

## PLANNING COMMITTEE – 7<sup>TH</sup> MARCH 2017

ITEM 1

APPLICATION NO:

2015/2357

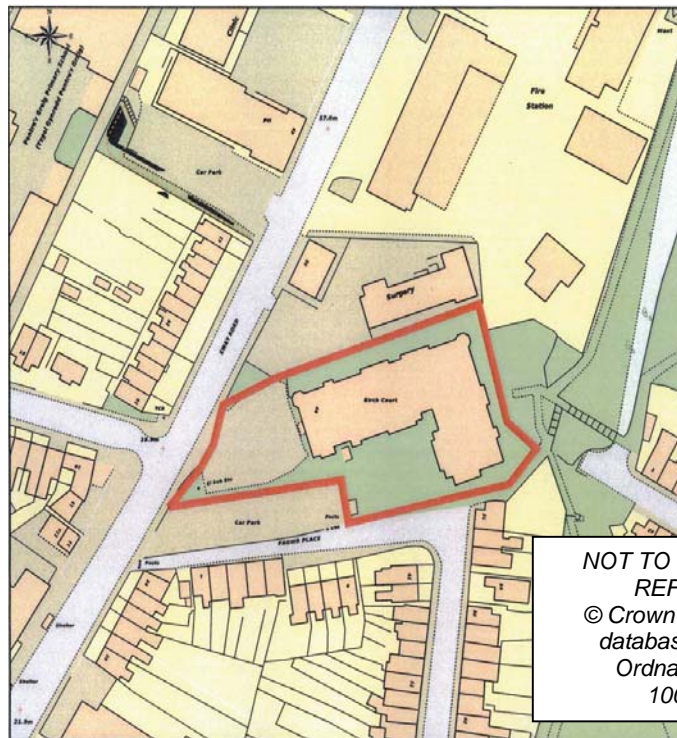
WARD:

Morrison - Area 1

Location: 44 Sway Road Morrison Swansea SA6 6HT

Proposal: Removal of condition 6 of planning permission 2006/1109 granted 8th August 2006 to allow for the apartments to be sold/let on the open market and revisions to car parking layout to provide additional parking spaces.

Applicant: FCFM Group Ltd



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

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

##### UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - AS6 - Parking/Accessibility

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

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#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (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)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2015/2359	Non Material Amendment to planning permission 2006/1109 granted on 8th August 2006 to allow for internal works to change the communal facilities to two apartments	APP	06.01.2016
2015/2357	Removal of condition 6 of planning permission 2006/1109 granted 8th August 2006 to allow for the apartments to be sold/let on the open market and revisions to car parking layout to provide additional parking spaces.	PDE	
2006/1109	Residential development, comprising three storey sheltered housing accommodation containing 49 flats with associated 22 space parking area	APP	10.08.2006
2005/2455	Residential Development - Sheltered Accommodation (outline)	APP	06.04.2006
2005/0513	Temporary siting of portable building	APP	07.08.2005
2002/1670	Single storey side extension	APP	12.11.2002

### RESPONSE TO CONSULTATIONS

This application was advertised in the local press, by site notice and four neighbouring properties were also consulted. No responses were received to the public consultation.

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Other Consultation responses:

### Highways Observations 20.01.16

A revised parking layout has been received detailing one parking space per flat. No parking has been indicated for visitor use. Given the sustainable nature of the site and accessibility to local amenities as well as access to good public transport links I consider that one space per flat is an appropriate level. The lack of visitor spaces, although not ideal, is not considered a sufficient highways reason to refuse the application that could be sustained at appeal.

Some cycle parking is being provided but not enough to provide for the level of residential development proposed. There is scope to provide additional cycle parking and this can be secured via condition.

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

1. The car parking area being laid out in accordance with the approved plans prior to beneficial occupation of any of the residential units.
2. Cycle parking in accordance with details to be submitted for approval to the LPA shall be made available prior to beneficial use of any flat commencing.
3. The boundary treatment along Sway Road shall be kept below 1m in the interests of visibility.

### Education

In order to accommodate the small number of pupils generated from this development, Education would not be seeking a Developer's contribution towards any of the named catchment area schools at this present time.

### Parks

The play equipment in DFS playground is not as bad as I was led to believe, but the base of the playground needs replacing, woodchip was initially put down as part of the installation but it has since rotted to a point that during periods of inclement weather the play area is off limits to users because it becomes a mud bath, on that basis I would like to request a contribution of £25k to remove the woodchip and replace with Wet Pour Rubber Safety Surface.

### Housing

The Housing Service will be seeking a commuted sum on this site. We request a 30% AH provision in this area, the commuted sum equates to 14 units x SHG equivalent (58%) ACG.

Morrison falls within ACG Band 3, where a 2p1b flat is £95,800 & 3p2b flat is £119,700.

We request on a scheme containing 29 x 1 bed & 20 x 2 bed

30% of 49 = 14 units (7 x 1bd & 7 x 2bd)

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ACG Band 3

1 bd ACG £95,800 (58% ACG) £55,564 x 7 = £388,948

2 bd ACG £119,700 (58% ACG) £69,426 x 7 = £485,982

Total = £874,930 Commuted Sum

### APPRAISAL

This planning application relates to the former Sweetmans Factory, 44 Sway Road, Morrision, Swansea. The site was developed under planning permission 2006/1109, which has the following description of development:

'Residential development, comprising three storey sheltered housing accommodation containing 49 flats with associated 22 space parking area'.

This application seeks to vary condition 6 of the planning permission in order to allow the apartments to be sold/let on the open market and for revisions to the car parking layout to provide additional parking spaces. Condition 6 reads:

'The development shall be occupied by persons of 60 years or older together with any spouse of 55 years or over'.

The reason for the condition is:

'The proposed parking provision falls below the standard required for unrestricted residential accommodation'.

The approved development was implemented but has never been occupied, it has stood vacant since its completion. According to the applicant's supporting information the apartments were heavily marketed as they approached completion, but due to the poor market conditions prevailing at the time (circa 2008) the developer failed to sell any units. In the intervening period the developer also secured planning permission for the use of the building as a care home (Planning Refs: 2009/0966 and 2014/0899) and for extensions in association with the use of the building as a care home (Planning Ref: 2014/1027). The potential use of the site as a care home has also, however, failed to attract an occupier.

The developer was placed into administration and the property marketed for 10 months. The property was then purchased by an investment company (the applicant) and, according to the applicant's submission, changing the scheme to open market housing is the only way to release the potential of this development. Importantly, since this current planning application was submitted, the premises has been sold and the flats are now being advertised on the McCarthy & Stone website as retirement apartments for the over 60.

Section 73 Procedures

This planning application is made under Section 73 of the Town and Country Planning Act 1990 (as amended).

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As a Section 73 application, the only matters which can be considered are the conditions to which the application relates and the permission itself is not a matter for consideration. The Section 73 application allows the local planning authority (LPA) to reconsider conditions other than those which are the subject of the application to modify, and therefore the LPA may decide that planning permission should be granted subject to conditions differing from those of the previous planning permission.

### Main Issues

The main issues for consideration are the impacts of the revised car parking layout on the character and appearance of the area, having regard to UDP Policy EV1 and whether the proposed variation of condition 6 would result in increased parking demand at the site which could not be accommodated within the development and would therefore cause a highway safety issue, having regard to UDP Policy AS2 and AS6.

Moreover, if approved, the development would result in 49 open market flats at the site (51 if planning permission 2016/0073 is implemented), therefore the impact of the development on infrastructure and services in the locality must be considered, having regard to UDP Policies HC3 and HC17, which require the inclusion of an appropriate element of affordable housing, where a demonstrable lack of affordable housing exists, and require developments to mitigate impacts on infrastructure, services and to invest in other social, economic or environmental schemes, where necessary.

### Character and Appearance

The planning submission includes a parking layout which illustrates 50 parking spaces and 3 refuse storage areas. This is in contrast to the 22 spaces that were approved under the original 2006 planning permission. The additional parking provision would be provided on hard and soft landscaping areas at the front and rear of the premises. The proposed parking areas at the rear would not be visible from Sway Road as they are screening from public views by the building. When viewed from Fagwr Place at the rear, the parking areas would be screened from public views by a high stone wall. The provision of the rear parking areas is therefore considered to be acceptable in terms of the impact on the character and appearance of the area.

At the front of the property the existing landscaping bordering Sway Road would be removed and the proposed parking areas would directly abut the existing low railing at the site boundary. The existing landscaping is not high quality, but it does provide a small green buffer between the parking area and Sway Road. It is acknowledged the loss of this landscaping would not be ideal in visual terms, however, along this side of Sway Road there is little landscaping along site frontages and the development would be viewed in the context of neighbouring car park at the doctors surgery, which is devoid of soft landscaping. Notwithstanding this, some landscaping within the site would be unaffected by the proposals, mainly to the north and east of the building. Importantly, the line of conifers along the southern edge of the site, which provides a green backdrop to the development, would be unaffected by the revised parking layout. Two refuse storage areas would be sited at the rear and one adjacent to the parking area along the southern boundary. Their siting is considered to be acceptable in visual amenity terms. In these circumstances, whilst not ideal, it is not considered that the loss of the landscaping strip and the increase in the parking provision within the development would result in any significant impacts to the character and appearance of the area.

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### Parking and Highway Safety

The application was approved with 22 parking spaces which at the time was considered to accord with adopted parking standards for the proposed housing use. Condition 6 was applied to the 2006 permission to restrict the occupation of the flats to those over 55 years in recognition that without such an age restriction, the development would require increased parking provision.

The developer has now indicated a revised parking layout with 51 parking spaces, which would equate to one parking space per flat, should Planning permission 2016/0073 be implemented.

No visitor parking has been indicated, however, given the sustainable location of the site, which is close to Morriston district centre and other services including a supermarket, doctors surgery, play area and pub, together with access to good public transport links, it is not considered that a refusal of the application on lack of visitor parking provision could be sustained at appeal. Whilst the lack of visitor parking is not ideal, for the above reasons, the parking provision indicated is considered to be satisfactory and would not result in any significant additional on street parking problems or any associated highway safety issues on Sway Road. In line with the above comments, the Highways officer has raised no objection to the application, which is therefore considered to be acceptable in terms of parking and highway safety.

### Residential Amenity

It is not considered the proposed variation of condition 6 would result in any residential amenity impacts to existing neighbouring occupiers over and above those impact associated with the development approved in 2006.

In terms of the residential amenity of the future occupiers of the development, good levels of outdoor amenity space would still be available for the occupiers of the ground floor flats. The increased car parking provision to serve the develop would, however, take away the vast majority of outdoor communal areas within the site. Notwithstanding this, the site is well located in close proximity to outdoor open space and a children's play area to the north east of the site. On balance, therefore, the loss of the outdoor communal areas would not have a significant impact on the residential amenity of the future occupiers of the development.

### Planning Obligations

UDP Policy HC17 indicates that in considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:

- i) improvements to infrastructure, services or community facilities,
- ii) mitigating measures made necessary by a development, and
- iii) other social, economic or environmental investment to address reasonable identified needs.

Under the Community Infrastructure Levy Regulations (2010) such contributions must be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonably related in scale and kind to individual development.

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The adopted SPG on Planning Obligations states that where developers contends that the Section 106 requirements are too onerous and will potentially make a scheme unviable, they will be expected to submit a development viability appraisal, and that the Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

The applicant contends that the contribution requests sought in this instance in the form of a commuted sum of £874,930 to provide affordable housing would make the development unviable. In this instance the applicant has failed, upon request, to provide the required viability appraisal to substantiate their viability claims.

It is highly unlikely, given the circumstances relating to the sale of the site since the application was submitted, that the requested viability information will be forthcoming. Officers have tried to contact the applicant to request that the application is formally withdrawn but no response has been received.

On the basis of the foregoing, the applicant has failed to provide sufficient information to demonstrate that the development cannot bear the requested commuted sum for affordable housing provision. The development would therefore fail, without sufficient justification, to assist in the provision of affordable housing within the City and would therefore be contrary to UDP Policy HC3, HC17 and the supplementary planning guidance 'Planning Obligations'.

### Conclusion

The proposed variation of condition 6 and the alterations to the car parking layout are, on balance, considered to be acceptable in visual terms and there is considered to be sufficient car parking provision to cater for the future occupiers. The proposed variation of condition 6 and the car park alterations are considered to be acceptable and would broadly accord with UDP policies EV1, EV3 and AS6. Notwithstanding this, the applicant has failed to demonstrate that the development would not be viable with the requested commuted sum for affordable housing provision. The development would therefore be contrary to UDP Policy HC3 and HC17 and the supplementary planning guidance 'Planning Obligations'. 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 approval.

### RECOMMENDATION

#### REFUSE, for the following reason:

- 1 The applicant has failed, upon request, to provide evidence to demonstrate that the scheme cannot bear the cost of a commuted sum for affordable housing provision. The development therefore fails to accord with City and County of Swansea Unitary Development Plan (2008) Policies HC3 and HC17 and the supplementary planning guidance 'Planning Obligations', which require the inclusion of an appropriate element of affordable housing, where not ruled out by exceptional development costs.

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**INFORMATIVES**

- 1 Site Location Plan (1:1250), received 23rd November 2015. Revised Car Parking Provision, received 28th January 2016.
  - 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: AS6, EV1, EV3, HC3 and HC17.
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ITEM 2

APPLICATION NO:

2017/0077/FUL

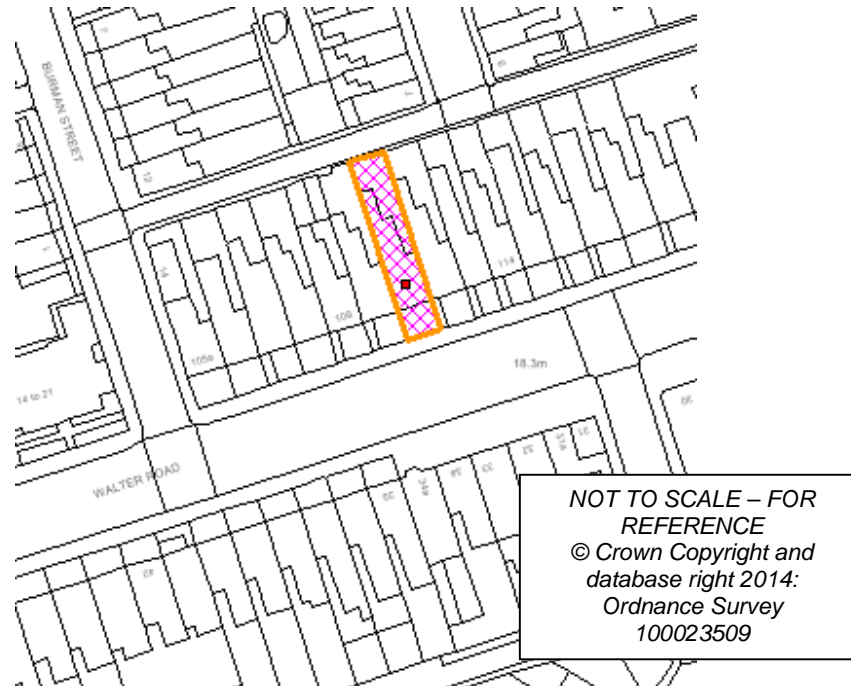
WARD:

Uplands - Bay Area

Location: 111 Walter Road, Swansea, SA1 5QQ

Proposal: Change of use from office (Class A2) to a HMO for 7 people

Applicant: Mr Geraint Jones Property Source Wales Limited



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

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

##### UDP - AS6 - Parking/Accessibility

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

##### UDP - HC5 - Houses in Multiple Occupation

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

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APPLICATION NO:

2017/0077/FUL

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0077/FUL	Change of use from office (Class A2) to a HMO for 7 people	PDE	
87/0131/03	CHANGE OF USE OF GROUND FLOOR FROM RESIDENTIAL TO OFFICE.	APP	07.04.1987

### RESPONSE TO CONSULTATIONS

The proposal was advertised on site. A PETITION OF OBJECTION WITH 32 SIGNATURES has been received which states:

"We the undersigned wish to object to the proposal to convert 111 Walter Road into a 7 bedroom House in Multiple Occupation. If approved, it will add to the over-density of HMO's in Uplands and Brynmill. We are concerned that the number of vehicles parking at or near the premises and the increased amount of refuse being put out will disrupt the residential amenity of the area and harm the quality of life of existing residents."

In terms of a breakdown of addresses, amongst others, the petition contains addresses from Clydach Road, Clydach, Dyfed Avenue, Eaton Crescent, Ernald Place, Townhill Road, Glanmor Park Road, Pennard Street, Brynmill Crescent, Bayview Terrace, Lon Cadog, Fairfield Terrace, Wordsworth Street, Sketty Road, The Grove, Hawthorne Avenue, Trafalgar Place, Victoria Street, Waterloo Place and St Helens Avenue. There are no signatures from anyone living in Walter Road or any street within a 50m radius.

#### **Highway Observations** - Amended plans dated 27.01.2017.

Two of the car parking spaces have now been reinstated and cycle parking is also indicated in the rear yard area accessed through the shared kitchen facility. The previous use of the building was as an office and in terms of parking requirements there is less parking associated with the 7 bed HMO than with the office use over the three storey building. The retention of two car parking spaces plus new parking provision for seven cycles is such that the parking needs are likely to be met, particularly in view of the more parking intensive lawful office use.

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

1. Cycle parking in accordance with the approved plans to be laid out, and maintained as such prior to beneficial occupation of the HMO.
2. Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, no resident of the development shall obtain a resident parking permit within any controlled parking zone which may be in force in the area.
3. The 2 car parking spaces accessed off the rear lane should be laid out and maintained for parking purposes only in perpetuity.

**Pollution control** - No objection

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2017/0077/FUL

### APPRAISAL

This application is reported to Committee for decision at the request of Councillor Nick Davies as a valid petition of objection has been received with over 30 individual addresses and signatures.

### Proposal

Full planning permission is sought for the change of use of 111 Walter Road from offices (Class A2) into a 7 bedroom HMO. The application property is a large three storey property located on Walter Road. There is a rear lane access to a parking area for two cars at the rear of the property.

This stretch of Walter Road contains a range of uses, including residential, office accommodation, retail uses and restaurants. It is a mixed use area characterised by substantial terraced properties which have traditionally been used as commercial and office accommodation. The nature of this end of Walter Road is gradually changing as the office accommodation is becoming vacant and other uses are being sought for the vacant buildings. The application building itself is a large property that previously provided substantial office accommodation with car parking provision to the rear.

### Key Issues

The key 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 effect in terms of the following:

1. Impact on residential amenity;
2. Intensity of use;
3. Appearance of the property and character of the area;
4. Car parking and highway safety;
5. Refuse storage arrangements;

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.

### Policy HC5

1. Impact on residential amenity

The application property is a substantial property with accommodation over three floors and a basement storage area.

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There is a rear yard with off street parking provision for at least two vehicles. The submitted floor plans provided demonstrate that the accommodation is capable of providing 7 en-suite bedrooms with a shared kitchen over 3 floors. The basement area would be retained for storage/bike storage. This commercial property has been intensively used as office accommodation for a considerable period of time with the associated parking to the rear and general comings and goings. There is little evidence to demonstrate that the use of the property as a HMO, rather than commercial offices, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. It is not reasonable to assume that future occupiers would behave in a disorderly or boisterous fashion. It is not considered that the use of the property as a 7 bedroom HMO would result in an increase in the intensity of the use of the property in and out of the building, or result in any significant demonstrable unacceptable increase in noise and general disturbance over and above that associated with the lawful use of the property as commercial office accommodation to the residents within the neighbouring properties to the detriment of their residential amenities sufficient to justify refusal on these grounds. There are no new window openings being proposed and as such the potential for overlooking is no greater than the existing situation.

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 addition, the property would need to comply with building regulations and HMO licensing regulations.

### 2. The development would not contribute to harmful concentration or intensification of HMO's in a particular area

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation. The study revealed, however, 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.

In response to this Welsh Government amended the Town and Country Planning (Use Classes) Order 1987 in Wales to control HMO's between 3 and 6 people. Following on from this change in the regulations the Welsh Government also published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation.

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It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site, that this stretch of Walter Road contains a range of uses, including residential, flats and shared houses, office accommodation, retail uses and restaurants. It is a mixed use area characterised by substantial terraced properties which have traditionally been used as commercial and office accommodation. The nature of this end of Walter Road is gradually changing as the office accommodation is becoming vacant and other uses are being sought for the vacant buildings rather than the buildings fall into disrepair. The application building itself is a large property that previously provided substantial office accommodation with car parking provision to the rear.

With regard to the impact of the change of use from office accommodation to a residential use as a HMO, Walter Road and the surrounding streets are popular amongst students, young professionals and family units, due to the close proximity to local amenities, employment and education facilities, leisure/play uses and excellent transport links. The area is also within easy walking distance of Uplands District Shopping Centre and the City Centre of Swansea.

As evidenced by the public HMO register there are currently 17 properties in Walter Road on the register (starting at 22a Walter Road up to 138 Walter Road). Of these 9 have a HMO licence for up to 6 people and 8 have a HMO licence for between 7 and 20 people. This represents a percentage of approximately 12% of properties within the street being registered as a HMO.

In this instance, given the commercial use of the whole building, it is not considered that there would be any significant harmful increase in the numbers of comings and goings by the occupiers of the HMO, and given the mixed nature of this part of Walter Road, the use of the property as a HMO would not change the nature of the street scene to such an extent that it would cause demonstrable harm. It is clear that approval of the application would result in the addition of a further HMO into a ward area, however, whilst this is the case there is no evidence that leads to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or road.

In the absence of a percentage or other similar calculation based approach that has been justified it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration' and each application must be considered on its own individual merits. Whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration and as such the proposal complies with the requirements of this criterion.

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

With regard to visual amenity there are no external alterations proposed.

4. Local car parking and highway safety

There is room within the rear amenity area to the rear of the property to provide for cycle storage and for off street parking for at least 2 vehicles.

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The application property is located in a highly sustainable location within easy access to main bus routes that lead to the city centre. The city centre is approximately a 10-15 minute walk and Uplands District Shopping Centre is a 5-10 minute walk.

As detailed in the Highway response, the Head of Transportation and Engineering has recommended no highway objections are raised to the proposal subject to conditions.

### 5. Refuse storage arrangements

There is adequate provision to the rear of the property for the storage of refuse and recycling. In addition, there is also a basement storage area which can provide further storage for cycles or bins.

### **Response to consultation**

The points raised in the petition of objection have been noted. In particular, concern has been raised in relation to parking issues, visual and residential amenity issues in relation to noise, disturbance and intensification of use, these issues have been addressed in the preceding paragraphs. Parking for 2 vehicles is to be provided to the rear of the property. There is ample room for bin storage both within the property and the rear yard area. In terms of waste, there is no evidence to conclude that a 7 bed HMO would generate significantly more waste than that generated from the commercial use of the property or that as a dwelling occupied by a large family unit. Refuse collection is more properly controlled under separate legislation.

### **Relevant Appeal Decisions**

Application ref: 2016/1316 - 105 Rhyddings Terrace, Brynmill - Appeal allowed 10th February 2017

This appeal was allowed for the change of use from a 4 bedroom dwelling to a 5 bedroom HMO Use Class C4 and alterations to bay window and first floor windows in front elevation. The Appeal Inspector concluded that 'there is little evidence before me to demonstrate that the use of the property as a 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'. In relation to parking issues, a residents' parking scheme is in operation and given these parking restrictions and the proximity to bus services, shops and facilities, the inspector considered that the HMO would not lead to a significant increase in parking demand. The Inspector acknowledged that the appeal development would contribute to meeting the housing needs of the city.

Application ref: 2016/0873 - 8 Alexandra Terrace, Brynmill, Swansea - Appeal allowed 11th November 2016

This appeal was allowed for the change of use from residential to HMO purposes for 6 people. The Appeal Inspector acknowledged the transient nature of multiple occupancy dwellings and concluded that there was no detailed evidence 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.

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Additionally, the inspector considered that whilst the development results in an increased population density, the site is sustainably located and provides accommodation that would be suitable for students or young professionals studying or working nearby. Again, in relation to highway safety, the Inspector considered that the area is well served by facilities and services with good public transport links and that there would be no significant adverse effect on local car parking and highway safety.

### Planning Conditions

In relation to the imposition of conditions Welsh Government Circular 016/2014 specifies six tests that must be applied when drafting a planning condition. Conditions should be only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. With regard to the suggested conditions put forward by the Highway Authority it is considered reasonable that a condition requiring that the car parking area and cycle storage be laid out and are available for use as part of the HMO. However, the imposition of the condition suggested requiring that arrangements be put in place that no resident of the development shall obtain a parking permit within any controlled parking zone within the area would not be reasonable or necessary to make the development acceptable in this instance.

Whilst such conditions can be important where it can be regarded that there is a particular parking issue within an area and that the development would exacerbate this to a harmful degree in this instance regard needs to be given to the potential parking demands of the lawful office use of the property alongside the proposal for a HMO which is to provide for 2 allocated parking spaces and cycle storage provision in a sustainable edge of city centre location. It is considered that an office use would likely attract visits and parking demands much in advance of the proposed HMO, something which is identified in the Highway response. On this basis it would therefore be unreasonable to prevent an occupier making a request for a parking permit in the future. The development provides for 2 off street parking spaces, cycle storage provision and lies in a sustainable location thus promoting the use of sustainable transportation.

### 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 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.

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.

**PLANNING COMMITTEE – 7<sup>TH</sup> MARCH 2017**

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/0077/FUL

**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: 4259-001; Existing floor plans, 4259-002; existing elevations and sections, received on 11th January 2017; 4259-003A; proposed site layout and plans, 4259-004A ; proposed elevations and section, received on 27th January 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial occupation of the HMO commencing, the car parking area and secure under cover cycle storage, shall be laid out and available for use, in accordance with the details shown on drawing number 4259-003A received on 27th January 2017. The car parking spaces and cycle parking shall remain available for their designated use for the lifetime of the use as a HMO.  
Reason: In the interests of highway safety, providing facilities for sustainable transport and residential amenity.

**INFORMATIVES**

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