as a C4 HMO is at No. 24 Danygraig Road (2017/2153/FUL). Whilst the property number suggests it is next door the property is actually on the opposite side of the road and to the east of the application property.

A check has been made on Rent Smart Wales which provides a public register for all landlords in Wales who rent properties and 10 properties (within the SA1 8LY postcode) are registered. However this register does not indicate whether or not the properties are used as a HMO or rented out and occupied as a single dwellinghouse.

Taking into account all those HMOs listed on the HMO register including those granted planning permission the percentage of HMOs in the street is approximately 2.4% and would rise to approximately 2.7% on approval and implementation of this application.

On the basis of the character of the area and the addition of one HMO to the street the application is considered to be acceptable in that it would not result in a harmful concentration or intensification of HMOs in the area.

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.

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

Under the Adopted SPG 'Parking Standards' (Page 16) reference is made to the parking requirement for a HMO, in terms of residents parking, being 3 spaces for up to 6 sharing and 1 space per additional bedroom. The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. On this basis that the Local Planning Authority has assessed such applications on the fall-back position of the existing dwellinghouse including any existing parking it has to offer and the potential traffic generated from the proposal. In effect where an existing dwellinghouse has no parking and a new HMO of similar residential nature is proposed it is generally considered to be unreasonable to require additional parking unless it can be demonstrated that the proposal would result in potential harm to highway safety in the area.

The SPG provides worked examples of use of the standards (page 9), however, this does not include reference to HMO proposals other than reference to a conversion of a dwelling into 3 separate flats. In that particular example where the number of parking spaces cannot be provided on site it suggests that 'if possible' spaces should be provided at the rear of the premises and that if the site is too small to provide parking and kerbside parking pressure is not evident then an allowance of on-street parking immediately outside the property may be possible. It also refers to local circumstances dictating the approach to be taken. Whilst having regard to the general advice in relation to conversions into flats the Local Planning Authority must assess the application on the basis of the potential impacts arising from the proposal and whether this would harm highway safety in the area.

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In respect of the character of the street it can be noted that the existing dwelling offers no off-street parking.

Given that the SPG states that no additional parking is required for a HMO for up to 6 persons over and above that of a dwellinghouse which has no parking the application is considered acceptable in respect of its potential highway impacts. There is adequate space within the rear of the property to provide for a suitable level of cycle storage which will encourage sustainable travel. The application details show cycle storage mounted racks to be provided, however, no details of this being undercover to help further encourage use, are provided. As such a condition to require further details can be imposed.

In dealing with appeals on highways and parking grounds Inspectors have had regard to the SPG as being guidance only and have taken account of the fall-back position of existing uses as well as local circumstances when considering similar proposals. Full details of these decisions have been appended in the below paragraphs.

In view of the above and the proposal for being a 5 person HMO 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, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

Appropriate refuse storage arrangements can be provided

As above, refuse storage can be provided within the rear yard.

Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters in relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated "I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety.

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I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated "*even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice*". The sustainable location of the site was noted by the inspector stating it "*is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities.*" The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated "*Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists*". On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated "*I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality*".

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for up to 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking.

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The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"...* *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Road - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated I *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage."*

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Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."

57 St Helens Road - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated *"The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."*

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated *"Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."* The appeal was allowed.

57 Ysgol Street- APP/B6855/A/17/3170117 - 2016/3406/FUL - 19 June 2017

This appeal related to refusal of planning permission for a 5 person HMO. The reason given for refusal related to concern about the impact of the proposal upon living conditions of neighbouring residents with regard to nuisance, noise and disturbance.

Planning Committee – 7th August 2018

Item 2 (Cont'd)

Application Number:

2018/1286/FUL

The Inspector noted that any impact would be of a similar nature to that of a dwelling stating *"the occupation of the property by 5 unrelated individuals would be little different in intensity to the dwelling's potential use by a family under the existing C3 use. Any nuisance, noise or disturbance arising from the proposed use, such as conversations taking place in the garden or inside, noise from TVs or stereos, doors slamming, occupants arriving or leaving, etc., would be similar in nature to those which might be generated by the existing use. As a consequence any resulting nuisance, noise or disturbance would not be unacceptable"*. The Inspector noted that the proposed demolition of the rear garage would improve access to 1 off-street car parking space and the provision of 5 cycle parking spaces would facilitate alternative modes of transport. Subject to such facilities being secured by condition I am satisfied that the proposal would not result in harmful effects on parking or highway safety. The Inspector also noted that whilst the occupation of the property by 5 adults would have the potential to increase the number of vehicles associated with No. 57, the specific effects of the appeal proposal on the street would not be significant. The Inspector noted concerns raised by residents about parking and the high demand being cited by photos provided by a resident. The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated *"whether or not a proposal is harmful depends on planning judgement"*. He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from a HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found *"little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: "whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users"*. The appeal was allowed.

Conclusions

It is considered that 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 to Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, block plan, existing & proposed floor plans, received 6th June 2018. Bin and cycle specification, received 19th July 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The refuse area as set out on the block plan, including the Wheelie Bin and Recycling Box Storage specification received 6th June 2018 shall be provided on site prior to the first beneficial use of the HMO and shall thereafter be retained for the lifetime of the use.
Reason: In the interests of amenity.
- 4 Notwithstanding the details of the proposed cycle storage area and mounted cycle racks received on 6th June 2018 full details of an 'undercover bicycle storage facility' shall be submitted to and approved in writing by the Local Planning Authority and the cycle storage facility shall be provided prior to the first beneficial use of the HMO in accordance with the approved details and shall thereafter be retained for the lifetime of the use.
Reason: In the interests of providing facilities to encourage sustainable forms of 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, EV40, HC5 and AS6.
-

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Item 3 (Cont'd)

Application Number:

2018/1323/FUL

UDP - HC5 - Houses in Multiple Occupation

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

Site History

App Number

2018/1323/FUL

Proposal

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

Status

PDE

Decision Date

APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

RESPONSE TO CONSULTATIONS

Public Response - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to No.20 and 24 Rhyddings Park Road on 4th July 2018. A site notice was also posted within the vicinity of the application site on 6th July 2018.

Three individual letters of objection have been received, which are summarised below:

- o Increased noise and disturbance.
- o Anti-social behaviour.
- o Loss of social cohesion from high concentration of HMO's

A petition of objection has been received with 41 signatures and states:

"We the undersigned object to the above planning application on the following grounds:

1. *It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
2. *It will affect the general amenity of the area and i will lead to an already harmful over-concentration of HMOs in the area.*
3. *The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed tenure and sustainable communities).*
4. *The petition is supported by Uplands councillors Irene Mann and Peter May.*

Out of the 41 signatures on the petition there is one resident on Rhyddings Park Road. The remainder of the signatories are from other streets including Beechwod Road, St Helens Avenue, Rhyddings Terrace, Brynmill Terrace including other addresses outside of the ward on Gower Road.

Planning Committee – 7th August 2018

Item 3 (Cont'd)

Application Number:

2018/1323/FUL

Description

Full planning permission is sought for the change of use from a residential dwelling (Class C3) to a 4 bedroom 4 person HMO at No.22 Rhyddings Park Road, Brynmill.

The application property is a two storey mid-terrace currently used as a dwelling house with 3 bedrooms.

Principle of Use

The application property is an existing residential dwelling and would change to a property in shared occupation as a HMO. This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

- (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 criterion 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 results in an increase of one bedroom to provide a four bedroom property. A large family could occupy the property under the extant lawful use of the premises and it is likely that the overall nature of the use for 4 unrelated individuals would increase the intensity in the use of the building. Whilst this is the case there is no evidence to suggest that this increase in use would represent a 'significant adverse effect upon residential amenity' having regard to potential for noise, nuisance or other disturbance as referred to in the policy. There is anecdotal evidence of problems arising from HMOs in that they can create problems such as antisocial behaviour, waste and litter but such amenity issues do not arise exclusively from a HMO use and could also be generated by a dwelling in C3 use.

Planning Committee – 7th August 2018

Item 3 (Cont'd)

Application Number:

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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.

As such, the use of the property as a 4 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?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple occupation (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 also revealed common problems associated with a 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 school 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 the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students 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 37 properties on Rhyddings Park Road which are registered HMOs, and there are 80 properties on Rhyddings Park Road. There is also a record of one of the properties containing two residential flats and therefore the total number of properties will be considered to be 81 for the purposes of the percentage calculation of HMOs. The street percentage of HMOs would therefore change from approximately 46% to 47% on approval and implementation of the application. It is noted that there is already a high level of HMOs in the street and the surrounding area. However it could be argued that given the existing high concentration the character of the street has already changed with regard to the number of HMOs relative to residences. Furthermore the property lies in close proximity to the Uplands District Centre, which contains a high number of bars and restaurants.

It is clear that approval of the application would result in the addition of a further HMO in an area that already comprises a high concentration of HMOs, however, whilst this is the case there has been no evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal.

Planning Committee – 7th August 2018

Item 3 (Cont'd)

Application Number:

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In those decisions, Planning Inspectors have stated that with no adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

For example in dealing with an appeal at No. 57 St Helens Avenue (ref: 2016/1688) which would result in the concentration of HMOs along St Helens Avenue going from 40% to 41% the appeal inspector found that given the existing circumstances in the Ward that the conversion to a HMO would *"not cause any material harm to the character and amenity of the area"*. Furthermore the Inspector stated; *"whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area"*. At 96 King Edwards Road (ref: 2016/1380) the inspector noted the existence of 52% of dwellings being HMOs as well as the existence of a draft SPG for HMOs, but given the draft nature of the SPG was unable to attach any significant weight to it. On the evidence before him he concluded there would be no material harm and allowed the appeal. Further information of these decisions and other relevant decisions relating to HMO proposals have been appended in below paragraphs.

On consideration of the change in the percentage of HMOs in the street within an already highly concentrated area, the absence of an appropriate formal percentage or other similar calculation based approach, the absence of empirical evidence and an Adopted SPG defining the level at which harm ensues, as well as the stance taken by Planning Inspectors on appeal, it cannot be regarded that approval of this application would result in a harmful concentration of HMOs in the area and thus the proposal 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

The proposal only includes some minor alterations to rear fenestration details. It is therefore considered that the proposal would have an acceptable impact on the character and appearance of the host dwelling and local area.

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

The Authority's Parking Standards SPG requires that HMO properties have 3 car parking spaces for up to 6 sharing and 1 space per additional bedroom. The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. In terms of the SPG the proposed 4 bedroom 4 person HMO would generate a requirement for 3 onsite parking spaces.

The SPG provides worked examples of use of the standards (page 9), however, this does not include reference to HMO proposals other than reference to a conversion of a dwelling into 3 separate flats. In that particular example where the number of parking spaces cannot be provided on site it suggests that 'if possible' spaces should be provided at the rear of the premises and that if the site is too small to provide parking and kerbside parking pressure is not evident then an allowance of on-street parking immediately outside the property may be possible. It also refers to local circumstances dictating the approach to be taken.

Planning Committee – 7th August 2018

Item 3 (Cont'd)

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Whilst having regard to the general advice in relation to conversions into flats the Local Planning Authority must assess the application on the basis of the potential impacts arising from the proposal and whether this would harm highway safety in the area.

The application has not proposed the creation of any onsite car parking spaces. There does appear to be an existing rear garage, however it is not clear if this is useable for parking given that the access is via a narrow lane, which may not be suitable for modern vehicles. In any event the proposal would not result in the loss of any onsite parking spaces nor an increase in the demand for parking. Furthermore the site is within walking distance of shops and facilities on Brynymor Road and the Uplands District Centre, and major bus routes. There is also the provision of cycle storage to the rear of the property, details of which will be secured by condition.

In dealing with appeals on highways and parking grounds inspectors have had regard to the SPG as being guidance only and have taken account of the fall-back position of existing uses as well as local circumstances when considering similar proposals. Full details of these decisions have been appended in below paragraphs.

In view of the above, 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, actually resulting in improved onsite parking provision, and is therefore in compliance with the provisions of Policies EV1, HC5, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

Appropriate refuse storage arrangements can be provided

An area for bin storage is proposed to the rear of the property.

Response to objectors

The issues raised in respect of social cohesion, high concentration of HMOs, increased noise, disturbance and anti-social behaviour are addressed in the above report.

Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated *"I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking."*

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Item 3 (Cont'd)

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The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated "*even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice*". The sustainable location of the site was noted by the inspector stating it "*is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities.*" The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated "*Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists*". On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated "*I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality*".

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Item 3 (Cont'd)

Application Number:

2018/1323/FUL

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for upto 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking.

The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"...* *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Road - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area."*

Planning Committee – 7th August 2018

Item 3 (Cont'd)

Application Number:

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The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated "Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it." The appeal was allowed.

Planning Committee – 7th August 2018

Item 3 (Cont'd)

Application Number:

2018/1323/FUL

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated "*whether or not a proposal is harmful depends on planning judgement*". He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building.

Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: "*whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users*". The appeal was allowed.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as 4 bedroom 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, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this 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 WBFG 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.

Planning Committee – 7th August 2018

Item 3 (Cont'd)

Application Number:

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- 2 The development shall be carried out in accordance with the following approved plans and documents: Proposed ground floor plan received on 11th June 2018. Location plan, block plan received on 19th June 2018, Proposed first floor plan received on 2nd July 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of four cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interests of providing facilities for sustainable transport and general amenity.

Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV40, 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 – 7th August 2018

Item 4 (Cont'd)

Application Number:

2018/1329/FUL

UDP - AS6 - Parking/Accessibility

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

Site History

App Number

2018/1329/FUL

Proposal

Change of use from residential (Class C3) to 7 person 7 bedroom HMO, including the installation of a handrail to rear garden and steps

Status

PDE

Decision Date

APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

RESPONSE TO CONSULTATIONS

Public Response - 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.113 and 115 King Edwards Road on 27th June 2018. A site notice was also posted within the vicinity of the application site on 6th July 2018.

Two petitions of objection have been received one comprising of 35 signatures and the other of 13 signatures.

The comments on the petitions are as follows:

"We the undersigned object to the above planning application on the following grounds:

- 1. It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
- 2. It will affect the general amenity of the area and will lead to an already harmful over-concentration of HMOs in the area.*
- 3. The application is contrary to the aims of The Future Generations Act 2015 Planning Policy Wales 2015 (to promote and provide mixed use tenure and sustainable communities)."*

HMO Team - I can confirm we have not received a HMO licence application for the above property, but aware it is currently being fully renovated. According to our records it has not been a HMO previously.

Description

Full planning permission is sought for the change of use from a residential dwelling (Class C3) to a 7 person HMO including the installation of a handrail to rear garden and steps at No. 134 King Edwards Road, Brynmill.

Planning Committee – 7th August 2018

Item 4 (Cont'd)

Application Number:

2018/1329/FUL

The application property is a three storey mid terrace currently used as a dwelling house with 5 bedrooms. The property has a part two storey part single storey rear extension with a raised rear garden.

Principle of Use

The application property is an existing residential dwelling and would change to a property in shared occupation as a HMO. This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

- (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 criterion 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 results in an increase of two bedrooms to provide a seven bedroom property. A large family could occupy the property under the extant lawful use of the premises (i.e. 5 bedroom dwelling) and it is likely that the overall nature of the use for 7 unrelated individuals would increase the intensity in the use of the building. Whilst this is the case there is no evidence to suggest that this increase in use would represent a 'significant adverse effect upon residential amenity' having regard to potential for noise, nuisance or other disturbance as referred to in the policy. There is anecdotal evidence of problems arising from HMOs in that they can create problems such as antisocial behaviour, waste and litter but such amenity issues do not arise exclusively from a HMO use and could also be generated by a dwelling in C3 use.

It is not considered that the use of the premises for up to 7 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

Planning Committee – 7th August 2018

Item 4 (Cont'd)

Application Number:

2018/1329/FUL

As such, the use of the property as a 7 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?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple occupation (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 also revealed common problems associated with a 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 school 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 the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students 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 82 properties on King Edwards Road which are registered HMOs, not including the application site, taking into account that a number of properties have been converted to flats and the building at Oscar Chess House provides 14 residential units there are a total of 210 properties along King Edwards Road. Taking solely address references there are 165 properties on King Edward Road.

It can be noted that Nos.144, 145, 159 and more recently No. 33 have had permission granted for use as a HMO in the last year but do not appear on the register. Therefore the potential number of HMO's could rise to 87.

If having regard solely to physical property numbers and not having regard to converted properties the number of HMOs within the street would change from approximately 52% to 53%. If having regard to the number of properties (i.e. including all flats) then the percentage would change from approximately 40% to 41% in the street.

It is noted that there is already a high level of HMOs in the street and the surrounding area however it could be argued that given the existing high concentration the character of the street has already changed with regard to the number of HMOs relative to residences. As referenced above a number of properties in King Edwards Road have been converted to flat units thus the makeup of the street is of high levels of multiple occupancy.

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It is clear that approval of the application would result in the addition of a further HMO in an area that already comprises a high concentration of HMOs, however, whilst this is the case there has been no evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general.

Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal. In those decisions, Planning Inspectors have stated that with no adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

For example in dealing with an appeal at No. 57 St Helens Avenue (ref: 2016/1688) which would result in the concentration of HMOs along St Helens Avenue going from 40% to 41% the appeal inspector found that given the existing circumstances in the Ward that the conversion to a HMO would *"not cause any material harm to the character and amenity of the area"*. Furthermore the Inspector stated; *"whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area"*. At 96 King Edwards Road, along the same street as the proposed HMO, (ref: 2016/1380) the inspector noted the existence of 52% of dwellings being HMOs as well as the existence of a draft SPG for HMOs, but given the draft nature of the SPG was unable to attach any significant weight to it. On the evidence before him he concluded there would be no material harm and allowed the appeal. Further information of these decisions and other relevant decisions relating to HMO proposals have been appended in below paragraphs.

On consideration of the change in the percentage of HMOs in the street within an already highly concentrated area, the absence of an appropriate formal percentage or other similar calculation based approach, the absence of empirical evidence and an Adopted SPG defining the level at which harm ensues, as well as the stance taken by Planning Inspectors on appeal, it cannot be regarded that approval of this application would result in a harmful concentration of HMOs in the area and thus the proposal 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

The proposal includes the removal of an existing single storey lean-to style rear extension and the installation of safety rails to the rear steps and raised garden. The alterations would have limited views from wider public vantages. It is therefore considered that the proposal would have an acceptable impact on the character and appearance of the host dwelling and local area.

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

The Authority's Parking Standards SPG requires that HMO properties have 3 car parking spaces for up to 6 sharing and 1 space per additional bedroom. The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. In terms of the SPG the proposed 7 bedroom 7 person HMO would generate a requirement for 4 onsite parking spaces.

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The SPG provides worked examples of use of the standards (page 9), however, this does not include reference to HMO proposals other than reference to a conversion of a dwelling into 3 separate flats. In that particular example where the number of parking spaces cannot be provided on site it suggests that 'if possible' spaces should be provided at the rear of the premises and that if the site is too small to provide parking and kerbside parking pressure is not evident then an allowance of on-street parking immediately outside the property may be possible.

It also refers to local circumstances dictating the approach to be taken. Whilst having regard to the general advice in relation to conversions into flats the Local Planning Authority must assess the application on the basis of the potential impacts arising from the proposal and whether this would harm highway safety in the area.

The application proposes no onsite parking spaces and whilst there is currently no parking the proposal would result in the demand for an additional space. However, in light of the sustainable location of the application site, which has many local amenities nearby and potential for securing appropriate cycle storage as part of the proposal, it is considered that an increase of 1 bedroom without the provision of an additional car parking space would not result in such a significantly adverse impact upon highway safety in the area to warrant a refusal on this ground alone. Additionally the sustainability matrix, within the Council's Adopted Parking Standards, albeit not specifically referring to HMOs, provides a points based system which seeks to score schemes on a criteria based approach to sustainability in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. It is considered that the principles of sustainability and access to services should be a material consideration in determining whether developments should provide for additional car parking spaces and the sustainability matrix offers a good basis to score sustainability. The SPG sets out that achieving an adequate score would allow for a reduction in parking requirements. This scheme would achieve 7 points and therefore would allow for a reduction in parking requirements by one space. On this basis it would be considered unreasonable to refuse the application for failing to supply one parking space given the above considerations.

The provision and retention of a suitable cycle storage area shall be secured by condition.

Appropriate refuse storage arrangements can be provided

An area for bin storage is proposed to the rear of the property.

Response to objectors

The issues raised in respect of social cohesion, high concentration of HMOs, and impact on general amenity are addressed in the above report. This application has considered all relevant Local Authority Policy considerations and the aims of The Future Generations Act 2015 and Planning Policy Wales 2015. The HMO will be available for any person and offers low cost rental accommodation to a wide range of demographics.

Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs.

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These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated *"I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions.*

This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice".* The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety.

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On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for upto 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"...* *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community"*.

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Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs." He went on to say; "The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."

96 King Edwards Road - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated "whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community.

In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

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124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated *"Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."* The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality.

The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated *"whether or not a proposal is harmful depends on planning judgement"*. He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: *"whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users"*. The appeal was allowed.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as 7 bedroom 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, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

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Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this 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 WBFG 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: Location plan, 134/KE/02 proposed site plan received on 13th June 2018. 134/KE/04 REV A proposed floor plans, 134/KE/06 REV A proposed elevations, 134/KE/07 plan to new wall, steps and patio area received on 22nd June 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of seven cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interests of providing facilities for sustainable transport and general amenity.

Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV40, 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.
-

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Item 5 (Cont'd)

Application Number:

2018/1386/FUL

UDP - AS6 - Parking/Accessibility

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

Site History

App Number	Proposal	Status	Decision Date
2018/0743/FUL	Change of use from residential (Class C3) to 6 bed HMO for 6 people (Class C4) and single storey rear extension with first floor living accommodation in the roof void and detached refuse/cycle store to front garden	WDN	20.06.2018
2018/1386/FUL	Change of use from residential (Class C3) to 5 bedroom HMO for 5 people (Class C4)	PDE	
88/0635/03	SINGLE STOREY KITCHEN EXTENSION TO REAR OF PROPERTY.	APP	07.06.1988

APPRAISAL

This application has been called to Committee at the request of Councillors Joe Hale and Clive Lloyd.

RESPONSES TO CONSULTATIONS

Public Response

Eight letters of objection have been received which are summarised below. A petition containing 32 signatures has also been received.

- o There are already two HMOs in the street
- o Parking is problematic
- o Sufficient monitoring of traffic was not undertaken when No. 3 was granted
- o If this application is approved over 20% of the street will be rented
- o Approval of this application would breach Policy HC5 of the UDP
- o A site meeting should be held with the planning committee
- o An impact test should be carried out to assess the need for further student accommodation
- o No consultation has been requested or completed with residents

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Application Number:

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- o These small terrace houses are not built for five bedrooms
- o Family homes should be for families

Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 5 bedroom HMO for 5 people (Class C4) at No. 6 Lewis Street, Port Tennant.

The application property is a two storey, end of terrace dwelling currently occupied as a three bedroom dwelling house.

The original submission in June 2018 included works comprising of a single storey extension to the building, however, following officer concerns about the extent of the works proposed the applicant's agent withdrew all proposed external works from the scheme on 18th July 2018 and submitted an amended floor plan drawing in that respect. The application is therefore determined on the basis of the amended scheme. Given that no external alterations are proposed the proposal will have no impact upon visual amenity.

Planning History

A previous application (2018/0743/FUL) was submitted for the change of use of the dwelling house from residential (Class C3) to a 6 bed HMO for 6 people (Class C4) and a single storey rear extension will first floor living accommodation in the roof void and a detached refuse/cycle store to the front garden. This application was withdrawn by the applicant before determination of the application.

Pollution Control - No objection

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety, having regard to the provisions of Policies EV1, EV4, AS6 and HC5 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance (SPG) document entitled 'Swansea Parking Standards'.

Principle of Use

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 historically been a large concentration of HMO properties in some parts of Swansea which has happened predominantly 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 people living in them.

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It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst the Local Authority has produced a Supplementary Planning Guidance (SPG) document related to HMOs this has yet to be formally adopted and thus does not carry any weight.

Policy HC5 of the City and County of Swansea Unitary Development Plan supports the conversion of dwellings to HMOs subject to compliance with 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 criterion 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?

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 as a HMO for up to five people would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwellinghouse. 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.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant a refusal of this application in this instance. The proposal is considered to respect residential amenity, in compliance with the provisions of Policies EV1, EV40 and HC5 of the City and County of Swansea Unitary Development Plan.

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 occupation (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 also 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.

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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 the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance' (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set out above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is noted from the Council's own HMO register that there are no registered HMO properties along Lewis Street (as of 26th July 2018). It is however acknowledged that there may be other properties along Lewis Street which have been used as HMOs pre March 2016. It should also be noted that outside the Castle and Uplands wards, only larger properties are captured under 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 are not subject to licensing requirements.

A check has been made on Rent Smart Wales which provides a public register for all landlords in Wales who rent properties and 3 properties along Lewis Street are registered. However this register does not indicate whether or not the properties are used as a HMO or rented out and occupied as a single dwellinghouse.

Two planning applications have been approved at Nos. 3 and 8 Lewis Street for the conversion of these dwelling houses to HMOs, references 2016/1604 and 2017/2220/FUL refer and it is understood from representations received as part of this application that the uses have commenced.

There are 20 properties along Lewis Street which include the St Thomas Church and the associated Church Hall. Taking into account the previously approved HMO applications at Nos. 3 and 8 Lewis Street, the percentage of HMOs in this street, if this application were to be approved and implemented, would change from 10% to 15%.

On the basis of the character of the area and the addition of one HMO to the street the application is considered to be acceptable in that it would not result in a harmful concentration or intensification of HMOs in the area.

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.

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

Under the Adopted SPG 'Parking Standards' (Page 16) reference is made to the parking requirement for a HMO, in terms of residents parking, being 3 spaces for up to 6 sharing and 1 space per additional bedroom.

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The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. On this basis that the Local Planning Authority has assessed such applications on the fall-back position of the existing dwellinghouse including any existing parking it has to offer and the potential traffic generated from the proposal. In effect where an existing dwellinghouse has no parking and a new HMO of similar residential nature is proposed it is generally considered to be unreasonable to require additional parking unless it can be demonstrated that the proposal would result in potential harm to highway safety in the area.

The SPG provides worked examples of use of the standards (page 9), however, this does not include reference to HMO proposals other than reference to a conversion of a dwelling into 3 separate flats. In that particular example where the number of parking spaces cannot be provided on site it suggests that 'if possible' spaces should be provided at the rear of the premises and that if the site is too small to provide parking and kerbside parking pressure is not evident then an allowance of on-street parking immediately outside the property may be possible. It also refers to local circumstances dictating the approach to be taken. Whilst having regard to the general advice in relation to conversions into flats the Local Planning Authority must assess the application on the basis of the potential impacts arising from the proposal and whether this would harm highway safety in the area.

In respect of the character of the street it can be noted that the existing dwelling offers no off-street parking.

Given that the SPG states that no additional parking is required for a HMO for up to 6 persons over and above that of a dwellinghouse which has no parking the application is considered acceptable in respect of its potential highway impacts. There is adequate space within the rear of the property to provide for a suitable level of cycle storage which will encourage sustainable travel.

In dealing with appeals on highways and parking grounds Inspectors have had regard to the SPG as being guidance only and have taken account of the fall-back position of existing uses as well as local circumstances when considering similar proposals. Full details of these decisions have been appended in the below paragraphs.

In view of the above and the proposal for being a 5 person HMO 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, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

Appropriate refuse storage arrangements can be provided

As above, refuse storage can be provided within the rear yard.

Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters in relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG 'Parking Standards'

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Item 5 (Cont'd)

Application Number:

2018/1386/FUL

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated *"I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"*

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice"*. The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*.

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On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for up to 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"... "the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby."*

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Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."

96 King Edwards Road - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated I "whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated "*The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it.*"

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area.

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In relation to concerns about the transient population the inspector stated *"Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."* The appeal was allowed.

57 Ysgol Street- APP/B6855/A/17/3170117 - 2016/3406/FUL - 19 June 2017

This appeal related to refusal of planning permission for a 5 person HMO. The reason given for refusal related to concern about the impact of the proposal upon living conditions of neighbouring residents with regard to nuisance, noise and disturbance. The Inspector noted that any impact would be of a similar nature to that of a dwelling stating *"the occupation of the property by 5 unrelated individuals would be little different in intensity to the dwelling's potential use by a family under the existing C3 use. Any nuisance, noise or disturbance arising from the proposed use, such as conversations taking place in the garden or inside, noise from TVs or stereos, doors slamming, occupants arriving or leaving, etc., would be similar in nature to those which might be generated by the existing use. As a consequence any resulting nuisance, noise or disturbance would not be unacceptable"*. The Inspector noted that the proposed demolition of the rear garage would improve access to 1 off-street car parking space and the provision of 5 cycle parking spaces would facilitate alternative modes of transport. Subject to such facilities being secured by condition I am satisfied that the proposal would not result in harmful effects on parking or highway safety. The Inspector also noted that whilst the occupation of the property by 5 adults would have the potential to increase the number of vehicles associated with No. 57, the specific effects of the appeal proposal on the street would not be significant. The Inspector noted concerns raised by residents about parking and the high demand being cited by photos provided by a resident. The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated *"whether or not a proposal is harmful depends on planning judgement"*. He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from a HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community.

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On concerns raised about lack of parking the inspector stated: *"whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users"*. The appeal was allowed.

Conclusions

It is considered that 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 to Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

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

RECOMMENDATION

APPROVE subject to the following conditions:

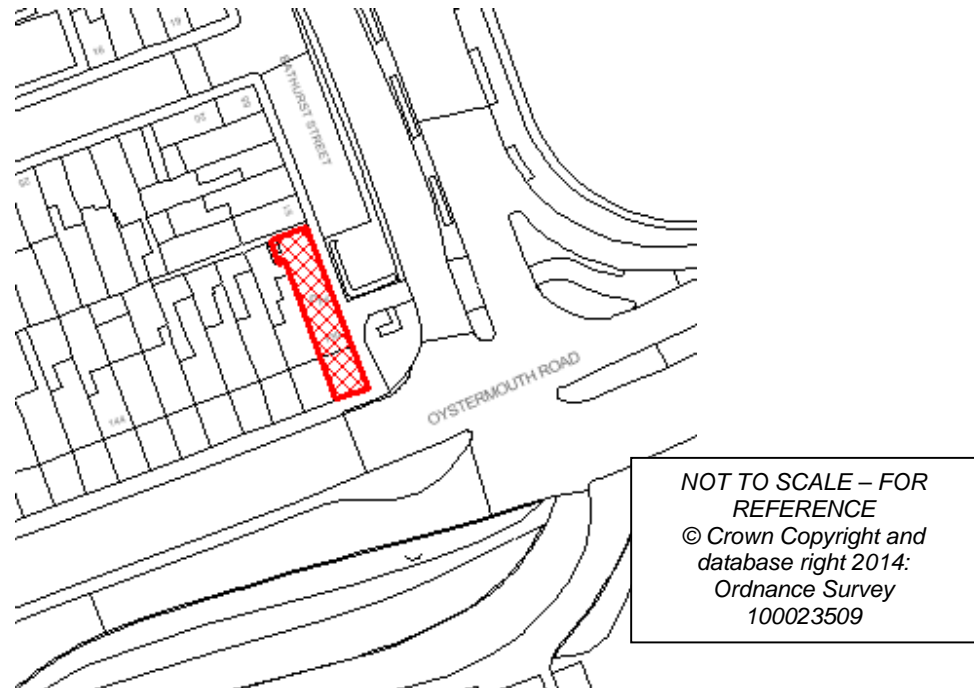
- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, received 20th June 2018. Proposed floor plans, received 18th July 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of 5 cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose
Reason: In the interests of providing facilities for sustainable transport, highway safety and general amenity.

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, EV40, HC5 and AS6.

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Item 6 **Application Number:** 2017/1930/FUL
Ward: Castle - Bay Area
Location: Swansea Jack, 130 Oystermouth Road, Swansea, SA1 3RW
Proposal: Demolition of existing building and replace with two storey building with accommodation in the roof space, incorporating an office on the ground floor and two self-contained, 2 bedroom maisonettes on the upper floors
Applicant: Mr Mohamed Alsulaiti



Background Information Policies

Site History

App Number	Proposal	Status	Decision Date
2017/1930/FUL	Demolition of existing building and replace with two storey building with accommodation in the roof space, incorporating an office on the ground floor and two self-contained, 2 bedroom maisonettes on the upper floors	PDE	

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RESPONSE TO CONSULTATIONS

Public Response - 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 132-142 Oystermouth Road, 51-55 Bathurst Street and 20-24 Recorder Street on 14th September 2017 and through the display of 3 notices at locations surrounding the site on 15th September 2017. In response to this initial consultation, TWO PETITIONS OF OBJECTION, NINE LETTERS OF OBJECTION and ONE LETTER OF COMMENT were received. The contents of these can be summarised as follows:

Petition/Letters of Objection:

The residents of North Bathurst Street and Oystermouth Road are opposed to the planning application for the Swansea Jack site because it will disrupt their daily lives causing considerable hardship in the short and long term to their small city centre community, approximately 75% of which are disabled and/or pensioners.

Oystermouth Road residents are unable to park outside their homes and ... are currently issued with residents parking permits for North Bathurst Street, sharing the parking spaces with the residents of that street. It is difficult to see where these largely elderly and/or disabled people, for whom 'close' parking is an absolute must, could then park, but it would involve a far greater walk to and from their vehicle involving markedly increased hardship.

We are also concerned about the short and long term impact of the demolition and building process on parking, access to our homes and the physical stability of the two terraces of houses and those on Recorder Street.

Any plan for a vibrant city centre needs to seek to preserve long established local communities within it. Were this planning application to be allowed then the immediate and long term negative effects on the quality of life for local residents with respect to parking, access issues for the elderly and potential damage to their homes would be considerable - pushing more established residents into leaving the area and destabilising the type of small, close community that the city centre needs.

Effect of parking requirement for the new development on existing parking problems in the area.

Adverse look of the proposal - including dormers which the Council has previously refused on dwellings in this terrace and a three storey property - will look out of place.

Parking and access issues/implications during the build.

Sale value of homes would be affected if we choose to leave because of a lack of parking.

Letter of Comment:

Front garden wall outside between the Jack and our house belongs to our house; there is a wall through our house, in the passage, part of the party wall between us and the Jack;

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the roof is joined to our house on which a chimney is present;
an office downstairs would look odd against our house;
and, by going up 3 stories, would it make it dark as it would be taller than our house?
No objections provided that all and any damage inside and out is made good.

Other Consultation responses

Dwr Cymru Welsh Water - Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a combined public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs; however, having regard to the submitted Block Plan, it appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. It is possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss our concerns and consider possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development. In addition, the accompanying application form confirms that the development proposes to discharge surface water to the public sewer. However, having reviewed the planning application submission pack on the Council's website, no evidence has been provided to demonstrate that all other options for surface water drainage have been explored and exhausted. Consideration will therefore need to be given to the incorporate of sustainable methods of drainage into the scheme. Accordingly, if minded to grant planning consent, we would request that Conditions and Advisory Notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Highway Authority - The location is outside the city centre core and as such there is a requirement for parking to be provided. Whilst the office use could be broadly compared to the pub in terms of short term parking demand I have concerns regarding the long term parking requirements for the two number two bedroom flats that are indicated. Can you ask the applicant if he is prepared to reduce the bedroom numbers down to one bedroom each to lessen the parking demand?

Council's Planning Ecologist - Requested initially that a standard bat informative be added to any grant of planning permission, advising the applicants of their obligations in relation to European legislation. Subsequently, however, we were advised that "*no decision should be made until information relating to protected species has been submitted to the LPA. This is a material consideration.*"

The proposal includes the demolition of a building, which has the potential to be occupied by bats, and nesting birds. Therefore, a Preliminary Ecological Assessment which includes an assessment of the potential of the proposal to impact on protected species must be submitted to inform the application. This assessment can be carried out at any time of year and may be sufficient to inform the application. Alternatively, the PEA report may make recommendations for further specific surveys and these will also need to be undertaken and the accompanying report submitted prior to determination".

Pollution Control Team - had no comments to make on the application.

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Design and Conservation Team

- "o *The application site is located in an end-of-terrace, corner position fronting onto Oystermouth Road and comprising a substantial side elevation façade onto Paxton Street. The site currently comprises a two storey building of generally traditional proportions with 'The Swansea Jack' public house at ground floor and one residential unit above. The property has a two storey outrigger which is of a far greater rearward projection than is prevalent along the remainder of the terrace.*
- o *The application seeks to demolish the existing building and construct a three storey building with office accommodation at ground floor and 2 no. two bedroom flats located over first and second floors.*
- o *The demolition of the existing building and construction of a new mixed use building is supported as it will enable the re-use of the currently vacant site located in a prominent position.*
- o *In terms of townscape the starting point should be the creation of active frontage, whereby windows and doors face the street, and building should present active frontages to all street facing elevations to make a place feel safe and overlooked. The proposal shows openings onto both Oystermouth Road and Paxton Street which is supported in placemaking terms.*
- o *The Residential Design Guide SPG notes that it is often appropriate to emphasise a corner and raise the height of the corner building marginally above the prevailing height. This additional height is helpful to reinforce the importance of the junction and such increases in height should take reference from the context of surrounding streets. The additional height proposed to accommodate the ground floor office and two self-contained units above is acceptable and provides a satisfactory juxtaposition between the residential terrace and the corner plot.*
- o *In addition to its height, the scale of a building is also determined by its bulk, width and the manner in which the façade is articulated. In terms of bulk, there is concern insofar as the resultant impact on residential amenity due to the full width rearward projection which would span the entire length and width of the site. Concern is raised regarding the overbearing impact the development poses to occupiers of the adjoining site.*
- o *There is concern raised regarding the roof detailing including the two shallow side gable features which sit awkwardly within the roofscape. If this approach is to be pursued then the two gables should have a steeper pitch and be made more of a 'feature' in this prominent side elevation.*
- o *In terms of the articulation, vertical proportions should be expressed in the overall dimensions of the building and in its individual elements, particularly the fenestration. The front elevation takes reference to the adjoining traditional terraces, with two windows to each floor. Care should be taken to ensure these relate with the adjoining terrace in terms of positioning, size and alignment. The fenestration detailing to the side elevation needs further consideration. A greater vertical emphasis would assist in breaking up the bulk in terms of overall building size and mass of glazing currently presented.*
- o *All design proposals should take reference from local context and, generally, the overall material palette is supported combining contemporary finishes. The exterior comprises a simple palette of painted render with panels (in approved colour) and large expanses of aluminium framed glazing. It is imperative that the elevational treatment is contextually designed given the prominent nature of the application site in the streetscene.*

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- o *The proposal also includes the two small front dormer windows. As a general rule dormer extensions are discouraged to the front of roofslopes unless they are a local feature.*

Whilst not characteristic along this terrace, there may be scope to include well-proportioned dormer windows that accord with the overall design concept for the corner plot as the proposed roofline/detailing will be differentiated from the remainder of the terrace of two storey building.

In summary, the proposal to provide office and residential use at the site is supported, and the active frontages will positively contribute to the streetscene. Whilst the additional height at the corner plot is acceptable, there is concern about the overall scale, bulk and massing in relation to neighbouring amenity. In addition, the design detailing in terms of the two shallow gable roofs and fenestration detail needs further consideration to ensure the prominent corner plot is developed to a good standard of design. Therefore, in order for the proposal to be considered acceptable in design and placemaking terms these issues will need to be addressed".

A meeting was held with the agent/architect and an officer of the Design and Conservation Team where these comments were discussed and amended plans were subsequently tabled in line with those discussions. In response, the Design and Conservation Officer provided further comments on 29th November 2017, as follows:

- "o *As stated previously, the additional height in this corner location is helpful to reinforce the importance of the junction and such increases in height should take reference from the context of surrounding streets. The additional height proposed to accommodate the ground floor office and two self-contained units above is acceptable and provides a satisfactory juxtaposition between the residential terrace and corner plot. However, the ridge height must remain below the height of the existing chimney - there appear to be discrepancies on the drawings submitted (the north elevation shows the ridge height to exceed the existing chimney which is unacceptable). The eaves to the front elevation have been dropped and the proportions to this elevation now appear awkward. The eaves should remain differentiated, above the adjoining terrace eaves, to clearly demark the differentiation between the main terrace of two storey properties and the corner unit. The eaves can remain as the original drawings whilst achieving the pitch of the gable features now proposed.*
- o *Concern was previously raised about the two shallow side gable features which sit awkwardly within the roofscape. It was advised that if this approach is to be pursued then the two gables should have a steeper pitch and be made more of a 'feature' in this prominent side elevation. This approach has been adopted and is generally supported. However the ridge height between these two gables has been raised unnecessarily. There is no need for this additional ridge height and this is not supported. Dropping the ridge height sufficiently allows the two gables to be viewed as 'features' and would also remove the unacceptable steep rear pitch.*
- o *If head height is a concern then the two residential units could be reconfigured so that they form 2 no. maisonettes with main living accommodation at first floor and bedrooms over second floor.*
- o *In terms of the articulation, it was discussed that vertical proportions should be expressed in the overall dimensions of the building and in its individual elements, particularly the fenestration. The windows of the adjoining terrace property need to be accurately shown on proposed drawings to ensure that the proposed front elevation relates with the adjoining terrace in terms of positioning, size and alignment. The fenestration detailing to the side elevation has been amended and now takes a more vertical emphasis and assists in breaking up the overall bulk of the building.*

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There is however scope to incorporate more interest to this elevation, for example feature windows within the eaves of the gables (to a degree, as shown on original drawings). Privacy issues would however need to be considered.

- o Additional glazing should be reinstated to the ground floor level unit however to achieve good active frontage and distinguish from residential use above.*
- o If front dormers are considered acceptable they must be well-proportioned and accord with the overall design concept.*

In summary, whilst the amendments undertaken have overcome some of the previous concerns in terms of design; further consideration is needed to ensure the prominent corner plot is developed to a good standard of design. Therefore, in order for the proposal to be considered acceptable in design and placemaking terms the above issues will need to be addressed".

Following discussion with the agent/applicant's representative in light of the comments received from our Planning Ecologist, the necessary survey was undertaken and the report on which was submitted to/assessed by the Ecologist - see further comments below. Also, in light of the comments of DCWW, protracted negotiations were held between both parties to arrive at a scheme which would overcome their concerns in respect of the initial proposal. Amended plans, which take account of the confirmed position of sewers/drains, were finally submitted on 9th May 2018 and further consultations/site notices were undertaken on 29th May 2018. As a result of this further consultation, a further PETITION OF OBJECTION and ONE LETTER OF OBJECTION were received which reiterate the earlier comments made in relation to the original proposal in relation to the design of the proposal, parking and access implications, general disturbance and stability of buildings and impact upon the quality of life of nearby residents.

Other Consultation Responses to Re-consultations

Dwr Cymru Welsh Water - *"Dwr Cymru Welsh Water (DCWW) were previously consulted on this application and by response (Ref: PLA0030068), dated 28th September 2017, we advised that the proposed development site is crossed by a combined public sewer with the approximate position being marked on the Statutory Public Sewer Record.*

Following our previous consultation, the developers have engaged with us in respect of the sewer and its protection zone measured 3 metres either side of the centreline and, by undertaking an asset location survey, it was confirmed that the location of the sewer is accurately recorded as shown on the Record. In this respect, we remind that DCWW requires access to its apparatus at all times in order to carry out maintenance and repairs and, as part of this latest consultation, we acknowledge receipt of an amended 'Block Plan' which indicates that the proposed development would be situated outside the protection zone of the public sewer. Accordingly, having regard to the amended 'Block Plan', we offer no objection to the siting of this proposed development and its relationship to the public sewer crossing the development site.

Notwithstanding this, if minded to grant planning consent, we would request that standard Condition and Advisory Notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets".

Highway Authority - *"Concern has been raised previously regarding the intensification of the use and the lack of adequate on-street parking to support the proposed uses by Highways. A request was made to consider reducing the bedrooms down to one per flat to reduce the associated parking demand.*

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The current use of the building was as a pub on the ground floor and a one bedroom flat on the first floor. The proposal being considered is for office use at the ground floor (with one new parking space) with 2 number 2 bedroom flats on the first and second floors. It could be argued that the commercial use and the pub use are comparable, notwithstanding that there was no dedicated parking availability. The on-street facilities are extremely restricted and shared between a number of different addresses. On that basis, I consider that the introduction of the flats will place unacceptable pressure on the on-street facilities to the detriment of highway safety and the existing residents who struggle to find a space. Whilst it is acknowledged that the site is located within a sustainable location with access to public transport nonetheless it does not negate the need to provide adequate car parking.

I recommend that the application be refused as it is considered that the introduction of the 2 number 2 bedroom flats will have an unacceptable impact on the limited parking facilities located within the vicinity, resulting in indiscriminate parking and detriment to both the existing residents provision and to highway safety".

Pollution Control Team - No comments to make on the application.

Council's Planning Ecologist - *"Thank you for consulting the Planning Ecologist on the survey information received in relation to this application. The report titled "Swansea Jack, Swansea, Preliminary Bat Roost and Nesting Bird Assessment" by Acer Ecology January 2018 has been received and reviewed.*

Bats

The report found no evidence of use of the building by bats. The surrounding landscape lacks suitable habitat features to provide commuting and foraging links. I have run a records check and there are no roost records within 2km of the site. The report concludes however that activity surveys should be undertaken on this building.

Clause 4.1.2 of BS42020 (BSI, 2013) states that 'professionals should take a proportionate approach to ensure that the provision of information with the planning application is appropriate to the environmental risk associated with the development and its location.

I would therefore disagree with the conclusions of the report on this occasion and say that no further survey is necessary provided the following informative is attached to any consent that the LPA may be minded to grant:

INFORMATIVE - BATS

BATS -Please note that Bats are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales (NRW) contacted immediately (0300 065 3000).

Nesting birds

*Whilst the report makes no recommendations in relation to nesting birds, an old corvid nest was identified during the survey. I would add that I have walked past this building several times in the last few months and, without exception, there are always a number (max 6) of House Sparrows (*Paser domestica*) present entering and exiting under the barge board on the eastern gable end.*

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Please include the following conditions on any consent that the LPA may be minded to grant:

CONDITION - NESTING BIRDS AVOIDANCE MEASURES

No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority prior to works re-commencing.

Reason: To ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).

CONDITION - NESTING BIRDS HABITAT RETENTION

Two Schwegler Sparrow Terrace 1SP will be installed on the west elevation of the proposed building upon construction. It will be situated at least 2m above ground level and installed according to the manufacturer's instructions.

Reason: To enable the Local Authority to fulfil its obligations under the Environment (Wales) Act 2016".

Additional Drawings

Whilst the principle of the layout and footprint of the building were altered to accord with the requirements of DCWW (above), the elevations submitted on 9th May 2018 had 'undone' some of the earlier design requirements which had been discussed with our Design and Conservation Officer. In the circumstances, a further set of elevations/plans was submitted on 18th June 2018 which addressed those issues, and it is these plans which form the basis of consideration of the application. No further consultations were undertaken as the revisions related only to superficial changes to windows/dormers/chimneys etc. but the views of the Design and Conservation Team were sought.

Design and Conservation Team - *"The latest set of revisions include the omission of the front and rear dormers and replacement with rooflights, and amendments to windows to take a more vertical emphasis.*

Whilst it would be desirable to retain the chimney (this work could be undertaken without the benefit of planning consent), and the proposal to remove it as part of the works would not warrant an objection from a design perspective.

The revisions overcome previous concerns raised and, subject to appropriate conditions, no objection is raised".

Appraisal

The application has been called to Committee for determination at the request of Councillor Sybil Crouch.

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Description

The application proposes the demolition of the existing public house, formerly known as 'Swansea Jack', situated at 130 Oystermouth Road, Swansea; positioned on the junction of Oystermouth Road with West Way in the city centre. The existing building is in a state of disrepair and its proposed demolition will make way for a replacement building of two storeys plus accommodation in the roof space, allowing the use of the ground floor as office accommodation, with the two upper floors comprising 2 x 2 bed maisonettes (each situated over two floors). An existing 'cellar' room at the rear of the site will be retained as an open area at the rear of the main building in the proposal, to allow for a parking space and bin/cycle storage sheds for the flats.

The building footprint is to mirror the existing footprint of the public house, while an increase in height of the eaves and ridge facing Oystermouth Road allows for the additional floor of accommodation. The existing property comprises a large part-two storey, part single storey rear outrigger, and the proposed development will comprise a full-width two storey outrigger of a similar length. The building will comprise two gables facing onto West Way, with a ridged roof between them at a slightly lower level. Two rooflights to the front of the building and a single one to the rear will allow additional light into proposed Bedroom 1 of each of the maisonettes.

The office accommodation at ground floor is proposed to be accessed via a new entrance doorway flanked either side by large areas of glazing, with the residential accommodation above accessed via a separate doorway; both situated on the eastern elevation facing onto Bathurst Street/West Way.

Issues

The main issues in the consideration of this application are any potential visual and residential amenity impacts, impacts upon access and parking provision in the vicinity and impacts upon local drainage and ecology in the area, having regard to the criteria of Policies EV1, EV2, EV3, EV4, EV13, HC2, HC6 and AS6 of the adopted City and County of Swansea Unitary Development Plan (2008) and to relevant adopted Supplementary Planning Guidance documents.

Visual amenity

With regard to the design of the proposed replacement building and its relationship with its neighbours, the following extract from the adopted SPG entitled 'Residential Design - Places to Live' is helpful in explaining what the design is seeking to achieve and, while the guidance relates primarily to new residential layouts/schemes of 10 dwellings or more, its design principles and well-established 'Placemaking' aims are relevant to all types of new development:

"12.15 Dwellings located on corner plots should be designed to 'turn the corner' with a well designed frontage that includes windows to habitable room onto public areas to create interest and allow surveillance. Generally the orientation of corner dwellings should respect the overall road hierarchy with the principal elevation fronting onto the more primary street.

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12.16 In some instances it may also be appropriate to increase the height of the dwelling to emphasise the corner. Appropriate increases in height should be undertaken through taking cues from the context of the surrounding streets" (my emphasis).

In this respect, it should be remembered that the existing premises has historically been in use as a non-residential property, albeit that the front facade was traditionally-residential in scale. It is considered that the small increase in height compared with the neighbouring residential properties, helps to distinguish it apart from those houses, and the design of the building also creates a double-fronted mixed use property which is effective in 'turning the corner' between Oystermouth Road and West Way. In addition, there are several instances of increased eaves and ridge heights on corner buildings in very close proximity to the application site, including No. 56 Bathurst Street (complete with roof extension/dormer to front); at either end of the block facing northwards onto Clarence Terrace (St Phillips Community Centre and No 1a Paxton Street); and No.1 Paxton Street/No.1 Recorder Street.

Indeed, the comments of the Design and Conservation Team have been supportive of the principle of this element throughout the consideration of the proposal, stating that "*This additional height is helpful to reinforce the importance of the junction and such increases in height should take reference from the context of surrounding streets. The additional height proposed to accommodate the ground floor office and two self-contained units above is acceptable and provides a satisfactory juxtaposition between the residential terrace and the corner plot*".

In addition, while the proposed building will appear more modern than the surrounding traditional residential properties on its eastern side elevation (facing West Way) due to the fenestration and entrance door detailing proposed; its original front elevation (facing south towards Oystermouth Road) continues to retain the residential scale of the remainder of this part of Oystermouth Road, albeit with an increased eaves/ridge height. As such, and having regard to the further negotiation and comments of the Design and Conservation Team regarding the overall scheme, it is considered that the replacement building, whilst modern in its concept, appropriately retains detailing and the traditional 'residential' elements within the streetscene so that it accords with the criteria of Policies EV1, EV2, EV4, HC2 and HC6. Similarly, the proposed shopfront/office entrance detailing provided is considered to comply with Policy EV13 and the SPG document "Shop Front and Commercial Frontage Design Guide" (2017) and creates an easily-distinguishable new 'front' elevation for the property.

Residential Amenity

In terms of residential amenity, the immediate neighbouring occupiers at No.132 Oystermouth Road have confirmed that they have no objection in principle to the proposed development, providing that any damage which may occur to their property (which is structurally-attached to the application property) is minimised and made good during construction. Such issues are, of course, civil matters between the applicant's and their neighbours; but their comments were conveyed to the applicant's representatives during the early consideration of this application and it is understood that appropriate arrangements are now in place.

The neighbours also queried whether the proposal would make their property dark, by virtue of the increased height of the building. In relation to overshadowing and overbearing physical impact, the proposal is situated to the east of that neighbouring residential dwelling and does not protrude any further forward than existing.

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In this respect, no additional overshadowing/overbearance would result to the front elevation habitable room windows in the neighbouring property. In addition, although the first floor of the proposal's rear outrigger is to become full-width, the majority of this part of the proposal will lie adjacent to the existing part two-storey, part-single storey extensions at the rear of 132 Oystermouth Road, which are situated on the common boundary with the application property.

As such, given the orientation of the two properties; the position of windows in the rear elevation of No.132; and the path of the sun during the day, it is not considered that the proposal would result in any unacceptable increase in overshadowing or overbearing physical impact upon the occupiers of that neighbouring property. No windows are proposed in the western elevation of the new development so that no increase in overlooking will result in the direction of No.132 Oystermouth Road or beyond to the west.

In relation to No.51 Bathurst Street, the proposed development will be positioned a similar distance away from its blank gable wall as the existing public house, with the small rear access lane remaining as existing. It is acknowledged that the proposal is to become higher than the existing building at this point and that a window (kitchen) and rooflight (Bedroom 1) are proposed in the northern elevation, but these will face directly onto the existing blank gable wall of No.51 Bathurst Street and result in no increase in overlooking, overshadowing or overbearing physical impact upon the occupiers of that property. As such, the proposal is considered to comply with the criteria of Policies EV1, EV2, EV4, HC2 and HC6 of the adopted City and County of Swansea Unitary Development Plan (2008) in relation to residential amenity impacts.

In relation to the letters and petitions of objection, wherein comments are made about the imposition for local residents of any development proposals on this site in terms of access to/from their houses/cars, noise, vibration and delivery/construction traffic; it must be remembered that any construction issues would be short-lived during the early phases of any scheme and such matters are not material to the consideration of the principles of the development before us but are controlled by separate legislative methods.

Access and Highway Safety

Initial comments from the Authority's Highway Officer confirmed that the site lies outside the City Centre core identified in the Parking Standards document and that, as such, parking spaces should be provided within any new development of the site. In this respect, while the proposed office use was considered broadly comparable to the existing public house use, concerns were raised regarding the long-term parking requirements of the 2 proposed 2 bedroom flats. Initially, therefore, the request was made for the proposal to be reduced to one bedroom flats in order to reduce parking demand for the proposal.

No such reduction was ever tabled, however, and the final highway comments gave a more comprehensive response, clarifying that whilst the existing and proposed commercial uses would be comparable (albeit that no dedicated parking was available), the introduction of 2 flats above would have an unacceptable impact upon the very limited parking facilities in the vicinity, resulting in indiscriminate parking and detriment to both existing 'Residents Only' provision and highway safety generally.

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It is acknowledged that the site does, indeed, lie outside the defined City Centre Core ('Parking Standards' SPG), so that parking provision should be made within new developments. However, it is sited immediately adjacent to the western edge of that defined area and in a highly sustainable location some 160m from the Quadrant Bus Station entrance and from the Quadrant Shopping Centre/City Centre and all its associated amenities/ services.

In addition, the proposal involves the removal of the previous non-conforming use (public house) from this primarily residential, edge-of-city location to provide an alternative commercial use (office) and additional living accommodation, thereby providing a variety of tenured property in the immediate area.

From a planning perspective it is considered that the existing public house use, as a historic, unrestricted Class A3 use, could be lawfully converted to an alternative use within that Use Class which could result in a more intensive use of the property and result in a far higher level of parking need in the area; so that the existing and proposed uses are not readily 'broadly comparable'. Indeed, some of the nearby residents allude to the parking problems that had previously been experienced in the vicinity of the public house when it was operating, in their petition/letters of objection. Of relevance is that the property could, without requiring planning permission, be changed to a restaurant, cafe, wine bar or hot food takeaway.

The Adopted Supplementary Planning Guidance (SPG) entitled 'Parking Standards' (2012) sets out parking provision that should be catered for in new developments. In this instance the proposed development generates demand for 1 space per 35m square for office uses and 1 space per bedroom (maximum of 3 spaces) for residents of apartments. On the basis of the current proposal this would amount to a demand for 2 office car parking spaces and 4 residential car parking spaces resulting in a net requirement for 6 spaces.

It is clear that 6 parking spaces are unable to be provided on site, however, regard should also be given to the existing situation in use as an A3 unit with 1 bedroom flat about - the fall back position. When comparing the parking requirements of the proposal to this it can be noted that the SPG sets out a requirement in terms of a public house A3 use for 1 commercial vehicle space, 1 space per 3 non-resident staff and 1 space per 5 square metres of public area including servery. Taking the floor area into account (approximately 95 square metres) a demand of 19 spaces is required in connection with the SPG in addition to the 1 space for a commercial vehicle, 1 space for 3 non-resident staff and 1 space for the 1 bedroom flat. As a total therefore, if the 'existing' use came forward as a proposal under the Adopted Parking Standards there would be a requirement for 22 on site parking spaces.

It is important to note, as determined by planning appeal inspectors, that the parking standards represent 'maximum standards', as set out in Policy AS6 and should not, therefore, be determinative but applied to the specific circumstances of the case with the overall issue of highway safety in mind. Also Planning Policy Wales (PPW) (Edition 9, 2016) states that "*local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past*", before going on to clarify that "*minimum parking standards are no longer appropriate*". It further advises that new developments should be consistent with the overall objective of "*minimising the need to travel and increasing accessibility by modes other than the private car*".

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In view of the above calculation of the fall back position alongside the benefits of the scheme in removing a non-conforming A3 use, providing for a new on-site parking space, providing for cycle storage facilities and given the site is located within a highly sustainable location the scheme is considered to be acceptable on its planning merits and accords with the requirements of policies EV1 and AS6 in relation to parking and highway safety impacts.

Drainage

The issues raised by Dwr Cymru Welsh Water have been adequately addressed by the amended scheme submitted by the agents, and DCWW confirm that "... we acknowledge receipt of an amended 'Block Plan' which indicates that the proposed development would be situated outside the protection zone of the public sewer. Accordingly, having regard to the amended 'Block Plan', we offer no objection to the siting of this proposed development and its relationship to the public sewer crossing the development site"; subject to the imposition of standard informatives relating to connections/access to apparatus on any planning permission granted.

Ecology

Whilst initial comments from our Ecologists sought only to place standard informatives on any grant of planning permission, subsequent submissions have requested (and received/assessed) a suitable species survey report. The survey report identified no evidence of bats, however, noted an old corvid nest at the property. The Planning Ecologist responded advising that there are a number of house sparrows (*Paser domestica*) present entering and existing under the barge board on the eastern gable end and suggested, alongside a standard informative for bats, that conditions be imposed on any planning permission so ensure nesting birds are not harmed. Given this evidence provided by the Ecologist during the application, alongside the information in the survey it is considered reasonable in this instance to limit the planning permission to prevent works taking place during the breeding season between 1st March and 31st August unless a detailed check has been undertaken by a competent ecologist. Furthermore a condition to provide for a bird box at the property (Schwegler Sparrow Terrace 1SP) is reasonable in the interests of protecting ecology and such details can be secured through the condition.

Comments on Consultation Responses

The issues raised by neighbouring and nearby residents in relation to the visual and residential amenity impacts of the proposal are addressed in the appraisal above; as are the comments relating to access and highway safety. Several other issues, including noise, vibration and delivery/construction vehicle parking during construction, and the existing access problems experienced by neighbours due to a lack of on-street parking on Oystermouth Road are discussed briefly above but are covered by separate legislation; while civil matters and the issue of re-sale value of homes are not material to the consideration of the application before us.

Conclusion

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this 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 WBFG Act.

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Having regard to all material planning considerations, including the Human Rights Act, the proposal is considered to represent an acceptable form of development, complying with the criteria of Policies AS6, EV1, EV2, EV3, EV4, EV13, HC2 and HC6 of the adopted City & County of Swansea Unitary Development Plan (2008) and with the overarching aims and principles contained in the Supplementary Planning Guidance documents 'Places to Live - Residential Design' (2014); 'Shop Front and Commercial Frontage Design Guide' (2017); and 'Swansea Central Area: Regeneration Framework' (2016).

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin no 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, SJ1 - Existing Elevations, SJ2 - Existing Floor Plans received on 30th August 2017; Amended Block Plan received on 9th May 2018; Amended Proposed Elevations (SJ.130.3C) and Amended Proposed Floor Plans (SJ.130.4B) received on 18th June 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The ground floor of the property, as set out on the approved plans, shall be used for office use falling within Use Classes A2 or B1 only and for no other purpose set out in 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 order to control the nature of the use in the interests of residential amenity.
- 4 The Bin and Cycle sheds shall be provided on site in accordance with the details provided on approved drawings 'SJ.130.4B (Proposed Floor Plans) and SJ.130.3C (Proposed Elevations) Received 18th June 2018 prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interests of providing facilities for sustainable transport and general amenity.
- 5 Prior to the commencement of development full details and specifications of the materials to be used in the construction of the external surfaces of the development, including details of windows, shopfront, rainwater goods and hardstanding finish, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure an acceptable standard of development in the interests of visual amenity.

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- 6 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority for approval under the terms of this condition.
Reason: To ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).
- 7 Prior to the commencement of development full details of bat boxes (Two Schwegler Sparrow Terrace 1SP) on the west elevation of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be retained thereafter as part of the development.
Reason: In the interests of ecological protection and to enable the Local Authority to fulfil its obligations under the Environment (Wales) Act 2016

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-EV4, EV13, HC2 and HC6
- 2 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 2017. 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 whether a bat is present at the time or not. 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 (0300 065 3000).
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 4 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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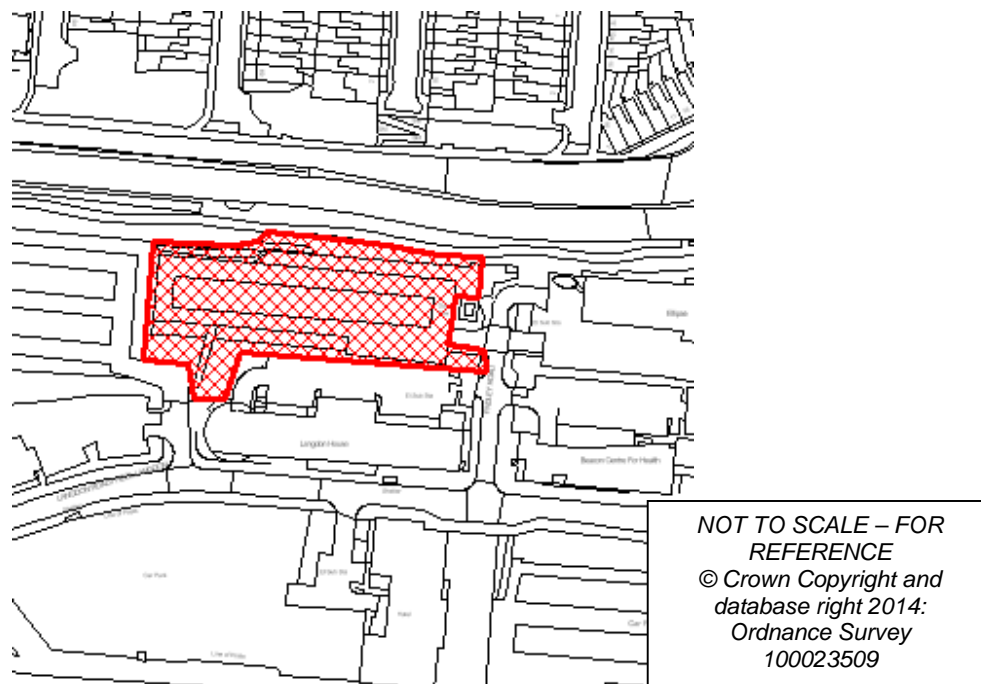
Advisory Notes:

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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Item 7	Application Number:	2018/1263/RES
	Ward:	St. Thomas - Bay Area
Location:	Plot A9, Swansea Waterfront, Swansea, SA1 8AN	
Proposal:	Construction of multi storey car park (details of access, appearance, landscaping, layout & scale pursuant to condition 6 of outline planning permission 2015/1584 granted on 10th November 2015)	
Applicant:	Welsh Ministers	



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 - EV4 - Public Realm

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

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UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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)

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV38 - Contaminated Land

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

UDP - EV40 - Air, Noise and Light Pollution

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

UDP - EC2 - SA1 Swansea Waterfront

Development within the SA1 Swansea Waterfront defined area shall accord with specific criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS2 - Design and Layout

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

UDP - AS6 - Parking/Accessibility

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

Site History

App Number	Proposal	Status	Decision Date
2017/0271/PRE	Pre application - Multi storey car park	MIXPR E	09.03.2017

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Item 7 (Cont'd)	Application Number:	2018/1263/RES
2018/1263/RES	Construction of multi storey car park (details of access, appearance, landscaping, layout & scale pursuant to condition 6 of outline planning permission 2015/1584 granted on 10th November 2015)	PDE
2018/1292/DOC	Construction of MSCP, SA1 Swansea Waterfront - Discharge of conditions 18 (CSWMP), 19 (CEMP) and 21 (CTMP) of SA1 Swansea Waterfront Planning Permission 2015/1584 granted 13th May 2016	PCO
2014/0580	Installation of two internally illuminated advertisement panels, fully integrated into bus shelter	APP 16.07.2014

RESPONSE TO CONSULTATION

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No public response received.

South Wales Police Crime Prevention Design Advisor - makes observations that the MSCP will need to obtain the Park Mark Safer Parking Award and specific requirements in respect of access, CCTV, lighting, security and management

NRW - no objections

Welsh Water - We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of drainage related conditions and advisory notes imposed on the outline planning permission, subsequently varied by way of permission 2015/1584, namely conditions 16 & 17.

Drainage Engineer - no comment

Glamorgan Gwent Archaeological Trust - You will recall from our response to the previous application for this development, 2010/0693 in our letter of 2nd June 2010, we noted that information in the Historic Environment Record shows the greater part of the current complex of docks on the east side of the River Tawe were constructed on land reclaimed from the sea in the late 19th / early 20th century. Any archaeological features that exist in this area will be covered by substantial depths of modern made material and will be inaccessible unless deep excavations occur.

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2018/1263/RES

Within this current application area, it is considered that the historic land surface may be closer to the current ground surface as it is inland, and as the ground has also been considerably disturbed by the railway and sidings construction, removal and landscaping from the 19th onwards, it is unlikely that any significant archaeological material would be encountered. There has been no change to our understanding of the archaeological resource in this area since our last letter and we do not recommend any archaeological mitigation.

The HER is not definitive, and archaeological material may be encountered during the works; if this occurs, archaeological mitigation may be necessary.

Highway Authority - The application has been submitted following some extensive application history. The wider development in which the application site sits was the subject of an outline application for the mixed use development at SA1 Swansea Waterfront, permission was granted in 2002.

The proposals are set out in a number of supporting planning documents, these have been reviewed in this consultation process. It is unclear why there are varying numbers reported within the documents, namely the Design and Access Statement, this has led to some confusion. In the section 2.1 Background, the history sets out that 425 spaces has been permitted in the past, a scheme for 600 spaces was then discussed as part of a pre-application. This was then reported to have led to a reduction of spaces on plot A9 in favour of dispersing some of the parking across SA1 with surface car parking. The section sets out the proposals are for 260 parking spaces, then 278 spaces and also 292 spaces.

The section 5.1 Design Development also sets out the history of the site and also details that the 425 spaces do not meet Welsh Government requirements. The requirements were for around 600 spaces, leading to a design iteration which achieved 612 spaces. Further information about what is known in relation to the surface car parks has been sought. The two proposals which are known are Land between Plot B5 and C4, capacity 41 car parking spaces and Land between Roberts Road and Prince of Wales Dock, capacity 170 car parking spaces. This provides a total of 211 surface parking spaces.

The existing permission has been granted for 425 car parking spaces, this application seeks permission for 278 spaces, as indicated on the planning layout drawings. On this basis there would be less traffic impact associated with this proposal than previously permitted. However, if the additional surface parking is taken into account there could be 489 spaces in total. This would be lower than the 600 identified as required, but higher than the 425 permitted.

There has been a reduction of around 100 car parking spaces due to the closure of temporary car parking at Plot A1, therefore it is not considered that traffic impact would be an issue as the time of current consideration. The concern would be that there could be further parking proposals submitted in piece meal and whilst these could be smaller than those known, at some point they may cause sufficient concern to require traffic assessments.

It would be useful for this application to set out the parking strategy as a whole and how this element works within that strategy.

The layout of the proposed multi-level parking has been reviewed. The masterplan layouts appear to confirm access from Padley Road, the location of which is likely to reduce any queuing back onto the main distributor of Heol Langdon. The application documents confirm that the design of the proposals will be provided in accordance with:

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Supplementary Planning Guidance (SPG), City and County of Swansea Parking Standards, March 2012;

Institute of Structural Engineers, Design recommendations for multi-storey and underground car parks, 4th edition, March 2011;

Institute of Highways Engineers (IHE), Guidelines for Motorcycling; Section 6 - Motorcycle Parking; and BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people.

What is requested for review at this stage are some additional details for consideration namely gradients and transitional strips on the proposed ramps.

There are no objections to be raised with the principle of the proposals, subject to the clarification sought on the wider parking strategy and the further detail required on the parking ramps.

Urban Design and Conservation Team - The approved SA1 outline application and masterplan allocated plot A9 as a multi-storey and there is a past lapsed planning consent for a 425 space multi-storey car park on this site. Therefore the principle of a multi-storey car park on this site has been established.

The amended scheme for a 278 space multi-storey car park is lower, with a shallower plan but longer frontage onto Fabian Way in comparison to the previous lapsed proposal. The pre-application process explored different ways of treating and breaking up this longer Fabian Way elevation to reduce the dominance. None of the cladding options were considered acceptable as documented in the DAS, but the proposed living green wall is a very exciting response to this challenging elevation. It is considered that the proposed living green wall would be a positive addition to the city approach to Fabian Way. The photo visuals show that this will integrate with the contemporary frontage of SA1 and will potentially provide an environmental benefit in terms of air quality/ particulates. It is noted that the living green wall is proposed to be a 'cassette' type system with plants in multiple contained and integrated watering etc. This is potentially the first green wall in Swansea and a new condition is needed to ensure that the green wall is properly maintained in perpetuity - it cannot be covered under the 5 year landscape condition.

The rest of building is proposed to be clad in hit and miss metal panels to a random pattern - this reflects the previous lapsed consent which is acceptable, but the colours of the panels will need to be refined at the condition stage to ensure harmony with the living green wall elevations.

The stretching of the footprint allows pedestrian accesses to be provided at each end off Padley Road and between plots A10 and A8 which is welcomed to maximise permeability.

The previous lapsed multi-storey car park scheme had a different red line and included the area between Padley Road and Fabian Way to provide a pedestrian and cycle route.

There is currently a well-used desire line in this area and there is s106 funding from the UWTSD development in the Peninsular Area to install a new crossing on Fabian Way in this location linking to St Thomas. The need for a formal pedestrian and cycle link to Padley Road was highlighted at the pre-application stage but hasn't been included.

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Given that this area is still owned by the Welsh Government it should potentially be blue lined and given the WG national emphasis on Active Travel the link should be conditioned as a requirement of this application.

Therefore approval is recommended with conditions as outlined above

Description

The application seeks reserved matters approval for a multi-storey car park pursuant to the varied outline planning permission 2015/1584 (granted on the 10th November 2015) at Plot A9, SA1 Swansea Waterfront, Langdon Road, Swansea.

The application site is a broadly rectangular parcel of land measuring approximately 0.45 ha. The site lies adjacent to Fabian Way but would be directly accessed from Langdon Road and Padley Road within the SA1 Swansea Waterfront. The site lies directly to the north of the office development of Langdon House (Plot A10) and to the east of the Ellipse office building (Plot A12). To the west is the vacant development site of Plot A7. The site is currently used as a temporary surface car park (Ref: 2015/2234).

Background

The site is allocated in the SA1 Swansea Waterfront Masterplan for use as a multi-storey car park with an indicative 5 storey height. Planning Permission for the construction of a multi-storey car park ('MSCP') with a 425 car capacity on Plot A9 was granted on 14th July, 2011 (Ref: 2010/0693) but was never implemented and the consent has since expired. The principle of constructing the MSCP is well established under the SA1 Outline Planning Permission and is an integral component of the comprehensive development of the SA1 Swansea Waterfront development. The procurement of the MSCP will enable the existing temporary surface car parks in SA1 to be released for further development.

Proposed Development

The proposal will accommodate 278 car parking spaces (including 21 ground floor disabled spaces - 7%) with a further 20 spaces which are 'enlarged' spaces for family use plus 14 motor cycle parking spaces. The main pedestrian and vehicular access would take place from the eastern side of the building from Padley Road and a further pedestrian access / exit will be located at the western end of the MSCP. The parking provision would take place over an 8 split-level deck with 4 levels overall.

The main northern elevation to Fabian Way together with the northern sections of the east and west elevations will be a 'living / green' wall. In order to incorporate openings for natural ventilation and natural daylight, a modular system is proposed. The modular green wall system will set the plants into cassettes which are fixed onto the metal sub-frame. The submitted details indicate a variety of plant species chosen to be appropriate for the available sunlight, salty conditions and the need for year round coverage, although the eventual details can be controlled through the planning condition. The living wall will include a built-in irrigation system and will require regular maintenance.

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The remaining southern and part eastern / western elevations will be finished in a cladding system comprised of four different length panels (colour to be agreed), fixed to a secondary steel frame connected to the main structure of the building. The two circulation cores at either end of the building will be clad in graphite coloured render with in-fill metallic grey panels and glazed curtain walling providing natural light. A brick plinth will be incorporated into the ground floor.

Community safety issues will be incorporated through the use of 'Park Mark Safety Scheme' standard, on-site management and CCTV.

Full details are as per accompanying plans and Design and Access Statement.

Main Issues

The main issues for consideration in this instance relate to whether the proposed development at this location, having regard to the prevailing Development Plan Policies, is an acceptable form of development in respect of the impact on the character and appearance of the area in respect of design, impact upon residential amenity and matters of strategic car parking and highway safety in the SA1 area. There are not considered to be any additional issues arising from the provisions of the Human Rights Act.

Development Plan Policy

As detailed above, planning permission was granted in August 2003 for a mixed-use development of SA1 Swansea Waterfront comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), and educational (D1/C3) uses and car parking. (Planning application 2002/1000 refers.) The general land use principle within SA1 for the provision of car parking has therefore been established. Further support is given to the principle of a major redevelopment area at SA1 for mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services by Policy EC2 of the adopted UDP.

An application submitted under Section 73 of the 1990 Act to vary Conditions 1, 2, 3, 5, 7, 14, 16, 20, 21, and 27 of outline planning permission 2002/1000 was approved on the 11th October 2010 (planning application 2008/0996 refers). The application was made principally to allow changes to the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the outline planning permission as varied requires development to accord with the SA1 Swansea Waterfront Masterplan presented as Figure A2.1 within the Addendum Environmental Statement (April 2010). Any departures from the approved Masterplan are to be considered on their merits having specific regard to the provisions of the adopted City & County of Swansea Unitary Development Plan Policy EC2 and relevant and related policy. The land use element of the approved masterplan allocates Plot A9 for a multi storey car park and therefore the proposal accords with the land use objectives of the approved Masterplan. Furthermore, the Masterplan suggests 5 storeys for this plot and therefore the proposed MSCP is in compliance with the suggested storey heights contained within the Masterplan.

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The SA1 Masterplan was amended further under the more recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart.

The area of greatest change would be centred around the southern end of SA1 entitled 'The Peninsula' which was originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan sought only to change those parts of the 2010 masterplan that had been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref: 2008/0996. The Section 73 Masterplan therefore continues to indicate the provision of a MSCP on Plot A9.

In view of the above mentioned planning framework it is considered that the proposal is in accordance with the relevant criteria of Policy EC2 in that the development of the site is considered to be comprehensive, it does not compete with the City Centre, is of a good standard of urban design and is easily accessed from Fabian Way and feeds pedestrians into the mixed use heart of SA1 via Padley Road and Langdon Road. It is considered that the proposal also embraces the principles of sustainable development where possible for a development of this nature.

Visual and Residential Amenity Impacts

In considering the specifics of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

As indicated above, the scale is in accordance with the SA1 Masterplan. The contextual elevations show how the four storeys of car park is equivalent to the height of the three storey wing of the adjacent Ellipse building to the east whilst a section through the development demonstrates that the proposed scale relates positively to Langdon House to the rear (south).

As the car park will mainly be viewed from Fabian Way, this northern elevation design treatment comprising of the 'living / green' wall will provide an interesting and appropriate design response to this primary elevation and provide an interesting visual screen to the MSCP. The type of planting species will require careful consideration having regard to the northern orientation, site conditions, the details of which will be controlled through the use of planning conditions, likewise the management and maintenance.

The use of the cladding system will give a contemporary feel that draws inspiration from the Ellipse building, whilst moving away from traditional car park design with horizontal emphasis. The cladding panels will also limit views into the multi-storey car park and the limited numbers of essential ventilation gaps are arranged in a random arrangement to reinforce the contemporary aesthetic. The pair of stair towers are used to 'anchor' the structure and to create focal points in the side elevations. These stair tower areas would be highly glazed to maximise natural lighting and the vertical strips of glazing continue the contemporary aesthetic.

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Notwithstanding the acceptable design approach, it is considered that the precise colours and details of the panels, the panel fixings, the main steel frame and the entrance doors and any canopies should be controlled via condition.

Criteria (xi) of Policy EV1 requires new development to have regard to the desirability of preserving the setting of any listed building.

The nearest listed building to the application site is that of St Thomas Church (grade II) approximately 90m to the north in Lewis Street. Part of the setting of this church is undoubtedly the slot/channelled views to the south through Lewis Street into SA1. At present this view is dominated by the rear of Langdon House office development with some views over the top to the development on the south side of the Prince of Wales Dock and Swansea Point beyond. The proposed development will change that view by bringing SA1 scale development closer to St Thomas where the church is the primary building and the 2 storey terrace properties subordinate. Having regard to the existing view of Landon House and the fact that this is a development plot within an outline planning permission for SA1 and previous use of the land as operational port, it is not considered that the car park proposal would unacceptably impact on the setting of St Thomas Church listed building. The listed buildings of J Shed and Ice House are located to the west within the SA1 Swansea Waterfront and having regard to the separation distance and intervening built form will not adversely the setting of those listed structures.

Further relevant criteria of Policy EV1 is that new development does not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. In this respect development of this nature has the potential to have significant amenity impacts particularly in terms of visual impact, general disturbance and traffic movements. Within SA1 however, the proposal would be screened/separated by existing or planned commercial development to any residential scheme. The most affected would be the occupants of Langdon House, which would be separated by between 15 and 20m from the south side of the car park development. Whilst such a relationship would not be acceptable in respect of residential development, the visual impact in respect of office staff would not be to an extent which could warrant a reason for refusal. Furthermore, by virtue of the Masterplan for SA1, Langdon House would have been developed in the knowledge that this site would be developed for a multi-storey car park at some point in the future.

Turning to the potential impact on residents at St Thomas, the nearest residential properties are separated by a distance of approximately 50m and by 5 lanes of traffic along Fabian Way. Importantly also, the orientation of the properties in this part of St Thomas is east west and as such main habitable windows and rear amenity spaces are not orientated towards this development. In terms of the impact on visual amenity, as stated above, the proposed development will change the channelled views towards the docks from the north south orientated residential streets of St Thomas, however, having regard to the views of existing development, the fact that this is a development plot within an outline planning permission for SA1 and the previous use of the land as operational port, it is not considered that the car park proposal would unacceptably impact on the visual amenity of the area. Furthermore, having regard to the separation between the site and the nearest residential properties in St Thomas, the nature of Fabian Way and the orientation relationship between the existing and proposed, it is not considered that the multi-storey car park would have an unacceptable impact on amenity in terms of loss of light or privacy, disturbance or traffic movements.

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The main potential impacts are therefore considered to be from headlights of vehicles using the car park and general light pollution, particularly from the top floor. In this respect UDP Policy EV40 states that 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. With regards to the impact of headlights, it is considered that this impact would be satisfactorily mitigated by a combination of the predominance of solid panels screening the headlights along the Fabian Way elevation and the east west orientation of properties in St Thomas which would prevent significant levels of light pollution.

With regards to the lighting within the car park, and in particular the top storey, it is recommended that a condition be imposed to ensure that the appropriate luminaries are used and any light pollution is minimised to an acceptable level. On this basis it is considered that the proposal would not conflict with the provisions of UDP Policy EV40.

Overall the proposed multi-storey car park is considered to be of an acceptable standard of design for a development of this nature and is well-suited to its SA1 context. Having regard to the foregoing, it is considered that proposal is in accordance with the requirements of UDP Policy EV1. Furthermore, as per the provisions of Policy EV2 the site utilises previously developed land and the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

Policy EV3 of the UDP requires new development proposals to provide access and facilities for all; contribute to a high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and be accessible to pedestrians, cyclists and users of public transport. In this respect the Design and Access Statement confirms that the proposed car park will guarantee equal and safe access to all users, it makes provision for disabled parking, is easily accessed from Fabian Way and provides satisfactory connections for pedestrians into the mixed use heart of SA1 via the Padley Road and Langdon Road. The proposal is therefore considered to be in accordance with the requirements of Policy EV3.

UDP Policy EV4 requires that where development and ancillary features impact on the public realm, designs should ensure that schemes integrate with areas to produce spaces and sequences that result in quality townscape and building frontages that actively engage with the public; are of human scale and provide effective surveillance resulting in spaces that are "people friendly" in terms of perceived and actual safety levels, and provide attractive detail through the use of high-quality, durable materials. The landscaping along the Fabian Way frontage will integrate the scheme into the wider public realm, with the detail controlled through a planning condition. The Crime Prevention Officer for South Wales Police does not raise any material issues which cannot be controlled through the management of the facility, and it is considered that the proposal will be in accordance with the provisions of UDP Policy EV4.

Strategic Car Parking

The Head of Transportation has advised that the structure has been designed in accordance with technical requirements and will be a valuable addition to facilities within SA1 providing much needed parking. No highway objections are raised with the principle of the proposals, subject to the clarification sought on the wider parking strategy.

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In this respect a parking note has been submitted which provides clarification in respect of the wider parking strategy at SA1 Swansea Waterfront. The Section 73 application under Ref: 2015/1584 outlined that three MSCP's would provide 1,574 spaces, two of which are in the domain of UWTSD and a further car park on Plot A9. Additionally, two surface car parks have recently been granted planning permission between Plots B5 / C4 (41 spaces - ref: 2017/2480) and Plot F (170 spaces - ref: 2017/2481). The provision of these car parks together within the proposed MSCP will provide the strategic car parking in SA1 and will allow the phased closure of the existing temporary surface car parks in SA1. The permanent surface car park and the additional proposal will provide a total of 489 permanent spaces releasing the temporary surface car parking for further development whilst ensuring adequate parking is maintained to meet the required need.

The design of the MSCP is not considered to give rise to any concerns in relation to highway safety and complies with aims and requirements of relevant policies within the UDP.

Conclusion

In conclusion of the above it can be noted that the principle of this form is considered to be acceptable when assessed against the provisions of development plan policy and the approved Development Framework/Masterplan for SA1. The MSCP is of a suitable form and design that will integrate appropriately within the SA1 area, will not have a detrimental impact upon amenity and offers an effective long term parking strategy for the area. Accordingly the development is considered to be acceptable an approval is therefore 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 WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: [01 -09; LA1, Existing & Proposed Photomontage x 2] received on [6 June, 2018].
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Notwithstanding the details shown on any approved plan and prior to the commencement of superstructure works, details of the materials to be used for the external surfaces of every aspect of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include Composite sample panels that shall be erected on site. Development shall take place in accordance with the approved details and the approved composite sample panels shall be retained on site for the duration of the works.
Reason: In the interest of visual amenity.

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- 3 Notwithstanding the details shown on any approved plan and prior to the commencement of superstructure works, the precise details at a scale agreed by the Local Planning Authority of the panel fixings, the mesh barriers, the entrance doors and any canopies, any rainwater goods and the main steel frame shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
Reason: In the interest of visual amenity.
- 4 Notwithstanding the details shown on any approved plan and prior to beneficial use commencing the ground floor openings shall be secured in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Development shall take place thereafter in accordance with the approved details.
Reason: In the interests of crime prevention.
- 5 Prior to first beneficial use of the development a scheme setting out details of all internal and external lighting, including the management and timing of illumination, shall be submitted to and approved in writing by the Local Planning Authority and shall be designed and managed to minimise any potential for light pollution. The car park shall be operated in accordance with the approved scheme thereafter.
Reason: In the interests of residential and visual amenity.
- 6 Notwithstanding the details shown on any approved plan, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site including the proposed planting scheme for the green wall. The landscaping scheme shall include screening details of the gas governor and north facing ground floor wall to Fabian Way. The landscaping scheme shall be carried out prior to the beneficial use of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 7 Prior to first beneficial use of the development a landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas including the green wall, shall be submitted to approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved thereafter.
Reason: In the interests of residential and visual amenity.
- 8 Notwithstanding the details indicated on any approved plan, a pedestrian / cycle link from Padley Road to Fabian Way shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority. The pedestrian / cycle link shall be laid out prior to the beneficial use of the development.
Reason: In the interests of permeability to improve access for pedestrians and cyclists between SA1 Swansea Waterfront and Fabian Way.

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- 9 Prior to the beneficial use of the development commencing a car parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall set the precise breakdown of public and contract car parking numbers. The development shall be implemented in accordance with the approved details.
Reason: To ensure adequate car parking for visitors and to support existing and proposed developments at SA1 Swansea Waterfront.
- 10 The development hereby permitted shall not be commenced until a scheme for the provision of foul, surface water and land drainage works has been submitted to and approved by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority.
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent pollution of controlled waters.

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: [EC2, EV1, EV2, EV3, EV4, EV6, EV33, EV34, EV35, EV38, EV40, AS2 & AS6].
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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 – EV4 - Public Realm

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

UDP – EV6 – Ancient Monuments

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

UDP – EV33 - Sewage Disposal

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

UDP – EV35 - Surface Water Run-Off

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

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

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

UDP – EV36 - Development and Flood Risk

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

UDP – EV38 - Contaminated Land

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

UDP – EV40 - Air, Noise and Light Pollution

The development of hazardous installations that would cause significant safety or health risk or adversely affect the natural heritage and historic environment will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

UDP – EC6 - Local Shopping Centres and Neighbourhood

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

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UDP – HC11 - Higher Education Campus Development

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

UDP – HC17 - Planning Obligations

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

UDP – R16 Major New Development Waste Management

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

UDP – AS1 - New Development Proposals

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

UDP – AS2 - Design and Layout

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

UDP – AS5 - Walking and Cycling

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

UDP – AS6 - Parking/Accessibility

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

Site History

App Number	Proposal	Status	Decision Date
2017/2606/FUL	Demolition of existing building and construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms - a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces)	PDE	

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2005/0367	New pedestrian ramped access to entrance and exit doors (Council Development Regulation 3)	APP 07.04.2005

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. TWO LETTERS OF OBJECTION have been received from Demarco's Dance Studios and Friendship House making the following points:

- Claiming use of Bargeman's Row;
- There has been a pedestrian access vis Canoldre Centre (to dance studios) for over 20 years;
- Car parking is already limited and the number of cars will increase making it unmanageable;
- The vehicle access from John Street and Jockey Street is narrow and will be a safety issue;
- No reassurance of building time scales and noise interruption for local business and residents.
- 12 storey building would lead to congestion.

Additionally, the proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

Design Commission for Wales - (Response to Original Submission)

It is disappointing to review this scheme at a late stage in the process now that it has been submitted for planning and there is little opportunity for constructive dialogue to add value.

The following points summarise key issues from the review and should be considered to inform any further design work:

Tall Building Design Justification

The design for a tall building needs to be properly justified and the response to the City's Tall Buildings policy made clear. Quality is particularly important for tall buildings because they have a significant impact on immediate surroundings and the wider cityscape.

Whilst the Commission fully understands the need for schemes to be financially viable in order for them to be delivered, cost alone does not satisfactorily justify building height, massing and density. There are a number of important issues to test during the design development for a tall building. These include, but are not limited to:

- Impact on key views (agreed with the local planning authority)
- Section drawings to test relationships with surroundings
- Environmental impact on surroundings and the rest of the site - including overshadowing, wind and solar access
- Test for 'slender and elegance', as required of the Tall Building Policy SPG

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- Impact of material composition and façade articulation on apparent massing and slenderness
- Comparison studies with alternative approaches to massing, including low rise options

The elevation drawings of the scheme presented at the review show that the current massing does not achieve a 'slender and elegant' solution. The current height to width ratio creates a block form rather than a slender tower. The panel agreed that a significantly different approach to massing would be required to achieve a 'slender and elegant' proposal, rather than merely adjusting the articulation and material composition. However, simplifying and rationalising the stepping of the forms and the material palette would help with elegance.

Creating a Place to Live

The Commission encourages the client, design team and local authority to work together to create an exemplar model for student living on this site and challenge the usual 'template' which sees standard rooms arranged in clusters with little thought given to quality of life. Investing more in design time and skills would create an opportunity to make this scheme deliver the best place to live that is possible within the constraints of the site and budget. Maximising efficiency in some areas would create opportunities to design for student comfort, social interaction, joy and delight - all of which enhance public value in the long term.

Landscape, Public Realm Design and Entrance

The landscape within the site should be designed in combination with the buildings for the students to enjoy. There is a challenge to avoid spaces which are largely overshadowed by the new buildings, as these are not likely to be nice spaces to spend time in. The area outside the café has the potential to become a lively social space, contributing positively to the streetscape, but careful design of that space is required for it to be successful. Improvements are needed to the design of the landscape area at the entrance to make it legible, social and welcoming. The Commission encourages the design team to suggest design improvements to the public realm around the buildings, especially at Jockey Street, which could be made predominantly for pedestrians and cyclists and integrated with the landscape forecourt of the building. Discussion and collaboration with the local authority on this are encouraged.

Section studies would help to design a useable, quality landscape, especially along the edge of John Street. Boundary and security fencing should be designed with care, as part of the landscape strategy, so that the scheme is both safe and welcoming. The whole arrival and entrance sequence demands further thought to resolve and refine it. The current proposal includes quite convoluted routes to some of the rooms, involving several level changes. This should be reconsidered. This place to live should feel welcoming, safe and homely for students, and the arrival and entrance experience plays a significant role here. Legibility and identity are important. Views out from the lift and stair lobbies would improve the experience.

Environmental Strategy

The Commission would like to see a strong environmental strategy developed in conjunction with form and massing studies. As well as energy efficiency and renewables, the strategy should take into account services integration, acoustics, comfort and delight.

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North and south facades may need to be treated differently to deal with overheating, glare, heat loss/gains and daylight.

Materials Strategy and Detail Design

It would be good to see a rational material strategy developed which is based on analysis of the context, and in response to the brief, to create a strong identity for the scheme. This would create a richer proposal compared to arbitrarily composing different materials across the facades. Simplification of the material palette in combination with good detail design has the potential to add value whilst improving cost effectiveness. Careful detailing of eaves, setbacks, door and window reveals, services and rainwater goods will be important to overall quality.

Glamorgan Gwent Archaeological Trust - Thank you for notifying us of this application; consequently, we have consulted the information on your website and also the information in the Historic Environment Record. The proposal will require archaeological mitigation.

The application area is located in an area of former post-medieval housing, to the west of the 19th century main railway line, and to the east of High Street, where the road line is Medieval in origin. The area is outside the northern boundary of the Medieval town, and the housing developed as a result of the industrial growth of Swansea from the 18th century onwards. The route of a Roman road potentially passes close to the site to ford the River Tawe 0.22km east of the site. The accompanying documents include an archaeological desk based assessment, undertaken by Archaeology Wales (ref: 1551, dated February 2017). This work meets the current professional standard and allows us to make an informed recommendation regarding mitigation.

The likelihood of encountering archaeological remains is examined in the assessment. The potential for Roman, Medieval, and post-medieval remains of significance is considered low, and medium for remains of the later housing. In order to mitigate this, an archaeological watching brief is considered appropriate, set within a written scheme to ensure that the archaeological response is measured.

We therefore recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief during any ground disturbing work, identifying any elements of the proposals which may also need to be hand-dug by archaeologists, which will also ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

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No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource. We also recommend that a note should be attached to the planning consent explaining that:

A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork

CADW - response to the pre planning application consultation for the proposed development.

Advice

It is considered that due to intervening buildings topography and vegetation the proposed development will not be visible from the scheduled monuments and therefore it will not have any impact on their settings.

Our assessment of the application is given below.

Swansea Castle (GM012)
Original Swansea Castle (GM441)
Foxhole River Staithes (GM481)
White Rock Copper Works (GM482)

The proposed application will be accompanied by an archaeological desk-based assessment prepared by Archaeology Wales which has considered the impact of the proposed development on the settings of the scheduled monuments identified above which are all inside 1km of it. This report concludes that due to intervening buildings topography and vegetation the proposed development will not be visible from the scheduled monuments and therefore it will not have any impact on their settings. We concur with this assessment.

Council's Drainage Engineer - Based on the submitted Drainage Strategy Ref C481, Jul 2018 we have no further concerns as the two options keep surface water away from the rapid topographic change as much as possible. The Authority's preference would be for the drainage blanket to be used rather than geocellular as the blanket would more closely replicate the site in an greenfield situation. We recommend a surface water / land drainage condition is appended to any permissions given.

Dwr Cymru Welsh Water - No objection subject to conditions.

Natural Resources Wales ('NRW') -

Initial response 18 January, 2018

We have significant concerns regarding the proposal as submitted and consider that there is currently insufficient information to assess the possible impact on bats, a European protected species.

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We require additional information before we can provide your Authority with detailed comments on the application. We would be happy to review our position following receipt of the information listed below.

Ecology and Protected Species

We note the submission of the document entitled; 'Proposed New Student Accommodation on land at Jockey Street, Swansea, SA1 2EU - Preliminary Ecological Appraisal (Version 2 - Final', dated September 2017, by Gould Ecology. The Appraisal states that a site visit was carried out on the 7 September 2017. No evidence of bat use was found within the building or associated with any external feature. However, the appraisal states that there is potential bat access to the wall cavity of the building at certain locations, and assesses the building as having a 'low' potential to support roosting bats.

Consequently, the Appraisal recommends that a further bat survey is carried out; 'in order to provide sufficient confidence in making an assessment of their presence / absence and to inform any required mitigation proposals for the species.' As part of our statutory pre-application response (1 December 2017 - enclosed), we noted the recommendations made by Gould Ecology, in Section 7.1 of the report, that further survey work was required. However, this further protected species information has not been provided as part of the planning application. As a result, we are not in a position to provide your Authority with a fully informed response.

Further NRW response, 10 July, 2018

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

Ecology and Protected Species

We note the submission of the new document entitled; 'Proposed New Student Accommodation on land at Jockey Street, Swansea, SA1 2EU - Bat Survey (Version 1 - Final)', dated May 2018, by Gould Ecology.

The above report has identified that bats were not using the application site. We therefore have no further comments to make in relation to European protected species. However, we would refer your Authority to our previous responses (dated; 16 January 2018 and 1 December 2017), for our comments in relation to: foul water disposal, surface water disposal, pollution prevention, environmental permits/exemptions and waste management.

Comments made as part of PAC process

Foul water disposal - foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water drainage and considered to be the most sustainable. Consultation should be undertaken with DCWW to confirm sufficient hydraulic capacity.

Surface Water Disposal - surface water is intended to be discharged via soakaways and storage tanks. This is a matter for the Local Authority drainage engineers.

Pollution prevention and waste management - the developer should produce site specific CEMP & SWMP.

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Council's Ecologist - The Preliminary Ecological Appraisal recommended further surveys for bats and reptiles and recognised the potential for encountering nesting birds.

Bats

The bat survey did not find any evidence of the building being used as a bat roost; therefore, no licence will be required. However, the applicant should be informed of the potential for encountering a bat during construction.

Reptiles

A reptile survey should be conducted. This can be conditioned. The optimum survey windows are 1st April - 30th June and 1st - 30th September.

Nesting Birds

There is potential for encountering nesting birds on-site.

Japanese Knotweed

Japanese knotweed is present on-site. A scheme for its removal/treatment will be required.

Landscape

The landscape scheme is appropriate.

Additional

A condition should be added requiring vegetation removal to be supervised by a suitably qualified ecologist. This should take into account nesting birds, reptiles (if present) and the knotweed treatment/removal scheme. The ecologist should submit a brief summary to discharge the condition

Head of Environmental Management (Pollution Control) - no response

Designing Out Crime Officer - Having visited the site and having consulted with local police officers, South Wales Police will not be objecting to the above planning application. However conditions are requested in respect of perimeter security, lighting, vehicular and bicycle parking, landscaping, CCTV, security, access and management.

Highway Authority - Please see comments forwarded to the agents as part of the PAC Process giving negative feedback. As nothing has changed since the original pre-app then the comments still stand and refusal is recommended.

I have reviewed the enclosed documents and have the following comments to make:

1. We do not accept the conclusions made regarding the car parking provision and as such would not accept 4 spaces as a total to serve 453 students plus mixed uses on the ground floor. The managed student accommodation levels referred to rely on tenancy agreements and as such the use of the tenancy agreements is inherent in accepting the already reduced parking provision of one space per 10 plus one space per 25 beds. For 453 bedrooms this would equate to 63 spaces. The section on car parking and targets in the Transport Assessment is confusing and contradictory.

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2. Subject to the correct parking provision there would be a requirement to provide significant enhancements to the pedestrian access from the site to New Cut Road (through the tunnel). The current layout is hostile and would be unlikely to be used in its current state. Without improvements it is not felt that the site has adequate pedestrian links to cater for the predicted pedestrian movements.
3. In line with the Council SPG on Section 106 contributions there are shortfalls in the existing infrastructure that would need to be improved to mitigate for this level of development at this location. For the numbers of units involved this would be a maximum of £142,000. Areas identified at this preliminary stage include:
 - o Improve the existing on road cycle route along the Strand, which runs as far as Kings Lane, and also extend it as far as Quay Parade, where it will tie in with the route on the shared use path.
 - o Footways on the second Tawe Crossing to provide another route across the river;
 - o Convert the crossings on the junction with Parc Tawe Link to Toucan type.

Amended plans July 2018

Further to our formal comment made on 17/01/2018 we have reviewed the amended plans and have nothing further to add.

Our recommendation remains one of refusal on the grounds that the provision of 4 car parking spaces to serve 414 students and the ground floor uses is wholly inadequate and would be detrimental to highway safety by virtue of indiscriminate parking arising. In addition the pedestrian links to and from the site are poor and as such it is considered that the predicted pedestrian movements would not be fulfilled, instead relying more on cars/taxis which are not adequately catered for within the curtilage.

Urban Design & Conservation Team: Placemaking and Heritage Consultation -

This planning application site lies to the north of Swansea Rail Station. It is currently a vacant modern community hall building and surface car park and the area suffers from anti-social behaviour. The site was redeveloped in the 1960s and the past use of site relates to worker's housing for Swansea Canal and Cambrian Pottery alongside the Tawe.

Immediately to the north is the three storey friendship house and single storey dance studio. Further to the north on the opposite side of Bethesda Street is the former Bethesda Chapel (grade II* listed) which has now been converted to offices. To the east is a closed street (Bargeman's Row) then an area of scrub land which slopes down to New Cut Road. To the south is the Business faculty of University of Wales Trinity St David's and the Valuation Office and Swansea Rail Station. Further to the south-west is the Mariner Street site where a surface car park has planning permission for high density student accommodation comprising a 21 storey tower in part. Finally to the west is three storey residential accommodation (Bethesda Court) with the derelict Palace Theatre (grade II listed) on the opposite side of Prince of Wales Road. Further to the west are a number of Council high rise flats including the Matthew Street blocks (12 storeys) which have recently been re-clad to significantly improve the external appearance.

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This site lies within the Upper High Street area as identified in the Swansea Central Area Regeneration Framework (SCARF). The vision theme for this area is 'Living, Working and Learning'. The High Street area to the south of the rail station is regenerating with the Urban Village live/ work catalyst project and subsequent approvals for Purpose Built Student Accommodation that are under construction. This Jockey Street application with over 400 student bedrooms has potential to instigate positive regeneration of the upper high street and help discourage the current antisocial behaviour in the area.

The initial proposal for scheme for 453 student bedrooms on this site was considered unacceptable due to excessive massing and a dominant monolithic form. As part of the assessment and negotiation of the application the initial scheme was referred to the expert impartial Design Commission for Wales. They shared the LPAs concerns about the massing and also made helpful suggestions to improve the architectural design. Rather than refusing the application, the scheme was negotiated to reduce the number of bedrooms to 414 and amend the massing to create two distinct elements; an urban scale block and tower that was increased in height from 12 storeys to 16 storeys to increase the slender appearance.

The Jockey Street site is identified as a 'Consider Zone' in the adopted Tall Building Strategy Supplementary Planning Guidance where 'tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals' (4.3). Therefore the proposals have been assessed using the principles set out in adopted Tall Building Strategy Supplementary Planning Guidance as follows:

Land uses

The Upper High Street is a mixed use area and within this context, the proposal is for 414 student bedrooms with an active frontage ground floor communal area. With 414 student residents coming and going during the day and evening, this will significant increase the footfall in the area, making it feel safer, more vibrant and creating demand for new commercial uses. The ground floor active frontage ensures life and activity on Jockey Street to help make this pedestrian link feel safer. This is in accordance with the Tall Building SPG and SCARF regeneration framework.

Scale form and massing

The main requirement for tall buildings is for the massing to be slender and elegant and not monolithic in appearance. The initial planning application proposals for this site were considered to be too monolithic and therefore unacceptable; following a period of negotiation the number of bedrooms was reduced (from 453 to 414) which allowed the massing to be amended to create distinct tower and separate urban block forms with the tower located at the south eastern part of the site to emphasise the station as a key gateway point in the city and to start to create a cluster of tall buildings around the rail station (also including the existing Oldway House, approved Mariner Street student accommodation scheme with 21 storey tower).

The proposed contextual elevations demonstrate that the 6-7 urban block is of similar scale to the existing UWTSD Business Faculty and slightly higher than the existing John Street/ Bethesda Court flats which is considered to be an acceptable relationship across an urban street.

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The proposed 14 storey tower is approximately twice the height of the UWTSD Business Faculty and the verticality of the tower has been accentuated by the use of materials and architecture to effectively turn the tower into four linked vertical elements. It is considered that this meets the Tall Building Strategy SPG test that requires "Tall buildings should be of slender proportion and elegant in design.... and ensure the building does not appear slab like".

Heritage

There are a number of listed buildings with 500m of the site as follows:

The derelict grade II listed Palace Theatre lies approx. 55m to the west of the site with the John Street three storey flats visually separating the site. The main focus of this derelict theatre building is the southern 'point' which is unaffected by the proposals. There is very limited intervisibility and the proposal does not detract from the setting of this listed building. The presence of 400 additional students in the area passing the Palace may make this building more viable as a regeneration project.

The former Bethesda Chapel lies approx. 50m to the north of the site and the chapel frontage overlooks the site. The proposed development will be clearly visible from the entrance to the former chapel as shown in 'sketch view 04' of the DAS addendum. Whilst this will change the view from the chapel frontage this is considered acceptable in an urban context plus there are no impacts on key views to this listed building.

The grade II listed former St Matthews Church lies approx. 110m to the south west of the site on High Street. There is no intervisibility between this listed building and the site therefore there are no heritage effects in this instance. Similarly the grade II* listed Ebenezer Chapel lies 200m to the south west with intervening built form and no visual relationship.

It is approx. 400m to the closest point of the Alexandra Road Conservation Area 400m which comprises a significant cluster of Listed Buildings including the Glynn Vivian Art Gallery. The verified visual VP04 demonstrates that there is no indivisibility between this heritage grouping and the site.

The grade II listed Hafod Bridge lies approx. 400m to north of the site. It is likely that there will be winter views to the proposed development when the trees are not in leaf from the overbridge to the site and there may also be views from Upper Strand from the underbridge. Given the functional transportation nature of this listed structure it is considered that the views from it are neutral and there is no effect on views to this listed structure arising from this proposed development.

There are a number of scheduled ancient monuments within 1km of the site including Foxhall Staithe, White Rock Copperworks, Swansea Castle and Original Swansea Castle Site. The Pre-application Consultation (PAC) response from Cadw in relation to these designated heritage assets notes that due to intervening buildings, topography and vegetation there will be no intervisibility and therefore no impact.

There will be views of the tower from the Vivian's Town Conservation Area which lies approx. 800m to north. It will be viewed in the distance as part of the urban cityscape and is acceptable on this basis.

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Visual

Verified visual testing has been undertaken which confirms that the tower would form a highly visible positive addition to Swansea's skyline as follows:

VP01 - the view from the Dyfatty Footbridge to the north which also includes the Matthew Street flats to the right of this view. This shows that the upper part of the 6-7 storey urban block would be visible as part of the urban roofscape and the north elevation of the tower would be visible as a slender and elegant form.

VP02 - the view from Windmill Terrace to the east includes the east side elevation of the tower which would be broken visually into two vertical forms through the use of materials and architecture. Furthermore the angled roof to the southern tower element can be seen which orientates to the rail station and sea.

VP03 - the view from the south on New Cut Road with the recent St David's purpose built student accommodation on the right (approx. 9 storeys). This shows that the upper part of the 6-7 storey urban block would be visible as part of the urban roofscape and the south elevation of the tower would be visible as a slender and elegant form with high levels of glazing.

VP04 - the view from the junction of Orchard Street and Alexandra Road demonstrates that the proposal will not be visible from the Conservation Area on Alexandra Road, furthermore the Mariner Street site will be developed for a separate approved tall building student accommodation scheme.

VP05 - the view from Berwick Terrace to the west demonstrated that the upper part of the 6-7 storey urban block would be visible as part of the urban roofscape and the west elevation of the tower which would be broken visually into two vertical forms through the use of materials and architecture. Furthermore the angled roof to the southern tower element can be seen which orientates to the rail station and sea. Additionally it can be seen that the proposed tower forms part of an existing cluster of taller buildings around the rail station with the existing approval for a 21 storey tower on the Mariner Street site to the right of this view adjacent to Oldway House.

Transport, Movement/ Active Travel

The site is a 350m walk from the rail station and 300m walk from bus stops on High Street, it is therefore a highly accessible site that does not require car parking. The development will also create important active frontage on Jockey Street which provides an attractive aspect and natural surveillance of the pedestrian route from New Cut Road/ Morfa Road where a new river front district is developing and linking this area more safely to the High Street and wider city centre. It is important to note that the Police Designing Out Crime Officer has not objected to this development.

Parking

The proposal is for 4 operational parking spaces which could be used for drop off/ pick up at start/ end of term time. This parking area also forms a turning head for the refuse truck/ delivery vehicles to service this development.

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Given the national emphasis on active travel (walking/ cycling) plus the well-being goals that seek to reduce car dependence and the impacts such as particulates, from a placemaking perspective the proposed low level of car parking is considered on balance to be acceptable. As the applicant points out, the level of parking proposed is comparable to other proposed built student accommodation schemes recently consented and to accommodate 51 parking spaces on site as required by the parking standards SPG would result in the majority of the active frontage being lost and replaced by a 'dead' frontage of car parking which would most likely encourage additional anti-social behaviour due to the lack of natural surveillance.

To ensure that walking and cycling are supported by this development in the wider city, the Transportation Officer has requested off-site improvements to walking and cycling provision funded through an s106 agreement.

Public realm

The proposal is to create a multi-functional frontage area with 4 parking spaces, turning/servicing area, informal hard paved space and trees. This would be an open frontage that is informally policed by the active ground floor frontage and overlooking from bedroom windows to ensure a positive interaction with the public realm.

There would be a secure 'garden' area to the rear (north) that is secured by the building and unclimbable fencing where necessary. The ground floor active frontage space has high levels of glazing that allows views through and visually links the south forecourt to the north garden area.

The application red line has been increased to include Jockey Street so that this adopted highway can be enhanced in an agreed via a condition. This is welcomed because the only vehicles using Jockey Street will be those accessing or servicing this student development; it is not a through route for vehicles but it will be very well used walking route by the 414 students resident in the development and the wider emerging population along Morfa Road that also use Jockey Street to access High Street its facilities. Therefore an enhancement as a 'shared surface' would reflect the high levels of pedestrian use and low levels of access only slow speed vehicles.

Quality

As well as reducing/ amending the massing to an acceptable, the elevations were 'simplified' following the helpful comments of the Design Commission for Wales. This resulted in a more logical disposition of materials and more elegance to the elevations.

The 6-7 storey urban block has a glazed ground floor podium (active frontage) with brickwork above that frames groups of windows accented by recessed brick panels and a grey clad slightly inset top floor to be visually recessive and read as a roof element.

The tower is finished in a light coloured cladding system (no render) and two types of brickwork to give a vertical emphasis. It is given depth by stepping façade lines and the southern aspect is accentuated by an angled skyline with a pair of 'fins'. This angled profile will help create a memorable skyline that identifies this development and emphasises its place in the city.

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All windows to bedrooms and lounges are full height which maximises the natural surveillance as well as maximising the natural lighting of the rooms. This also has the architectural effect of 'lifting' the elevation with generous windows, many of which are visually grouped using recessed panels. The design also includes corner windows and vertical bands of glazing that articulate the elevations and emphasise the verticality.

The delivery of the quality of elevations as shown in the CGI images can be ensured by requiring large scale drawings of key details such as selected windows in their openings and by requiring a composite sample panel of all materials on site to see the actual juxtapositions.

Microclimate

There is no wind effect report provided in support of this application. This may impact on the public realm and therefore must be conditioned to be carried out and mitigation if required such planting, public realm and building features must be agreed before any work starts on site.

Security

This development seeks to address the antisocial behaviour that has occurred in this area through positive design, natural surveillance and positive footfall. At the ground the active floor frontage comprises a legible and secure main entrance, plus full height windows to the communal spaces for the students. The forecourt area is open and no security shutters are proposed to the ground floor - this is welcomed to make a positive statement about the new development's transformative potential rather than resulting to a defensive and fortified approach. The full height bedroom and lounge windows above maximises overlooking of the streets and public realm whilst ensuring no loss of privacy across John Street to the flats in the Bethesda Court development.

Access for all

The proposal addresses access for all with potential for one or more accessible parking spaces in the forecourt area. There is a legible and level entrance into the building with lifts to all floors. Within the building there are a number of accessible independent studio rooms and accessible rooms within cluster flats.

There needs to be an acknowledgement that Jockey Street itself is a historic sloping alignment and does not meet modern accessible standards and whilst it can be made more attractive and safe through the expanded red line boundary and a condition requiring the improvements to be agreed and triggered, the gradient of this street cannot be altered.

Summary

This proposal has been negotiated to an acceptable scheme that meets the requirements of the adopted Tall Building Strategy SPG and the Swansea Central Area Regeneration Framework. It would create a new city landmark at a key gateway related to the rail station. The architecture is a quality approach with a slender and elegant tower. The high density student development will help tackle the issues of antisocial behaviour through active frontages and positive footfall. It will also contribute to the regeneration of the upper High Street. Therefore the approval is recommended subject to the following conditions:

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- o Composite sample plane of all materials on site
- o Large scale drawn details of:
 - o Ground floor glazing
 - o Main entrance
 - o Brick details and interfaces between materials
 - o Typical bedroom windows in their openings
 - o Typical lounge windows in their openings
- o Roof edges and corners to cladding systems
- o Ramp/ steps and associate wall/ handrails
- o Scheme for the enhancement of Jockey Street within the red line
- o Wind effect study and agreed mitigation before work starts on site

APPRAISAL

Introduction

The planning application is for a purpose built student accommodation (PBSA) development on land at Jockey Street, Swansea. The scheme proposes the demolition of the existing building on the site (Canoldre Centre - a former adult education / community centre and associated car park) and the construction of a purpose built student accommodation building between 6-14 storeys (up to 414 bedrooms a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces).

The application states that the proposed development is responding to the preference for purpose-built student accommodation development as opposed to Houses in Multiple Occupation as a means of accommodating the growing number of students choosing to study and reside in Swansea.

Application Site and Surroundings

The application site covers an area of 0.3 hectares and is positioned directly adjacent to the Swansea Railway line and the University of Wales Trinity Saint David Business Campus - Ty Bryn Glas. To the north there are two buildings which bound the site, namely Friendship House and Demarco's Dance School. The Landore park and ride express bus route runs along the northern boundary, whilst the eastern boundary abuts the overgrown area of Bargeman's Row. At the eastern end of Jockey Street there is a short tunnel which runs underneath the railway line and provides a pedestrian access down onto New Cut Road. In close proximity there is the former Bethesda Chapel - 'Ty Findlay' (a Listed Building) and the Palace Theatre (also listed) is located to the north west.

The proximity of Swansea train station provides sustainable transport links for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. A regular bus route served by the First Bus Company also runs along High Street and there are good cycle linkages in the vicinity of the site, with a signed cycle route running from Mariner Street Car Park, along Orchard Street and to the city centre. There are also extensive cycle paths in and around the site that run north along the River Tawe and south / south west to the seafront to the main university campus.

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High Street remains a key route from the Railway Station towards the retail core of the central core. The Railway Station has had recent investment and enhancement providing a significant point of arrival for visitors and workers arriving by train. Improvements in the built fabric of the area have been stimulated by the Urban Village scheme frontage to High Street, and new infill developments on derelict sites below along The Strand. This has begun to redefine the character the area based on mixed uses including the arts and creative industries, with live/work opportunities for start-up and artisan businesses. Some ground floor space has also been let to new retail and commercial businesses, but more is required to encourage appropriate upper floor residential uses which to generate a new community as well as ground floor commercial occupation. The Urban Quarter development in High Street will further contribute to the regeneration of the area, and planning permissions have been granted for two substantial PBSA developments in close vicinity, namely Mariner Street (Ref:2016/0556) and the Oldway Centre (Ref: 2016/1320), the latter is currently being implemented.

Proposed Development

The student accommodation scheme ('PBSA') would involve the demolition of the existing Canoldre Centre, and the construction of the PBSA would comprise of a lower ground floor (incorporating a bicycle storage area) with 13 upper floors incorporating a total of 414 bedrooms consisting of a mixture of 4, 5, 6 and 7 bedroom cluster flats with shared kitchen / communal area and also a number of studio apartments (25). The ground floor would incorporate the bin storage area, reception/ communal area, a café (Class A3) to act as a working / social meeting area, launderette, with 4 car parking spaces (including 2 disabled) and landscaping. The building would extend up to 14 stories with the higher tower section on the eastern boundary adjacent to the railway line with the lower 6 storey section located on the western boundary adjacent to the existing residential development on John Street / Prince of Wales Road.

Supporting Information

The planning application has been supported with the following documents:

- o Design and Access Statement (DAS) and DAS Addendum including verified views (CDN Planning)
- o Planning Statement
- o Ecological Appraisal + Bay Survey (Gould Ecology)
- o Transport Statement (Transport Planning Associates)
- o Air Quality Study (White Young Green)
- o Archaeology Study (Archaeology Wales)
- o Daylight and Sunlight Amenity Study (Rapelys)
- o Ground Investigation (Ground Investigation Wales)
- o Noise Report (Acoustics & Noise)
- o Drainage Strategy

Access Arrangement and Parking

Access to the 4 car parking bays and service area will be from Jockey Street via John Street. Mariner Street. This will create a largely car-free development. In order to ensure that students do not utilise the parking places without prior approval, the tenancy agreement will prevent students bringing a car to the site, or parking on the site itself.

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Landscaping

The site area will be landscaped with the building itself enclosed with a secure fence line.

Material Planning Considerations

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

- o Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- o Townscape and visual impact;
- o Impact on residential amenity including noise impact;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Impact on archaeology and cultural heritage;
- o Flood risk and Drainage;
- o Pollution and ground contamination;
- o Impact on ecology;

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

Development Plan Policy and Supplementary Planning Guidance

National Planning Wales - PPW (Edition 9, November, 2016)

The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015. Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker in taking decisions on individual planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Paragraph 4.2.4 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

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- o in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- o in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- o which secure land for urban extensions, and;
- o which facilitate the regeneration of existing communities.

Development should be located having regard towards securing a sustainable settlement pattern, on previously developed land and at locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good. New development should minimise the need to travel and increase accessibility by modes other than the private car. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development should be encouraged near public transport nodes and corridors well served by public transport.

Paragraph 8.7.1 states when determining a planning application for development that has transport implications, local planning authorities should take into account:

- o the impacts of the proposed development on travel demand;
- o the level and nature of public transport provision;
- o accessibility by a range of different transport modes;
- o the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
- o the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- o the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- o the effects on the safety and convenience of other users of the transport network.

Swansea Unitary Development Plan ('UDP')

The site is afforded white land status (i.e. unallocated) in the adopted UDP where redevelopment proposals are considered on their merits.

UDP Policy EV1 requires that the scheme provides a safe environment for future occupiers by addressing issues of security, crime prevention, fear of crime, and giving consideration to spaces and routes around the site. There is some concern whether connections to/from the site and areas around it are possible having regard to personal safety issues for future residents. The safety and quality of pedestrian routes from the site to the City Centre and local facilities is crucial. UDP Policy AS2 in particular states that the design and layout of new developments should provide suitable facilities and attractive environment for pedestrians and non-car users. The extent to which the submitted scheme meets these requirements to provide safe, attractive direct links for the large number of pedestrian movements that would arise from residential occupiers is a significant consideration.

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UDP Policy HC11 relates to Higher Education campus development, and whilst the policy relates to all forms of campus development, it does state that appropriate City Centre sites for student accommodation will be favoured, as a way of encouraging City Centre living, contributing towards its revitalisation. This site is situated outside the City Centre core action area.

This site lies adjacent to the defined boundaries of the Swansea Central Area Regeneration Framework (SCARF) area and the Upper High Street area is identified as an area where the vision theme is 'Living, Working and Learning'. The High Street area to the south of the rail station is regenerating with the Urban Village live/ work catalyst project and subsequent approvals for Purpose Built Student Accommodation that are under construction. This Jockey Street application with over 400 student bedrooms has potential to instigate positive regeneration of the upper high street and help discourage the current antisocial behaviour in the area.

Purpose Built Student Accommodation (PBSA Supplementary Planning Guidance

As indicated Policy HC11 favours appropriate City Centre sites for the development of student accommodation. The Council has been preparing Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) and the draft report was presented to this Committee on 4 July, 2017. In respect to PBSA, the SPG sought to promote such developments in appropriate City Centre sustainable locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; with good access to services, facilities and public transport and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for this area. However, the Planning Committee resolved not to adopt the SPG and to carry out further public consultation in respect of the threshold limits for HMO's.

Whilst the draft SPG was not adopted, it did indicate that where proposals for student accommodation are on campus they will be assessed against the criteria under policy HC11, and where they are proposed off campus they will be assessed against UDP Policies including Policies EV1 and EV2. The LPA will therefore favour City Centre sites for PBSA unless the proposed site is within a Higher Education Campus. However, the SPG proposed that the LPA will consider PBSA proposals at sustainable locations on the edge of the City Centre where it can be demonstrated:

- o There are no available and suitable sites in the City Centre; and
- o There is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
- o The development would give rise to an overall benefit to the vitality and viability of the City Centre.

Whilst the SPG is in draft format only and has no formal status, it provides useful background to take forward when considering an application of this type

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Availability and Suitability

As indicated the application site is not located within the City Centre Action Plan Area, however, there appears to be a continuing demand for PBSA in Swansea and several schemes have recently been granted including sites on the edge of the City Centre - i.e. Plot A1, SA1 Swansea Waterfront (Ref: 2016/1511 and Morfa Road (ref: 2016/1573). Both Swansea University and University of Wales Trinity St David (UWTSD) have in recent years increased the numbers of students within Swansea and this trend is expected to continue within the coming years. It is considered that the projected increase in the levels of PBSA within the City Centre confirms the significant shortfall of student accommodation and highlights the need for the delivery of further accommodation. Whilst UDP Policy HC11 does not specifically exclude new PBSA from areas outside of the City Centre, in land use policy terms, it is argued that the development seeks to make efficient use of an underused brownfield site which is in accordance with both Planning Policy Wales and the UDP.

Analysis of Role and Demand for PBSA

The draft SPG on PBSA highlights the growth of this sector in recent years and the national pattern for PBSA to help meet the accommodation demand. This recent national trend has also now being experienced in Swansea and the draft SPG (2017) states that the LPA has approved circa. 3,200 PBSA bed spaces in the last three years on sites located within and around the edge of the City Centre. It is indicated that in the 2014/2015 academic year, there were approx. 26,400 students attending Swansea University and UWTSD and that this number is set increase to around 32,000 by 2024/2025. National Research suggests that the average university town houses 26% of its students in halls of residence (University or PBSA), with 38% in parental / own home and the remaining 26% in HMO's. In Swansea only 18% live in halls of residence (16% University Halls / 2% PBSA), with 36% in parental / own home and 46% in HMO's. It should be noted that of the additional 3,200 PBSA bed spaces, very few have yet to be delivered and whilst it is difficult to accurately predict future demand, this is a significant increase but it is still below the anticipated growth in student numbers and the draft SPG policy is to encourage PBSA schemes to sustainable locations.

Accessibility and Connectivity to the City Centre

Criteria 2 of the draft SPG set out that acceptable accessibility and connectivity to the City Centre is achievable by walking, cycling and public transport. The nearest public transport bus stop is located on High Street and within close walking distance of Swansea Railway Station. Therefore the site is outside of the City Centre Core Area but it is located within a sustainable location in terms of access to public transport and in walking distance of services within the City Centre.

Tall Building Strategy SPG

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

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The SPG indicates that tall buildings should:

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

Places to Live Residential Design Guide SPG (2014)

Whilst this adopted design guide is generally aimed at housing developments, it is relevant to this proposal in terms of high density city centre living considerations and the residential amenity tests. The majority of the design requirements are set by the Tall Building SPG.

The relevant requirements of the Residential Design Guide include:

- o Maximise density in accessible location - as indicated above the, site is in a highly accessible location. It is well served by public transport, walkable to the city centre and a cycle ride to the various university areas. The Residential Design Guide sets the objectives of maximising densities in accessible locations and clearly is a high density development and there would be significant regeneration benefits.
- o Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are easy to locate, and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design. The proposed main student entrance will be Jockey Street and there would be a number of communal facilities at ground floor including a café and will be visible and legible.

Townscape and Visual Impact

Whilst the application site is not located within a prominent location, being a tall building, it would be visible from a number of locations and therefore needs to be appropriate in terms of its mass, form and design and respond to the context of the surrounding urban environment in a positive manner. The policy position, set out primarily in policies EV1, EV2, EV4 and AS2 and supported through Supplementary Planning Guidance requires that new development be, amongst other criteria, appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. Furthermore development should integrate effectively with adjacent spaces and the public realm to create good quality townscape.

As indicated in the Placemaking consultation outlined above, the initial proposal for scheme for 453 student bedrooms on this site was considered unacceptable due to excessive massing and a dominant monolithic form. The initial scheme was referred to the Design Commission for Wales and shared the Local Planning Authority concerns. The revised scheme of 414 bedrooms has therefore sought to address those concerns by amending the massing to create two distinct elements; an urban scale block and tower that was increased in height from 12 storeys to 16 storeys to increase the slender appearance in accordance with the Tall Buildings SPG.

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The DAS Addendum has incorporated a number of verified views of the proposed development which confirms that the tower would form a highly visible positive addition to Swansea's skyline.

In addition to reducing the massing of the building, the elevations were 'simplified' in line with the advice of the Design Commission for Wales. The 6-7 storey urban block has a glazed ground floor podium (active frontage) with brickwork above that frames groups of windows accented by recessed brick panels and a grey clad slightly inset top floor to be visually recessive and read as a roof element. The tower is finished in a light coloured cladding system (no render) and two types of brickwork to give a vertical emphasis. It is given depth by stepping façade lines and the southern aspect is accentuated by an angled skyline with a pair of 'fins'. This angled profile will help create a memorable skyline that identifies this development and emphasises its place in the city. The full height bedroom and lounge windows will maximise the natural surveillance as well as maximising the natural lighting of the rooms. This also has the architectural effect of 'lifting' the elevation with generous windows, many of which are visually grouped using recessed panels. The design also includes corner windows and vertical bands of glazing that articulate the elevations and emphasise the verticality. The final external finishes and building details will be controlled through the planning conditions. Whilst the application has not been accompanied by a Wind Assessment report, the impact of which may impact upon the public realm it is recommended that a condition requires that the potential impacts of the development are assessed and any required mitigation such as planting, public realm and building features must be agreed before any work starts on site.

This proposal will meet the requirements of the adopted Tall Building Strategy SPG and would create a new city landmark at a key gateway site related to the Swansea Railway Station. The architecture is a quality approach with a slender and elegant tower and will also contribute to the regeneration of the upper High Street.

Community Safety and Public Realm

The draft SPG highlights that PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. The Council's adopted 'Planning for Community Safety' SPG (2012) also provides guidance in increasing community safety and reducing crime and the fear of crime, in order the quality of life for future students. The Designing Out Crime Officer (South Wales Police) originally expressed concerns about the proposed development, but following a site visit and discussions with the local police officers, set out that South Wales Police will not be objecting to the planning application. However conditions are requested in respect of perimeter security, lighting, vehicular and bicycle parking, landscaping, CCTV, security, access and management.

The development will create an active frontage on Jockey Street which provides an attractive aspect and natural surveillance of the pedestrian route from Jockey Street to New Cut Road/Morfa Road. The ground floor café and entrance / reception area would 'police' together with the overlooking from bedroom windows to ensure a positive interaction with the public realm. The application site boundary (red line) has been increased to include the site frontage along Jockey Street which is part of the adopted highway which allows a planning condition to be imposed requiring the public realm enhancement of this area as a 'shared surface' area reflecting its use with high levels of pedestrians and low levels of vehicular access. This would also facilitate improvements to the 'tunnel' at the end of Jockey Street which provides a pedestrian access down onto New Cut Road.

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This would help to address the perceptions of anti-social behaviour in the area whilst the site itself would be 'secured' by a security fence around the landscaped area.

The provision of the public realm area would accord with the advice of the Design Commission for Wales who recommended that the design of the landscape area at the entrance to make it legible, social and welcoming and that the public realm around the buildings, especially at Jockey Street, which could be made predominantly for pedestrians and cyclists and integrated with the landscape forecourt of the building.

Impact on residential amenity

Policy EV1 of the UDP states that development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. Policy EV40 of the UDP states that development proposals will not be permitted that would cause or result in significant harm to local amenity because of significant levels of air, noise or light pollution.

The application has been supported by a Daylight and Sunlight Amenity Study and identifies the following properties for inclusion in the study:

- o Ty Gwenllian, a three storey building containing residential flats, probably constructed in the 1990s, situated to the northwest of the development site at the junction between High Street and Bethesda Street.
- o Bethesda Court, a four storey development containing residential flats, probably constructed around 10 years ago, situated to the west of the development site. It's rear elevation overlooks John Street and the development site.

As part of the study, a total of 77 windows and 64 rooms have been the subject of the analysis in the above properties. The Daylight & Sunlight Amenity Study has been undertaken utilising the guidance set out within Building Research Establishment's Report 209 "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice" (2011 2nd Edition) [the BRE Report]. This is widely recognised as the most appropriate way of undertaking a study such as this.

The BRE Report states that living rooms, dining rooms and kitchens within dwellings should be assessed. Bedrooms should also be checked although it is acknowledged that they are less important. Non-domestic buildings where the occupants have a reasonable expectation of daylight should also be considered, although these are usually less sensitive than dwellings. Also, garages, hallways, storage, circulation areas and bathrooms "need not be assessed". The BRE Report sets out criteria against which an assessment may be made of the levels of Daylight & Sunlight and the impact that development may cause.

The Daylight & Sunlight Amenity indicates that the levels received within Ty Gwenllian following the construction of the proposed development will be satisfactory as the results meet the guidelines in every instance. The vast majority of the rooms and windows within Bethesda Court will continue to receive satisfactory levels of Daylight & Sunlight Amenity following the construction of the proposed development. In the rare occasions where this is not the case, the results are regarded as being sufficiently close to doing so and combined with other mitigation factors, the results are deemed acceptable.

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It is therefore concluded that the neighbouring properties will continue to receive good levels of daylight and sunlight amenity following the construction of the proposed development.

In terms of residential amenity, the residential design guide sets out tried and tested considerations to assess the impact on residential amenity of existing residents around the site. As indicated above, the main considerations in this regard are the residential flats in Ty Gwenllian and Bethesda Court. In summary, the proposals are considered to be compliant with the overarching requirements of the adopted residential design guide and policies EV1 criterion (iii) and EV40 of the UDP.

Highways, traffic, car parking, access and pedestrian movements

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

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

Policy AS2 states that new development should be designed to:

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

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

The submitted Transport Assessment (TA) reinforces that PPW places the sustainability of development at the heart of the decision making process and requires that new development proposals minimises the need to travel and increases accessibility by modes other than the private car. The TA highlights the sustainable location being adjacent to the UWTSD Business School and being well served by public transport being only some 350 metres walk from Swansea Railway Station and 250 / 350 metres walk from the frequent bus services that operate from High Street and New Cut Road.

The application site is situated outside the City Centre Core Area under the Parking Guidelines, however, it is located within the 'outer' Central Area in respect of standards for residential development under the Parking Guidelines where the policy indicates that schemes designed to increase the residential provision will be considered on their merits with an appropriate relaxation of the parking standards permitted as judged necessary.

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The Parking Standards Supplementary Planning Guidance specifies that for purpose built accommodation, within all zones, there is a need for 1 car parking space for every 25 bedrooms for servicing, wardens and drop-off areas. Based on the amended scheme of 414 bed spaces, this amounts to a total of 16 car parking spaces. However, as the site lies outside of the City Centre Core Area the requirement also reflects that, in addition, to the above, parking is needed for students and visitors and that equates to 1 space per 10 bedrooms. Based on the revised scheme this relates to the need for 41 car parking spaces in addition to the 16 resulting in a total need for 57 spaces.

The application drawings indicate a total of 4 spaces located within the forecourt of the development and as the site lies outside the city centre 'core' area, it does not comply with the car parking guidance set out with the SPG. The Highway Authority therefore recommend refusal of the application and do not accept that the minimal car parking can be managed through a tenancy agreement, the acceptance of such is only acceptable where there is a reduction on the requirement to one space per 10 plus one space per 25 beds.

As outlined in the TA, the proposed development makes no provision for student parking on a day-to-day basis and that a tenancy agreement will include clauses limiting car ownership but also that the development will be accompanied by a Travel Plan. It is acknowledged that the greatest demand on the 4 on-site parking spaces will occur at the beginning and end of each academic year when students move into and out of their accommodation, however, this would be managed by a controlled booked arrival time slot any by marshals being deployed at the entrance to John Street, the site entrance and within the site's courtyard to manage entry, direct any arriving without a ticket to the public car park and ensure that cars move away from the site promptly once unloaded. This is a common process adopted by similar student developments across the UK.

Whilst the objection of the Highway Authority is noted officers consider that whilst the level of parking does not accord with the Parking Standards SPG, the development is within a highly sustainable location being located with a short walk from Swansea Railway Station and the bus route along High Street / Orchard Street and the facilities of the city centre are also within a walkable distance. Whilst the application site lies outside the city centre 'core' parking area, there is an opportunity to support sustainable transport and shifting modes of transport from private car along with supporting the Council's regeneration aspirations for the City as a whole.

The Highway Authority refer to the imposition of a Section 106 agreement to control the management of car parking and officers consider this to be a reasonable approach for this form of development. Furthermore planning obligations to provide for enhancements to the transport network, particularly in relation to improving pedestrian connectivity and public transport enhancements could be utilised to mitigate for the additional activity resulting from this development. This is considered to be a reasonable requirement as part of the development proposal and in the planning balance of material considerations would outweigh the lack of parking cited by the Highway Authority which represents a reason for refusal.

Furthermore the applicant has provided justification in the submitted TA which identifies the local facilities and areas of commerce that can be accessed by foot and cycle by potential students residing at the accommodation. Taking into account best practice found in the IHT guidance 'Providing for Journeys on Foot' the applicant notes that the preferred maximum walking distance for town centres is 800m.

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Given the close proximity of the site to these uses the applicant considers that the scheme lies within a sustainable location thus to provide justification for the scheme. Officers consider that whilst the scheme does not accord with the SPG in relation to Parking Standards this shall be taken as guidance in assessing individual applications and each application considered upon its individual merits. In this case the scheme provides minimal car parking, however, it has been demonstrated that the site is within a sustainable location and suitable mechanisms can be imposed through a Section 106 to deal with car parking management and improvements to pedestrian and public transport connectivity in the area. Whilst the Highway Authority has cited that the development will lead to pressure to park on the surrounding streets it should be noted that there are existing enforceable parking restrictions on the surrounding streets and there is therefore no supporting evidence to demonstrate that this development will directly harm highway safety in those areas. The mechanisms suggested by the Highway Authority would, on balance, result in an acceptable development having regard to highway considerations and the policies contained within the Unitary Development Plan. The provision of the planning obligations would be a course of action considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

Impact on Archaeology and Cultural Heritage

Policy EV1(x) of the UDP states that new development shall have regard to the desirability of preserving the setting of any listed building. Policy EV2 (vi) states that new development must have regard to the physical character and topography of the site and its surroundings by avoiding detrimental effects on the historic environment. Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings as well as unscheduled archaeological sites and monuments and their settings. The site lies within the Archaeologically Sensitive Area of the Lower Swansea Valley.

Archaeology

The planning application is accompanied by an Archaeological Desk Based Assessment to determine the archaeological potential of the application site, and in particular to assess the impact upon standing and buried remains of potential archaeological interest and to ensure that they are fully investigated and recorded if they are disturbed or revealed as a result of subsequent activities associated with the development.

The Assessment has concluded that no previous identified archaeological sites have been recorded within the proposed development site, although it does contain some areas of potential archaeological interest. These include the potential for Roman archaeology associated with the route of a Roman Road (between Neath and Loughor), although the route of this road in the immediate environs of Swansea has not been proven; and therefore the potential for finding evidence of a Roman Road or associated activity within the proposed development would appear to be Low, nevertheless if found it would be considered to be of Regional (Medium) archaeological importance.

There is some potential for medieval settlement activity within the development site, although generally the potential for finding medieval archaeology is considered to be Low, and as such should remain exist they are likely to be of Local (Low) interest.

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The scheme area underwent relatively intense urban development throughout the 19th century. This appears to have been largely residential, potentially of a relatively poor standard, with some possible small commercial and warehouse properties. No standing remains from this period have survived as the site was cleared and partially redeveloped between the 1940s and 1960s. There is however a Medium potential for remains of this late post-medieval urban development to exist below ground; such remains would be considered to be of Local (Low) interest.

Cultural Heritage

There are six Conservation Areas (CA) which lie within the 1km search area around the proposed development. Dense urban development provides a visual barrier between the proposed development site and most of the Conservation Areas to the south, including Alexandra Road (CA022), Mount Pleasant (CA025), Oxford Street / Nelson Street / Union Street (CA018), Wind Street (CA014) and The Maritime Quarter (CA021). There is the potential that elements of the development may be partially visible from areas around Alexandra Road, but this will not impact on the setting of this CA. As no historic or current link connects these CAs and the proposed development area, there is considered to be no impact on these CAs.

The remaining CA of Vivianstown (CA017) lies to the north, and occupies a topographically more prominent location. Once again, dense urban development restricts any visual links with the site, although there are views from the southern edge of the CA across the urban area of central Swansea to the south. The proposed development is likely to be visible from these areas, although viewed alongside existing developments such as the Dyfatty flats and the BT Tower to the south, this is unlikely to introduce a new element to the existing urban landscape, and given that there are no other links, historic or otherwise, with the proposed development area there is considered to be a Negligible impact on this CA as a whole.

It is not considered that any Scheduled Ancient Monument (SAM) will be directly affected by the proposed development. There are four SAMs which lie within the 1km search area around the proposed development. To the south lie Swansea Old and New Castles (GM441 & GM012 respectively). There are no direct, historical, or visual links exist between these sites and the proposed development and views are blocked by extensive (and high) urban developments to the south of the proposed development, and as such there will be no impact on these sites. To the northeast lie the Foxhole River Staithes (GM482) and site of the White Rock Copper Works (GM481). Neither site has any known historical or present link with the development area. At these low-lying riverside locations there will be limited, if any, visual relationship to the development. It is considered that the existing tree cover, intervening urban development and raised railway embankments are likely to make the proposed development relatively indistinct against the surrounding urban development. Therefore it is considered there will be no impact on these sites.

There are no Listed Buildings that will be directly affected by the proposed development, there are large number within the 1km search area around the proposed development area, however the impact of the development on these individual sites is very limited. The Palace Theatre (Grade II listed) lies within 50m to the west, however, the impact is considered to be minor as the proposed development is unlikely to form an imposing element to the setting of the Palace Theatre, or infringe on any visual appreciation of the building due to limited views.

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Bethesda Baptist Chapel (Grade II* listed) lies a short distance to the north of the proposed development, and is perhaps the one listed building within the area that will have clear unobstructed views of the proposed development. However, the existing views to the south consist of large modern urban development and therefore the proposed development will not therefore significantly block any existing extensive views in this direction. Whilst the proposed development would create a very visually prominent and dominant feature in this part of Swansea, the existing development (including high-rise buildings) means that the chapel is now only visible from Bethesda Street and these views will not be affected, although the proposed development may add to the relative isolation in which this 19th century building now stands. This is considered therefore to have a Minor to Moderate impact.

Flood risk and Drainage

The application site is located within Zone A (little or no flood risk from rivers or sea). The closest fluvial floodzone source (Zone C2) is the River Tawe some 250m east and which is at a considerably lower elevation than the site. There is therefore minimal risk of flooding to the site.

The submitted Drainage Strategy indicates that foul drainage will be connected to the existing public sewer network in Jockey Street and there is sufficient capacity in the network to accommodate the new development. Dwr Cymru Welsh Water raise no objections. The Council's Drainage Engineer raises no objections to the submitted Drainage Strategy subject to the imposition of a surface water and land drainage planning condition.

Pollution and Ground Contamination

UDP Policy EV40 in respect of Air, Noise and Light Pollution states that 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.

A Noise Assessment has been undertaken to investigate the noise climate on the proposed site in order to establish the suitability of the proposed development at this location. The site is located in the city centre and the noise climate is characterised by road and rail noise from the A483 and the Swansea Railway Station along the eastern boundary. A 24-hour noise survey of the land was carried out to allow an assessment of the impact of noise on the site as per the general requirements of Technical Advice Note:11 Noise (TAN 11). The assessment indicates that the site is in Noise Exposure Category 'C' and as per the guidance detailed in TAN 11 [1]:

"Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise".

Once conditions are known, an appropriate scheme of mitigation can be determined to satisfy any noise criteria. The Assessment indicates that even though the site is impacted by rail noise, due to the intermittent nature of the rail noise compared with the relatively continuous road traffic noise, the site is categorised as a 'road traffic noise' site for the purposes of establishing the appropriate NEC. The residential units within the PBSA will require adequate sound insulation of the building and the windows.

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An Air Quality Assessment has been undertaken of the proposed development. The Council has assessed air quality within the area which have indicated that concentrations of NO₂ are above the relevant AQOs at a number of locations of relevant public exposure within the area. An Air Quality Management Area (AQMA) has been designed which includes the Hafod district, plus Sketty and Fforestfach and the proposed development site is located within the Swansea AQMA. The assessment results of air quality impacts during the construction phase indicate that dust emissions associated with the construction phase are not predicted to be significant following the implementation of the mitigation measures through dust management / Construction Method Statement. During the operational phase, the magnitude of the effects of changes in traffic flow as a result of the proposed development, with respects to NO₂ and PM₁₀ exposure, including at the surrounding AQMAs are determined to 'negligible'. The predicted annual mean ground level NO₂ and PM₁₀ at proposed receptors are below the AQAL and a detailed assessment will be not required.

A Geo-environmental Site Assessment Report has been submitted, and in respect of contaminated land, it is indicated that the Made Ground contains a number of contaminants at concentrations in excess of generic assessment criteria for the standard residential land use and which consequently have the potential to pose a significant risk to human health and as such will require remedial action to mitigate such risks. It is indicated that the proposed building development will itself serve to mitigate the risk (by isolating the Made Ground beneath permanent hard construction and preventing exposure to potentially contaminated soils), mitigation measures should only be required in external areas where the Made Ground soils may be present at or near the surface (e.g. in areas of soft landscaping, planting beds, etc.). In any such areas the Made Ground could be sealed beneath a simple cover system comprising an adequate thickness of suitable uncontaminated soil. The thickness of such a cover system would need to be agreed in advance with regulators, and may be up to 0.60 m.

With regard to the water pollution risk, the River Tawe has been identified as the most sensitive receptor. It is some 250 m distant from the site, but could theoretically be impacted by contaminants transported in the groundwater. Soil leaching tests have found PAH compounds at concentrations in excess of Level 1 target concentrations in one of three test samples. However, the proposed development is expected to maintain an impermeable cover over most of the site area. As this will preclude the infiltration of surface water it will serve to prevent the leaching of any PAH compounds from the Made Ground and will in itself mitigate the risk of pollution to the River Tawe. Furthermore, because the River Tawe lies some 250 m to the east of the site there will be opportunity for significant attenuation and dilution of contaminant concentrations along the groundwater flowpath between the site and the river. As the initial risk assessment presented here takes no account of such attenuation and dilution mechanisms it consequently provides a conservative estimate of pollution risk. In view of the above factors, it is considered that remedial action in respect of pollution risk to the River Tawe from on-site contamination is not warranted.

A desk-based assessment has concluded that old coal mine workings are highly unlikely in the vicinity of the site and that further consideration of mining subsidence risk is not warranted. It is anticipated that the loads imposed by the proposed 14 storey building will be such that piled foundations will be necessary. Supplementary investigation will be required to inform the design of the piled foundations, which will require the involvement of a specialist piling contractor to ensure that an adequate level of information is obtained for pile design and that any piling related risks are identified at an early stage and adequately addressed. This can be controlled through a planning condition.

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There is Japanese Knotweed located around the north and east boundaries with further stands on the sloping ground to the east. All instances of Japanese Knotweed should be eradicated prior to development commencing and a planning condition is imposed accordingly.

Waste Storage

Policy R16 states that proposals for major new developments will be required to incorporate adequate and effective waste management facilities. The supporting text states that when assessing proposals for major new developments, the provision of waste management facilities for the collection, recycling and other management of all waste likely to be generated must be included. The building accommodates residential and commercial refuse facilities at ground floor on the rear of the building which allows refuse vehicles to pick up along John Street. It has therefore been demonstrated that sufficient provision is made for refuse and recycling waste that will be generated by the student accommodation and commercial units.

Impact on Ecology

A Preliminary Ecological Appraisal was undertaken in order to assess habitats within and close to the site and to determine the presence of any protected species. The Appraisal concluded that the existing building has low bat roost suitability but recommended that a further survey was carried out between 1st May to 31st August in order to assess bat presence / absence from the building. A further bat survey was submitted in May, 2018 which confirmed there was no bat activity within the building. The results of the survey have been acknowledged by NRW and the Council's Ecologist but it is recommended that a reptile survey should be conducted which may be conditioned.

Conclusion

The proposed development would represent a significant regeneration of a brownfield site and aims to make a positive contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the brownfield site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area. The site is outside the City Centre Core Action Area and UDP Policy HC11 in particular, favours the development of PBSA within appropriate City Centre sites and recognises the contribution this type of development can make towards achieving the wider regeneration aims for the area.

The emerging policy within the Local Development Plan and the draft preparing Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) is more specific in that they favour sustainable locations within the City Centre; however, neither of these documents is adopted policy and therefore carries no clear weight in the determination of this planning application. Nevertheless, the SPG provided a basis for the consideration of such PBSA proposals at sustainable locations on the edge of the City Centre. In particular, to demonstrate that there is acceptable accessibility and connectivity to the City Centre by way of walking, cycling and public transport.

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Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Having regard to the policy framework set out in the City and County of Swansea Unitary Development Plan (Adopted November 2008), Supplementary Planning Guidance and National Policy and Guidance in the form of Planning Policy Wales and Technical Advice Notes and on balance of all material considerations it is considered that the development is acceptable.

RECOMMENDATION:

APPROVE subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following clauses:

1. **Car Parking Management in accordance with Management Plan. The provision of a mechanism to deal with the control of 'on-site' parking through the production and agreement of a Tenancy Agreement.**
2. **Highway / Public Realm Infrastructure (outside the application site) A contribution of £142,000.00. Areas identified at this preliminary stage include:**
 - o **Improve the existing on road cycle route along the Strand, which runs as far as King's Lane, and also extend it as far as Quay Parade, where it will tie in with the route on the shared use path.**
 - o **Footways on the second Tawe Crossing to provide another route across the river;**
 - o **Convert the crossings on the junction with Parc Tawe Link to Toucan type.**
- 3 **Section 106 Management and Monitoring Fee**
Costs incurred against the management of the obligation based on 2% of the value of the obligations = £2,840.00

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

- 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.

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- 2 The development shall be carried out in accordance with the following approved plans and documents: 6019- PL(90)01 - Site Location Plan; 6019-PL(90)03 - Site Layout Plan; 6019-PL(90) 03 - 15 & 17 - 23 - amended plans received 16 July, 2018.
Reason: To define the extent of the permission granted.
- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works.
Reason: In the interests of visual amenity.
- 4 Prior to the commencement of any superstructure works, details at an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority:
- Typical bedroom and lounge window opening units;
 - Main entrance door (including any canopy detail) within its opening;
 - Ground floor glazing including Shopfront;
 - A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
 - Roof edges and corners to cladding systems
 - Ramp/ steps and associate wall/ handrails
- The development shall be carried out in accordance with the approved details.
Reason: In the interests of visual amenity.
- 5 Prior to the commencement of any superstructure works, a Wind Microclimate Assessment of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall be constructed in accordance with any wind mitigation measures referenced in the assessment and retained thereafter to serve the approved development.
Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.
- 6 Notwithstanding the details shown on any approved plan, precise details of the location, extent, design and finish of all visible external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works. Development shall take place in accordance with the approved details.
Reason: In the interests of visual amenity.
- 7 Prior to the beneficial occupation of the Class A3 unit, a method of ventilation and fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: To prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises.

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- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 9 Notwithstanding the details shown on any approved plan, no superstructure works shall commence until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 10 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and a detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 11 Prior to the commencement of any superstructure works, a scheme shall be submitted to and approved in writing by the Local Planning Authority setting out public realm improvements along the site frontage to John Street and Jockey Street and including enhancements to the pedestrian access to the site from New Cut Road. The approved scheme shall be completed prior to the beneficial use of the development.
Reason: In order to enhance the character and appearance of the area and in the interests of pedestrian safety.
- 12 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority prior to any beneficial use of the development commencing.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 13 Prior to the commencement of the development, including any demolition and site clearance works, a Construction Method Statement (CMS) detailing all necessary pollution prevention measures for the construction shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall be adhered to throughout the construction period and shall provide for:

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- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoardings;
- e) wheel washing facilities;
- g) measures to control the emissions of dust, dirt and noise during demolition and construction;
- h) a scheme for recycling / and disposal of waste resulting from demolition and construction works;
- i) the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

Reason: In order to prevent pollution of the environment, protect the residential amenities of the area, to secure the satisfactory development of the site and to minimise traffic impacts on the surrounding highway network.

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

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

- 15 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

- 16 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and by verified by the appropriate testing methodology upon completion.

Reason: To protect the proposed residential use against noise emanating from the commercial activity on the ground floor.

- 17 Prior to occupation of any part of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

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All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.

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

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

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

- 19 Prior to the commencement of development a Phase 2: Detailed Investigation shall be submitted which shall:

- o Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater. Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in the Patrick Parsons Phase 1 Report, mariner Street, Swansea (N16053)

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

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

Phase 3: Remediation Strategy Options Appraisal this shall:

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

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Phase 3: Validation/verification Report

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

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

- 20 If, during the course of development, contamination not previously identified is found to be present at the site no further development (unless previously agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

- 21 Prior to the commencement of any works on the site a Piling Assessment report shall be submitted to and approved by the Local Planning Authority. The report shall set out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.

Reason: To protect the residential and commercial land uses from noise and vibration within the surrounding area.

- 22 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 in accordance with the approved scheme.

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

- 23 Prior to the commencement of the development, a reptile survey shall be submitted to the Local Planning Authority. The approved development shall be constructed in accordance with the recommendations of the survey.

Reason: In the interest of ecology.

- 24 Prior to the occupation of the development, a Refuse and Recycling Strategy (including the provision of storage facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Refuse and Recycling Strategy for the lifetime of the development.

Reason: To enable the developer to present a coherent plan for the provision of waste management and collection from the site.

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, EV4, EV6, EV33, EV35, EV36, EV38, EV40, EC6 HC11, HC17, R16, AS1, AS2, AS5, AS6.

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- 2 The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091. In particular, prior to any works commencing a Construction Traffic Management Plan will be required to be agreed with the Highway Management Group.
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UDP - EV4 - Public Realm

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

UDP - EV33 - Sewage Disposal

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV36 - Development and Flood Risk

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

UDP - EV38 - Contaminated Land

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

UDP - EV40 - Air, Noise and Light Pollution

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

UDP - HC1 - Housing Sites

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

UDP - HC11 - Higher Education Campus Development

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

UDP - EC1 - General Employment Sites

Allocation of employment land to meet the needs of the local economy. (City & County of Swansea Unitary Development Plan 2008)

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UDP - EC2 - SA1 Swansea Waterfront

Development within the SA1 Swansea Waterfront defined area shall accord with specific criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC6 - Local Shopping Centres and Neighbourhood Facilities

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

UDP - AS1 - New Development Proposals

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

UDP - AS2 - Design and Layout

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

UDP - AS5 - Walking and Cycling

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

UDP - AS6 - Parking/Accessibility

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

Site History

App Number	Proposal	Status	Decision Date
2017/2644/PRE	PRE APP - Construction of a building to provide 620 student bed spaces, ancillary communal facilities, a café (use class A3) external landscaping and associated works.	MIXPR E	20.02.2018
2018/0373/NMA	Purpose Built Student Accommodation - Non Material Amendment to planning permission 2016/1511 granted 29th June 2017 to vary Conditions 6 (Wind Mitigation); 12 (Drainage); 19 (Sound Insulation); 21 (Noise Mitigation); 23 (Landscaping) from pre-commencement requirements to approval prior to commencement of superstructure works	APP	16.03.2018

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2018/0382/DOC	Purpose Built Student Accommodation - Discharge of conditions 8 (Contamination), 11 (Piling Operations), 14 (Historic environment) 15 (CPMP) of planning permission 2016/1511 granted 29th June 2017	APP 28.03.2018
2018/0951/S73	Construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm - Section 73 application to vary Condition 2 (Plans - revised building footprint / envelope) of planning permission 2016/1511 granted 29/06/2017	PDE
2018/0966/NMA	Non Material Amendment to planning permission 2016/1511 granted 29th June 2017 to allow amendments to the layout of the basement	APP 25.05.2018
2018/1023/FUL	Construction of purpose built student accommodation between 7 and 9 storeys (591 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm	PDE

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2006/0974	Erection of enclosed bin store area	APP 28.06.2006

Pre-application Consultation Report

The Welsh Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to be accompanied by a pre-application consultation report (PAC). The submitted PAC report has outlined the pre-application consultations undertaken including contacting interested parties.

RESPONSE TO CONSULTATIONS

Original proposal - Construction of purpose built student accommodation between 7 and 14 storeys (667 bedspaces)

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of site notices and in the local press on, 2018. 9 LETTERS OF OBJECTION have been received making the following points:

- New proposal, with an increase of 167 bedspaces, is likely to exacerbate the problems associated with concentrations of students for existing SA1 residents (both commercial and domestic). These issues are well documented and include disruptive and anti-social behaviour, vandalism and hygiene concerns.
- it is not appropriate in terms of scale, height, massing, elevational treatment and materials - the existing buildings in the immediate locality are much lower, not 'block-like' in their design and are predominantly light in colour with large glass areas. Existing buildings are mainly horizontal in aspect while the proposed development is vertical
- Building will be an eyesore
- The proposed building is too large for its site - existing local buildings are widely spaced and surrounded by sizeable open green areas. The development would not integrate well with adjacent spaces nor would it enhance the general street scene
- the height of the building would overshadow the adjacent office premises (see W0318-0313-A Elevations to Kings Road Sheet 4), leading to loss of light and privacy for the existing occupants of the Ethos building
- University should supply accommodation
- SA1 is for residential, business and restaurants
- Roads / parking not fit for purpose
- Photo montages demonstrate building would be out of keeping the proposed design is with the adjacent buildings. Ethos would be completely dwarfed by the bulk of the proposed building.
- Surely it is a health and safety hazard to have student accommodation right next to a car park is being taken away when there is already too few places for the people who work here to be able to park to the river.
- The design, size and choice of building material is completely out of character with the surrounding area and is totally unacceptable.

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- The project lacks a good-sized delivery and set down area for vehicles. This is crucial to help students move in and out of their accommodation at the start and end of every term as well as cater for deliveries to the building.
- Given the ongoing developments and existing student accommodation in the city centre there is no need for additional student accommodation in the SA1 area. Is it not the case that there is oversupply of student accommodation in the city centre already?
- Car parking is an ever growing concern in SA1. It is necessary to take that into account with this building and a large underground car park should be part of any proposed development.
- The proportions, architecture, materials, purpose, site use, visual and practical impact on neighbouring properties and residents all seem to be good reasons for refusal.
- The area it is in, is primarily the preserve of B1, but this is clearly a C-class building - at an unnecessary distance (there is ample undeveloped land closer to the new university campuses) from the educational facilities it would serve, if permitted.
- Travel plan is unrealistic

Amended Proposal

Following receipt of the amended plans, the application was re-advertised on site and the objectors reconsulted. THREE FURTHER LETTERS OF OBJECTION were received making the following points:

- It is not appropriate in terms of design and height - the existing buildings in the immediate locality are much lower, they are innovative in their design and incorporate large areas of glass. As can be seen from project document W0318-905A this is not the case in the proposed development.
- The proposed building is too large for its site - existing local buildings are widely spaced and surrounded by sizeable open green areas. The development would not integrate well with adjacent spaces nor would it enhance the general street scene.
- The height of the building would overshadow the adjacent office premises leading to loss of light and privacy for the existing occupants of the Ethos building. As can be seen from project document W0318-0450 the proposed building, even at its lowest, is substantially higher than Ethos and very close to it. While it is good to see a revised proposal to reduce the size of the proposed building and alter the
- Construction materials, the plans are nevertheless for an increase in the number of students to be housed in it.

Design Commission for Wales - 12 April, 2018

The Proposals

The prominent site forms part of the SA1 masterplan. It is bounded by Fabian Way to the north, River Tawe to the west and SA1 developments (of 3-4 storeys) to the east and south. Fabian Way is a 4/5 lane primary vehicle route into Swansea. River frontage runs the length of the site with an existing shared foot and cycle path between Fabian Way and the pedestrian Sail Bridge to the south. The site is currently used as a surface level car park.

Development of purpose-built student housing to provide 635 bed spaces with communal facilities at ground floor, an A3 unit and basement parking (25 car spaces, 130 cycle spaces) is proposed.

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The proposal is developed from an existing consent (gained via planning appeal) for a 7-9 storey scheme for 500 bed spaces. The current proposal increases unit numbers by introducing a 17-storey tower element adjacent to Fabian Way and an 11-storey tower element towards the centre of the plan. The proposed cladding is buff brickwork.

Main Points

The following points summarise key issues from the review which should be considered to inform any further design work:

Tall Building Design

Any proposal for a tall building on this prominent site will need to address the criteria set out in the local authority's Tall Building Policy, and any deviations from the policy must be clearly justified in term of design quality.

Tall buildings have significant visual and physical impacts on their immediate surroundings and influence views and vistas from further afield. Therefore, it is especially important that design development is based on thorough analysis and an iterative testing of options to justify the proposal and demonstrate that the best solution to form and massing has been reached.

Site and Context Analysis and Urban Design Justification

Regardless of the consented scheme for the site, it is important that any new proposals are based on sound analysis of the site and context, which should highlight the opportunities and constraints to inform a framework for design strategies. Analysis should include consideration of the riverfront location, walking and cycle routes and micro-climate.

This is not a 'landmark' building because it is not a public facility or destination, but it is a prominent corner site in the city, which demands good quality. Analysis and testing of proposals in urban design terms are especially important in order to justify the scheme. The building must be right for its location.

The masterplan for the wider SA1 site should also be taken into consideration.

Site and context analysis should inform the building form, massing and layout and strategies for arrival, entrance, servicing and amenity.

Improving on the Consented Scheme

It is a valid approach to take a critical and analytical view of the consented scheme and to aim to improve upon the quality of it. However, using the consented scheme as a starting point has resulted in many of the problems of the earlier scheme being transferred to the new proposals. These include, but are not limited to the following issues:

- Lack of external amenity space
- Poor consideration of landscape design opportunities
- Entrance location and arrival experience
- Poor relationship with the riverside
- 'Left over' spaces around the building

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Going back to first principles and developing proposals based on context analysis and the new brief is likely to result in a better building and will be required to justify any additional height proposed. This is likely to result in a design that can be considered substantially different to the consented scheme.

Design Strategies, Form and Layout

As with the consented scheme, the current proposal does not have a strong formal relationship with any of the edges of the site, resulting in lots of left over space which is not valuable to the scheme. A more efficient building footprint, with a strong relationship to the site and a clear strategy for provision of external amenity space and landscape design would be welcome.

Massing studies should be based on the dimensions of an ideal design of a student bedroom and flat/cluster. Different approaches to heights and massing should be tested, and there may be advantages in building higher in one location in order to provide more and better outdoor amenity space elsewhere on the site.

Options for separate buildings as well as one long building form as currently shown should be tested and the results demonstrated as part of the explanation of any proposal that goes forward into a planning application.

Strategies for massing, materials, landscape, entrance and arrival, servicing, energy, circulation etc. should be informed by the analysis and requirements of the brief, and a clear story of the evolution of the design should be presented in the Design and Access Statement.

Public Realm, Landscape and Amenity

It would be beneficial for the architects to work with a landscape architect to fully explore the experience of arrival, amenity and social spaces. The building and landscape should work together to create a great place which people will enjoy spending time in. Current proposals show a lack of connection between inside spaces and landscape. A number of the social ground floor uses would benefit from connections to the outside and views to the river. The internal layout and landscape design should be integrated to get the best value from the opportunities provided by the site.

Maintenance and durability of the landscape elements need to be considered. Trees planted very close to the building are unlikely to survive in the long term and will create maintenance issues. The Commission also encourages the client/design team to work in collaboration with the local authority to propose improvements to the wider public realm which help integrate the building and its site.

Access, Circulation and Legibility

The access, entrance and circulation of the building need careful consideration and will have a significant impact on legibility and the everyday experiences of residents and their visitors. The circuitous vertical circulation for the duplex flats, which involves going up one floor to access the flat before going back down to the room, should be given further thought as it is a key feature of the design.

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The entrance location should be informed by urban design studies and it should be legible and easy to find. The landscape design may be a useful tool for guiding people to the main entrance. Positioning the bin store adjacent to the entrance should be avoided.

Designing the accommodation and social spaces to be inclusive of a wide variety of students will add value to the project. There may be value in consulting Swansea's Access Group during the design process.

This building should be designed to provide a comfortable 'home' for the students who will live there. It should feel safe and should be intuitive to navigate.

Materials and Detail Design Quality

It can be demonstrated that brick is an appropriate cladding/façade material for this location, and the Commission welcomes the decision to avoid use of render which tends to weather poorly in maritime locations.

The method in which the brick is used and the detail design and articulation of corners and openings will be crucial to the quality of the outcome. The Commission recommends that detailed proposals for the brick work and large scale rendered studies of the bays are included in the planning submission.

It will be useful to study the numerous recent precedents for large brick buildings to understand how quality can be achieved and where problems might be experienced.

Natural Resources Wales - We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the conditions listed below in relation to Contaminated Land. Without these conditions we would object to the proposed development.

Dwr Cymru / Welsh Water - No objection. Standard Conditions recommended.

Council's Drainage Engineer - We have no concerns with the application, all previous recommended conditions remain relevant.

Glamorgan Gwent Archaeological Trust Ltd - You will recall from our responses to the earlier submissions for this development, that we recommended archaeological mitigation works due to the potential for the survival of early peat layers, and more recent industrial remains.

You will recall from our most recent letter of 9 March 2018 that an Archaeological Written Scheme of Investigation (WSI) for the proposed development has been received from Wessex Archaeology (dated February 2018, document reference 202710.1) and that this document meets current professional standards and is fit for purpose. The changes to the layout of the building do not alter our response and are minor in nature; the need for archaeological mitigation remains, and the archaeological WSI is still fit for purpose.

CADW -

Located within a 1km buffer of the application area are scheduled monuments:

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Swansea Castle (GM012)

Original Swansea Castle (GM441).

GM012 Swansea Castle consists of the remains of a castle dating to the medieval period. Swansea Castle stands on a cliff top, below which the River Tawe originally flowed, and its position was strategic: it commanded the lowest crossing of the river, the main east-west route in south Wales, and a good harbour. The remains visible today are only a small part of the latest castle on the site, which in its heyday in the late 13th century stretched from Welcome Lane in the north to Caer Street in the south, and from the cliff top in the east almost to Princess Way in the west. (The first phases of castle building found to the north are scheduled under GM441).

GM441 Original Swansea Castle consists of the remains of the first phases of Swansea Castle. The castle stands on the crest of a north-south gravel scarp, bounded on the east by the navigable River Tawe (now represented by The Strand). Its position was strategic: it commanded the lowest crossing of the river, the main east-west route in south Wales, and a good harbour.

The proposed building will be visible from these scheduled monuments. However it will be located in an area where tall buildings have already occurred; the damage to the setting of the scheduled monuments is considered to be slight and not significant.

Further comment - amended plans

Assessment

Located within a 1km buffer of the application area are scheduled monuments:

Swansea Castle (GM012)

Original Swansea Castle (GM441)

The amendments received on 20 July 2018 relate to both minor and major details of design and landscaping; however the principal change is to the massing and maximum height of the building which is now not to exceed 9 floors whereas previously parts of the building were to be up to 14 floors. This change in particular will reduce the impact on the setting of the above scheduled monuments though not sufficiently so to alter the original conclusion that slight though not significant damage to setting of the scheduled monuments will result from the proposal.

Pollution Control Team - we would impose the same conditions again.

Ecology - The site has very little ecological value at present; no protected/priority species or sites will be impacted by the development.

Highway Authority -

1. Introduction

- 1.1 The site benefits from a current planning application for 500 student bed spaces, which was granted at appeal in 2017. The granting of this permission (with reduced levels of car parking) is a material consideration in the determination of this current application for 667 beds.

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- 1.2 This application is for a planning permission for works as outlined above and follows a number of planning applications on this site.
 - 1.3 The site is located on Site A1 of the Swansea SA1 development. It is bounded by the river Tawe to the west, Fabian Way to the north, and Kings Road to the east. The site is located approximately 850m east of Swansea City Centre.
 - 1.4 Original masterplans promoted mixed use employment, variations were applied through the recent years up until 2015/16. More recently the application site was the subject of a recent grant of planning permission through the appeal process (APP/B6855/A/16/3164052) for a scheme with proposals for student accommodation 500 bedrooms; ancillary parking (Planning Reference 2016/1511).
 - 1.5 This recent application has benefitted from a pre-application consultation process on scheme comprising 637 bed spaces and 23 car parking spaces, which received comments from the Highway Authority. These comments will be used as reference in this consultation response.
 - 1.6 In addition to the proposed and consented planning uses set out in the above summary the site currently operates as a car park providing around 100 spaces on a temporary basis, with the permission set to expire in 2020. At the time of writing the car park has been closed and fenced off to prevent use.
 - 1.7 In order to assess the impact of the additional development, a Transport Statement was submitted with the full planning application, prepared by Ove Arup & Partners Cardiff.
2. Vehicular Access and Traffic
- 2.1 The vehicular access to the existing car park is currently gained off an existing highway with a single direct vehicular access off Kings Road, operating as a priority junction.
 - 2.2 Pedestrian access is not limited and pedestrian can walk through the site to footways at any point along the Kings Road frontage. Kings Road has pedestrian footways on both sides of the carriageway. There is a road bridge with pedestrian provision near the site crossing the River towards Swansea City Centre. The site is located in a reasonably sustainable location with access to public transport (bus) and a number of local amenities within a short walk.
 - 2.3 The Transport Statement indicated that the Highway Network could accommodate the additional traffic generated by the proposal. The scheme was assessed in accordance with the National Database TRICS, although the final TRICS outputs are missing from the Appendices. The document compared those trips generated by the proposed student/mixed use development, including the consented scheme of 500 bed spaces, the pre-application masterplan of 637 bed spaces and the application of 667 bed spaces with the existing car park and the previously consented office development. The Transport Statement showed that the existing car park generates 71 two-way vehicular movements in the a.m. peak (08.00-09.00) compared to 33 for the proposed student/mixed use development (667 bed spaces). In the p.m. peak (17.00 to 18.00) the relative figures are 51 for the car park use and 27 for the proposed student/mixed use (667 bed spaces). The site was included within the outline consent as office accommodation and the relative figures for this use class are 151 vehicle trips in the a.m. and 128 vehicle trips for the p.m. peak. It is seen therefore that there are less vehicular movements associated with the proposed use.

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Overall in terms of the period from 0700 to 1900 there are 354 vehicular movements predicted yet only 26, plus one disabled use, parking spaces are being provided.

Multi modal trip rates have been calculated and as expected there is an increase in cycle, pedestrian and with public transport trips but given the low number of trips generated by cars then it is evident the majority of trips will be via cycle, public transport and on foot.

The proposal will generate more traffic than the now consented 500 bed space scheme but is likely to generate fewer car movements when compared to the existing car park use, or the consented office use, although this is treated as indicative given that it is this application's interpretation, but will bring about an increase in walking, cycling and public transport usage by virtue of minimal car parking being provided. The relative trips in the 12 hour period between (0700 to 1900) are 1530 trips on foot, 186 using public transport and 14 on cycles although the Swansea cycle usage figures have been proved to be significantly higher than the TRICS data would suggest in this case.

- 2.4 It is agreed that the student accommodation will generate less vehicular traffic at the proposed site due to the limited parking facilities provided and nature of the end users. A section 106 Agreement linking to the tenancy agreement will be required to ensure that students taking up residence do not own cars and bring them to the site or the surrounding area as there is no parking provided for this purpose. The enforcement of resident reporting procedures is not something which can be implemented and therefore more thought and appropriate planning needs to take place.
- 2.5 The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it. The section 106 Contributions which are secured as part of the consented 500 bed space scheme being to provide infrastructure supports this thrust and this response will set out further measures in light of the 167 additional students / bed spaces that are being applied for.
- 2.6 As has been set out already policy encourages and promotes sustainable travel modes i.e. non car modes of transport. With this in mind the previous application consultation response set out that for the level of development then proposed at 500 bed spaces, under the Highways Section 106 contribution a sum of up to £147,000 could have been requested to enhance cycle/walking/public transport routes. At that time the outcome of internal discussions determined that two broad sectors required investment, to improve pedestrian connectivity and public transport enhancements.

Existing Section 106 Requirements (500 beds):

The contributions that were sought and agreed previously are as follows:
Improving Pedestrian Connectivity.

- Fabian Way / King's Rd junction. Relocation of the Fabian Way pedestrian crossing phase to a more conventional location to the East side of the junction - Budget Estimate £30 - £35k.

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- Public Transport Enhancements.
 - Fabian Way / King's Road junction. Introduction of bus priority, for buses exiting King's Road - Use of pole mounted card reader, to enact priority call for buses serving SA1 Budget Estimate £15-£20k
 - Amendments to inbound Fabian Way bus lane. Remove the dedicated bus stage, and remodel the island to create a give way arrangement to allow buses to reach the front of the queue. Budget Estimate £40k
- Eastbank Way / Delhi St: Modifications to triangular island in centre of junction to allow vehicles from Second Tawe bridge to progress towards Fabian Way when right turn link is full. Budget Estimate £8-10k

Thus the total contribution that was requested and understood to be attached to the previous permission is £99,000. The development would fully fund these items in their entirety with no need to pool resources from any other related development.

Proposed Additional Section 106 Requirements (667 beds):

- 2.7 The proposals would result in 167 bed spaces above that which has already been consented. This would equate to an maximum additional requirement of up to £49,000 for Highways Section 106 contributions.

As before internal discussions determined that two broad sectors required investment, to improve pedestrian and cyclist connectivity and public transport enhancements. The proposals rely heavily on these forms of travel in the reasoning for low parking provision.

Improving Pedestrian Connectivity.

1. Fabian Way / King's Rd junction. Modification of the existing crossing, following the implementation of the previously agreed infrastructure to improve pedestrian and cyclist safety and junction efficiency to accommodate proposed demand - Budget Estimate £15 - £20k.

Public Transport Enhancements

2. Upgrade of the westbound bus stop on Fabian Way from current flag and pole arrangement. Requirement for a shelter to provide dry waiting facilities with seating and live service information - Budget Estimate £15 - £20k.

The total additional contribution sought would be £30 - £40k, which sits within the maximum range that could be requested. The development could fully fund these items without further pooling of contributions from elsewhere.

3. Car Parking

- 3.1 The inspector has stated in Appeal Decision APP/B6855/A/16/3164052

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"22. Despite some uncertainty over the exact requirements of the parking standards, the Council clarified at the hearing that, in order to be SPG compliant, 20 parking spaces would be necessary to meet the needs of future residents and an additional 50 parking spaces would be needed to meet the needs arising from visitors to the development. The proposed development would make provision for 23 parking spaces and, in this respect, the development would make sufficient parking provision to meet the operational needs of the resident students. Nevertheless, there is no doubt that the levels of parking provided would fall short of the overall requirements of the adopted parking standards, having particular regard to the need arising from anticipated visitors to the development.

23. It is however important to note that the approved parking standards represent maximum standards, as set out in Policy AS6. It is also important to recognise that the SPG document containing the exact standards comprises guidance only and should not, therefore, be treated as determinative. Indeed, such standards should be applied to the specific circumstances of the case, with the overall issue of highway safety in mind. In considering such matters, it is also worth noting the fact that car parking can be a major influence on people's choice of transport. Specifically, Planning Policy Wales (PPW) (Edition 9, 2016)¹ states that "local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past", before going on to clarify that "minimum parking standards are no longer appropriate". The same document also advises that new developments should be consistent with the overall objective of "minimising the need to travel and increasing accessibility by modes other than the private car" "

Hence comparison of the levels of car parking offered with the current parking standards is not relevant in this instance.

3.2 However the development has been assessed against adopted parking standards and fails to meet the standards for 'managed student accommodation' with provision of 26 general car parking spaces within the basement and one disabled access provided on ground floor level.

This level of parking provision has increased from the 23 proposed for the 500 bed space consented scheme. The pre-application submission also proposed 23 parking spaces for a scheme comprising 637 bed spaces. For the level of development the SPG would require a maximum of 89 spaces. The applicant has justified this reduced level of parking by referring to other developments that have been consented with lesser levels of car parking that the standards advise. There are also references to the parking zones although the site does not fall into Zone 1 or 2.

3.2 Local experience confirms that there are existing and ongoing parking issues in Port Tennant and St Thomas wards due, in part, to workers from the SA1 development using the residential streets for parking during the day time. Given that the parking for the student accommodation is below CCS standard it is reasonable to assume that the parking problems already evident could be compounded by this shortfall. The use of the 'managed student' category is in itself a significant reduction from the normal C3 Category. The parking standards inherently allow for on-site parking management in their low parking provision, therefore this further departure in the Highway Authority's view, does increase the potential for overspill parking.

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- 3.3 Due to this significant departure and lack of parking for the student element there is a requirement for a highly effective management scheme to ensure that all the limited parking spaces are managed effectively (including for the ancillary uses) and to ensure that maintenance/servicing can be satisfactorily accommodated.
- 3.4 The parking management scheme was referenced within the supporting Transport Statement and Travel Plan and can be included as a condition. Should consent be granted. As mentioned above, the plan relied upon unenforceable measures, therefore alternative methods should be used, and the condition should make provision for agreement with the Highway Authority before it can be discharged. It would be required within that plan to be demonstrated how the number of spaces (26) will be allocated to the number of students (667) so that there is not the event of a free for all where students will still feel it is possible own a car and have chance parking in or near the development ,The document will need to include the start of term drop offs and end of term pick ups as there will be a significant increase in cars which will be attempting to visit the site which cannot be accommodated within the site curtilage.
- 3.5 The proposed vehicular access to the basement level parking area is via an existing ramp which forms a junction with Kings Road and at present serves an adjoining property. The ramp is two way and controlled with entry and exit barriers. The method of future control will need to be identified and presented.
- 3.6 The proposed parking layout has changed through the planning process most recently between the pre-application submission and this planning application. The pre-application basement parking layout received a number of comments and observations from the Highway Authority as part of the consultation process. These comments included identification of inaccessible spaces safety issues which would have resulted in the vehicular parking provision being effectively reduced. In this planning application these concerns have been largely overcome, this has been achieved through separation of the car parking from cycle parking and plant locations.
- 3.7 Cycle parking has been relocated to the ground floor, as has the one disabled parking bay. The number of cycle parking has reduced to 206 despite the larger number of bed spaces. This equates to around two thirds of the parking requirements as set out in the SPG. There is no noticeable motorcycle parking provided within the proposals, the requirement is for 5% of the total car parking provision.
- 3.8 The disabled parking provision has been reviewed as part of the pre-application consultation and the advised as requiring 1.2 metres around three sides to accord with the appropriate standards. This still does not appear to have been fully addressed and will be required.
- 3.9 For background, it has been reported previously that a high number of objections have been received regarding the loss of the parking facility and the impact that this will consequently have on businesses in the area. However, this car park was originally created as a temporary measure and was always intended as a development plot.
- 3.10 As previously stated the Planning Inspector in granting the original permission decided that minimal levels of car parking was acceptable.

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4. Pedestrian and Cycle Access
 - 4.1 Pedestrian facilities are to be enhanced by the development, through the infrastructure requirements identified as part of both the consented scheme and at this time for this application. A sum of £129,000 to £139,000 in total will be requested (which is less than the maximum that could be requested in both the consented and current time) in line with the SPG on Highways contributions. The full details of the proposed works have been outlined above (section 2.6 to 2.7).
 - 4.2 Whilst Highways are not supportive of the application on the basis of insufficient parking being provided it is considered prudent to include relevant and necessary conditions that could be applied if Planning Committee were minded to approve the application on the basis of city centre regeneration.
 - 4.3 Cycle parking is provided in two formats at ground level, secure internal and cycle stand external, the split is 156 and 50 spaces, respectively. This falls short of the SPG cycle parking standards which require one stand per two bedrooms (334 stands), which is significantly short on provision. A condition could be added to tie into the travel plan so that if the ongoing student travel surveys show that demand is outstripping supply then additional facilities can be provided to meet the increasing demand.
 - 4.4 In terms of pedestrian routes, the requirement for section 106 contributions has been set out in detail in the above report. The monies will be used to enhance the route from the site across Fabian Way towards to wards of St Thomas/PortTennant, as part of the consented scheme commitments. In addition to this, the current requirement is that further modifications are made to the existing controlled crossing arrangement at the Kings Road arm of the Fabian Way junction.
5. Public Transport
 - 5.1 The site is currently served by a frequent bus service. The site is located within a short walk to the Quadrant Bus station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision. However, the existing infrastructure that supports services will require upgrading to continue to provide an attractive alternative to driving. A bus shelter with seating and live service information is considered to be required. The details are set out in the above relevant sections.
 - 5.2 The train Station can be reached on foot but it would be more convenient to catch a bus for the short trip up to High Street Station with links to UK and beyond.
6. Highways Infrastructure
 - 6.1 If the application receives planning consent then the applicant will be required to make a total contribution of £129,000 to £139,000 towards works as outlined in sections 2.6 to 2.7.

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6.2 The redevelopment of the site will also require reinstatement of the existing vehicular crossing and a new dropped kerb crossover for the single car parking space. The ramp access will remain as existing. The road is not adopted but is subject to a section 38 Agreement between the Welsh Government and CCS. These works will need to be undertaken to Highway Authority Standards and Specification.

7. Conclusions

7.1. The Transport Statement indicated that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership. The vehicular movements were shown to be less than those associated with the current car park use or with the consented office use.

7.2 Pedestrian and cycle facilities will be catered for within the development in conjunction with the contents of the Section 106 and the proposed building layout and the provision of cycle storage and new pedestrian footways

7.3 The use of the incorporation of the tenancy agreement into the Section 106 agreement should ensure that car use is minimized.

7.4 As has been promoted throughout the applications for student accommodation, the parking provision falls substantially short of that outlined in the parking standards. The applicant justification for lower levels to be suitable is not accepted by the Highway Authority. The Inspectors decision on the appeal scheme for 500 bed spaces is noted that the low parking provision may encourage lower car use. However it is considered that the low levels of parking provided could give rise to overspill parking in the associated adjacent wards to the detriment of the existing residents provision. The parking standards for student managed accommodation inherently already takes into consideration the use of tenancy agreements so a further reduction from the already reduced standards cannot be justified.

8. Recommendations

8.1 Whilst the Highway Authority is not supportive of the development on the grounds that insufficient parking is being provided to support the proposed development. There is no objection raised.

Further Comments - amended plans

I have reviewed the amended plan information and the notice and can see the proposed over all bed spaces have been reduced from that which was previously proposed. I could not find any written explanation of the changes or updates to any of the transport work, showing the implications of this change.

I can determine that the bed spaces has been reduced to 591. The parking provision has also been reduced back to 23. It is noted that the ground floor space for disabled use is still not compliant with requirements and therefore cannot be marked for disabled use.

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It is not clear what level of cycle parking is now being provided, the requirement for this adjusted total bed space would be 296 stands.

There is a note on the basement plan which sets out '23 car parking spaces provided to achieve 1-25 parking ratio'. It is assumed that this is in reference to the car parking standards and for Zone 1? This needs clarification, as explained before, the development is not located with the central zone 1, therefore this 'ratio' alone is invalid. If it were to be taken as Zones 2 to 6, which would be correct for the location, the 1 per 25 beds provision would apply to servicing, staff and drop off together with the additional requirement of 1 space per 10 beds for students and visitors, noting the standard CCS parking dimensions of 4.8 metres by 2.6 metres.

The changes that can be identified in the limited information provided do not changed the highways consultation responses and observations provided to date. Please advise if you wish the consultation to be updated in light of the new numbers.

Urban Design and Conservation Team- Heritage and Placemaking Consultation -

Plot A1 lies within the SA1 dockland regeneration area where the University of Wales Trinity St David Innovation Quarter is due to open in September 2018.

This site has a complex raft of past consents:

2016/1511/FUL	Initial scheme allowed at Appeal
2018/0966/NMA	Application approved to amend basement area
2018/0951/S73	Application approved to amend elevations/ footprint within volume of approved massing

The current application (2018/1023) seeks to increase number of bedrooms from 500 to 591 whilst staying within the volume of the approved 7-9 storey massing and maintaining the elevation design approved under applicant 2018/0951.

The principle of purpose built student accommodation and general massing/ architecture has been established on site this by the past consents.

The design team did explore a significant amendment to the massing to accommodate approx 650 student rooms. This comprised amending the northern extent to a tower that varied from 17-14 stories, plus a middle tower of 12 stories. The issue was that these towers did not appear elegant and slender in accordance with the adopted Tall Building Strategy SPG, plus with reference to the verified visual assessment, the additional height and massing was considered to have a dominating effect on key areas of the city. It was not possible to mitigate the negative effects of the towers and therefore this earlier tower proposal could not be supported by officers. Therefore the applicant reverted to the approved massing and refined the floor plans to accommodate the additional 51 rooms over the approved 500 rooms.

To accommodate some of the additional 51 bedroom, the current proposals reduces the extent of the active ground floor frontage in comparison to the NMA scheme. This is just about acceptable to ensure a positive integration with the SA1 public realm/ river walkway and the wider city. The active frontages are especially important to ensure a lively and safe interface with the external public areas.

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There are a number of student bedrooms proposed at ground floor and further details of how a 'defensible space' will be provided for these units to ensure adequate privacy need via condition.

The current proposal maintains the approved elevation design stepping from 7 storeys in the south to 9 storeys in the north adjacent to the Tawe Bridge gateway. The linear east west elevations are broken by cross wings at the ends and centre, plus these elevations are further articulated by projecting/ stepped facades, grouping windows and the use of two contrasting colour materials (potentially brick and certainly not render).

The acceptability of the 7 to 9 storey massing has been confirmed by the previous consents and this application does not increase the proposed massing. It is acknowledged that the approved massing is significant and is possibly the maximum visual capacity of this prominent site. As previously indicated it will become a prominent gateway building at the Tawe crossing as a marker for the mixed uses within SA1.

Approval is recommended with conditions as follows:

- Composite material sample panel on site
- Large scale drawn details of: Entrance, Typical windows in their openings, Coping details, Reveals and façade stepping details, Ground floor grills
- Details of defensible space/ privacy screen for ground floor bedrooms

APPRAISAL

Application Site and Surroundings

The application site is known as plot A1 within the SA1 Swansea Waterfront development and provides an important gateway when approaching the City Centre from the East along Fabian Way. It comprises of a roughly rectangular parcel of land to the West of Kings Road and bounded by the River Tawe and the promenade riverside walkway. The site was previously used as a temporary car park but this has now closed.

Background

Planning permission for the construction of a purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm was granted under a Planning Appeal on 29 June, 2017 (Ref:2016/1511).

Since the Appeal decision, the current developer has submitted a Non Material Amendment application to planning permission 2016/1511 to vary the wording of Conditions 6 (Wind Mitigation); 12 (Drainage); 19 (Sound Insulation); 21 (Noise Mitigation); 23 (Landscaping) from pre-commencement requirements to approval prior to commencement of superstructure works (Ref:2018/0737/NMA). The Local Planning Authority considered that these minor changes would be non-material to the scheme and the NMA application was subsequently approved.

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Additionally, an application to discharge conditions 8 (Contamination), 11 (Piling Operations), 14 (Historic environment) 15 (CPMP) has been approved (Ref: 2018/0382/DOC) and also a further Non Material Amendment has been granted to allow amendments to the layout of the basement retaining a total of 26 no car parking spaces (Ref: 2018/0966/NMA). Development work has recently commenced on site in accordance with the approved scheme ref: 2016/1511.

A Section 73 application was reported to the Planning Committee in July (Ref: 2018/0951/S73) in relation to a revised building footprint and envelope. The revised proposal would result in minor changes to the external appearance of the building including the fenestration arrangement, however, the overall height and building envelope would not exceed that of the approved scheme (Ref: 2016/1511).

Current Proposal

The scheme as originally submitted sought consent for the Construction of purpose built student accommodation between 7 and 14 storeys (667 bedspaces). The revised proposal is now for the construction of a purpose built student accommodation between 7 and 9 storeys only for 591 bedspaces whilst staying within the volume of the approved 7-9 storey massing and maintaining the elevation design approved under the Section 73 application 2018/0951/ S73. The application is accompanied by a massing comparison document which indicates that the revised proposal is comparable to the building envelope under the Section 73 application 2018/0951/ S73.

The original proposal sought to make a significant amendment to the massing of the approved scheme in order to accommodate 667 student rooms. This comprised amending the northern extent to a tower that varied from 17-14 stories, plus a middle tower of 12 stories. The issue was that these towers did not appear elegant and slender in accordance with the adopted Tall Building Strategy SPG, plus with reference to the verified visual assessment, the additional height and massing was considered to have a dominating effect on key areas of the city. This earlier proposal would not have been supported by officers and therefore the applicants have reverted to the approved massing and refined the floor plans to accommodate the additional 51 rooms over the approved 500 room.

It is indicated by the applicants that the increase in room numbers has been achieved by changing the arrangement and mix of the internal accommodation, even though they have stayed within the building envelope of the scheme approved under the Section 73 application 2018/0951/S73. In particular the number of studio bedspaces has increased with a reduction in cluster bedspaces which has allowed the individual apartment living / kitchen / dining areas to be utilised for individual bedrooms. The layout of the bedrooms and circulation spaces has been further reviewed to improve efficiency and net to gross area, which in turn has allowed for bedspaces numbers to be increased.

Elevational Changes

The applicants have listed the proposed changes to the elevational treatment (compared to the S73 application) are as follows:

- Sections of the façade have been broken down into distinct 'objects', linked by the recess at high level which is more pronounced than before.

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- The recess is a darker brick tone than the main mass which gives more apparent depth to the distinct blocks.
- There is further careful articulation of the roofline which reinforces the appearance of separate blocks
- Brick banding has been removed to present a more elegant / slender appearance of each block
- The pattern of fenestration has changed with taller windows at the top floors and single windows below. This gives more of a traditional top/middle/base appearance
- Single windows give more visual interest in place of the banding & the grouping and spacing of windows from left to right is more regular
- More differentiation has been given between the main blocks and connecting elements at ground and first floor to increase legibility at street level

Main Issues

As indicated the principle of this development was granted under the Appeal decision (ref: 2016/1511) and the main issues in relation to this revised proposal relate to the townscape and visual impact and the highways, traffic, car parking, access and pedestrian movements.

Townscape and Visual Impact

The proposed building which is set to be located on the gateway approach into the city along Fabian Way would be a key element and therefore needs to be appropriate in terms of its mass, form and design and respond to the context of the surrounding urban environment in a positive manner. The policy position, set out primarily in policies EV1, EV2, EV4, EC2, AS2 and CC5, and supported through Supplementary Planning Guidance requires that new development be, amongst other criteria, appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. Furthermore development should integrate effectively with adjacent spaces and the public realm to create good quality townscape.

The proposal would introduce a significant level of student accommodation which will increase the vitality of the SA1 regeneration area in very close proximity to the city core. It is an independent proposal that complements the UWTSD proposals for the Innovation Quarter in the southern area of SA1.

In respect of the principle of the development at this location, the Council refused the original planning application for the development based upon its alleged conflict with the SA1 Masterplan in terms of the form of use being proposed, however, the inspector in reaching a decision on the appeal concluded *"whilst I acknowledge that the development would represent a clear departure from the approved masterplan, I consider the general principle of location the proposed purpose built student accommodation at the appeal site to be acceptable and in accordance with the general thrust of Policies EC1 and EC2 of the adopted UDP."*

The Council had raised concern and refused the original application based upon its scale, form and design and its impact upon the character and appearance of the area, the Appeal Inspector however concluded that the *"proposed development would be appropriate to its local context in terms of its scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density."*

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I also consider that it would integrate effectively with adjacent spaces, create a good quality townscape and represent a suitable design solution given the overall vision of creating a mixed use urban place through the SA1 regeneration, whilst also creating a 'gateway' building upon a key approach into the city centre. Accordingly, I find no conflict with Policy EV1 which seeks to ensure that new developments accord with the principles of good design. For the same reasons, I also find no conflict with Policy EC2 which, amongst other things, seeks to ensure that developments within SA1 Swansea Waterfront area integrate with existing areas and are of a high standard of design."

As indicated above, the revised proposal is comparable to the building envelope under the Section 73 application 2018/0951/S73, and proposes various changes to the external appearance of the building, these relate to the fenestration arrangement and the external materials consisting of brick and large glazed windows remain consistent to the approved scheme. The changes being proposed are considered to be minor material changes to the consented scheme and given that there will be no change to the overall height, the building envelope would not exceed that of the consented scheme and the elevation changes result in no significant alteration to the overall design or form of development it is considered that the development is acceptable in relation to its townscape and visual impact and complies with the requirements of policies EV1 and EC2 of the Unitary Development Plan.

Highways, Traffic and Parking Impact

Further to the above the original application was also refused due to the extent of the parking provision resulting in increased pressure for on-street parking to the detriment of highway safety in the surrounding area. However, the Inspector concluded on this issue *"On the basis that the arrival and departure of students, as well as on-going traffic, cycle and pedestrian matters could be adequately regulated by an approved Travel Plan, and that issues of indiscriminate parking could be effectively enforced through civil enforcement processes, I see no reason why the proposed development would give rise to levels of indiscriminate parking that would represent a material threat to highway safety. Consequently, I find that the proposed development would accord with the general thrust of Policy AS6 of the adopted UDP which is framed within the context of preventing developments that would give rise to vehicle congestion and/ or highway safety concerns. I note the conflict with the adopted parking standards. However, for the reasons set out above, I consider the departure from such standards to be wholly justified in this case"*.

Therefore whilst the Highway Authority is not supportive of the development on the grounds that insufficient parking is being provided to support the proposed development, there are no highway objections to the current scheme, notwithstanding the increase in student bedspaces from 500 to 591. The Transport Statement has indicated that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership.

As part of the former appeal decision the applicant entered into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act (1990) which provided for the payment of a highway infrastructure contribution of £99,000 and provisions to manage student car parking. In order to ensure that this new permission is also bound to the original terms, a variation to the Unilateral Undertaking or a new Section 106 Planning Obligation will be required as part of the planning permission.

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As a result of the increase in the number of bedspaces to that already consented, the Highway Authority have identified a requirement for additional Section 106 contributions to improve pedestrian and cyclist connectivity and public transport enhancements. The proposals rely heavily on these forms of travel in the reasoning for low parking provision. These are:

Improving Pedestrian Connectivity.

1. Fabian Way / King's Rd junction. Modification of the existing crossing, following the implementation of the previously agreed infrastructure to improve pedestrian and cyclist safety and junction efficiency to accommodate proposed demand - Budget Estimate £15 - £20k.

Public Transport Enhancements

2. Upgrade of the westbound bus stop on Fabian Way from current flag and pole arrangement. Requirement for a shelter to provide dry waiting facilities with seating and live service information - Budget Estimate £15 - £20k.

The total additional contribution sought would be £30 - £40k, which sits within the maximum range that could be requested.

Conclusion

It is considered that the revised proposal would result in an acceptable form of development in this instance that complies with the requirements of policies set out in the City and County of Swansea Unitary Development Plan (Adopted 2008). Approval is therefore recommended subject to the developers entering into a Section 106 Agreement in relation to future car parking management, provision of a planning obligation amounting to the original requirement of £99,000 for specific enhancements to the pedestrian and public transport network together with the additional requirement for £40,000 and subject to a schedule of planning conditions to control the development and its form. Several of the details reserved under the conditions have been approved and the wording of the conditions therefore needs to be updated to reflect the current situation and in particular with reference to the condition discharge application references.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this 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 WBFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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RECOMMENDATION

APPROVE, subject to the completion of a new Section 106 Planning Obligation Unilateral Undertaking (UU) re-instigating the existing provisions of the UU submitted under the Appeal to Planning Permission ref: 2016/1511 as specified below:

Highway Infrastructure

- Financial contributions to the sum of £139,000 to fund:
 - a. Fabian Way / King's Rd junction. Relocation of the Fabian Way pedestrian crossing phase to a more conventional location to the East side of the junction in order to improve pedestrian connectivity.
 - b. Fabian Way / King's Road junction. Introduction of bus priority, for buses exiting King's Road. Use of pole mounted card reader, to enact priority call for buses serving SA1 in order to improve public transport.
 - c. Amendments to inbound Fabian Way bus lane. Remove the dedicated bus stage, and remodel the island to create a give way arrangement to allow buses to reach the front of the queue in order to improve public transport.
 - d. Eastbank Way / Delhi St: Modifications to triangular island in centre of junction to allow vehicles from Second Tawe bridge to progress towards Fabian Way when right turn link is full in order to improve public transport.
 - e. Fabian Way / King's Rd junction. Modification of the existing crossing, following the implementation of the previously agreed infrastructure to improve pedestrian and cyclist safety and junction efficiency to accommodate proposed demand - Budget Estimate £15 - £20k.
 - f. Upgrade of the westbound bus stop on Fabian Way from current flag and pole arrangement. Requirement for a shelter to provide dry waiting facilities with seating and live service information - Budget Estimate £15 - £20k.

Car Parking Management

- The provision of a mechanism to deal with the control of 'on-site' car parking through the production and agreement of a Tenancy Agreement.

Section 106 Management and Monitoring Fee

Costs incurred against the management of the obligation are based upon 2% of the value of the planning obligations = £2780.

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

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- 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: W0318 - 0150A - Site Context Plan; W0318 - 0110a - Existing Site Plan; 17 -79-PL-218A Illustrative Landscape Masterplan - plans received 2, May 2018; W0318-0250- 0259 Rev B Basement to Level 8; W0310 - 0315B Elevations; W0318B Typical Bay Arrangement; W0318-420-423 rev B- Sections; W0308 -045- Rev B Site Sections - Amended plans plans received 22June, 2018; 17-79-PL-201 to 207 Landscaping details; W0318-0317 Typical Details & W0318-905A - Details of Typical Elevations - additional plans received 17 July, 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the development of any superstructure works, samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved in writing by the Local Planning Authority. Composite sample panels shall be erected on site for the duration of the works and the development shall be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area
- 4 Prior to the commencement of any superstructure works, details of the following at a scale of 1:10 or other appropriate large scale shall be submitted to and approved in writing by the Local Planning Authority:
 - Typical window in its opening, including vent and spandrel panel;
 - Colonnade, including soffit;
 - Parapet;
 - Inset top floor including cap;
 - Typical external door opening.The development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of visual amenity
- 5 Prior to the commencement of any superstructure works, details of all public realm works, including details of the parking for a refuse truck, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved details.
Reason: In the interests of visual amenity and the character and appearance of the area.
- 6 Notwithstanding the details shown on the approved plans, details of all wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works. The proposed mitigation measures shall be referenced to a revised wind analysis and shall be implemented in accordance with the approved scheme prior to the first beneficial occupation of the building hereby permitted and retained thereafter for the lifetime of the approved development.
Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

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- 7 Prior to the occupation of the development, a Refuse and Recycling Strategy (including the provision of storage facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Refuse and Recycling Strategy for the lifetime of the development.
Reason: To enable the developer to present a coherent plan for the provision of waste management and collection from the site.
- 8 The development shall be implemented in accordance with the Geo-environmental Desk Study, Geotechnical / Geo-environmental Interpretative Report and the Remediation Implementation and Verification Plan approved under condition discharge ref: 2018/0382/DOC.
Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity, being, adjacent to the River Tawe and contamination is known/strongly suspected at the site due to its previous industrial uses.
- 9 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy 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 for the reporting of this to the Local Planning Authority.
Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 11 The development shall be implemented in accordance with the Foundation Works Risks Assessment approved under condition discharge ref: 2018/0382/DOC.
Reason: In order to protect residential amenity and to prevent pollution of controlled waters from inappropriate methods of piling

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- 12 Prior to the commencement of any superstructure works, the developer shall prepare a strategy for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained thereafter to serve the development.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 13 Notwithstanding the submitted information provided in the DAS Addendum that confirms that PV panels will be concealed on the areas of roof behind the parapets full, or the provisions of Part 43 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), full details of all PV panels and their siting shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be retained thereafter in their approved position.
Reason: In the interests of visual amenity to ensure that the panels are not a discordant feature on the skyline
- 14 The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief approved under Condition discharge ref: 2018/0382/DOC. A final report shall be submitted to the Local Planning following the completion of all the archaeological work.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 15 The development shall be implemented in accordance with the Construction Environment Plan (CEP) approved under condition discharge ref: 2018/0382/DOC.
Reason: In order to mitigate potential environmental pollution issues during construction works
- 16 Prior to the beneficial use of the development, a quantitative assessment of NO₂ pollutant concentrations at the façade of the proposed development shall be undertaken (in line with National Air Quality Objectives) in parallel with the assessment of the on-site combustion plant to ensure that the combined effects of both pollution sources on future residents are fully assessed and mitigated if required. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the building hereby approved.
Reason: In the interests of amenity having regard to air quality
- 17 Prior to the beneficial use of the development, a scheme which specifies the provisions to be made for the control of ventilation and fume extraction shall be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained thereafter to serve the development.
Reason: In the interests of the amenity of future occupiers.

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- 18 Prior to the beneficial use of the development, a scheme which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products shall be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.
Reason: In the interests of the amenity of future occupiers
- 19 Prior to the commencement of any superstructure works, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:
All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.
The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room and the approved scheme shall be retained for the lifetime of the development hereby approved.
Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.
- 20 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.
Reason: To protect the proposed residential use against noise emanating from the commercial activity.
- 21 Prior to the commencement of any superstructure works, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All building services plant noise shall be designed to achieve a rating level (dBLArTr) that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS4142:2014: Methods for rating and assessing industrial and commercial sound. The building services plant shall thereafter be installed and maintained in accordance with the approved scheme.
Reason: To protect the existing and proposed residential uses against noise from building services plant.
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply to the development hereby permitted.
Reason: In the interests of amenity and to prevent unacceptable discordant features within the skyline.

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- 23 Notwithstanding the details submitted as part of the application, no superstructure works shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacing's and height when planted of all new planting.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and soften the urban environment.
- 24 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and soften the urban environment.
- 25 No vinyls or other obscure glazing shall be applied at any time to the ground floor A3 unit glazing or space listed as Ancillary Space on the approved plans.
Reason: To ensure active, attractive and transparent shopfront and spaces which will maintain and enhance vitality at street level and avoid dead frontages.
- 26 The development shall be carried out in accordance with a Travel Plan to be submitted to and approved in writing by the Local Planning Authority prior to any beneficial use of the development.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion
- 27 Notwithstanding the submitted details, the development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall thereafter be retained in perpetuity.
Reason: In the interests of providing suitable facilities for sustainable transport
- 28 Prior to the first beneficial occupation of the development, car parking arrangements shall be in accordance with the Basement GA plan approved under Non-Material Amendment ref: 2018/0966/NMA. The parking spaces shall remain available for the designated use in perpetuity.
Reason: To ensure that the development is provided with adequate car parking provision.
- 29 Prior to the first beneficial occupation of the development, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall specify:
- a) The arrangements for the general maintenance and management of the site, including external amenity/ landscape space;
 - b) The arrangements for servicing deliveries;
 - c) The parking and traffic management incentives and arrangements, with particular reference to the beginning and end of term pick-up and drop-off arrangements;
 - d) Measures proposed in relation to site safety and security; and

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e) The Procedures in place for minimising and managing community complaints, a point of contact for each academic year and full details of the community complaint procedures.

The development hereby permitted shall thereafter be implemented in accordance with the approved Operational Management Plan for the lifetime of the development.

Reason: To ensure the management and movement of vehicles related to the development in the interests of the public safety and amenities of the area, and to protect future resident's amenity.

Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV4, EV33, EV35, EV36, EV38, EV40, HC1, HC11, EC1, EC2, EC6, AS1, AS2, AS5 & AS6.
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Agenda Item 7

Report of the Head of Planning and City Regeneration

To

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Abergelli Power Limited (APL) – Gas Fired Power Station Item Report

Purpose:	This report provides an update on the APL submission for a Development Consent Order for a gas fired power station at Felindre.
Legislative Framework:	The Planning Act 2008 (as amended). The DCO application will be examined by the Planning Inspectorate who will make a recommendation to the Secretary of State for Business, Energy & Industrial Strategy. The Secretary of State will take a decision on the application on receipt of a recommendation from the Planning Inspectorate.
Policy Framework:	National Policy Statements EN-1 and EN-2 provide the overarching national level policy framework for consideration of DCO applications for gas fired power stations and set out the Government's policies for the assessment of DCO applications. City and County of Swansea Unitary Development Plan (Adopted November 2008). The Emerging Local Development Plan (LDP) expected to be the approved plan by late 2018.
Reason for Decision:	To enable the Local Planning Authority to respond to the tight deadlines set by the Examining Authority (PINS).
Recommendation:	To note the Council's Relevant Representation.
Report Author:	Andrew Ferguson, Principal Planner Area 1

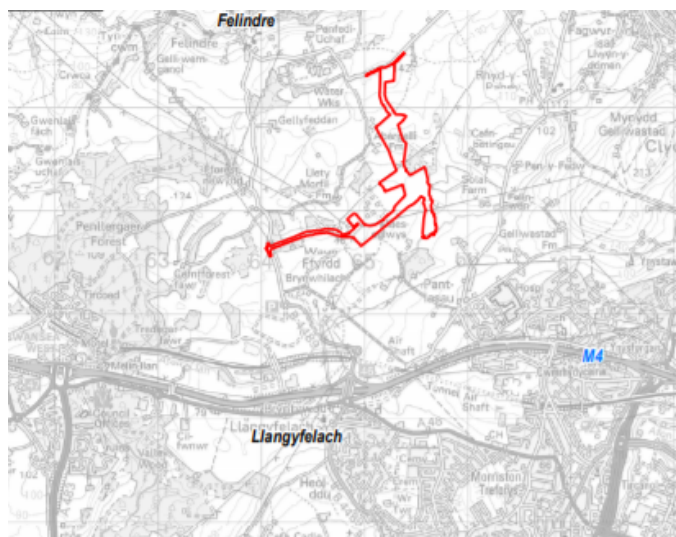
1.0 Introduction:

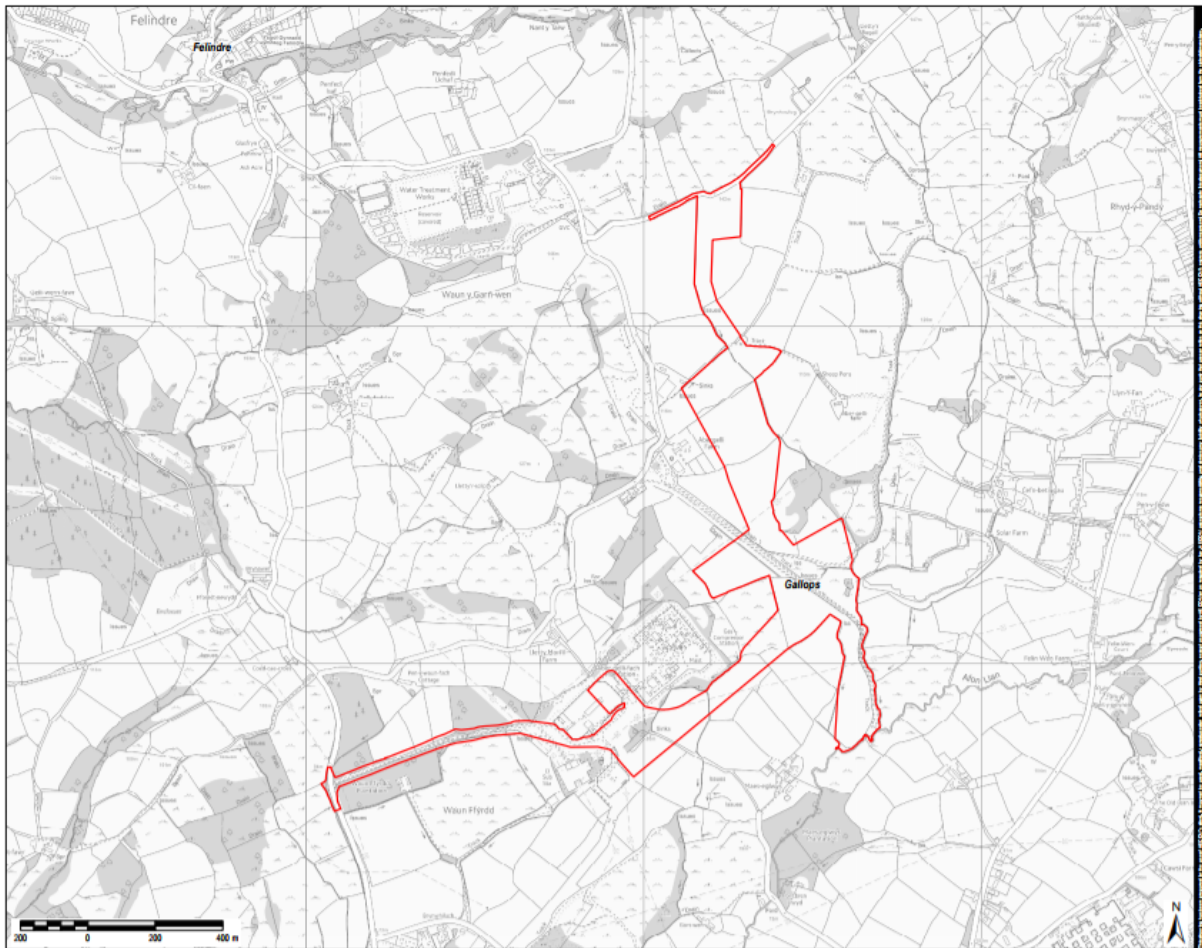
- 1.1 Abergelli Power Limited (APL), a subsidiary business of Drax Group, wishes to build a gas-fired power station on land located at Abergelli Farm, south of Felindre, adjacent to the National Grid Gas Compressor Station and to the north of the M4 motorway.
- 1.2 The Project includes a power generation plant and its electrical and gas connections. The Project would have a rated electrical output of up to 299MW. The power generation plant is designed to provide back-up generation capacity which can operate flexibly to respond quickly and efficiently to both short-term variation in customer demand and intermittent output from renewable power generation. It is anticipated that it will operate for up to 2,250 hours p.a. and 1,500 running hours rolling average over 5 yrs.

- 1.3 Given that the proposal is for a thermal generating station with an electrical output in excess of 50 MW the output, the Project is classified as a Nationally Significant Infrastructure Project, which means that a Development Consent Order (DCO) is required to build, operate and maintain it.
- 1.4 The DCO Application will be examined by the Planning Inspectorate (PINS) who will make a recommendation to the Secretary of State for Business, Energy & Industrial Strategy. The Secretary of State will take a decision on the application on receipt of a recommendation from PINS. PINS take around six months to examine an application once submitted. The process will be similar to that of the Tidal Lagoon DCO, albeit that the proposed technology is more common place than the tidal lagoon and various other 'peaking' plants have been already been granted a DCO (such as Hirwaun, RCT) so the process should be more straightforward in this regard.
- 1.5 An item report was brought to Council in June 2018 seeking delegated powers to provide an adequacy of consultation response. The report was moved with recommendation and the response was subsequently submitted.
- 1.6 The DCO application was accepted by PINS on 21st June 2018.
- 1.7 Sections 2, 3 and 4 have not changed since the previous item report but have been included for information purposes.

2.0 The Site and its Surroundings:

- 2.1 The red line boundary of the project, encompassing all the elements proposed and the maximum extent of land over which powers are sought, is shown below.





- 2.2 The land at Abergelli Farm consists of grazing fields for sheep, is divided by hedgerows and is generally flat in a slightly undulating landscape. The site is located within the open countryside and lies approximately 1.5km north west of Morryston Hospital. The western extent of the project site encompasses National Grid's Swansea North electrical substation and Felindre Gas Compressor Station.
- 2.3 The whole of the site is located within the administrative area of the City & County of Swansea. Abergelli Farm is located 2km south east of Felindre, 2.4km north of Llangyfelach and to the north of Junction 46 of the M4 and would be accessed via this junction. The overall farm is approximately 97Ha and is currently used for sheep grazing and horse training/ breeding and there is a planning history associated with these uses. The application site is currently accessed via a network of farm tracks that lead to the B4489 to the south and an unnamed road to the north which leads to Felindre and Rhyd y Pandy.
- 2.4 There are no residential dwellings located within the boundary of the project site. Most of the site is improved grassland but there are areas of marshy grassland in the south eastern part of the Generating Equipment Site. There are parts of a Site of Importance for Nature Conservation (SINC) within the Project Site (Llety Morfil SINC). A block of broadleaved woodland, classed as Ancient Woodland is located in the western portion of the site, surrounding the substation.
- 2.5 The Generating Equipment Site is located primarily within fields used for grazing, bounded by a mixture of drainage ditches, fencing and poor quality hedgerows with gaps in them.

The Generating Equipment Site and the Laydown Area are both crossed by a soft surface horse training track known as 'the gallops' which runs diagonally north-west to south-east. Other features of the area include public footpaths, bridleways and tracks located in and around the Project Site, linking it to the wider area.

- 2.6 The wider surrounding area is generally rural in character although there is a large amount of utilities' infrastructure in the vicinity e.g. gas and water pipelines, electricity pylons and substations, a gas compressor station and a water treatment plant. A large water main also crosses the site. Further afield lies the former Felindre Tin Plate works which is identified as a Strategic Business Park. Several solar farms have been proposed in the surrounding area with several completed and operational.

3.0 The Project:

- 3.1 The Project is a gas-fired 'peaking' plant which is designed to operate when there is a surge in demand for electricity (e.g. where there is a sudden demand in power required by consumers or a sudden drop in power being generated by plants that suffer a breakdown). Peaking plants also help to 'balance out' the grid at times of peak electricity demand and at times when other technologies, such as wind and solar farms, cannot generate electricity due to their reliance on weather conditions and intermittent operation.
- 3.2 The Project Site is approximately 30 ha in area, and is situated on open agricultural land located approximately 2 km north of Junction 46 of the M4 within the administrative boundary of the City and County of Swansea Council.
- 3.3 The Project will involve the combustion of gas to generate electricity. There are three key components to the Project:
- 1) A new Power Generation Plant, in the form of an Open Cycle Gas Turbine. It will have an electrical output of up to 299 MW.

The Power Generation Plant will include:

- Generating Equipment including one Gas Turbine Generator with one exhaust gas flue stack (between 35m and 45m in height); and
- Balance of Plant (BOP), which is all infrastructure required to support the Gas Turbine Generator (together referred to as the 'Generating Equipment') which are located within the 'Generating Equipment Site';
- An Access Road to the Project Site from the B4489 which lies to the west, formed by upgrading an existing access road between the B4489 junction and the Swansea North Substation (the Substation) and constructing a new section of access road from the Substation to the Generating Equipment Site; and
- A temporary construction compound for the storage of materials, plant and equipment as well as containing site accommodation and welfare facilities, temporary car parking and temporary fencing (the Laydown Area). A small area within the Laydown Area will be retained permanently (the Maintenance Compound).
- Ecological Mitigation Area - area for potential reptile translocation and ecological enhancement. Location and area to be confirmed in discussion with NRW and CCS and likely to be commensurate with the extent of mitigation required and within the Project Site Boundary.

- Permanent parking and drainage to include: a site foul, oily water and surface water drainage system.

- 2) The Gas Connection will be in the form of a new above ground installation (AGI) and underground gas connection (the Gas Pipeline). This is to bring natural gas to the Generating Equipment from the National Gas Transmission System.
- 3) The Electrical Connection will be an underground electrical cable to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS).



3.4 The proposed application for a Development Consent Order (DCO) will seek consent for all works required for construction, use, operation and maintenance of the Power Generation Plant (including the Access Road and the Laydown Area/Maintenance Compound, which are integral to the NSIP). The Gas Connection and Electrical Connection are considered to be Associated Development within the meaning of the Planning Act 2008.

3.5 As the Project is a generating station in Wales below 350 MW, development consent cannot be granted for Associated Development (gas and electricity connections) in the DCO. However, the Gas Connection and the Electrical Connection will be considered and assessed in the Environmental Statement to provide full information on the effects of the Project as a whole.

4.0 Need for the Project:

4.1 There is a considerable national need for this type of project, acknowledged at all levels of Government policy. National planning policy supports the need for new power stations to replace the current ageing coal fired power plants, many of which are scheduled to close, and also meet expected increasing demand for electricity over the coming decades. The supply of electricity in the UK relies on the generation of electricity from several sources, more traditionally through baseload thermal generation plants such as coal, gas and nuclear.

These generators all provide power to keep the national grid at a steady frequency of 50 Hertz (Hz), essential to the smooth operation of electrical equipment throughout the UK. At present, the total capacity of peaking power plants in the UK is relatively small due to the nature of the historic approach to power production in the UK.

- 4.2 There is a clear and significant requirement for further capacity to meet the projected need for reactive/flexible generation in the future, as the methods of power generation diversify. Gas is acknowledged by the Government as having an important role to play in our transition to a low carbon economy, whilst at the same time supporting the country's energy security. In addition, gas peaking plants such as the Project would provide back-up to power generation from renewable sources, particularly wind power, which supply an increasingly important share of the country's electricity demand. Modern gas fired power plants are among the most efficient forms of electricity power generation.
- 4.3 An Environmental Impact Assessment (EIA) of the proposed development will be submitted as part of the suite of documents that accompany the application for development consent. The EIA will examine likely significant environmental effects of the Abergelli Power project. Issues such as noise, air emissions, ecology, visual impact, archaeology and traffic and transport will be considered.
- 4.4 The Abergelli Power project can bring a range of benefits to the area during both construction and operation. Construction will take around two years and will provide job opportunities for approximately 150 skilled and semi-skilled people.
- 4.5 The power plant is expected to have an operational life of at least 25 years during which up to 15 full time employees will be required to support the management and maintenance of the plant.
- 4.6 This investment will also support indirect jobs in the local community in areas such as facility maintenance and other support services. A detailed socio-economic impact study will be submitted as part of the application.

5.0 Section 56 Consultation

- 5.1 APL commenced their S56 Consultation on the 3rd July 2018 giving interested parties 28 days to register as an interested party and to provide a 'relevant representation'. This S56 Notice gives details of the proposal, where copies of the application can be obtained from and how to make representations on the proposal. This Notice has been sent to various statutory consultees, community Councils and APL have also consulted using a Press and Site Notice.
- 5.2 This is the stage where people (individuals and organisations) are given the opportunity to register as an "Interested Party". Becoming an Interested Party gives you the right to make representations about the application that is being examined. Interested parties are informed of the progress of the Examination and are notified of the final decision by the Secretary of State. Interested Parties also have the opportunity to attend and speak at the Preliminary Meeting or hearings that take place during the Examination.
- 5.3 Representations and responses must be received by the Planning Inspectorate by 11.59pm on Thursday 2nd August.

- 5.4 The Council (as Unitary Authority in which the project is located) is already registered as an Interested Party. Given the short timeframe for determination, the Council will also provide a “Relevant Representation” at this stage which will include a summary of issues and comments the Council has on the application submission.
- 5.5 Various internal departments have been consulted on this DCO application to ascertain their views comments, including:
- Highways
 - Drainage
 - Ecology
 - Landscape Officer
 - Tree Officer
 - PROW Officer
 - Sustainability Officer
 - Urban Design and Conservation
 - Pollution Control
 - Tourism
 - Beyond Bricks and Mortar
 - Economic Development
 - Education
 - Glamorgan Gwent Archaeological Trust (as archaeological advisers to the Council)
- 5.6 The Development, Conservation and Design Manager has delegated powers to submit this Relevant Representation. As the deadline is not until after the Planning Committee Agenda is finalised, the Relevant Representation will be forwarded on to Members prior to Planning Committee.
- 5.7 The Relevant Representation will have a caveat that the Local Planning Authority may make further representations in the Local Impact Report that have not been included in the Relevant Representation in case Members or other consultees raise issues that haven’t been raised to date.

6.0 Local Impact Report (LIR):

- 6.1 The relevant Secretary of State will appoint an ‘Examining Authority’ to examine the application in due course. The Examining Authority will be from the Planning Inspectorate, and will be either a single Inspector or a panel of three or more Inspectors.
- 6.2 The Examining Authority will invite local authorities to submit a LIR in which the Authority should give details of the likely impact of the proposed development upon the Authority’s area. The **deadline for the submission of the LIR will be set by the Examining Authority following the Preliminary Meeting**, which is likely to take place in September 2018. The Authority are therefore encouraged to begin preparation of the LIR now, and put in place internal approval procedures.
- 6.3 At this stage, it is envisaged that the Local Impact Report will be reported to Committee for consideration. Officers will start preparing this in due course.

6.4 In addition, authorisation may be sought to agree a Statement of Common Ground with the applicant as well as preparing written statements on individual topics depending on the timeframes for comment. The timeframes for the process will become clearer following the Preliminary Meeting (assuming the application is accepted by PINS).

6.5 In coming to a decision, the Secretary of State must have regard to any LIRs that are submitted by the deadline. Local authorities are therefore strongly encouraged to produce LIRs when invited to do so. Relevant local authorities should prioritise preparation of their LIR irrespective of whether the local authority considers the development would have a positive or negative impact on their area. The local authority will be able to submit a separate written representation if it wishes to express a particular view on whether the application should be granted.

7.0 Recommendation

7.1 It is recommended that Committee note the Council's Relevant Representation.

7.2 As stated above, the Relevant Representation has not been finalised at the time of preparing this Item Report. The Relevant Representation will be made available to Members prior to Planning Committee.

8.0 The Process:

