

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/0138/FUL

SITE HISTORY

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

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

RESPONSE TO CONSULTATIONS

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

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

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

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Applicant supporting statements

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

1. The detrimental impact to highway safety.

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

2. Residential Street.

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

3. The inadequacy of proposed parking.

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

4. Signage for the business

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

5. Emergency Access

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

6. Retail traffic

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

7. Noise Factor

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

8. Aesthetic to the street

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

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Applicant's further letter of support

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

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

APPRAISAL

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

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

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, AS6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

SITE HISTORY

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

RESPONSE TO CONSULTATIONS:

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

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 13, 14, 15 & 16 Middleton Street and through display of a site notice dated 26th January 2017.

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

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

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

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

Dwr Cymru / Welsh Water: No objection

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

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

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

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ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

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

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

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

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

APPRAISAL

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

Description

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

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

ISSUES

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

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ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

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

Background and Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

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

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

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

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

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ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

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

Regard needs to be given to the fact that a large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 4 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance. It is considered reasonable to restrict the number of occupants to no more than 4 people.

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

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

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

From viewing the Council's own HMO register there are no registered HMO properties on Kinley Street (as of the 24th March 2017), however, it is acknowledged that there may be HMO's on the street which have been used pre March 2016. It should also be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licensing. As a result there may be instances where HMOs exist in the area albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements.

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ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are limited numbers of HMOs in this area, without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

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

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

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

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

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

In view of the above, subject to an appropriately worded condition in respect of cycle parking, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

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

Response to Consultations

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

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ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

Issues in respect of antisocial behaviour including noise and litter are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

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

Conclusion

In conclusion it is considered that the revised application is acceptable. The Local Authority has no evidence to suggest that the use of this property as a HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: CW.16.002.001: Site location and block plan; CW.16.001.003: Existing floor plans, received on 3rd November 2016, CW.16.001.004A: Proposed floor plan, received on 1st March 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The integral garage indicated on drawing number CW.16.001.004A: Proposed Floor plan shall be kept available for the parking of motor vehicles at all times and retained as such in perpetuity and shall not be used as residential accommodation.
Reason: To retain the off street parking provision to serve the residents of the HMO.
- 4 No more than four residents shall live at the property, as part of the HMO hereby approved, at any one time.
Reason: In order to control the density of the development, in line with the proposal, having regard to the scale of the existing use and parking provision within the locality.

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ITEM 2 (CONT'D)

APPLICATION NO:

2016/3322/FUL

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

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, AS6 and HC5.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

SITE HISTORY

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

RESPONSE TO CONSULTATIONS

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

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

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

Highways - No Objection:

The current Parking Standards allow for upto six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 upto six people could share without the need for planning permission. This application seek permission for upto 8 people in a HMO (Sui Generis) from a C4 class HMO.

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

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

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ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

The dwelling will be eligible to apply for two parking permits as is currently the case. On that basis I recommend that no highway objections are raised to the proposal subject to:

1. The dwelling being used by no more than 8 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with the submitted details prior to beneficial occupation of the HMO.
3. The rear parking area to be laid out in accordance with the approved plans and maintained as such in perpetuity.

Pollution Control - No comments.

APPRAISAL

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

Description

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

ISSUES

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

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

Background

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

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ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

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

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above are addressed below:

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

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

As such, the use of the property as an 8 bedroom HMO is not considered to result in an increase in noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

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

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ITEM 3 (CONT'D)

APPLICATION NO:

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

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

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

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

The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission. This application seeks permission for up to 8 people in a HMO (Sui Generis) from a C4 class HMO. Four parking spaces are available for use by the residents accessed off the rear of the site on an unnamed adopted lane.

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

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

Appropriate refuse storage arrangements can be provided

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

Response to consultations

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

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/0313/FUL

Conclusion

Having regard to the planning issues raised it is considered that the development is acceptable. An increase in the number of the bedrooms at the property would not impact upon the character of the area or result in an adverse increase that would impact social cohesion of the surrounding area given the large number of existing HMOs within the street. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the Swansea UDP and approval is recommended.

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

RECOMMENDATION:

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, proposed plans (2054-17-001-A) received on 10th February 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial occupation of the building as an 8 person HMO the cycle storage and car parking areas shall be laid out in accordance with the approved plans (Drawing 2054/17/001 Revision A) and retained in perpetuity.
Reason: In the interest of sustainability and highway safety.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, AS6, EV40 and HC5 of the City and County of Swansea Unitary Development Plan 2008.
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PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 4

APPLICATION NO:

2017/0464/FUL

WARD:

St. Thomas - Bay Area

Location:

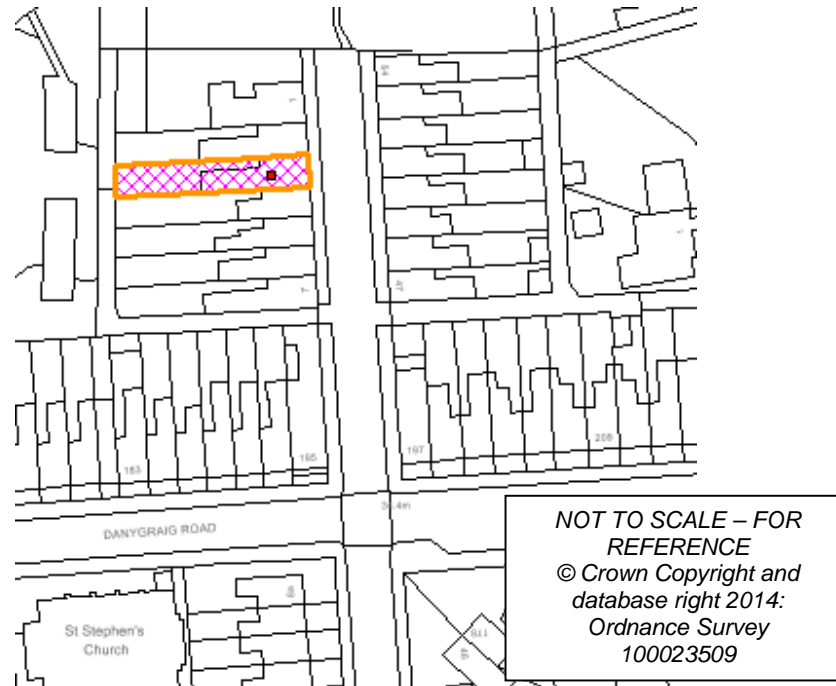
3 Grafog Street, Port Tennant, Swansea, SA1 8NG

Proposal:

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

Applicant:

Mrs. Jacqueline Thomas D & J Property



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

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

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ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0464/FUL	Retention of use of property as a 5 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 2 & 4 Grafog Street and through display of a site notice dated 7th March 2017.

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

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

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

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

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

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

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

PLANNING COMMITTEE – 4TH APRIL 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

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

Dwr Cymru/Welsh Water: Request for standard informative

Pollution Control Division: No objection

Highways: No objection

The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4 and based on recent appeal decisions I do not consider that a refusal from highways could be justified at appeal despite my ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

As part of the HMO SPG currently being drafted a review of the existing parking standards which specifically relate to HMO's and purpose built student accommodation will be included. This should be in place by March 2017 and will take into account data specific to Swansea and not generic information for Wales as a whole. In the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

This application is for a change of use from C3 to C4 (For 5 persons) hence it is still below the six person threshold.

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

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

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

1. The dwelling being used by no more than 5 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with details to be submitted to the LPA and maintained for cycle parking only within one month of the date of this consent.

APPRAISAL

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

Description

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

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ITEM 4 (CONT'D)

APPLICATION NO:

2017/0464/FUL

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

Applicant's Supporting Statement

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

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

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

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

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

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

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

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

ISSUES

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

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ITEM 4 (CONT'D)

APPLICATION NO:

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

Background and Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst Swansea Local Authority has now produced a SPG related to HMOs this has now gone through a period of consultation and will be reported to Committee in due course. Until the SPG is formally adopted it does not carry any weight.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

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

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

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ITEM 4 (CONT'D)

APPLICATION NO:

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A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 5 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. Accordingly, the Pollution Control division has not raised any objections to the proposal.

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

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

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

From viewing the Councils own HMO register, there are no registered HMO properties on Grafog Street (as of the 27th March 2017), however, it is acknowledged that there may be HMO's on the street or in the surrounding area which have been used pre March 2016. It should also be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licencing. As a result there may be instances where HMOs exist in the area albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements. There are 15 properties in the street and allowing this property to retain its use as a HMO would result in 8% of the street being a HMO.

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ITEM 4 (CONT'D)

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In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are limited numbers of HMOs in this area, without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

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

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

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

The development would comply with the provisions set out in the SPG Parking Standards and with no adverse harm identified that could impact highway safety in the area the application is considered acceptable in relation to its impact upon highway safety and parking. Subject to an appropriately worded condition in respect of cycle parking, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

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

Response to Consultations

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

Issues in respect of antisocial behaviour including noise and litter are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

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

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ITEM 4 (CONT'D)

APPLICATION NO:

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Conclusion

Having regard to the planning issues raised, and whilst noting the level of objection, it is considered that the application is acceptable. There is no evidence to suggest that the continued use of this property as HMO would result in a harmful concentration of HMOs within this area or the amenities of neighbouring properties or highway safety. There is no impact upon the visual amenities of the area. As such it is considered that the application complies with the provisions of policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

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

RECOMMENDATION:

APPROVE subject to the following conditions:

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

INFORMATIVES

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