

ANNEX B

1. Planning Application: 2014/0977

Location: Parc Ceirw, Cwmrhydyceirw Quarry And Adjoining Land, Cwmrhydyceirw, Swansea

Proposal: Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)

Appeal Decision: Appeal Allowed

Summary:

The main issues to consider in the determination of this application related to the acceptability of the residential development at this site in terms of its impacts on visual and residential amenity, highway safety, ecology, trees, drainage and impacts associated with providing housing in close proximity to a landfill site, including health and safety impacts.

On 7th June 2016, Planning Committee refused the application, contrary to officer recommendation for the following reasons:

1. The applicant has failed to prove that the additional traffic movements generated by the proposal will not have an adverse effect on local congestion to the detriment of the safe and free flow of vehicles and pedestrians, contrary to the provisions of policies EV1, AS2 and HC2 of the City and County of Swansea Unitary development Plan (2008).
2. The proposal fails to provide sufficient affordable housing to contribute towards the demonstrable need within the area, to the detriment of community regeneration and social inclusion. The proposal is therefore contrary to the aims of Planning Policy Wales (edition 8) and the well-being of future generations Act 2015.

An appeal was submitted against the decision to refuse the application which was considered by the appointed Inspector at a hearing in January and February 2017. Due to the scale of the development, the appeal was recovered for determination by the Welsh Ministers and following the Hearing, the Inspector presented a report of his findings to the Welsh Ministers for decision.

In the Inspector's view, the main considerations in the appeal were the effect of the development on highway safety and whether the proposal made adequate provision for affordable housing.

The inspector noted that pressures on the local highway network were evident during the site visit, which coincided with pupils leaving Cwmrhydyceirw Primary School and Morriston Comprehensive School. He was of the view that the proposed entrances into the development would provide safe and suitable access to the appeal scheme

and considered that the proposed highway mitigation measures would address the existing congestion and likely highway impacts of the scheme while supporting alternative modes of transport to the private car.

In terms of affordable housing, the Inspector considered that the proposed provision of 5% affordable housing was carefully considered within the Officer report and due to the exceptional development costs associated with the development, the proposal complied with policy HC3. In refusing the application, Committee considered that the level of affordable housing proposed was insufficient which would be detrimental to community regeneration and social inclusion and contrary to the Well-being of Future Generations Act 2015. In this regard, the Inspector recognised that there is clearly a need for affordable housing within the locality of the appeal site and that affordable housing contributes to the achievements of well-being goals. However, Policy HC3 enables a balance to be struck where exceptional development costs are demonstrated and the Inspector did not consider that the proposal conflicted with development plan policies. The Inspector also noted the absence of a 5 year land supply and the need to increase supply provided significant weight in favour of the appeal scheme.

The Inspector considered other matters raised during the consideration of the appeal but found no grounds on which to dismiss the appeal.

In recommending approval of the scheme, the Inspector considered that the planning obligations entered into gave significant weight on favour of the scheme as they address matters regarding compliance with planning policy, ensuring the acceptability and appropriateness of the proposal and ensuring a sustainable form of development which would contribute to the well-being goals of the WCFG Act.

In considering the Inspector's recommendation on highway safety, the Welsh Minister found no reason to disagree with the Inspector's conclusions. In terms of the affordable housing provision within the proposed scheme, the Minister accepted that the proposal would provide a 5% provision of affordable housing and agreed with the Inspector that the proposed development complied with planning policies. The minister concurred with the Inspector that the appeal scheme would be a form of sustainable development which would contribute to meeting the well-being goals of the Well-being of Future Generations Act. Accordingly, the appeal was allowed and planning permission granted subject to conditions and the signed Section 106 Unilateral Undertaking dated 7th November 2017. No application for costs was made in this case.

In reaching the decision, the Minister stated:

'...I have considered the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015. The decision made is in accordance with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will "build healthier communities and better environments" and "build resilient communities, culture and language" by providing housing in a sustainable location where there is a clear need for new housing.'

2. Planning Application: 2016/1038

Location: 124 St. Helen's Avenue, Brynmill, Swansea.

Proposal: Change of use from residential (Class C3) to 5 bedroomed HMO (Class C4)

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety

Committee did not accept the recommendation of approval and refused the planning application for the following reason:

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helen's Avenue will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.

In considering the appeal, the Inspector considered the main issue to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised that the evidence indicates that 49% of the population in the area are students. However, although understanding local concerns, she concluded that it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers and an additional HMO in this location would not therefore result in any material change to existing circumstances.

The Inspector considered that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area, and there was little evidence that directly related the high student population to an unbalanced or unsustainable community. The Inspector considered that although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities.

The appeal was allowed.

3. Planning Application: 2016/1249

Location: 26 Pinewood Road, Uplands, Swansea

Proposal: Change of use from residential (Class C3) to HMO for 4 people (Class C4)

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related 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

This application was reported to Committee with a recommendation of approval. Committee did not accept the recommendation and refused the planning application for the following reason:

- 1. The proposed use by virtue of the form and nature of the HMO accommodation proposed and its location in proximity to existing dwellinghouses will result in a significant adverse effect upon the residential amenity of the street and area by virtue of noise, nuisance and disturbance and is contrary to the requirements of Policy HC5 criterion (i).*

The Inspector considered the main issues to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised the strength of feeling amongst local residents, but whilst understanding these concerns, considered there is a need to ensure that communities are balanced and that lower cost and flexible housing needs are met. He concluded that the appeal proposal would provide accommodation suitable for people studying or working nearby and, for the reasons given above, would accord with amenity and highway safety objectives.

The appeal was allowed.

4. Planning Application: 2016/1380

Location: 96 King Edward Road, Swansea

Proposal: Change of use from residential dwelling (Class C3) to an 7 bed HMO, single storey rear extension and installation of 1st floor French doors with balcony on rear elevation

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use

and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety. The application was recommended for approval.

Committee did not accept this recommendation and refused the application for the following reason:

- 1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within King Edward Road will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9th November 2016) of creating sustainable and inclusive mixed communities.*

In considering the appeal, the Inspector considered the main issue to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised that the evidence indicates that Uplands has a high population density and a large proportion of residents aged between 16 and 24. However, although understanding local concerns, the Inspector concluded that it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers and an additional HMO in this location would not therefore result in any material change to existing circumstances.

The Inspector considered that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area, and considered there was a good mix of tenure types with over 46% in private ownership. Concerns relating to a transient population and the effects on community facilities were not verified by tangible details as to which community facilities were being affected in the area, or to what extent or how any such effects correlate with HMO accommodation type. The Inspector considered that although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities.

The appeal was allowed.

5. Planning Application: 2016/1511

Location: Plot A1, Swansea Waterfront, Swansea

Proposal: Construction of purpose built student accommodation between 7 and 9 storeys (500 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

Appeal Decision: Appeal Allowed

The main issues for consideration with this application were the principle of the development, impact of the proposal on visual and residential amenity, highway safety, archaeology, cultural heritage, flood risk, ecology and pollution,. This application was reported to Committee with a recommendation of approval as it was considered that the scheme was appropriate in terms of its impacts and compliance with policy.

Committee did not accept the recommendation and refused the planning application for the following reasons:

- 1. The development by virtue of its scale, form and design will impact to an unacceptable degree upon the character and appearance of the area, will not integrate effectively with adjacent spaces and is not considered to be an appropriate high quality design solution to the local context as a prominent gateway to Swansea City Centre contrary to the requirements of policies EV1, EV2 and EC2 of the Swansea Unitary Development Plan (Adopted November 2008).*
- 2. 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).*
- 3. Policies EC1 and EC2 identify that the SA1 Swansea Waterfront area is reserved for a mixed employment and residential development together with supporting leisure, tourism, community and ancillary uses and that the development should be comprehensive, integrate with the Maritime Quarter, Complement and not compete with the City Centre, be of a high standard of design, embrace principles of sustainable development, provide high quality employment opportunities, increase the range of housing stock, make appropriate provision for a network of pedestrian and cycle routes and safeguard the potential canal route corridor. The proposed use for student accommodation is contrary to the Masterplan approved for the application site as part of outline planning permission 2002/1000 and subsequently amended via planning permission 2008/0996 (SA1 Swansea Waterfront Design and Development Framework August 2004 Version 5) to provide for a high quality employment site. The proposed use will not complement existing surrounding business uses and fail to result in the provision of high quality employment opportunities contrary to policies EC1 and EC2 of the Swansea Unitary Development Plan (Adopted November 2008).*

The Inspector considered the main issues to be the principle of the development proposed having specific regard to the adopted development plan and masterplanning framework for the Swansea Waterfront area; the effect of the proposed development on the character and appearance of the area; and the effect of the proposed parking arrangements on highway safety.

The Inspector considered that whilst the proposed development represented a clear departure from the approved masterplan for the site, the application was a full

application, which needed to be considered on its merits. It was not considered to be a fundamental departure from UDP policy. Whilst acknowledging that there would be a change to the character of the immediate environs, the Inspector considered that the design details would mitigate against any material harm and integrate effectively with adjacent spaces.

In terms of highway safety, the Inspector considered the site to be both a sustainable and accessible location. The operational requirement for car parking would be covered by the proposed on-site parking provision and there would be little incentive for students to utilise a private car. Whilst parking for visitors fell short of requirements, the range of car parks in close proximity to the site could be utilised for such purposes.

The appeal was allowed.

6. Planning Application: 2016/1688

Location: 57 St. Helen's Avenue, Swansea

Proposal: Change of use from residential dwelling (Class C3) to HMO for 6 people (Class C4), three storey rear extension and removal of front dormer window and replacement with velux type window.

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related 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

It was considered that there was no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the residential amenities of neighbouring properties and highway safety. Accordingly the application was recommended for approval.

Committee did not accept the recommendation and refused the planning application for the following reason:

- 1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helens Avenue will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.*

In considering the appeal, the Inspector considered the main issue to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised that the evidence indicates that 49% of the population in the area are students. However, although understanding local concerns, she concluded that it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers and an additional HMO in this location would not therefore result in any material change to existing circumstances.

The Inspector considered that there was no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area, and there was little evidence that directly related the high student population to an unbalanced or unsustainable community. The Inspector considered that although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities.

The appeal was allowed.

7. Planning Application: 2016/3085/S73

Location: Land South of Fabian Way, Swansea

Proposal: Variation of condition 3 of planning permission 2015/2223 granted 27/09/2016 (Erection of a detached tyre and auto-care centre and two detached units (Class A3)) to allow for the use of the tyre centre from 08.30 to 18.00 hours Monday to Saturday

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related to the impact the extension of opening time would have upon the residential amenities of the neighbouring properties and the impact upon highway safety.

The application was recommended for approval as it was considered that an increase in opening hours from 1pm to 6pm on Saturdays was not unreasonable and would not have an unacceptable impact on residential amenity. However, Committee did not accept the recommendation and refused the application for the following reason:

- 1. The proposed extended opening hours of the tyre and auto-care centre would result in the creation of noise and disturbance between 1pm and 6pm on Saturdays, which would impact on the living conditions that the residents of Bevans Row could reasonably expect to enjoy, contrary to Policies EV1 and EV40 of the City and County of Swansea Unitary Development Plan 2008.*

The Inspector considered the main issue to be the effect of varying the condition on the living conditions of nearby residents.

The Inspector concluded that the additional impact that extending the opening hours of the tyre centre on Saturday afternoon would have on the living conditions of nearby residents would be negligible, taking into account the high ambient noise levels and, in terms of air quality, the lack of tangible evidence that the minor increase in opening hours would materially affect the health or well-being of nearby residents.

The appeal was allowed.

8. Planning Application: 2016/3406/FUL

Location: 57 Ysgol Street, Port Tennant, Swansea

Proposal: Change of use from residential dwelling (Class C3) to a HMO for 5 people (Class C4)

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related 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

It was considered that there was no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon visual amenity, the residential amenities of neighbouring properties and highway safety. Accordingly the application was recommended for approval.

Committee did not accept the recommendation and refused the planning application for the following reason:

- 1. The proposed use by virtue of the form and nature of the HMO accommodation proposed and its location in proximity to existing dwellinghouses will result in a significant adverse effect upon the residential amenity of the street and area by virtue of noise, nuisance and disturbance and is contrary to the requirements of Policy HC5 criterion (i).*

The Inspector considered the main issue for consideration was the effect of the proposal on the living conditions of neighbouring residents, with particular regard to nuisance, noise and disturbance.

The Inspector considered that the UDP did not quantify what might constitute a significant adverse effect and in the absence of an adopted SPG, whether or not a proposal is harmful depends on 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, with any nuisance, noise or disturbance similar in nature and therefore not unacceptable.

The appeal was allowed.