

# **Report of the Head of Planning and City Regeneration**

**Planning Committee – 6 November 2018**

**Planning Application Reference 2018/1023/FUL**

**Construction of purpose built student accommodation between 7 and 9 storeys (645 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm– Plot A, Kings Road, Swansea, SA1 8PH**

**Purpose: This report provides advice to Committee on possible reasons for refusal of the above planning application following the decision to defer consideration of the application under the two stage voting process at the Planning Committee held on 7 August, 2018.**

**Recommendation: 1) That planning permission be granted subject to conditions as outlined in the attached report.**

**For Decision**

## **1.0 Introduction:**

- 1.1 This application was reported to Planning Committee on 7<sup>th</sup> August, 2018 with the recommendation that planning permission be approved subject to conditions. Committee did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that further advice could be provided on reasons for refusal. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Committee.
- 1.2 In reaching a decision, Committee will need to consider advice on the award of costs in planning appeals in Section 12 Annex: Award of Costs of the Development Management Manual. This states that all parties involved in appeal proceedings are expected to behave reasonably to support an efficient and timely process. Parties must normally meet their own expenses. However, where it is deemed that one party has behaved unreasonably, either directly or indirectly, and this has caused another party to incur 'unnecessary or wasted expense' in the appeal or application process, they may be subject to an award of costs.
- 1.3 Local Planning Authorities are at risk of an award of costs being made against them if they behave unreasonably with respect to the substance of the matter under appeal or subject to a call-in or application directly to the Welsh Ministers. Examples of this include:
  - Failure to produce evidence to substantiate the impact of the proposal, or each reason, or proposed reason for refusal (i.e. taking a decision contrary to professional or technical advice without there being reasonable planning grounds to do so);
- 1.4 Local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision.

If they fail to do so, costs may be awarded against the authority. Following a change in legislation, costs can now be claimed when an appeal is considered by way of written representation in addition to appeals considered by Hearings and Inquiries.

## **2.0 Update to the Scheme**

2.1 Since the August 2018 Planning Committee, the Applicants have submitted an amended scheme proposing 645 bed spaces (591 bed spaces previously), and the following points are made:

- The additional bed spaces will be delivered within the same building envelope as the previous 591 bed space and also that of the consented 500 bed space scheme.
- The increase in the quantum of development has been achieved by:
  - i) Changing the internal mix of apartment types.
  - ii) Increasing the number of individual studios to create a more efficient floor plan.
  - iii) The cluster apartments have increased in size from an average of 6 bed units to 8 bed units thereby enabling a reduction in kitchen/dining space, whilst maintaining the highest standards of internal design.
- There would be a total of 27 car parking spaces, which would result in an additional car parking space in excess of that resulting from the ratio agreed for the 591 scheme.
- In relation to scheme viability, we have now finalised our viability appraisals of the various development scenarios. To confirm, the scheme now submitted achieves a return below 14% on GDV. As you will appreciate, this is well below the typical return of 20% a developer would expect.

Additionally, the applicants have submitted the following documents to support the application:

- Car Parking Analysis – which analyses the parking facilities managed by CRM Students across their portfolio across the country including those developed by the applicants (Crown Student Living);
- Waste Management Strategy of the proposed operation of the PBSA on Plot A1.
- Updated Visuals incorporating revised CGI's indicating the proposed white buff brick colour proposed (these will be shown at the Planning Committee).

## **3.0 Main Issues**

3.1 Members at Planning Committee identified the following areas for grounds of refusal of the application:

Car Parking and Waste Management / Collection.

## 4.0 Car Parking

### Applicant's Supporting Statement

*CRM Students has extensive experience managing and operating Purpose Built Student Accommodation (PBSA). We currently provide management and accounting services for some 23,000 beds across 139 sites throughout the UK.*

*We have acted for Crown Student Living (CSL) for more than 10 years and we manage all their PBSA properties. We work closely with CSL during the build, mobilisation and operational periods of their developments. CSL have instructed us to manage their development at SA1 on Swansea Waterfront on behalf of WPC Swansea 18-24 B.V.*

*In connection with their pending Planning Application, CSL inform us that there is some concern among Members that many of the students who will live at the development will bring cars to Swansea. CSL have therefore asked us to prepare this report to demonstrate, as we believe to be the case, that Members concern is unfounded. We know from our wide knowledge of dealing with students occupying PBSA that very few of those students take cars to University.*

*We would first like to explain that understanding and managing the relationship between the students and the local community is a key focus of CRM's work. Our management philosophy is to provide not only a safe and caring environment in which our student tenants can live and work; but also an environment which takes into account the sensitivities of the local area and community, including car parking.*

*We would also like to say that we are extremely proud of our close working relationships with a large number of the UK's leading Universities. We regularly consult with these institutions to ensure that we manage all our schemes in a method which matches the Universities' aspirations. One of the key elements is car parking, because most Universities discourage students bringing cars to University. This is true of both the University of Swansea and the University of Wales Trinity Saint David (UWTSD).*

*In order to reassure Members, we have set out in the table at the end of this report a complete analysis of parking facilities across the CRM portfolio:*

- Of the 139 sites referred to, 112 offer no parking whatsoever for the student tenants.*
- The majority of the sites with no parking facilities are purpose built student halls. The principal reason for these halls having no parking facilities for students is that there is no, or very little, demand from students for car parking facilities; so PBSA developers rarely provide parking facilities. CSL's development on SA1, with its 27 parking spaces, is a rare exception.*
- The remaining 27 sites only offer very limited car parking facilities. The majority of these sites have been created from outdated, refurbished, office buildings, which were originally constructed in the 60's and 70's with car parking facilities. The table below shows the number of car parking spaces in each of the 27 sites. The number of car parking spaces in each of these halls is shown in the third column. It will be noted, that the total number of car parking spaces in these halls is 476; serving some 23,000 beds across all the sites we manage.*

- *It is important to note that there is very little demand for the small number of car parking spaces in those student halls which do have parking facilities. The number of spaces taken up by students in each of the academic years 2015/2016, 2016/2017 and 2017/2018 is shown in the table. In 2015/2016, only 154 of the parking spaces were taken up by students; in 2016/2017, the number was 233; and in 2017/2018 the number was 126.*
- *It is clear from the above analysis that demand for car parking spaces is minimal.*

*There are several contributing factors for the lack of demand for parking spaces within PBSA halls. Some are as follows:*

- *Throughout the Universities in the UK, there is a high proportion of overseas students, the current proportion averaging about 35% of all university students. This is the approximate proportion for the Universities in Swansea. The Universities are keen to attract overseas students not only because they enhance the university experience to the benefit of all the students; but also because they contribute greatly to the economy of the Universities, which in turn contributes to the economies of our University towns and cities.*

*The relevance of the large number of overseas students is that by and large, overseas students prefer to live in purpose built student accommodation, rather than in HMOs. This is borne out by the fact that, in the PBSA halls that CRM manage, approximately 66% of the residents are overseas students.*

*It is a clearly established fact that very few overseas students have cars. So it is safe to say that some two thirds of students living in purpose built student accommodation will not have cars.*

- *Another factor is that most universities in the UK – and this applies particularly to the Universities in Swansea – actively discourage students from bringing cars to University.*

*Swansea University does not permit students to bring cars either to their Singleton Campus or to their new Bay Campus. So, the very small number of students who will bring cars to CSL's development at SA1 – we would estimate no more than 12 or 13 – will have little use for their cars.*

*There are excellent bus services to both Swansea University Campuses; and if students do want to drive to lectures, there will be no place to park their cars; and the new UWTSO Campus on SA1 is but a short walk from the development.*

*The bars, restaurants and nightclubs, which are an essential ingredient of most university students' experience, are only a short distance from SA1; as are the shops and other facilities on offer in the City Centre.*

- *It is relevant to add that our Assured Shorthold Tenancy Agreements, under which every student occupies his or her accommodation in the halls that we manage, contain an express restriction on student tenants bringing cars to the hall unless they have a confirmed parking space within the development. We understand it has been suggested that such restriction is flouted by students; but that is not our experience.*

*It would almost certainly come to our attention if a student was to park a car on a residential street; and in such cases, action would be taken against the offending student which could result in the loss of his or her tenancy. We are pleased to confirm that such action is extremely rare.*

*If there is a problem with students parking on residential streets, to the detriment of the residents of those streets, the offenders are usually occupants of the HMOs in those residential streets.*

*In conclusion, we would state that, given the location of the CSL site within SA1, the excellent bus services and the facilities within walking distance, parking spaces will not be a high priority for the students who will occupy the development; and that the development will not create parking problems for the local community.*

- 4.1 The Head of Transportation has been re-consulted on the parking management and has responded as follows:

*We have considered the additional information which suggests a 'Parking Analysis' although this is generally anecdotal evidence of other managed sites. The document suggests that the building management would almost certainly be made aware of a resident owning a vehicle; unfortunately we would still say this unlikely. It is not illegal to own a vehicle and the building management would not have any ability to identify vehicle legal owners or have any authority to request this from the DVLA or police. Any complaints which may be made to the Local Council or Authority would not necessarily be passed to the building management, due data protection and the fact it is not body which is authorised to penalise or take action on such matters.*

*The comparison of student properties with parking generally shows under use. However this information is provided without evidence and importantly not within this city. The Council has supplementary parking guidelines adopted as policy, the under provision of parking is non policy compliant, although accepting in this case an inspector's decision on a previous appeal.*

- 4.2 As outlined in the attached planning report, the original planning application ref: 2016/1511 was refused due to the extent of the parking provision resulting in increased pressure for on-street parking to the detriment of highway safety in the surrounding area. However, this was not accepted by the Inspector and whilst the Highway Authority is not supportive of the development on the grounds that insufficient parking is being provided to support the proposed development, there are no highway / parking objections to the current scheme.
- 4.3 If the Planning Committee wish to retain their position, it is suggested the reason for refusal under ref: 2016/1511 may be utilised:

*Insufficient car parking provision is made for the development which will result in pressure for on street parking to the detriment of the surrounding areas. The development is therefore contrary to the requirements of Policy AS6 of the Swansea Unitary Development Plan (Adopted November 2008) and the Supplementary Planning Guidance - Parking Standards (Adopted March 2012).*

## **5.0 Waste Management Collection**

- 5.1 The applicants have submitted a Waste Management Strategy since the Planning Committee on 7 August, 2018. This highlights the dedicated internal area for waste and recycling storage on the ground floor.

The collections will be provided by a private waste collection company or a paid for service provided by Swansea Council on a weekly basis as required. This will be monitored by the operator and should the need arise for more collections due to the amount of waste then this will be organised. The staff will be responsible for monitoring and managing the waste collection. The waste collection vehicles will access the waste storage area from Kings Road.

- 5.2 The Head of Waste, Parks and Cleansing has indicated that since attending the Planning Committee meeting on 7th August, waste management are currently considering introducing the following approach to the collection of waste & recycling from Purpose Built Student flats:

*Swansea Council will collect on the one day per fortnight as per our schedule of domestic collections.*

*Any additional collections over and above the fortnightly collection will be carried out on a commercial basis and charged for at the current rate for commercial waste collections.*

*This will cover all situations where there are insufficient wheel bins to contain the volume of waste/recycling produced each fortnight.*

- 5.3 The Head of Waste, Parks and Cleansing has been consulted on the Waste Management Strategy and makes the following comment:

*Waste Management will not make any further objection at the Planning committee meeting.*

*This does not imply that Swansea Council waste management department are 100% satisfied with the overall design of the wheel bin area and access for vehicles, but we remain in favour of Clause 3.1 "The collections will be provided by a private waste collection company or a paid for service provided by Swansea Council on a weekly basis as required".*

*From this statement, should the planning application be approved, Swansea Council are not committing themselves to be the sole provider of a waste and recycling service.*

On this basis it is not considered that a reason for refusal based on waste management and collection can be sustained.

## **6.0 Conclusion**

- 6.1 My original report to Planning Committee on 7 August 2018 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account my advice given above in relation to each possible reason for refusal Committee identified previously.

## **7.0 Recommendation**

- 7.1 The application be approved in accordance with the recommendation set out in the Report. If, however, Committee does not consider that the application should be approved, the reason(s) for refusal should take into account the advice given above and within the updated Committee Report as appended.

## **BACKGROUND PAPERS**

### **Local Government Act 1972 (Section 100) (As Amended)**

The following documents were used in the preparation of this report:

Application file (Ref: 2018/1023/FUL) together with the files and documents referred to in the background information section of the appended Planning Committee report.

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