

Report of the Head of Planning and City Regeneration

Planning Committee – 1 August 2017

PLANNING COMMITTEE APPEAL DECISIONS

1.0 Purpose of the Report

- 1.1 The purpose of this report is to review those planning applications which have been refused by the Council at Planning Committee stage, following officer recommendations for approval, but subsequently considered at appeal by the Planning Inspectorate.
- 1.2 Since June 2017 there have been 3 such applications all of which have been allowed by the Planning Inspectorate, as listed below, on the respective dates:

2016/3406/FUL	57 Ysgol Street	Allowed 19 June 2017
2016/1249	26 Pinewood Road	Allowed 20 June 2017
2016/1511	Plot A1, Kings Road	Allowed 29 June 2017

Appeal Decisions

- 1.3 Below is a summary of the key issues raised by the appointed Planning Inspectors in the appeals considered. An appraisal is provided and full copies of the appeal decisions are appended to this report as Appendices 1-3.

Appeal Reference APP/B6855/A/17/3170117, Application Reference 2016/3406/FUL, 57 Ysgol Street, Port Tennant – Change of use from residential dwelling (Class C3) to a HMO for 5 people (Class C4)

The inspector considered the key issue to consider being the impact on the living conditions of neighbouring residents with particular regard to nuisance, noise and disturbance. The inspector noted that the reason for refusal related to criterion (i) of policy HC5 and commented that the UDP does not quantify what might constitute a significant adverse effect and there is currently no adopted Supplementary Planning Guidance on this matter and that it relates on a planning judgement.

The inspector considered that the occupation of the property by 5 unrelated individuals would be little different in intensity to the dwelling's potential use by a family under the existing C3 use. It was stated in the decision that any nuisance, noise or disturbance arising from the proposed use, such as conversations taking place in the rear garden or inside, noise from TVs or stereos, doors slamming, occupants arriving or leaving, etc., would be similar in nature to those which might be generated by the existing use. On this basis the inspector considered that any nuisance, noise or disturbance would not be unacceptable.

In response to concerns about the number of HMOs in the area the inspector noted that whilst significant concentrations of HMOs can alter the character of residential areas he noted little visual indication of HMOs harming the established residential character of Ysgol Street.

The final issue considered related to residents' concerns about the HMO proposal generating additional parking and that this would further restrict the ability of residents to park their cars on the street, exacerbating unsafe parking on corners or pavements, impeding traffic flow and posing a risk. The inspector noted ample parking opportunities during the site visit but also noted photographs supplied by a resident showing high demand over times. The inspector considered that taking into account the parking demands that could be generated by the existing dwelling, the specific effects of the appeal proposal on the street as a whole would not be significant. He also noted the site is sustainably located in walking or cycling distance of shops, public transport and the Swansea University Bay Campus. He noted that the proposed demolition of the rear garage would improve access to 1 off-street car parking space and considered subject to this the proposal would not result in harmful effects on parking or highway safety.

Appeal Reference APP/B6855/A/17/3170653, Application Reference 2016/1249, 26 Pinewood Road, Uplands - Change of use from residential (Class C3) to HMO for 4 people (Class C4)

In this appeal the inspector identified the main issue to consider being the effect of the proposal on the character and amenity of the area by reason of the level of use of the property, having regard to the number of HMOs in the locality.

In terms of its use the inspector did not consider that the conversion of the ground floor reception room to a fourth bedroom and the use of the property by 4 unrelated individuals would result in a substantial increase in the intensity of the building.

In terms of the anecdotal evidence raised by residents about nuisance, noise, antisocial behaviour, waste and litter the inspector said that such amenity issues would not arise exclusively from an HMO use, but could also be generated by a dwelling in C3 use. He saw little evidence of a proliferation of litter or unsightly waste storage on Pinewood Road.

Regarding cumulative impacts the inspector saw evidence of HMOs locally, particularly on Hawthorn Avenue. He did not dispute the submitted figures which sited 4 licensed HMOs in Pinewood Road and 31 within 100 metres, nor that significant concentration of HMOs may alter the character of an area and impact upon the viability of local services or access to family housing. In summary he considered that the submitted figures indicate the proportion of HMOs on Pinewood Road would remain modest.

In regard to concerns raised about parking the inspector noted existing demand but did not find that the proposal would materially harm the safety of highway users.

Appeal Reference: APP/B6855/A/16/3164052, Application Reference: 2016/1511, Plot A1, Kings Road, SA1 8PH - The construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/ services, 1No. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm.

Members may recall that planning permission for this proposal was refused at Planning Committee in November 2016 for the following reasons:

- 1) Scale, form and design was not considered to be a high quality design solution and would have an unacceptable impact on the character of the area
- 2) Insufficient car parking provision was made for the development to the detriment of the surrounding areas
- 3) The proposed use for student accommodation is contrary to the approved masterplan, fails to provide a high quality employment site and would not complement existing surrounding businesses.

Principle

With regards to the principle of development (reason 3), the Inspector noted that the development represents a clear departure from the masterplan which was linked to a previous application but as this was a full application (rather than a reserved matters application), it needs to be determined on its own merits. He opined that providing the use would effectively integrate with the other uses within SA1 and not undermine the overarching vision for the area, it would not represent a fundamental departure from the policy position set out in the adopted UDP.

He stated that he had not seen any robust evidence that the proposed use would have an adverse effect on existing uses. Moreover, the proposed purpose built student accommodation would be entirely consistent with the recent shift in focus at wider parts of the SA1 area, including the University of Wales Trinity St. David (UWTSD) led development comprising the 'Innovation Quarter' and would complement these proposals, increasing activity and vibrancy.

The appeal site represents a sustainable location and is an appropriate location for student accommodation. It was notable that, despite active marketing, an employment use has not been forthcoming since the original grant of planning permission back in 2003. This raises questions over the viability of an employment use at the site and also supports the appellant's contention that demand for such uses in this location are relatively low. Such matters add further weight to the argument that the development is acceptable in principle. He concluded that the general principle of locating the proposed purpose built student accommodation at the appeal site was acceptable and in accordance with the general thrust of Policies EC1 and EC2 of the adopted UDP.

Character and Appearance

It was noted that the footprint would not be entirely consistent with the approved masterplan, would be sited 10m further north and rather than narrowing to a point at the northern end of the development, as per the masterplan and the neighbouring Technium building, the proposed scheme would widen to form a 9 storey block aspect at the gateway into Swansea. Nevertheless, whilst it was recognised that the proposed development would introduce a significant mass of development at the northern end of the site, the Inspector did not consider that its scale or mass would be excessive in the street scene, particularly given the wider urban context. The waterfront location has capacity to accommodate such a building and the proposed scale and block aspect would serve to reinforce the sense of arrival into the City and represent an appropriate gateway development.

The Inspector noted that the 4 to 6 storeys referred to within the approved masterplan relate to an office use which would typically be higher than that of a residential development.

In terms of design detailing, the proposed building would occupy a linear footprint that would run north-south alongside the Tawe. However, by virtue of its form and siting, it would adequately respect the existing curve along Kings Road. The linear building would be 'bookended' by cross wings that would add visual interest when the building is viewed within the street scene, whilst its substantial length would be effectively broken up by an intermediate cross wing. The materials utilised would be consistent with the surrounding townscape and would be reflective of the site's cultural and historic relationship with the docks. The use of materials and recessed detailing would also serve to successfully break up the development and soften the perceived bulk and mass at street level.

He concluded that the proposed development would be appropriate to its local context in terms of its scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. He also considered that it would integrate effectively with adjacent spaces, create a good quality townscape and represent a suitable design solution given the overall vision of creating a mixed use urban place through the SA1 regeneration, whilst also creating a 'gateway' building upon a key approach into the city centre.

Parking and Highway Safety

The proposed development would make provision for 23 parking spaces and, in this respect, the development would make sufficient parking provision to meet the operational needs of the resident students. Nevertheless, there is no doubt that the levels of parking provided would fall short of the overall requirements of the adopted parking standards, having particular regard to the need arising from anticipated visitors to the development.

However, the Inspector stated that it is important to note that the approved parking standards represent 'maximum standards' and the SPG provides guidance only. It is also worth noting that car parking can be a major influence on people's choice of transport. Specifically, Planning Policy Wales (PPW) (Edition 9, 2016) states that "*local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past*", before going on to clarify that "*minimum parking standards are no longer appropriate*".

Given the proposed levels of parking and the aforementioned sustainability credentials of the site, there would be very little incentive or need for students to utilise a private car. Moreover, the availability of convenient long term parking opportunities would be a key factor for students in deciding whether or not to choose the proposed development as their choice of residence. A significant proportion of visitor trips would comprise those made at the beginning and end of term for pick-up and drop-off purposes and the Inspector was satisfied that such trips could be adequately regulated through an effective Travel Plan and/ or Operational Management Plan.

He also noted that a covenant was proposed (via a Unilateral Undertaking) to prohibit residents to keep a motorized vehicle within 3 miles. However, he had concerns with this approach and gave this no weight in the determination of the appeal. Notwithstanding this, the Inspector concluded that he could see no reason why the proposed development would give rise to levels of indiscriminate parking that would represent a material threat to highway safety.

The appeal was therefore allowed.

Costs:

No costs were awarded as part of this appeal.

2.0 Recommendation

2.1 The appeal decisions be noted.

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