

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 1

APPLICATION NO.

2014/0615

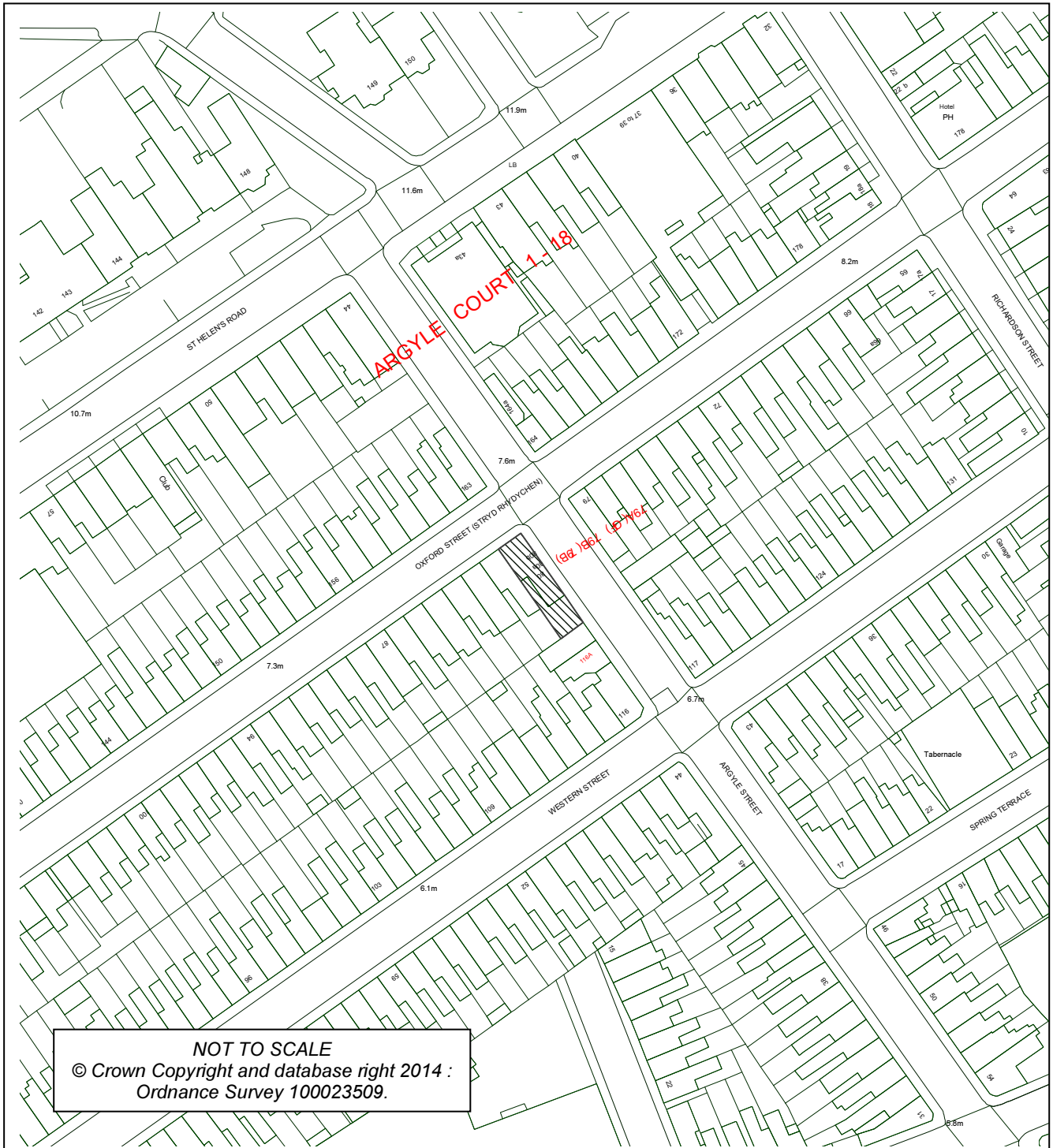
WARD:

Castle  
Area 1

**Location:** 80 Oxford Street, Swansea, SA1 3JN

**Proposal:** Change of use of ground floor into two self contained flats with external alterations

**Applicant:** Mr Darren Waygood



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APPLICATION NO.

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### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC6	Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2006/1433	Change of use of ground floor flat into two self contained flats and external alterations Decision: Grant Permission Conditional Decision Date: 13/08/2006
94/1281	CHANGE OF USE OF GROUND FLOOR SHOWROOM (CLASS A1) TO 5NO. STUDENT STUDY BEDROOMS WITH COMMUNAL FACILITIES (CLASS C3) AND CONVERSION OF FIRST FLOOR OFFICES (CLASS B1) TO 1NO. SELF-CONTAINED FLAT Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 11/01/1995

#### **RESPONSE TO CONSULTATION**

ONE NEIGHBOURING PROPERTY has been consulted and the proposal was advertised on site. NO RESPONSE has been received.

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**Highway Observations** - Change of use of ground floor into two self contained flats with external alterations.

The overall house is currently licensed as a nine bed HMO although there is no planning to that effect. The ground floor currently provides five bedrooms so as a result of the proposals the dwelling will be split into a four bed HMO, and two number two bedroom flats.

In terms of parking demand, notwithstanding that there is no parking available the current use would require three parking spaces (for a single dwelling of up to six persons). The proposed use as two flats (plus the remaining element of the HMO would require seven parking spaces and there would also be an impact on residents parking as there is a permit holders scheme in operation at the moment which allows two permits per flat. In effect this would treble the number of permits issued from two to six.

In the vicinity of the site there are 30 resident permit parking spaces laid out but a total of 37 have been issued already showing that demand is already outstripping supply.

Whilst there is a net loss of one bedroom the works would result in the formation of three separate residential units and overall there would be an increase in parking requirements which is felt cannot be satisfactorily accommodated on street without detriment to the existing parking provision enjoyed by the residents.

I recommend that the application be refused on the grounds that:

1. The applicant has failed to provide any additional parking provision to cater for the increase in requirements in accordance with our adopted parking guidelines. This could result in indiscriminate parking to the detriment of the safety of highway users, both vehicular and pedestrian.
2. The application would increase the residents parking permits issued to the detriment of the effectiveness of the Residents Parking Scheme in operation.

### APPRAISAL

This application is reported to committee for decision at the request of Council Sybil Crouch to assess highway safety implications and the impact in the street scene. A site visit has been requested.

80 Oxford Street is currently in use as two flats, one at first floor (4 bed) and one at ground floor (5 bed). It is proposed to change the use of the ground floor into two self contained flats, (each with 2 bedrooms) with external alterations. The external alterations comprise the insertion of an additional entrance doorway on the side elevation to provide a separate access to the new units and fenestration alterations.

A previous application (ref: 2006/1433) gained consent for the conversion of the ground floor of this premises into two self contained flats. That application proposed a one bed flat and a two bed flat making a total of 3 bedrooms – a reduction from the original 5 bedrooms at ground floor level. This application differs from that previously approved as it proposes two 2 bedroom flats rather than a one bed and a two bed.

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The principle of three separate units at this location, therefore, has previously been considered acceptable.

However, there are other material changes in circumstances since the previous application in that the Swansea Unitary Development Plan 2008 has been adopted, replacing the previous Swansea Local Plan Review No.1 and the Highway Parking Standards 2010 has been introduced. Policies EV1, EV2, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008 are relevant.

It is noted that the submitted plans indicate two separate units at the site i.e. a 5 bed flat at ground floor level and a 4 bed at first level. Whilst there is no planning history for such a use, council records indicate that the use has been in situ more than 4 years and is therefore lawful for the purposes of this assessment.

In terms of visual amenity and the impact of the proposal on the character and appearance of the existing dwelling and surrounding area, it is considered that the new door would relate satisfactorily to the existing property and is considered visually acceptable with no detrimental visual impact upon the character and appearance of the surrounding street scene. This element of the scheme reflects that previously approved in 2006.

Turning to the impact upon residential amenity, whilst the proposal would split the property into two separate units at ground floor, the level of accommodation is less than the existing accommodation. Currently the ground floor provides 5 bedrooms whilst the proposal would split the flat into two 2-bed self contained flats. The upper floor would remain as existing i.e. a 4 bed residential unit. It is therefore considered, as previously in 2006, that the proposal would not result in intensification in the use of the property and as such it is not considered that the neighbouring properties would suffer an increase in noise and disturbance beyond that currently experienced.

Turning to the impact upon parking and traffic generation, in accordance with our adopted parking guidelines the Head of Transportation and Engineering has objected to the proposal due to the lack of off-street parking provision to cater for an increase in demand as a result of the proposal which in turn would result in highway safety issues in the surrounding area. The provision of the additional unit would require 1 additional space. No parking is provided. Whilst it is noted that objection is also raised on the impact the proposal would have on residents' parking, it is considered that a condition could have been attached to any consent granted preventing future occupiers applying for residents' parking permits.

In conclusion and having regard to all material considerations, including the Human Rights Act, it is considered that the proposal results in an unacceptable impact upon the highway conditions of the area and therefore fails to comply with the criteria set out in Policies EV1, HC6 and AS6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, refusal is recommended.

### **RECOMMENDATION**

**REFUSE, for the following reason:**

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- 1 The applicant has failed to provide any additional parking provision to cater for the increase in requirements which would in turn result in indiscriminate parking to the detriment of the safety of highway users, both vehicular and pedestrian and is therefore contrary to the criteria set out in Policies EV1, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008.

### PLANS

03.14.800S.D2 site location and block plan, 03.14.800S.D1 existing and proposed floor plans and elevations dated 25th April, 2014

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ITEM 2

APPLICATION NO.

2014/0745

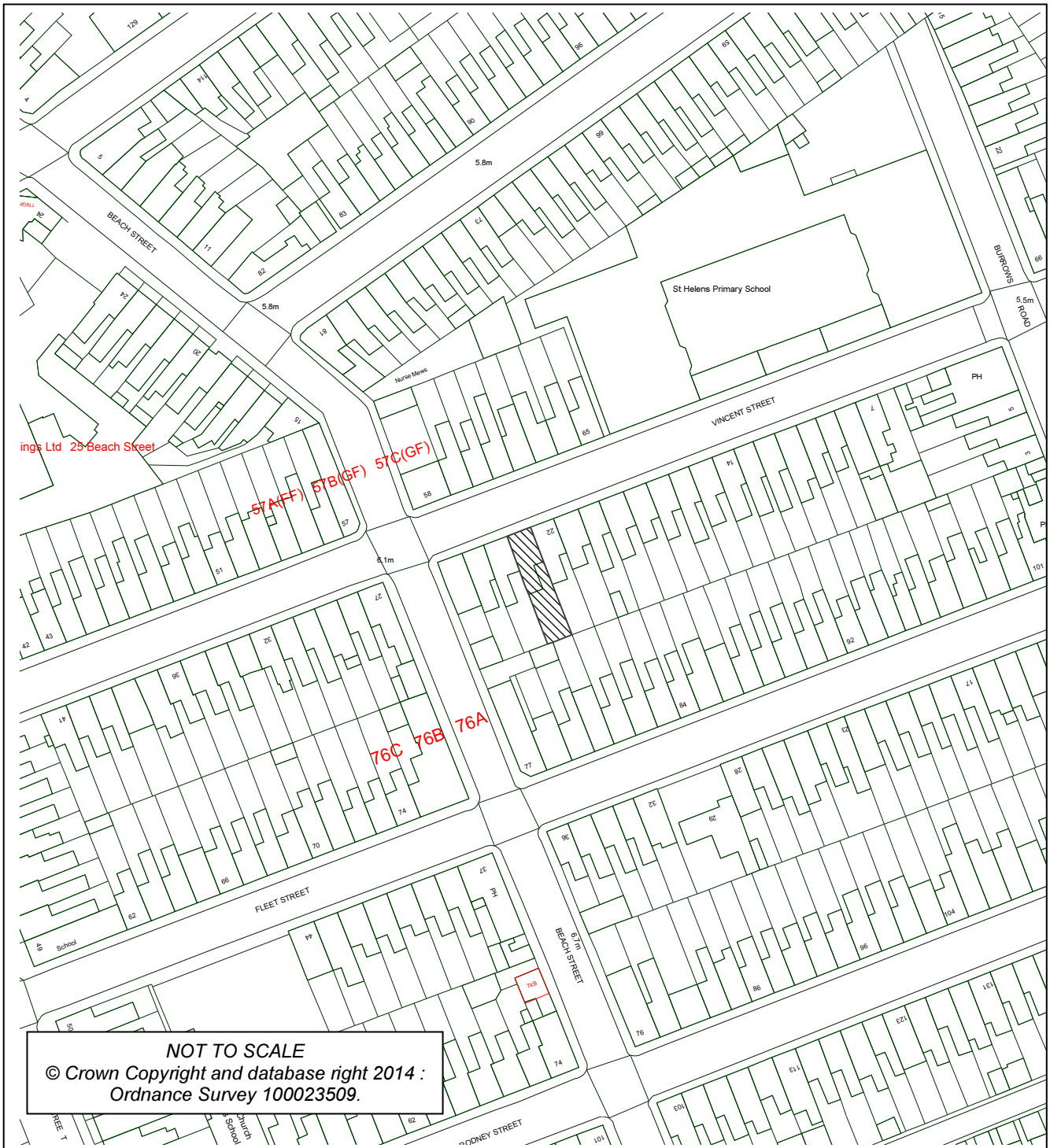
WARD:

Castle  
Area 1

**Location:** 23 Vincent Street, Swansea, SA1 3TY

**Proposal:** Part first floor, part single storey rear extension

**Applicant:** Mr & Mrs Leigh Thomas



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2014/0745

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)
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#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
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2014/0065	Two storey and single storey rear extension Decision: Refuse Decision Date: 12/03/2014
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2013/1422	Two storey and single storey rear extensions Decision: Withdrawn Decision Date: 10/12/2013
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#### **RESPONSE TO CONSULTATIONS**

FIVE NEIGHBOURING PROPERTIES were individually consulted. No response.

**Highway observations** - Part first floor, part single storey rear extension. This will increase the property from a 2 to a 3 bed. Vincent Street is within close proximity to the city centre and within easy walking distance of a school, local amenities and the central bus station. There are regular bus services in the area. There is residents' parking to the front. There are no highway objections.

#### **APPRAISAL**

This application is called to committee for determination at the request of Councillor Fiona Gordon to assess the proposal in relation to the previous refusal on the site. A site visit has also been requested.

#### **Planning History**

Members will recall that a planning application was submitted at the beginning of this year (application reference number 2014/0065 refers) for a two storey and single storey rear extension at the property. The proposed first floor rear extension of the proposal conflicted with the Supplementary Planning Guidance document entitled "A Design Guide for Householder Development" as it projected 6m and the application was refused on the 12th March 2014 by Committee following a site visit for the following reasons:

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- 1. The proposed first floor rear extension, by virtue of its excessive scale and close proximity to No. 24 Vincent Street, would have an unacceptable overshadowing and overbearing physical impact upon that property, to the detriment of the amenities of the occupiers of that property. The proposal is therefore contrary to the requirements of Policies EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan (2008); and the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).*
- 2. The proposed extension by virtue of its excessive scale and massing would dominate the existing dwelling and therefore detract from its character and appearance and that of the surrounding area contrary to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan (2008) and the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).*

A previous planning application for a similar development was submitted at the end of last year, (application reference number 2013/1422 refers). That application was withdrawn following officer concerns in relation to the proposed first floor rear extension's impact upon residential amenity.

### **Main Issues**

Full planning permission is sought for the construction of a part first floor, part single storey extension at the rear of No. 23 Vincent Street, Swansea. It has common boundaries with No. 22 to the east, No. 24 to the west and No's 79 and 80 Fleet Street to the south. The existing single storey rear extension to this mid-terrace property is to be replaced with a cavity wall constructed extension expanding the full width of the rear elevation of the dwelling with a rearward projection of 6.5m finished with a flat roof measuring 3m in height. The proposed two storey rear extension would have a width of 3.35m and would project 5m from the main rear elevation of the dwelling. The proposed ridge height of this element is to be 6.5m. The length of the proposed first floor rear extension has been reduced by 1 metre since the previous refusal.

The main issues for consideration with regard to this application relates to the impact of the proposal upon visual and residential amenities in respect of Policies HC7 and EV1 of the City and County of Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development. There are in this case considered to be no additional issues arising from the provisions of the Human Rights Act.

In relation to the current proposal, the proposed single storey rear extension would be finished with a flat roof whereas the two storey pitched roof would be finished with concrete tiles to match the existing roof. External elevations are to be finished in render to match the main dwelling. In terms of visual amenity, therefore, the pitched roof and flat roof design and the siting of the proposed extensions are considered to relate satisfactorily to the application property. It is considered that the reduction in the length of the extension has reduced the massing of the building and overcomes the adverse visual impact the previously proposed scheme had on the property and surrounding streetscene.



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With regard to residential amenity, the proposed depth of the ground floor extension would comply with the Supplementary Planning Guidance document entitled "A Design Guide for Householder Development" as it would only project 6.5m and is not therefore considered to create a significant impact on neighbouring properties in terms of overshadowing/overbearing impacts. However, the first floor element of the proposal would result in the first floor extension clearly conflicting with the guidance provided at Section 3 of the Supplementary Planning Guidance (SPG) document 'A Design Guide for Householder Development' (2008) which states that two storey rear extensions on terraced properties should project no more than 4 metres. The SPG states that where the neighbouring properties on both sides of a house have already been extended beyond this distance, an extension may be allowed to the same length. It should be noted that in this instance both adjoining neighbouring properties benefit from first floor rear extensions that only project approximately 4m in length.

Despite this identified conflict with the guidance in 'A Design Guide for Householder Development', it is considered that the proposed first floor extension would not result in an unacceptable overshadowing and overbearing impact upon the neighbouring property at No. 22 Vincent Street to the east, as that property has a first floor bathroom window in its rear elevation and the windows at ground floor are in line with the rear extension at the application site.

However, windows in the main rear elevation at No. 24 to the west would be adversely affected in terms of the overshadowing and overbearing impact from the proposed first floor rear extension due to their position and orientation in relation to the proposal. It is considered therefore that this will have an unacceptable impact on the residential amenity of occupiers of that property. With regard to privacy issues, the proposed rear windows would directly overlook the applicant's amenity space and therefore are not considered to result in a loss of privacy impact on the adjoining neighbouring properties. The proposal is not considered to result in any unacceptable impact upon the residential amenities of neighbouring properties to the rear of the site, No's 79 and 80 Fleet Street to the south due to the adequate separation distances.

Members should note that an application for a ground and first floor rear extension at No. 25 Vincent Street nearby (2005/0026 refers) was approved April 2005, with a depth of approximately 4.8 metres, It was considered that this depth was acceptable as there were no habitable room windows on the first floor rear elevation at No.26 Vincent Street. In addition the extension was not considered to have a detrimental impact on neighbouring amenities. However, it appears that the first floor part of that extension has not been built in accordance with the approved plans (being longer than approved). Due to the length of time since completion the extension is now immune from enforcement action. In the given circumstances, it is not considered that any precedent has been set in the vicinity for first floor rear extensions in excess of the stated guidelines. Whilst it is noted that there may be other examples of long first floor extensions in the street, a search of the history of these properties indicates that if planning permission was granted for the extensions, these were prior to the adoption of the Supplementary Planning Guidance document entitled "A Design Guide for Householder Development" (2008).

Notwithstanding the above, it has been previously suggested that there may be personal circumstances which are behind the need for the proposed extension. However the applicants have not submitted any evidence in support of such issues. In any event, paragraph 3.1.6 from Planning Policy Wales (Nov 2012) states that:

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*“Unless otherwise specified, a **planning permission runs with the land** and it is seldom desirable to provide for any other arrangement. Exceptionally, even though such considerations will rarely outweigh the more general planning considerations, the **personal circumstances** of occupiers, personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application. In such circumstances, permission may be granted subject to a condition that it is personal to the applicant. Authorities should bear in mind that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed”.*

The Head of Transportation & Engineering Services recommends that no highway objections are raised to the proposal.

In conclusion and having regard to all material planning considerations, including the Human Rights Act, the proposal is considered to represent an unacceptable form of development, conflicting with the criteria of Policies EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan (2008) and the guidance contained in the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

### RECOMMENDATION

#### REFUSE, for the following reason:

- 1 The proposed first floor extension rear extension, by virtue of its excessive scale and close proximity to No. 24 Vincent Street, would have an unacceptable overshadowing and overbearing physical impact upon that property, to the detriment of the residential amenities of the occupiers of that property. The proposal is therefore contrary to the requirements of Policies EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan (2008); and the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan (2008) and the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

### PLANS

Site location plan, 214 553 01A existing and proposed floor plans, elevations and block plan dated 19th May, 2014

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ITEM 3

APPLICATION NO.

2014/0737

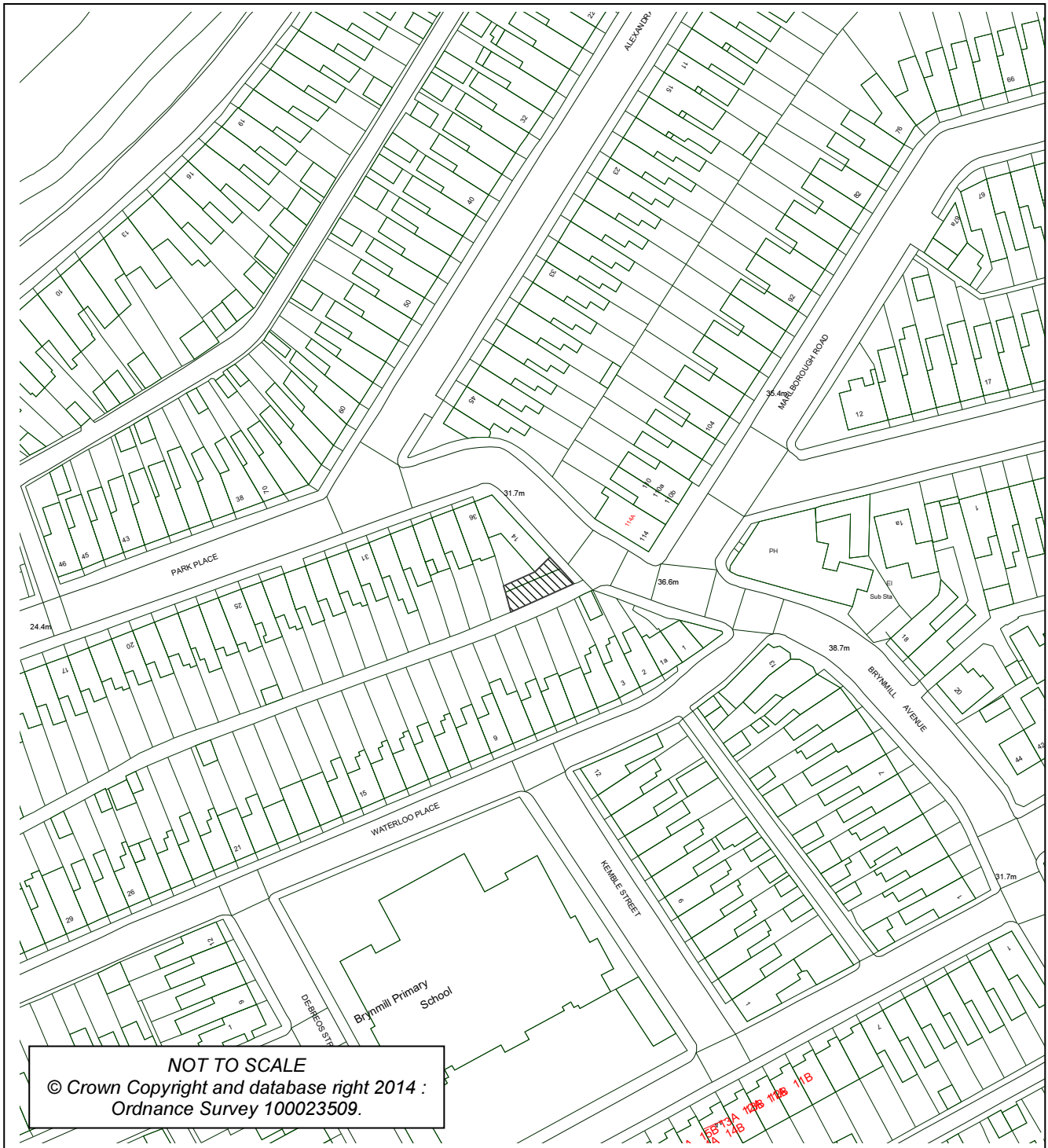
WARD:

Uplands  
Area 1

**Location:** 14A Brynmill Avenue, Brynmill, Swansea, SA2 0DQ

**Proposal:** Change of use of ground floor garage to a self contained flat

**Applicant:** Mr A K Latif



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0737

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2009/0869	Change of use of first floor from private garage/store to self contained flat Decision: Refuse Decision Date: 28/10/2009
97/1814	Change of use from residential garage to retail use (Class A1), alterations to front elevation, formation of access and erection of entrance gates Decision: Appeal Dismissed Decision Date: 19/11/1998
2006/2418	Change of use from private garage to retail (Class A1) on ground floor with shop front and new access gates to existing side yard Decision: Refuse Decision Date: 14/12/2006
2009/0371	Change of use of first floor from private garage/store to self contained flat Decision: Refuse Decision Date: 24/04/2009

#### RESPONSE TO CONSULTATIONS

The occupiers of three neighbouring were consulted and the proposal was advertised on site. NO RESPONSE.

**Highways** - The application is for the change of use of a ground floor garage to residential as a self contained flat.

Parking in the area is in extremely high demand and whilst the access statement makes reference to the sustainable nature of the site the fact of the matter is that this is an existing parking facility that will be lost, in addition to creating a new residential unit that does not have any parking associated with it, thus it is considered materially different than the conversion of the first floor store to residential that was consented on appeal.

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The size of the flat would require 1 parking space in accordance with our SPG standards, none are being provided and in addition the loss of the garage means that overall there are two spaces short.

The shortfall in the parking provision would increase the on street parking to the detriment of the existing residents and visitors, and as the residents of the new flat would also be eligible to apply for 2 parking permits this would again place increased pressure on the resident parking bays.

I recommend that this application be refused on the grounds that:

1. The applicant has failed to provide adequate off street parking to the detriment of the existing residents and the current on street parking facilities.
2. The loss of the garage as a parking space would be detrimental to the on street parking availability and could impact on highway safety by virtue of indiscriminate parking occurring arising from the shortage of on street spaces.

**Pollution Control** – No comments

**Natural Resources Wales (NRW)** – No comments

### APPRAISAL

This application is reported to Area 1 Development Control Committee for determination at the request of Councillor John Bayliss to allow members to consider the impact on the local area. A site visit has also been requested.

#### Description

Full planning permission is sought of the change of use of the ground floor from a garage/store to a self contained flat. The accommodation will comprise one bedroom, living room/kitchen and bathroom. Access to the proposed ground floor flat will be directly from the street into the living room/kitchen. The application building is two storey with the ground floor being a garage/store and the first floor currently in residential use, planning application 2009/0869 granted on Appeal (ref: APP/B6855/A/10/2122880). No.14 Brynmill Avenue is also within the ownership of the applicant and the application site has been fenced off from the rear of No.14. The application building is surrounded by terraced houses on Waterloo Place, Park Place, Brynmill Avenue, Marlborough Road and Alexandra Terrace. The garage is located at a point where these roads converge on a steep hill and bend.

#### Background Planning History

In respect of the planning history of the application site, there have been previous refusals of planning permission for the change of use of the garage to a two storey dwelling and a subsequent appeal was dismissed (p84/1798 refers).

Planning permission was also refused (97/1814 refers) and was subsequently dismissed at appeal for a change of use from residential garage to retail use (Class A1), alterations to front elevation, formation of access and erection of entrance gates at the rear of 14 Brynmill Avenue, Brynmill.

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A further application for the change of use from private garage to retail on the ground floor with shop front and new access gates to existing side yard on the same application site, was refused on 14<sup>th</sup> December 2006 (2006/2418 refers).

A subsequent application was refused for the change of use of the first floor of the garage to a two-bed self contained flat (ref: 2009/0371).

There has also been a history of enforcement action relating to the use of this building. The garage originally only had an established use as a garage/stores as an integral part of 14 Brynmill Avenue. An Enforcement Notice ref ENF/95/90 was served against the use of the Land and Buildings to the rear of 14 Brynmill Avenue, Brynmill from a garage/store to first floor residential accommodation/ground floor garage on 19<sup>th</sup> September 1995 for the following reason:

*'The proposed development is considered to represent an undesirable form of development which would be detrimental to the residential amenity of the occupiers of the neighbouring properties by reason of loss of privacy, noise, increased activity and general disturbance.'*

A subsequent appeal against the enforcement notice was dismissed. The Appeal Inspector noted... *'It seems to me that there is the intention to establish a separate flat on the appeal site. Such separation, in my opinion, would lead to an unacceptable intensification of residential use on a very confined site, with very little private amenity space, in a locality where residential use is already of high density. In my opinion this would generate increased domestic activity on the site, so close to together houses, which would be seriously harmful to the residential amenity of neighbours. This would be especially acute for the present or future occupants of Nos. 14 Brynmill Avenue and 36 Park Place who are the nearest neighbours.'*

The requirements of the notice are to reinstate the building to a private garage/store and to

- (i) Remove all kitchen and bathroom furniture and fittings; and
- (ii) Remove all ancillary domestic furniture from the living area and bedrooms, to ensure that the first floor is not capable of habitation.

### **Planning application 2009/0869**

The most recent planning history relates to application reference: 2009/0869 for internal and external alterations to create a one-bedroom flat at first floor level. This application was allowed on appeal Ref: APP/B6855/A/10/2121880 dated 06/05/10. In granting the appeal the Inspector considered that the proposal would not give rise to noise and disturbance damaging to the living conditions of neighbouring residents, to unsatisfactory living conditions for future residents of the appeal property, or to unacceptable pressure on local parking conditions. He also stated *'I consider it is important that the flat is not occupied until all of the internal reorganisation and blocking up of windows has been carried out in accordance with an agreed timetable; this is especially important given the appellant's apparent disregard of the previous enforcement notice over the past 14 years. I have there imposed an appropriate condition'*

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ITEM 3 (CONT'D)

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### Condition 2 of appeal decision:

*The first floor of the building shall not be occupied for residential purposes until the existing windows have been blocked up and all the works shown on drawings 29/035/D and 28/035/C have been completed in accordance with a timetable which has first been submitted to and approved by the local planning authority. The development shall be carried out strictly in accordance with the approved details.*

This condition has not been discharged.

A site visit was carried out in respect of this current application and it was noted that a letting agency board was advertising a 2 bed flat (sign to the first floor) and a let had been agreed for the first floor of the application building. A trawl of the letting agency web page confirmed that the 1<sup>st</sup> floor (advertised as 14B Brynmill Avenue with a photograph of this exact property) was for rent at £550 per month with 2 bedrooms, 1 reception and 1 bathroom. This matter has been reported to the Authority's Planning Enforcement Section for further investigation.

### **ISSUES**

The main issues for consideration in this instance relate to the impact of the proposal upon residential amenity, the character of the area and the impact upon existing highway conditions having regard to policies EV1 and AS6 of the Unitary Development Plan. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Visual Amenity**

It is not considered that the proposed external alterations would have any significant detrimental visual impact upon the character and appearance of the building to which it relates, nor the wider street scene.

### **Residential Amenity**

This current application seeks to obtain planning permission to use the ground floor as a residential unit. In terms of residential amenity, the first floor of the building has planning permission for a one bedroom residential unit granted on appeal (Ref:2009/0869). However, as stated in the preceding paragraphs, the first floor flat is being advertised for rent as a 2 bed flat.

In terms of noise and disturbance it is not considered that the residential use of the ground floor as a residential one bed flat would give rise to any significant noise or disturbance over and above that associated with the use as a garage that would be so harmful to warrant a recommendation of refusal. There are three new windows proposed at ground floor level to serve the living room/kitchen, the bedroom and the bathroom, in the side elevation which face inwards to the enclosed yard area. Access to the first floor flat is gained from the yard area, and this space will be a shared space for refuse/amenity for use by both the first and ground floor residents. The proposed floor plan does show double doors opening into the yard area but the proposed elevations show a single door and wall. This is also the situation of site and there is no means of vehicular access into the enclosed yard. Having regard to the residential amenity of future occupiers, the living room window and the bedroom window will be located on ground floor level facing directly into the yard. There is the potential for noise and disturbance from the occupiers of the first floor residential accommodation using the yard as their main access/egress route but this situation is not unusual with flats sharing an amenity area.

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Additionally, given the context of the surrounding area, many of the terrace properties have living accommodation directly on the pavement/footway. On balance, it is not considered that there would be any harmful detriment to the residential amenity of the future occupiers of the ground floor flat from noise and disturbance from comings and going that would warrant a recommendation of refusal. In terms of overlooking/loss of privacy impact the proposed fenestration alterations are to the ground floor and either face the street or the enclosed yard area. On this basis, it is not considered that there would be any detrimental impact in respect of loss of privacy or overlooking.

### **Highway Safety**

The Head of Transportation and Engineering has been consulted on this proposal and has noted that parking in the area is in extremely high demand. Whilst the access statement makes reference to the sustainable nature of the site, an existing parking facility will be lost in order to facilitate the development, and would result in the creation of a new residential unit that does not have any parking associated with it. Thus it is considered materially different to the conversion of the first floor store to a one bedroom flat that was granted permission on appeal.

The size of the flat would require 1 parking space in accordance with the Authority's adopted supplementary planning guidance relating to parking guidelines (adopted March 2012). No off street parking is being provided and in addition the loss of the garage means that overall there will be a shortfall of two off street parking spaces.

The shortfall in the parking provision would increase the on street parking demand to the detriment of the existing residents and visitors, and as the residents of the new flat would also be eligible to apply for 2 parking permits this would again place increased pressure on the resident parking bays.

The Head of Transportation and Engineering recommends that this application is refused on the grounds that the applicant has failed to provide adequate off street parking to the detriment of the existing residents and the current on street parking facilities. Furthermore, the loss of the garage as a parking space would be detrimental to the on street parking availability and has the potential to impact on highway safety by virtue of indiscriminate parking arising from the shortage of on street spaces.

### **Conclusion**

In conclusion, having regard to all material considerations including the Human Rights Act, the proposal fails to provide adequate off street car parking within the curtilage of the site to the detriment of the existing residents and the current on street parking facilities. The proposal is therefore contrary to Policies EV1 and AS6 of the Unitary Development Plan and Supplementary Planning Guidance – Parking Standards (March 2012). Refusal is therefore recommended.

### **RECOMMENDATION**

**REFUSE, for the following reason:**



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 3 (CONT'D)

APPLICATION NO.

2014/0737

- 1 The applicant has failed to provide adequate off street parking to serve the proposed development which will put pressure on the existing on-street parking available to existing residents within the area. The proposal is therefore detrimental to highway safety, contrary to Policies EV1 and AS6 of the City and County of Swansea Unitary Development Plan 2008

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1 and AS6. Supplementary Planning Guidance - Parking Standards, March 2012.

### PLANS

Site location plan, block plan, existing & proposed floor plans & elevations dated 15th May 2014

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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 4

APPLICATION NO.

2014/0764

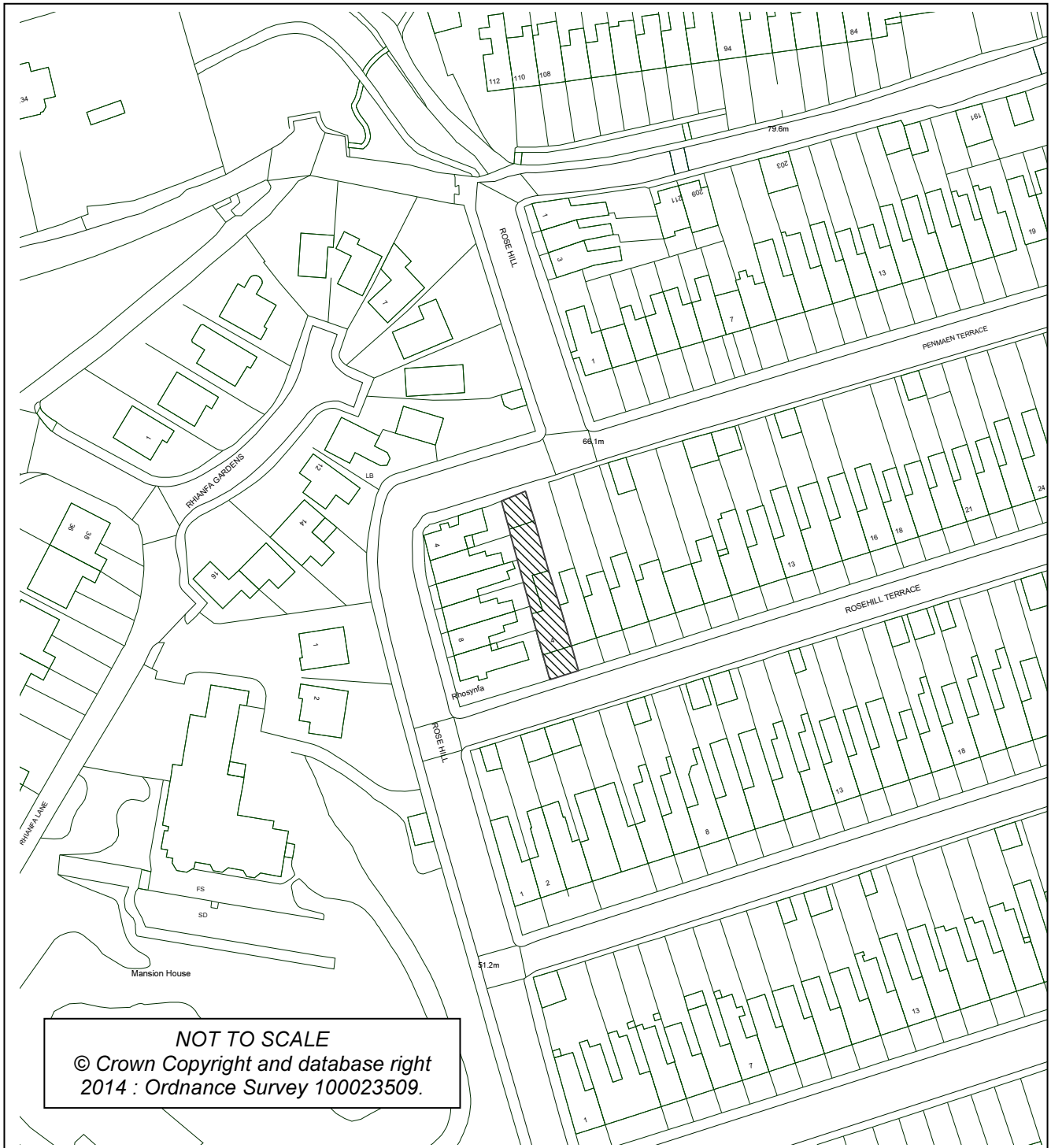
WARD:

Uplands  
Area 1

**Location:** 4 Rosehill Terrace Swansea Swansea SA1 6JN

**Proposal:** Change of use from residential (Class C3) to 7 bed HMO

**Applicant:** Ms N Griffiths



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0764

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2014/0276	Use of the dwelling for up to 6 residents (application for a Certificate of Proposed Lawful Development) Decision: Is Lawful Decision Date: 06/05/2014
2014/0277	Conversion of detached garage for use as a residential annexe ancillary to the host dwelling (application for a Certificate of Proposed Lawful Development). Decision: Is Lawful Decision Date: 29/05/2014

#### RESPONSE TO CONSULTATIONS

ELEVEN NEIGHBOURING properties were consulted and the proposal was advertised on site. ONE LETTER OF OBJECTION (sent in twice by the same correspondent) has been received which is summarised as follows:

- 1) HMOs are detrimental to the area
- 2) Waste is a problem from HMOs
- 3) Parking issues for 7 extra people

**Highway Observations** - Amended plans have been received which detail that the existing rear garage is to be re-configured to allow for two parking spaces to be provided. The spaces are tandem but as this is still a single dwelling (albeit a HMO) then this is acceptable.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0764

One additional bedroom is being provided and as there is one additional parking space being provided within the curtilage then this should mitigate for the impact of the additional person.

The site is well located in terms of local amenities and public transport provision.

As there is no separate unit of accommodation being created then there won't be any additional residents permits issued, the house as a single dwelling will remain eligible for two parking permits as is currently the case

I recommend no highway objections are raised to the proposal subject to the parking area being laid out in accordance with the approved plans, and maintained for parking purposes only in perpetuity prior to beneficial occupation of the seven bed HMO.

### APPRAISAL

This application is reported to committee for decision at the request of Councillor Nick Davies to assess public concern and highway safety. A site visit has been requested.

Full planning permission is sought for the change of use of 4 Rosehill Terrace from residential (Class C3) to a 7 bedroom HMO. The application property is a large end of terrace property. The area has many properties in multiple occupancy.

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

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

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

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

In terms of visual amenity, the only alterations relate to the removal of the garage door to the rear elevation of the garage to the rear and the additional removal of part of the rear elevation of the garage to allow for a wider access to achieve two off-street parking spaces. The remainder of the house will remain unaltered.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0764

It is considered that the use of the premises as a 7 bed HMO would have no impact upon the character and appearance of the host building or wider surrounding area and the alterations to the rear of the garage are considered negligible in terms of their impact to the character of the wider surrounding area.

Turning now to residential amenity, the submitted floor plans demonstrate that the accommodation is capable of providing 7 bedrooms with a sufficient spaces for refuse and cycle storage. Furthermore it is considered that the use of the property as a 7 bed HMO would not result in an unacceptable increase in the intensity of the use of the property in movements in and out of the building, or result in an unacceptable increase in noise and general disturbance to the residents within the neighbouring properties to the detriment of their residential amenities that could justify a refusal on these grounds.

It is therefore considered that the use of the property as a 7 bed HMO would not result in an adverse impact upon the residential amenities of the occupiers of neighbouring properties.

In terms of highway safety, the Head of Transportation and Engineering raises no objection to the scheme for the reasons given previously.

### RESPONSE TO CONSULTATIONS

With regard to the points made in the letters of objection, point one relates to the general area and the number of HMOs present. There are no policies in the UDP that seek to restrict the number of HMOs in the area. In terms of waste, it is not considered that a 7 bed HMO would generate significantly more waste than would be generated from the lawful use of the property. With regard to point 3, an additional 7 people is not correct. The lawful use of the application site is a dwelling which can be occupied by a family or up to six people living together as a family. The proposal seeks to increase the number of bedrooms to 7.

In conclusion, therefore, and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development having particular regard to the criteria set out in Policies HC5, EV1 and AS6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, 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 Prior to the beneficial occupation of the development, the parking layout shall be implemented in accordance with the approved plans and retained as such at all times.  
Reason: In the interest of highway safety.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0764

- 3 Prior to the use hereby approved commencing, bin-stores (including re-cycling bins) shall be provided within the curtilage of the site, details of which shall be submitted to and approved by the Local Planning Authority in writing before the development commences. The bin stores shall be retained for such purposes at all times.

Reason: To ensure adequate facilities are provided in the interests of the visual amenity of the locality and the residential amenities of future occupiers.

### INFORMATIVES

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

### PLANS

10.96/01 site location and existing plans, 10.96/03 proposed plans dated 28th May 2014

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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 5

APPLICATION NO.

2014/0628

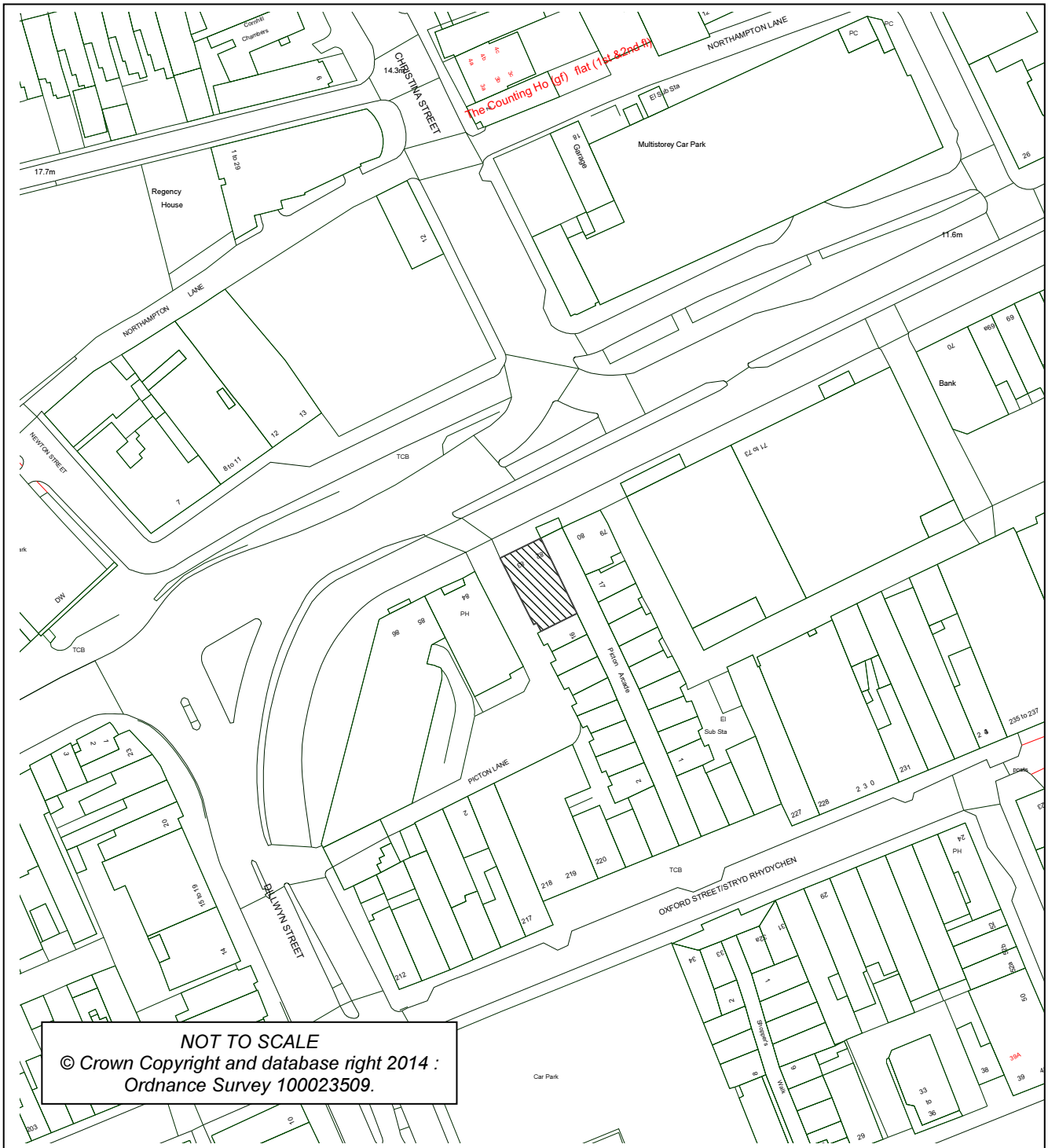
WARD:

Castle  
Area 1

**Location:** 82 The Kingsway, Swansea, SA1 5JE

**Proposal:** Change of use from a bank (Class A2) to cafe/takeaway (Class A3)

**Applicant:** Mr Erdal Boyraz



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0628

### BACKGROUND INFORMATION

#### POLICIES

<b>Policy</b>	<b>Policy Description</b>
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy ECNR	Proposals for non retail uses at ground floor level within shopping centres will be assessed against defined criteria, including their relationship to other existing or approved non retail uses; their effect upon the primary retail function of the centre; the proposed shop front and window display; the time the unit has been marketed for A1 uses, and its likelihood of continuing to be vacant; its location in relation to the primary shopping area; and its impact upon the vitality, viability and attractiveness of the centre. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2002/1467	Three internally illuminated fascia signs, two internally illuminated double sided projecting signs, two non-illuminated information signs, one internally illuminated button sign above ATM and one main ATM lightbox Decision: Grant Advertisement Consent (C) Decision Date: 11/10/2002
A01/0070	RETENTION OF A 0.6 METRE SATELLITE DISH ON REAR ELEVATION Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 16/03/2001

#### RESPONSE TO CONSULTATIONS

ONE NEIGHBOURING PROPERTY was consulted. NO RESPONSE has been received.

**Highway Observations** - The site is located within the city centre core and as such there is no differential between parking requirements for the A2 or A3 uses. There is an access to the side of the unit which will be used for servicing/deliveries as is currently the case.



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO.

2014/0628

I do not consider that there are any highway safety issues arising from the proposed change of use.

I recommend that no highway objections are raised to the proposal.

### **Pollution Control**

No objections subject to conditions requiring details of ventilation/extraction system and condensing units.

### **APPRAISAL**

This application is reported to committee for decision at the request of Councillor David Philips to assess the impact on the surrounding area.

Full planning permission is sought for the change of use of 82 The Kingsway, Swansea from a bank (A2) to a hot food takeaway (A3 Food and Drink). The site was last used as Nat West bank. Whilst fronting onto The Kingsway, the side elevation of the property is within Picton Arcade.

The area contains a wide range of uses including A1, A2, A3, C3. The Kingsway is a mix-use destination with several A3 units along its length. Policy ECNR sets out criteria for the acceptability of non-retail uses at ground floor level within shopping centres. In this instance the existing use is A2 and therefore there is no retail use at this site. In this respect it is not considered that an A3 use at this location would present any issue in terms of the implications of Policy ECNR. It is therefore considered, in light of the above, that the use of the ground floor as A3 would be acceptable in principle.

In terms of visual amenity, the only external alteration would be the installation of ventilation/extraction system which may be required in connection with the use. It is likely this will be sited on the side elevation of the building and therefore would not be in a highly prominent location. Details relating to the design and appearance of the vent can be controlled via condition to ensure a visually acceptable installation. Subject to this, it is considered that the proposal would have no adverse visual impact upon the character and appearance of the host building nor would it have any impact upon the wider surrounding area and would therefore be in accordance with the criteria set out in Policy EV1 of the City and County of Swansea Unitary Development Plan 2008.

With regard to residential amenity, the unit is located on The Kingsway and is in close proximity to similar uses and other late night uses such as nightclubs etc. Whilst there are residential flats on upper floors in building in the vicinity and also an approved scheme for 29 units above the Potters Wheel (work yet to have commenced) (ref: 2013/1579) these are considered to be of sufficient distance away to ensure that the proposal, in light of other surrounding uses would not result in a significant adverse impact upon the occupiers of these properties over and above that currently experienced due to the existing uses in the vicinity. In this respect it is not considered that the proposed use would warrant a refusal on the grounds of an unacceptable increase in general noise and disturbance. It is proposed to open the premises 08.00 – 03.00 Monday to Thursday, 08.00 – 05.00 Friday and Saturday and 08.00 – 01.00 on Sundays and Bank Holidays. In view of the site's location, it is not considered necessary to restrict the opening hours.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2014/0628

Furthermore the Head of Pollution Control has raised no objection to the scheme subject to conditions relating to the extractor system to be installed on site.

No highway objections have been raised to the proposal.

In conclusion and having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development having particular regard to Policies EV1, ECNR, AS6 and EV40 of the City and County of Swansea Unitary Development Plan 2008.

### RECOMMENDATION

#### APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The use hereby permitted shall not commence until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced.  
Reason: In the interest of amenity.
- 3 No development shall take place until a scheme, which specifies the provisions to be made for any externally mounted condensing units has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.  
Reason: In the interest of amenity.

### INFORMATIVES

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

### PLANS

Site location plan, existing floor plan, proposed floor plan dated 28th April 2014

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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 6

APPLICATION NO.

2014/0765

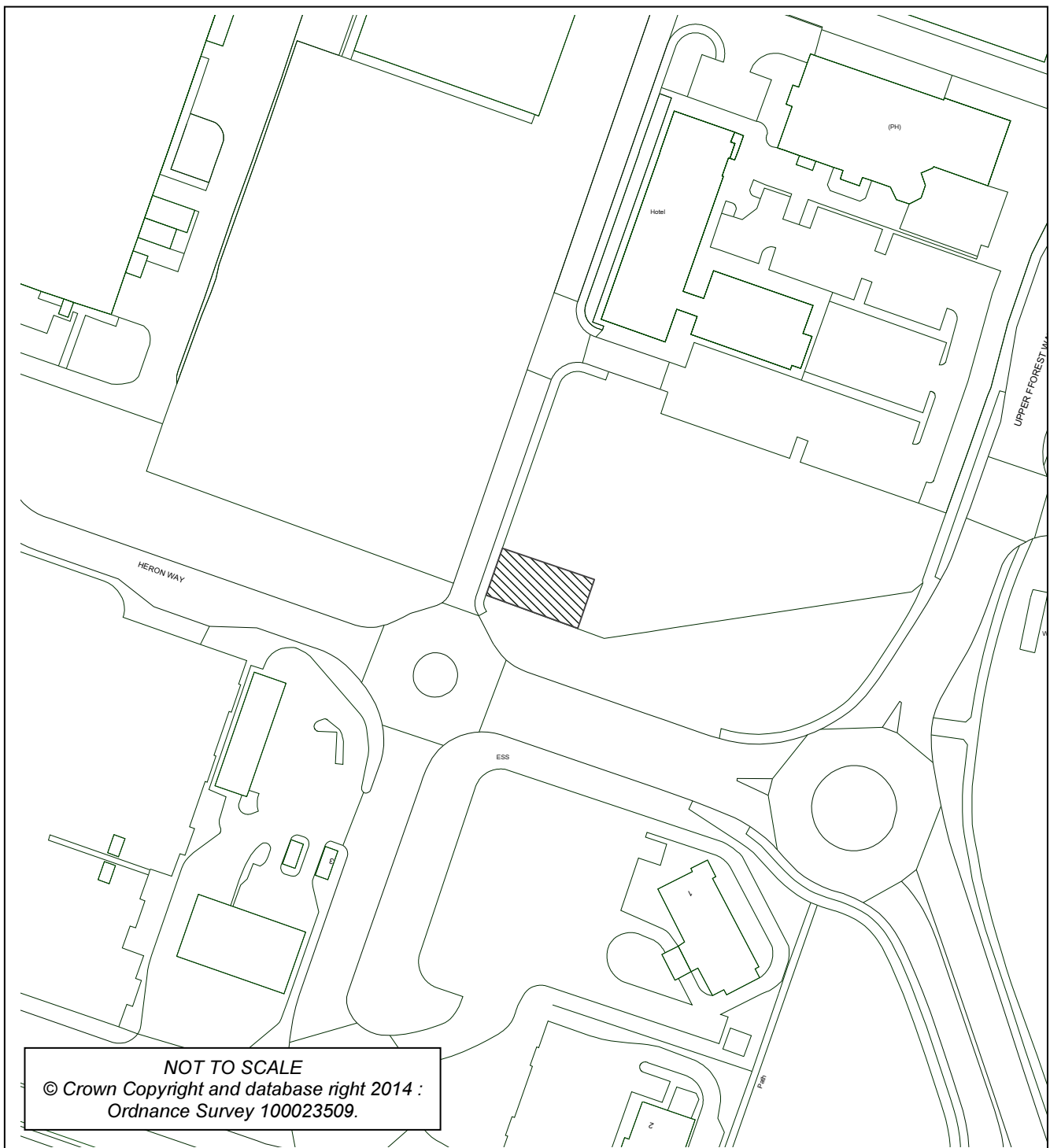
WARD:

Llansamlet  
Area 1

**Location:** Land at Heron Way, Swansea Enterprise Park, Swansea

**Proposal:** Construction of retail unit (Class A1) (amendment to planning permission 2013/1616 granted for the construction of four retail units (Class A3) with associated works)

**Applicant:** Actoris Commercial Limited



## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0765

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
Policy EC3	Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC7	Within the Enterprise Park, proposals for retail development outside the retail zone will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0765

### SITE HISTORY

#### App No.

#### Proposal

2013/1616

Construction of four retail units (Class A3) with car parking and associated works

Decision: Perm Subj to S106 Agree

Decision Date: 06/05/2014

### RESPONSE TO CONSULTATIONS

The application was advertised as a departure to the Development Plan. No responses have been received.

#### Highways

I do not consider that there are any highway safety implications arising from the proposed change of use from A3 to A1 (restricted). Adequate parking and access is indicated through the previously consented scheme.

I recommend that no highway objections are raised to the proposal subject to the conditions relating to planning application 2013/1616 being fully discharged prior to beneficial occupation of any of the units

### APPRAISAL

This application is reported to Committee for decision as it is recommended for approval and constitutes a departure to the Development Plan.

Planning permission is sought for the construction of a retail unit (class A1) on land at Heron Way, Swansea Enterprise Park. Planning permission was granted in March 2014 for the construction four food and drink units (class A3), car park and associated works (Ref: 2013/1616). The current planning application relates to one of these approved units which is proposed to be changed from an A3 unit to an A1 unit. It is noted the development has not commenced on site. The original planning permission included a condition to restrict the use of the units to A3 uses only in order to minimise the impact of the development on the vitality, viability and attractiveness of Morriston district centre.

The application has been submitted as one of the intended occupiers and anchor tenants of the original development 'Greggs' bakery has taken the decision that the business can not operate from a Class A3 unit. As such this planning application has been submitted to change one of the units to a restricted A1 bakery.

The application site is a parcel of brownfield land located off Heron Way which forms the sites southern and western boundaries, beyond which lies vacant land to the west and KFC and Burger King drive-thru restaurants to the south. The Premier Inn hotel forms the site's northern boundary while Upper Forest Way forms the site's eastern boundary.

It should be noted that planning permission has also been granted (Ref: 2013/1020) on an area of land adjoining the site for 'Construction of a coffee shop with drive through, car park and ancillary works'. This scheme has not yet been implemented.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0765

### MAIN ISSUES

The main issues are considered to be: the principle of the proposed development in this location; consideration of the consequences of flooding associated with the proposed development; the impacts on the character and appearance of the area; the impacts on parking and highway safety.

The following City and County of Swansea Unitary Development Plan 2008 (UDP) policies are relevant to the consideration of this proposal: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV36 (Development and Flood Risk), EC3 (Established Industrial and Commercial Areas), EC4 (New Retail Development), EC7 (Enterprise Park Retailing), EC9 (Out-of-Centre Retailing). Furthermore the Supplementary Planning Guidance (SPG) entitled 'Swansea Enterprise Park Planning Policies' is also relevant.

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

There are no residential dwellings in close proximity to the site as such it is not considered that the proposal would raise any significant concerns in this respect.

In terms of the character and appearance of the area there is no material difference to the visual appearance of unit 1 granted planning permission under 2013/1616 and the proposed unit under this current planning application. As such it is not considered the proposal would raise any concerns in respect of the impact of the development on the character and appearance of this commercial area.

In respect of flooding issues the previous planning application was accompanied by a flooding consequences assessment and the comments of NRW were taken into consideration when determining the planning application. The consequences of flooding at the site were considered to be acceptable subject to the provision of a flood management plan by condition. There have been no material changes in circumstances which would result in a departure from this viewpoint. The development would therefore accord with UDP Policies EV2 and EV36 subject to the provision of a flood management plan, which can be secured by condition.

#### Principle of the proposed development

The UDP proposals map indicates the application site falls outside the retail zone defined in EC7 and outside of any district centre. Furthermore, the SPG indicates that the site is located within Zone D which supports proposals included within Use Classes B1, B2 and B8 of the Use Classes Order 1987.

The retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. Policy EC9 states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example small scale shopping facilities required to meet local needs.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0765

Aside from the exceptions stipulated, Policy EC9 does also acknowledge that an out-of-centre retail scheme in excess of local needs provision may be considered appropriate if a clear deficiency in shopping provision exists and there are no sequentially preferable sites available. Policy EC7 relates to proposals within the Enterprise Park and states that proposals for new retail development within the retail zone will be restricted to the sale of bulky goods items that do not pose a threat to the vitality, attractiveness and viability of the City Centre and surrounding town, district and local shopping centres. The Policy also states that proposals for new retail development outside the retail zone would not be permitted. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.

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

PPW and TAN 23 also explain, for planning purposes, the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies.

In addition PPW states that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

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

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 22<sup>ND</sup> JULY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2014/0765

### Key Issues

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

- a) there is an identified need (quantitative/qualitative) for the size of store proposed;
- b) no suitable sequentially preferable sites exist
- c) there would be no detrimental impact on established centres and stores; and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport

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

### Need

New retail proposals not within existing centres must, as a starting point, demonstrate a need for the scale of provision that is proposed. PPW states that where need is a consideration, precedence should be accorded to establishing quantitative need and it is for the LPA to determine and justify the weight to be given to any qualitative assessment.

The A1 retail element would have an internal floor area of 111.5sqm. In terms of quantitative needs, no information has been provided in this respect, however, it is not considered necessary for an A1 retail development of this scale to provide justification in quantitative need terms. In terms of qualitative need, the applicant contends that unlike the southern end of the Enterprise Park, the business and commercial area within which the site lies is not currently served by a small scale bakery facility. The proposed unit is intended to serve the employment area and to provide a complementary facility that would add to the existing offer in this part of the Enterprise Park. The intended occupier 'Greggs' have submitted a letter in support of the proposal which states that the unit will be an addition to Greggs existing portfolio in Swansea and will not affect their units within the Enterprise Park and Morriston, which would suggest that the proposal may meet demand for such facilities within the Enterprise Park catchment.

Overall, no quantitative need has been demonstrated, however, it is accepted that the requirement to demonstrate such need would generally be applicable to larger scale developments. The proposal would add to the choice on offer in this part of the Enterprise Park which would equate to a qualitative need, however, there are already a number of competing food retail outlets in this part of the Enterprise park as such it is considered that limited weight can be given, in terms of establishing a need for the proposed development.



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### Alternative Sites (Sequential Test)

The applicant asserts that the intended occupier is represented in Morrision district centre, as such they would not seek to open new premises in this sequentially preferable location. In any event the applicant contends that Morrision district centre is a separate catchment to that proposed for the new premises. They consider the sequential test to be of academic value only in this situation as it would not encourage investment in Morrision by the intended operator, rather it would result in the development as a whole (as previously approved) not coming forward as without the anchor tenants committing to occupying the proposed A1 unit, the development would not be viable.

Notwithstanding this the applicant has undertaken an analysis of available sites within Morrision district centre focusing on units of approximately 80-130 sqm. Two sites identified at Clase Road and Treharne Road were considered both unsuitable and unavailable. Five units were potentially identified within Morrision including premises on Woodfield Street and Sway Road, but were discounted on the grounds that the units would not address the requirements of the end user, do not benefit from the required planning permission or would be too close to an existing operator.

Its is acknowledged that the sequential test has limited value in relation to this proposal which is intended to serve part of the Enterprise Park catchment, however, the test demonstrates that there are no units available within Morrision District centre that would be suitable to the intended operator. In this respect it is considered that the sequential test has been satisfied.

### Impact upon established shopping centres

It is clear that development plan policies and national guidance require new retail developments to safeguard against any significant adverse impacts to town centre vitality and viability. The proposal is for a modest A1 retail unit within a consented A3 scheme. The proposal is said to cater mainly for Enterprise Park users and the fact that the intended occupier already has a premises in Morrision, yet are looking to invest in a further premises in the Enterprise Park, would endorse this view. Following on from this, it is considered that existing users of the Enterprise Park would be unlikely to make dedicated trips by foot, bike or car across the dual carriage way to Morrision for the retail offer proposed at this unit, particularly when parking in Morrision is at a premium. In addition, it is considered those making a dedicated trip to Morrision to take advantage of its services are likely to make linked trips to take advantage of its food and drink offer rather than make a further trip to the Enterprise Park. It is also an important material consideration that there are a considerable number of food outlets within very close proximity to the application site including a KFC, Burger King, ASDA instore café, Taybarns, the approved drive through coffee shop adjacent to the site and the approved A3 units on the previously approved scheme. The proposal would therefore add to the existing offer that serves the Enterprise Park catchment.

In order to mitigate any potential impacts on Morrision and also the City Centre, the applicant has stated they would be willing to accept a condition that the unit may only be used as a retail bakery and for no other purpose in class A1. A condition to this effect has been used elsewhere by the LPA to restrict the retail element of other similar developments.

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Notwithstanding the applicant's contention that the proposal would not have a significant impact on Morriston district centre, £25,000 was offered for improvements to Morriston district centre under the previous planning permission, which was secured through a unilateral undertaking under Section 106 of the Planning Act 1990. Legal advice has confirmed it will be necessary for the applicant to provide a further unilateral undertaking to secure this contribution as the previous unilateral undertaking is not transferable to this application, should planning permission be granted. As such, if approved, it is recommended approval is subject to a further unilateral undertaking in order to secure this financial contribution. The contribution is noted and would be required to fund future enhancement programmes which will be aimed mainly at improvements to Morriston Conservation Area.

In light of the above, it is considered the imposition of a condition to restrict the A1 use to a retail bakery would prevent an open A1 retail use and would serve to limit the impact of the development on Morriston district centre. The provision of £25,000 would be used to enhance Morrison district centre which would serve to act as mitigation for any detrimental retail impacts arising from the development. In this regard, on balance, it is considered that by virtue of the scale of the proposed unit and the restrictions to its use, which can be secured by condition, the development would be unlikely to result in any significant impacts to the vitality, viability and attractiveness of Morriston district centre and this should be given significant weight in the assessment of the principle of the development.

### Accessibility

The site is located approximately 1.5km from junction 45, linked to the site by the A4067 and A48. Heron Way is lit and in the main has adequate pedestrian access. The proposal includes the extension of the existing footpath on Upper Forest Way / Heron Way which will provide a pedestrian link to the site. National cycle network route 43 runs approx 360m west of the site, this predominantly traffic free route links to other segregated routes between Swansea to the south and Ystradgynlais to the north. The site has access to a half hourly bus service running along Clase Road which is located within the 400m recommended limit as set out in the Institution of Highways and Transportation (IHT) Document Public Transport in Development.

Having regard to the above the site is considered to be highly accessible and would comply with the relevant UDP policies in this respect. The fact the development is accessible by a range of transport modes is considered to carry moderate weight in favour of the proposal.

### Economic and regeneration benefits

The site is currently a derelict brownfield site which is visible from both Heron Way and Upper Forest Way. Clearly there is merit in bringing this land into economic use in terms of job creation and the positive impacts on the visual amenity and this was recognised when planning permission was granted for the original scheme.

The applicant has indicated that the proposed unit would create 9 full time equivalent jobs. Additional indirect employment would be generated through servicing the units. In this respect the development would make an important contribution to employment within the area.

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In line with the advice in PPW the potential economic benefits arising from the development is a material planning consideration. However, in the absence of any robust evidence to quantify the economic benefits and in view of the relatively small scale of the proposal, it is considered that limited weight can be given in favour of the proposal in this respect.

### Conclusions and the principle of the development

It is acknowledged that the proposed development is a departure to UDP policies EC7 and EC9 which seek to prevent new non-bulky retail development within the Enterprise Park and new out of centre retailing (except in defined circumstances). Notwithstanding this, the key question for the Authority is whether any anticipated adverse impacts arising from the development is regarded as being so materially adverse and over-riding that this would outweigh any benefits associated with the proposed development. In the balancing exercise it is considered the lack of demonstrable impact on Morriston district centre, the accessible location of the development and its economic and regeneration benefits would tip the balance in favour of accepting the principle of development on this site. In this respect the proposal is, on balance, considered to be acceptable in retail policy terms.

### **Access and Highway Safety**

The Head of Highways and Transportation has raised no objection to the proposal.

### **Conclusion**

The proposed development would replace an A3 unit on a consented retail parade to an A1 unit. Whilst the provision of new non-bulky retail development within the Enterprise Park is a departure to UDP policies EC7 and EC9 it is not considered that the proposal by virtue of its scale and retail offer proposed would result in any significant impacts to the vitality, viability or attractiveness of Morriston district centre. Accordingly the proposal is, on balance, considered to be an acceptable departure to the above UDP policies. Moreover, the proposal is considered to be satisfactory in terms of: the consequences of flooding; its impacts on the character and appearance of the area; its impacts on residential amenity; and its impacts on access and highways safety. It is not considered that the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for conditional approval.

### **RECOMMENDATION**

**That the application be referred to the DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE with a recommendation that the application be APPROVED, subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide a contribution of £25,000 to fund regeneration initiatives within Morriston district centre.**

### **RECOMMENDATION**

**APPROVE, 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 premises shall be used as a retail bakery shop only and for no other purpose (including any other purpose in Class A1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
Reason: In order to minimise the retail impact of the development on the vitality, viability and attractiveness of Morrision district centre.
- 3 Prior to the commencement of development a flood management plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed and operated in accordance with the approved plan.  
Reason: In order to manage the risks of flooding at the site.
- 4 The development shall not be occupied until a method for its ventilation and fume extraction, if required, has been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.  
Reason: To minimise noise and nuisance to neighbouring uses.
- 5 Deliveries, waste collections and the unloading of pallets and/or cages shall only take place between 06.00hrs and 22.00hrs.  
Reason: To minimise noise and disturbance to surrounding occupiers.
- 6 The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: In the interests of visual 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: AS2, AS6, EV1, EV2, EV3, EV36, EC3, EC4, EC7 and EC9.

### PLANS

SP311(G) - P100 site location plan, P102 site plan, P103 proposed site plan, P106 proposed elevations, P107 proposed elevations, P101 existing site plan, P104 proposed floor plan, P105 proposed roof plan, dated 20th May 2014

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