

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

PLANNING COMMITTEE

At: Council Chamber, Guildhall, Swansea

On: Tuesday, 4 July 2017

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: P M Black, L S Gibbard, M H Jones, E J King, M B Lewis, R D Lewis, P B Smith, A H Stevens, D W W Thomas, L J Tyler-Lloyd and T M White

The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

AGENDA

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1 Apologies for Absence.	
2 Disclosures of Personal and Prejudicial Interests. www.swansea.gov.uk/disclosuresofinterests	
3 Minutes. To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 7
4 Items for Deferral/Withdrawal.	
5 Supplementary Planning Guidance on Houses in Multiple Occupation and Purpose Built Student Accommodation.	8 - 165
6 Approval of Draft Updated Supplementary Householder Design Guidance for Consultation.	166 - 216
7 Tree Preservation Order - 611 Land at 344 Swansea Road, Waunarlwydd, Swansea.	217 - 218
8 Determination of Planning Applications under the Town & Country Planning Act 1990.	219 - 312

Next Meeting: Tuesday, 1 August 2017 at 2.00 pm

Huw Evans

Huw Evans
Head of Democratic Services
Tuesday, 27 June 2017

Contact: Democratic Services - 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
THURSDAY, 25 MAY 2017 AT 4.53 PM

PRESENT:

Councillor(s)

C Anderson
E T Kirchner
P B Smith
T M White

Councillor(s)

P M Black
P Lloyd
D W W Thomas

Councillor(s)

M H Jones
C Richards
L J Tyler-Lloyd

1 **TO SUSPEND COUNCIL PROCEDURE RULE 12 "CHAIR OF MEETINGS" IN ORDER TO ALLOW THE PRESIDING MEMBER TO PRESIDE OVER THE UNDER MENTIONED AGENDA ITEMS.**

RESOLVED that Procedure Rule 12 be suspended in order to allow the Chair of Council to preside over this meeting.

(COUNCILLOR D W W THOMAS PRESIDED)

2 **TO ELECT A CHAIR FOR THE MUNICIPAL YEAR 2017 - 2018.**

RESOLVED that Councillor P Lloyd be elected Chair for the 2017-2018 Municipal Year.

(COUNCILLOR P LLOYD PRESIDED)

3 **TO ELECT A VICE CHAIR FOR THE MUNICIPAL YEAR 2017 - 2018.**

RESOLVED that Councillor A H Stevens be elected Vice-Chair for the 2016-2017 Municipal Year.

4 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

The meeting ended at 4.54 pm

CHAIR

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,
6 JUNE 2017 AT 2.00 PM

PRESENT: Councillor P Lloyd (Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
P M Black	M H Jones	E J King
M B Lewis	R D Lewis	A H Stevens
D W W Thomas	L J Tyler-Lloyd	T M White

Also Present:

Councillors N Davies, R Francis-Davies, J A Hale, P N May & R C Stewart

Apologies for Absence

Councillor(s) L S Gibbard & C Richards

5 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interests were declared:

Councillors P B Black, M H Jones, E J King, M B Lewis, R D Lewis, P Lloyd, A H Stevens, D W W Thomas, L J Tyler-Lloyd & T M White – Planning Application No.2017/0262/FUL(Item 5) – Personal as applicant is fellow Councillor.

Councillor A H Stevens – Agenda Item 5 - Application at Parc Y Werin, Gorseinon – Personal & Prejudicial – previous involvement in the matter as a Town Councillor and left prior to discussion and Planning Application No2017/0795(Item 3) - previous involvement in the matter as a Town Councillor and left prior to discussion.

6 **MINUTES.**

RESOLVED that the Minutes of the Planning Committee held on 4 April 2017 be approved as a correct record.

7 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

8 **APPLICATION TO REGISTER LAND KNOWN AS PARC Y WERIN, GORSEINON, SWANSEA AS A TOWN OR VILLAGE GREEN.**

Sandie Richards, Principal Lawyer presented a report on behalf of the Head of Legal, Democratic Services & Business Intelligence.

The background details and history relating to the application for a town/village green status was outlined, as well as the evidence submitted, the legal tests to be applied, the burden of proof required, the remit and role of the Inspector, the public inquiry held and the Inspectors findings, conclusion and recommendations were all outlined in detail.

Mr C Huggill on behalf of the applicants addressed Committee and spoke in favour of the application. He also referred to a late letter submitted regarding the matter.

Sandie Richards, replied and indicated that Legal had seen and considered the letter, and it did not alter the findings of the Inspectors report.

RESOLVED that

1. the application for the above registration be REFUSED.
2. that NO PART of the land of the application site be added to the Register of Town or Village Greens under section 15 of the Commons Act 2006.

9 **PUBLIC RIGHTS OF WAY - APPLICATION FOR A PUBLIC PATH DIVERSION ORDER TO FOOTPATH NUMBER 4 AT BRYNMAEN FARM IN THE COMMUNITY OF MAWR.**

Sandie Richards, Principal Lawyer presented a report on behalf of the Head of Legal, Democratic Services & Business Intelligence.

The background details and history relating to the application, as well as the evidence submitted, the statutory legal tests to be applied, the issue of compensation, and the informal conclusions reached were all detailed and outlined in the report.

RESOLVED that

1. the application be granted and that a public path diversion order is made, and:
2. if objections are received to the order, the order be referred to the Planning Inspectorate for determination.

10 **PUBLIC RIGHTS OF WAY - APPLICATION FOR A PUBLIC PATH DIVERSION ORDER RELATING TO PART OF FOOTPATH NO.1 AT VOYLART CLOSE, DUNVANT.**

Sandie Richards, Principal Lawyer presented a report on behalf of the Head of Legal, Democratic Services & Business Intelligence.

The background details and history relating to the application, as well as the evidence submitted, the consideration and consultations undertaken, and the conclusions reached were all detailed and outlined in the report.

RESOLVED that

1. the application be granted and that a public path diversion order is made, and:
2. if objections are received to the order, the order be referred to the Planning Inspectorate for determination.

11 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990.**

A series of planning applications were presented on behalf of The Head of Planning & City Regeneration.

Amendments to this schedule were reported and are indicated below by (#)

RESOLVED that the undermentioned planning applications **BE APPROVED** subject to the conditions in the report/and or indicated below:

#(Item 1) Planning Application 2017/0648 - Former St Davids Centre And Other Land North And South Of, Oystermouth Road, City Centre, Swansea

A detailed visual presentation was provided.

Mr G Edwards (objector) and Mr D Lewis (applicant) addressed the Committee.

Councillor R C Stewart, (Leader) and Councillor R Francis-Davies, (Cabinet Member for Culture, Tourism & Major Projects), spoke in support of the application.

Report updated as follows:

Late correspondence from Glamorgan Gwent Archaeological Trust recommending an additional condition reported.

Late correspondence from Swansea Civic Centre outlining several objections and recommending several additional conditions reported.

Amendments to Conditions as follows:

Condition 10

Remove: *"The Code shall apply to the shopfront zone which shall extend 3 metres to the rear of each shopfront"*

Condition 20

Amend wording as follows: *"Prior to the commencement of each phase of the development, a strategic surface water drainage strategy for that phase..."*

Condition 21

Amend wording as follows: *"Any reserved matters application shall include a detailed surface water strategy pursuant to the reserved matters of each phase of which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic surface water strategy..."*

Condition 30

Amend: "vii) Associated Variable Message Signage"

Condition 33

Amend words: *'hour of operation'* to *'hours of operation'*.

Add to end of condition: *"The Arena shall thereafter be operated in accordance with the approved plan"*

Condition 36

Amend: 'measurers' to 'measures'

Condition 37

Add *"unless it can be demonstrated that an alternative sound level is acceptable having regard to the development and evidence supplied as part of the scheme"*

Condition 39

Amend: "it shall have a"

Condition 42

Add to end of condition: *"and retained thereafter to serve the use"*

(Item 2) Planning Application 2016/3619/FUL - 12-24 Belle Vue Way, Swansea

A visual presentation was provided.

Application **APPROVED** subject to applicant entering into a **SECTION 106 AGREEMENT** to provide for 30% Affordable Housing and a financial contribution to the sum of £23,000 to fund Highway Infrastructure works and subject to conditions in accordance with recommendation.

(Item 3) Planning Application 2017/0795/FUL - Land Adjacent To Heol Eifion, Gorseinon, Swansea

A visual presentation was provided.

Mrs P Morgan (objector) addressed the Committee.

(Item 4) Planning Application 2016/1510 - Former Four Seasons Social Club, Trallwn Road, Llansamlet, Swansea

A visual presentation was provided.

(Item 5) Planning Application 2017/0262/FUL - 23 Portia Terrace, Mount Pleasant, Swansea

(Item 6) Planning Application 2017/0196/FUL - 3 Bay View, St Thomas, Swansea

A visual presentation was provided.

A late letter of objection was reported.

Mr Shannon (objector) and Councillor Joe Hale (Local Member) both addressed the Committee and spoke against the application.

(Item 7) Planning Application 2017/0196/FUL – 3 Beechwood Road, Uplands, Swansea

A visual presentation was provided.

Councillor Nick Davies (Local Member) addressed the Committee and spoke against the application.

(Item 8) Planning Application 2017/0391/FUL - 25 Mirador Crescent, Uplands, Swansea

A visual presentation was provided.

Councillors Nick Davies & Peter May (Local Members) addressed the Committee and spoke against the application.

NB. Committee adjourned following (Item 8) for a 5 minute comfort break at 4.45pm

(Item 9) Planning Application 2017/0840/FUL - 107 Wern Fawr Road, Port Tennant, Swansea

A visual presentation was provided.

Councillor Joe Hale (Local Member) addressed the Committee and spoke against the application.

(Item 10) Planning Application 2017/0843/FUL - 39 Sebastopol Street, St Thomas, Swansea

A visual presentation was provided.

Councillor Joe Hale (Local Member) addressed the Committee and spoke against the application.

(Item 11) Planning Application 201/0844/FUL - 3 Benthall Place, St Thomas, Swansea

A visual presentation was provided.

Mr K Thomas & Mr M Davies (objectors) & Councillor Joe Hale (Local Member) all addressed the Committee and spoke against the application.

(Item 12) Planning Application 2017/0845/FUL - 40 Danygraig Road, Port Tennant, Swansea

A visual presentation was provided.

Councillor Joe Hale (Local Member) addressed the Committee and spoke against the application.

A late letter of objection was reported.

12 **PLANNING COMMITTEE APPEAL DECISIONS.**

The Team Leader on behalf of the Head of Planning & City Regeneration presented a "for information" report which outlined the recent outcomes of four appeal decisions to the Planning Inspector against decisions made by the Planning Committee.

A summary to the background of the four decisions were outlined in the report along with their implications for future decisions of the committee and the possible awarding of costs.

RESOLVED that the report be noted.

The meeting ended at 5.20 pm

CHAIR

Agenda Item 5

Report of the Head of Planning and City Regeneration

Planning Committee – 4 July 2017

SUPPLEMENTARY PLANNING GUIDANCE ON HOUSES IN MULTIPLE OCCUPATION AND PURPOSE BUILT STUDENT ACCOMMODATION

Purpose:	To inform Members of the representations received during the recent public consultation, agree the responses to these and proposed amendments to the Guidance, and adopt the final version as Supplementary Planning Guidance (SPG).
Policy Framework:	Planning and Compulsory Purchase Act 2004; City & County of Swansea Unitary Development Plan (Adopted November 2008); Well-being of Future Generations (Wales) Act 2015; Planning (Wales) Act 2015; Planning Policy Wales (2016) and related Guidance; Use Classes Amendment Order 2016.
Consultation:	Legal, Finance, Access to Services, Housing & Public Health.
Recommendation(s):	It is recommended that: a) The consultation representations, and responses to these by the Planning Authority (attached at Appendix 1 to this report) are noted and agreed; b) The final draft SPG (attached at Appendix 2 to this report) is approved and adopted as SPG.
Report Author:	Tom Evans
Finance Officer:	Paul Roach
Legal Officer:	Jonathan Wills
Access to Services:	Phil Couch
Housing & Public Health:	Mark Wade

1.0 Introduction

- 1.1 The Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance (SPG) has been prepared in partnership with planning consultants Lichfields to assist the determination of planning applications for HMOs (to accommodate students or other occupiers) and PBSA developments in Swansea. The document is supplemental to the relevant policies of the adopted Unitary Development Plan (UDP), namely HC5, HC11, EV1, EV2, EV3, and AS6.
- 1.2 The following sections of this report describe the planning context for the SPG and the purpose of the guidance. It outlines the 6 week public consultation and engagement process undertaken on the draft version, and summarises the range of comments received. The report sets out the response of the Planning Authority to these and recommends amendments that will help clarify and refine the SPG. A summary of the public consultation comments and the responses by the Planning Authority is enclosed at Appendix 1. A copy of the amended and final version of the SPG is enclosed at Appendix 2.

2.0 Planning Context

- 2.1 Building sustainable communities is one of five priorities in the Council's Corporate Plan (2016/17). This aligns with the Planning Act¹, National Planning Policy², and Well-being of Future Generations Act³, which requires the Council to achieve defined well-being goals, including maintaining cohesive communities that are attractive, viable, safe and well-connected.
- 2.2 The planning system defines HMOs into two different use classes dependant on their size:
Small HMOs: in broad terms this relates to shared dwelling houses which accommodate between 3-6 unrelated persons who share basic amenities. This type of property is defined as Use Class C4.
Large HMOs: relates to shared dwelling houses with more than 6 unrelated persons sharing basic amenities. Such development is defined as a 'Sui Generis' use class.
- 2.3 The Use Classes Amendment Order 2016 created the C4 use class in Wales and came into force on 25th February 2016. Following this amendment to the Use Classes Order, the Council has experienced a 'spike' in the number of planning applications for a change of use to a HMO. This is because the Use Class Order change has widened the scope of development proposals that require planning permission.
- 2.4 There are no specific national HMO or PBSA policies that prescribe how a Local Planning Authority (LPA) should determine such development, however policy requirements do require ensuring proposals are considered in terms of their effect on amenity and existing use of land/buildings in the public interest. National Planning Policy states that the effect of a proposal

¹ Planning Act (Wales) 2015

² Planning Policy Wales 2016

³ Well-being of Future Generations (Wales) Act (2015).

on the amenity of neighbouring properties should be assessed on the basis of general principles reflecting wider public interest (including standards of 'good neighbourliness'), rather than concerns of the individual. The cumulative effects of development, including conversion and adaptation, should not be allowed to damage an area's character or amenity.

2.5 National planning policy also requires LPAs to have a clear understanding of the factors influencing housing requirements in their area and to facilitate the provision of sufficient housing and choice. In this context, a community's need for affordable housing is a material planning consideration.

2.6 The extant local planning framework adopted by the Council is the Swansea UDP. The most relevant UDP policies relating to HMO and PBSA developments are:

Policy HC5 'HMOs' - which sets out the criteria to be used to determine a conversion to a HMO.

Policy HC11 'Higher Education (HE) Campus Development' - which sets out the acceptable parameters for HE campus development and confirms that the Council favours appropriate City Centre sites for student accommodation.

2.7 The Council is in the process of preparing its Local Development Plan (LDP). The Deposit LDP includes policies on HMOs (Policy H9) and PBSA (Policy H11), which will be subject to Public Examination in 2017/18.

2.8 The Council's maintains a public register of licensed HMOs within the Uplands and Castle Wards, which is a designated Additional Licensing Area. This register is maintained by the by the Council's Housing and Public Health Team, however it provides an up to date record of HMO properties within those Wards for use in planning decisions. Whilst currently there is no other Additional Licensing Area outside Uplands and Castle Wards, the Council is actively reviewing the evidence available in this regard to establish whether other areas meet the criteria for such a designation. Appropriate surveys, inspections and engagement will be carried out to provide the necessary evidence to underpin such a designation, which will highlight whether a significant proportion of HMOs in a given area are being ineffectively managed and likely to give rise to one or more particular problems, either for those occupying the HMOs or for members or the public.

3.0 SPG Purpose and Key Aspects

3.1 The overarching purpose of the SPG is to set out a clear planning strategy that augments and clarifies relevant UDP policy, as set out above, in order to provide for effective and consistent decision making on planning applications for PBSA and HMOs.

3.2 The SPG seeks to promote PBSA in appropriate City Centre locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; and the potential associated regeneration benefits.

- 3.3 The SPG acknowledges the important role of HMOs in providing affordable, flexible tenancies and the likely continued demand for them in the future, but seeks to avoid further harmful intensification or concentration and ensure provision is made sustainably. The SPG highlights the harmful impacts of unacceptably high concentrations of HMOs on communities. It seeks to avoid harmful intensification by applying a maximum threshold based on a two tier approach – i.e. a low threshold County wide and relatively higher threshold within a ‘HMO Management Area’.
- 3.4 The SPG is founded on a comprehensive and up to date evidence base including an update of local research undertaken by the Council in 2013 on the number, type, distribution and impacts of HMOs. It carried out a review of relevant national research, other Local Planning Authorities’ approaches, and appeal decisions. Considerable stakeholder engagement has been undertaken including workshops with Councillors and local landlord representatives; liaison with Registered Social Landlords and Housing Charities, and interviews with Universities and Student Forums.

4.0 Public Consultation and Engagement

4.1 A draft version of the SPG was approved by Members for the purpose of public consultation on 10th January 2016. The document was subsequently subject to a comprehensive six week period of consultation on the draft document between 23rd January – 5th March 2017. This involved the following awareness raising and engagement activities:

- A public notice in the South Wales Evening Post on 23rd January 2017
- Print media articles and social media notices prior to and throughout the consultation
- Poster displays in the Civic Centre and Guildhall reception areas; and Sketty, St Phillips (Castle Ward) and Port Tennant (St Thomas Ward) Community Centres.
- Display on the Civic Centre reception area electronic display board.
- A specific web page created for the SPG which set out a summary of the consultation, provided a weblink to the document, and a link to the e-consultation system and comment form.
- Notification emails posted to a range of stakeholders and members of the public, including Councillors, members of the public who requested to be informed and those who had commented on relevant policies in the recent Deposit LDP consultation, adjoining Authorities, Swansea University and University of Wales Trinity Saint David, the Student Liaison Forum, private Landlords, and Registered Social Landlords.
- A public information drop-in event hosted by Council Officers in the Civic Centre Reception Area on 7th February 2017, between 2-7pm.
- Hard copies of the SPG and comment forms were made available in all public libraries within the relevant areas (Central Library, Sketty and St Thomas libraries) and the Civic Centre reception area.

4.2 A wider process of engagement has been undertaken in the production of the SPG. Prior to the 6 week public consultation, a number of workshops and interviews were held with key stakeholders to inform the consultation draft SPG, including those with Members, Landlords and relevant Council

Departments. The full programme of engagement is set out in the Appendix to the final version of the SPG (attached as an Appendix to this report).

5.0 Key Issues Arising from the Consultation

5.1 The 6 week public consultation generated 195 responses, which have all been reviewed and considered by the Planning Authority with Lichfields. The following main issues were raised and proposed responses are included below.

HMO Threshold Limit

5.2 The draft SPG proposed two different threshold limits that place a cap on the proportion of HMOs considered appropriate to be concentrated either within, or outside, a defined HMO Management Area (see Figure 1).

Figure 1: Map Showing Boundary of the HMO Management Area in Red



5.3 The majority of consultation comments focused on the proposed threshold limits to be applied inside, and outside, the HMO Management Area. A number considered that 30% was too high in the Management Area, although responses varied widely on what percentage should be adopted. The SPG consultation draft justified the 30% level on the basis that a balance was required of recognising the character of certain parts of the Uplands and Castle wards (and their proximity to the universities) and allowing some growth to meet demand for sustainable growth and providing affordable housing choice, whilst respecting community cohesion.

5.4 On reflection and after further analysis it has been concluded that the 30% level can be reduced in the HMO Management Area to 25%, which will

encourage future provision to be more dispersed. Outside the HMO Management Area it is not recommended to alter the threshold from 10% as this is based on the tipping point identified in national research⁴. None of the Planning Authorities considered by the 2015 Welsh Government research or the case studies researched in formulating the SPG adopted a threshold below the 10% tipping point, and the LPA would not be able to justify such an approach on the basis of evidence.

HMO Radius Approach

- 5.5 The SPG consultation draft proposed that the threshold calculation should be based on the number of properties within a 65m radius of the planning application. This was a further common topic of the public consultation responses. Some argued that the radius should be decreased to 50m, while some requested that the threshold be calculated on the basis of the numbers by street, not by radius.
- 5.6 Further analysis has been undertaken on the merits of using a 50m radius. On balance it has been concluded that a 50m radius would take appropriate account of the direct impacts of a HMO and it is recommended that the radius distance specified in the SPG is amended accordingly.
- 5.7 Further analysis has confirmed that, in most instances, a radius approach, rather than street approach, is considered to more accurately reflect the spatial extent of the likely impacts of a HMO by considering adjacent properties to the rear, or properties on adjacent streets. Furthermore, streets will vary considerably in length, thereby being likely to produce non-representative outcomes in terms of identifying concentrations, whereas a radius approach provides a more consistent, meaningful approach. In response to concerns raised during the consultation however, the SPG has been amended to ensure the guidance does take account of instances where 'small streets' (which can include distinct sections of longer streets) fall within the defined 50m radius area. Sampling undertaken to evidence the SPG has demonstrated that there could be occasions where there is a disproportionate concentration of HMOs in a single small street, where there are few or even no other HMOs in other streets within the radius area. This could result in the scenario where a proposal would pass the radius threshold test despite creating a harmful concentration of HMOs in the small street. As such, having regard to the evidence, the amended final version of the SPG states that:
- **Outside the HMO Management Area no more than 10% of the total number of all properties on small streets will be permitted to be HMOs**
 - **Within the HMO Management Area no more than 25% of the total number of all properties on small streets will be permitted to be HMOs**

Non-'Sandwich' Policy

- 5.8 A non-'sandwich' policy was put forward by the public in consultation responses i.e. the prevention of HMOs being located either side of a non-HMO property. Such an approach has been researched further by Officers and Lichfields. However, it is considered that such an approach would be too

⁴ Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings. Welsh Government 2015 available at <http://gov.wales/topics/planning/planningresearch/publishedresearch/houses-in-multiple-occupation-final-report/?lang=en>

restrictive, particularly within the HMO Management Area. Furthermore, this approach serves to protect the interests of an individual property, rather than the wider public interest and national guidance makes it clear that it is not the role of the planning system to protect the private interests of one person against the activities of another. It further notes that development should be considered with regard to its effect on the amenity and existing use of land and buildings based on general principles reflecting the wider public interest, rather than the concerns of the individual. Therefore a non-'sandwich' policy has not been added to the SPG.

Other Responses

- 5.9 In terms of other queries received, comments were made on the format, language and clarity of the SPG and some general changes have been made throughout the document to ensure it is clear and understandable.
- 5.10 Queries were raised on the extent of the consultation undertaken, but Officers consider that the level of engagement and publicity for this SPG has been appropriate and comprehensive.
- 5.11 The evidence base that will be used to measure HMO concentrations was questioned by some respondents. In response, it is acknowledged that locations outside of the Additional Licensing Areas may contain some HMOs that have not required Licensing or were created before the introduction of the C4 Use Class and so did not require planning permission. The SPG notes that efforts will be made in St Thomas Ward to identify further HMOs.
- 5.12 It was raised that the SPG needs to emphasise the important role that HMOs provide for non-students and the potential impacts of Welfare Reforms. Some additional text has been added to the document to aid clarity but overall it is considered that the SPG already makes appropriate references in these respects.
- 5.13 In relation to a comment on the perceived negative visual impacts of letting boards, a reference has been added linking to the Council's Voluntary Code for Landlords and their Agents.
- 5.14 Clarification has been provided in response to queries on the proposed refuse storage and parking guidance. In terms of sound insulation, it was requested this should be required for all C4 HMOs as well as the larger HMOs for which it was proposed in the consultation SPG draft. However, Officers consider it appropriate to consider noise insulation when converting existing properties into larger HMOs (more than 6 persons – Sui Generis Use Class), but it is not considered reasonable to apply this requirement to C4 HMOs since the scale of C4 HMOs is similar to family housing in terms of the number of bedrooms and on this basis, noise insulation conditions cannot be justified as reasonable on planning grounds.
- 5.15 There are some limited locations within the HMO Management Area where the vast majority of properties are HMOs (i.e. over 80%). Despite consultation responses to the contrary it is still proposed in such exceptional circumstances that the SPG highlights a need for greater flexibility in the application of the threshold where the impact (individually and cumulatively)

of an additional HMO may not affect the character of the area. In such areas, it might be the case that the market for C3 residential properties will be a lot weaker, particularly for larger dwellings or properties requiring significant repair works. In these defined exceptional instances it would be more appropriate to take a flexible approach to HMO proposals to ensure the sustainable use of these properties rather than have C3 properties stand vacant for long periods. This is an approach that has been applied by other LPAs. Applicants will need to provide an assessment of why an exceptional case is justified and the SPG specifies what this should include.

- 5.16 In terms of PBSA only minor changes are proposed to the SPG, such as clarification that proposals on the edge of city centre will need to be sustainable locations that are accessible by active travel. The development of PBSA in City Centre locations is considered to dovetail with the Council's regeneration aims for the City Centre, for example in terms of generating an increase in footfall and vibrancy. Therefore the Council does not consider it is appropriate to support PBSA in alternative locations, other than within University campuses.
- 5.17 Suggested specific references to the exclusion of areas such as these to the north-west of the University of Wales Trinity St David's Swansea Waterfront Innovation Quarter are considered superfluous. Consideration in relation to location and accessibility as well as the availability and suitability of other sites are likely to more robustly demonstrate the appropriateness of a PBSA scheme, rather than applying specific area exclusions.
- 5.18 It is recommended that the summary of consultation representations, and responses to these by the Planning Authority (attached at Appendix 1 to this report) are noted and agreed by Members, and that the final draft SPG (attached at Appendix 2 to this report) is approved and adopted as SPG. It is also advised that the effectiveness and appropriateness of this SPG is regularly monitored by the LPA. The first review and update of the SPG will likely follow adoption of the Swansea Local Development Plan (LDP) to ensure it is compatible with the new development plan policy framework. This review will also provide an opportunity to consider any additional evidence arising over time, such as new national guidance and future outcomes of planning decisions on HMO proposals that reference the SPG in determination (including planning appeals). This will be particularly important where such outcomes demonstrate that a particular change to the guidance is necessary for the LPA to continue to use the SPG to provide effective, evidenced based and sustainable decision making

6.0 Financial Implications

- 6.1 The SPG has been prepared by external consultants in partnership with officers with a ceiling budget of £25,000. The cost of the public consultation process was accommodated within existing budgets and staff resources.
- 6.2 The final adopted document will be made available electronically, therefore there will be no printing costs. There are no additional financial implications arising from the publication of this SPG.

7.0 Legal Implications

- 7.1 The SPG will provide planning guidance to the adopted UDP (2008), and will be a material consideration in determining future planning applications.
- 7.2 Following adoption of the LDP in due course, the SPG will similarly provide supplementary policy to relevant policies within the Plan, which will require the SPG to be updated to incorporate relevant cross references to LDP Policy.
- 7.3 The Council has a duty to seek to continually improve in the exercise of its functions (which include where appropriate powers) in terms of strategic effectiveness, service quality and availability, sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009.

8.0 Equality & Engagement Implications

- 8.1 Section 4 of this report outlines equalities considerations in respect of consultation activity. Summary material will be available in Welsh. An Equality Impact Assessment (EIA) screening has been carried out and this indicates that a full EIA is not necessary.

Background Papers:

Report of the Director of Place to Planning Committee, 10th January 2017, Supplementary Planning Guidance on Houses in Multiple Occupation and Purpose Built Student Accommodation – Draft for Consultation.

Appendices:

Appendix 1 – Summary of Public Consultation Comments and Officer Responses

Appendix 2 – Final Draft SPG for Adoption

Consultation Report on Houses in Multiple Occupation & Purpose Built Student Accommodation

Supplementary Planning Guidance (SPG)

City and County of Swansea Council

July 2017

LICHFIELDS

31445/GW/SDv
13727450v1

1.0 Introduction

1.1 A total of 195 responses were received as part of the 6 week public consultation between 23rd January – 5th March 2017. Responses were received via the Council's website e-consultation system, via email and on paper.

1.2 Of those who completed the consultation response forms, 38 respondents ticked that they were making an objection, 3 noted they were in support, and 32 respondents indicated they were making a comment.

1.3 All responses have been reviewed in the table below. Comments raised have been categorised into issues/themes and the Council's response provided within a separate column adjacent to each. In addition, the table outlines the changes that have been made to the SPG document as a result.

Theme	Issues Raised	Response	Changes to SPG
<p>1. Issues raised with the format of the SPG, the language and clarity.</p>	<p>The SPG should be written in plain English.</p> <p>Further clarity and definition required on key phrases e.g. 'material consideration'; 'exceptional circumstances' that would outweigh the harmful concentration and intensification of a HMO; and 'no adverse effect'. Concern was raised that there were areas of vagueness which are open to interpretation.</p> <p>There should be two separate SPG documents - one for HMOs and another for PBSA.</p> <p>Concern was raised that the maps were not easy to understand and should be simplified.</p> <p>The SPG should be reviewed regularly so that it is fit for purpose and for the Council's HMO register to be kept up-to-date.</p>	<p>A full review of the SPG has been undertaken to ensure that the document is clear and understandable. Where necessary further clarity and definition has been provided within the SPG e.g. 'material considerations' in Chapter 2.</p> <p>Having two separate documents was considered. However, as HMOs and PBSA are interrelated, a strategic approach has been taken by the Council to address the issues and having one document enables the issues to be considered alongside one another. This was concluded to be the most appropriate option.</p> <p>The maps are clearly annotated and have keys to define the data illustrated. Difficulties experienced are mainly due to the large-scale nature of some of the maps. This is an inherent difficulty when considering data on a Local Authority scale. Maps have been simplified where possible.</p> <p>It is the Council's intention that the SPG will firstly be reviewed when the Local Development Plan (LDP) is adopted to ensure it is compatible with the new development plan policy framework. It will subsequently from</p>	<p>General changes have been made throughout the document to ensure that it is clear and understandable.</p> <p>Further definitions have been included within Chapter 2: Terms of Reference.</p> <p>A monitoring section has been added to the SPG outlining the frequency of the SPG review and monitoring (paragraph 1.6).</p>

		<p>this be regularly monitored.</p> <p>The Council's database of licensed HMOs is updated regularly by the Council's Housing and Public Health Team and the HMO public register (available on the Council's website) is updated approximately every 4 weeks.</p> <p>In terms of unlicensed HMOs, the Council's Housing and Public Health Team is currently undertaking survey work in the St Thomas ward to identify potential further HMOs. The results of the survey will be reported back to the Cabinet Member.</p>	
<p>2. Consultation undertaken as part of the drafting of the SPG</p>	<p>Why were residents not part of the stakeholder group used to draft the SPG?</p> <p>Perceptions that there was not enough publicity about the SPG.</p>	<p>Councillors were consulted in drafting the consultation document so they could represent the views of their local Ward constituents ahead of the full public consultation on the draft document. This was achieved through the consultation with the Student Liaison Forum, the Scrutiny Working Group and the Councillor Workshop.</p> <p>The Council then undertook a 6 week public consultation during which Officers hosted a drop-in event to answer queries from members of the public. Direct email notifications about the public consultation period were sent to members of the public who requested to be informed or who had</p>	<p>After careful consideration of these comments it was felt that no changes were required to the SPG for the reasons set out in the response. The level of engagement and publicity undertaken on this SPG has been appropriate.</p>

		<p>commented on relevant policies in the recent Deposit LDP consultation. Press and social media publicity was undertaken before and throughout the consultation period (further details are provided in Appendix 2 of the SPG).</p>	
<p>3. Comments relating to the Evidence base</p>	<p>Respondents highlighted the need for robust evidence to be obtained to identify HMOs that are outside the 'Additional Licensing' areas of Castle and Uplands Wards, and the requirement for this information to be continuously kept up to date. It was considered that more work is required to ensure account is taken of all existing HMOs (unlicensed and licenced) as part of this SPG.</p> <p>Increase in students living and studying in Swansea, not least as a result of significant university expansion, should be further reflected in the Evidence Base.</p> <p>It was noted that the SPG should include more emphasis on the fact that HMOs provide important accommodation for non-students - particularly asylum seekers and immigrants. This is also important in the context of Welfare Reform which was noted to have impacts on those not just under 35 years - but those who will be impacted by the 'spare room</p>	<p>The Council's database of licensed HMOs is updated regularly by the Council's Housing and Public Health Team and the HMO public register (available on the Council's website) is updated approximately every 4 weeks.</p> <p>In order to understand the full extent of HMOs within the radius areas to be applied the LPA will, for proposals in Uplands and Castle Ward, use the Council's public register of licensed HMOs as the basis for the calculation. The public register of licensed HMOs is updated regularly by the Council's Housing and Public Health Team. For all HMO proposals, including those outside this Additional Licensing Area, the LPA will draw upon all available records within the public domain. In addition, when calculating the proportion of HMOs, the LPA will also consider representations received as part of the consultation process on planning applications in order to establish the use of properties. Whilst currently there is no other Additional Licensing Area outside</p>	<p>Additional text has been added to paragraph 4.14 to further recognise that HMOs provide important accommodation for students and non-students.</p> <p>No additional information is needed in relation to the increase in student numbers and university expansion plans.</p> <p>Reference to the 'bedroom tax' has been included at paragraph 4.16.</p>

	<p>subsidy'.</p> <p>Perception that the SPG is not “founded on a comprehensive and up to date evidence base”, and that it is based on evidence from existing HMO licensing records and therefore could exclude current HMOs which are not licensed in St Thomas Ward.</p>	<p>Uplands and Castle Wards, the Council is actively reviewing the evidence available in this regard to establish whether other areas meet the criteria for such a designation. Appropriate surveys, inspections and engagement will be carried out to provide the necessary evidence to underpin such a designation, which will highlight whether a significant proportion of HMOs in a given area are being ineffectively managed and likely to give rise to one or more particular problems, either for those occupying the HMOs or for members or the public.</p> <p>Chapter 4 of the SPG sets out that there has been an increase in the number of students with both universities on average growing by 4% per annum over the last 15 years. It also recognises the future plans of the two Universities to grow its student numbers and their expansion plans, including the new Swansea University Bay Campus and UWTSD SA1 Waterfront innovation Quarter. It is considered therefore that the increase of students living and studying in Swansea and the Universities’ expansion plans is adequately reflected within the Evidence Base.</p> <p>The SPG emphasises the fact that</p>	
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		<p>HMOs provide important accommodation for non-students. However, further text has been added to paragraph 4.14 to emphasise this. It is not considered necessary though to describe in further detail the different circumstances of non-students who might need/choose HMO accommodation.</p> <p>The SPG recognises the impact of Welfare Reform on the demand for HMOs. Reference is made to the forthcoming changes to Housing Benefit which will reduce payments to social tenants if their rent is currently higher than the amount of Housing Benefit they would receive in the private rented sector (see paragraph 4.15 in particular). However, it is recognised that the SPG does not make specific reference to the impact of the 'spare room' tax and therefore additional text has been added on this in paragraph 4.16.</p> <p>The evidence base for the SPG is founded on the most up-to-date data which is currently available. The SPG does recognise that there may be properties that now fall under the new C4 HMO use class, that are not recorded on any Council licensing or planning database. As a result, the</p>	
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		<p>SPG recognises that the production and maintenance of a comprehensive database mapping Use Class C4 HMOs outside of Castle and Uplands Wards will be an important and urgent task for the Council to support the application of this SPG.</p> <p>In addition, the Council’s Housing and Public Health Team is currently undertaking survey work in the St Thomas ward to identify potential HMOs.</p> <p>When considering individual planning applications for a conversion to a HMO, the Local Planning Authority (LPA) will draw on up-to-date information to inform their decision. This will include the Council’s public register of licensed HMOs and other information in the public domain. The LPA will work closely with the Housing and Public Health Team, particularly in relation to applications outside of the Additional Licensing Areas. The LPA may carry out a site visit.</p>	
<p>4. HMO Threshold Levels and boundary</p>	<p>Most comments to the SPG focussed on the threshold level. The majority of comments received considered that the threshold level within the HMO Management Area was too high - although answers varied considerably</p>	<p>HMOs have an important role in providing affordable housing choice, however, the research and evidence undertaken as part of the SPG shows that there is correlation between areas with high densities of HMOs, and</p>	<p>The threshold level within the HMO Management Areas has been changed from 30% to 25%.</p> <p>Additional wording has been added to make it clearer that the</p>

	<p>regarding what was perceived as an appropriate level. Responses ranged between 25%, 20%, 15% or 10%. One respondent considered that the threshold within the HMO Management Areas should be raised to 50%. 5% was specifically identified as being appropriate in the St Thomas and Uplands wards, but also in all areas outside the HMO Management Area. A 5% 'buffer' threshold was suggested as appropriate in Uplands around the HMO Management Area. Suggestions were made that there should not be a two-tiered approach and that one threshold of 10% should be applied across Swansea.</p> <p>Objections were raised to any further increase in HMOs particularly in Uplands and Brynmill. Comments were made that the SPG should impose a 5 year moratorium on further HMO conversions in Brynmill and Uplands - and other communities where current concentrations are over 40%.</p> <p>Representations recognised the need to ensure there are enough HMOs for students - who contribute to the Swansea economy.</p> <p>It was felt that the wording of the criteria test should be made clearer –</p>	<p>community cohesion issues. It is therefore important to achieve a balance of managing the concentrations of HMOs in the public interest, whilst also allowing for some sustainable growth to meet demand.</p> <p>Swansea has an uneven concentration of licensed HMOs. The research undertaken to evidence the SPG clearly shows the distinct pattern that characterises the provision of HMOs in Swansea, which is partly due to the location and relative proximity of the City's universities, but also the mixed use nature of certain areas within more dense, urban areas of the County, including near the City Centre. A single figure blanket threshold across the County would not reflect the evidence regarding the nature of Swansea, the differences in character of areas and the future needs to allow sustainable low level growth of HMOs. A two-tier threshold approach is therefore necessary, to limit any further harmful concentration or intensification of HMOs within the HMO Management Area (which comprises parts of Uplands and Castle wards) where HMO levels are already very high, whilst also allowing some limited opportunities for future HMO provision to be more sustainably dispersed to</p>	<p>concentration test takes into account the impact of the additional (proposed) HMO and all properties within the radius irrespective of land use.</p>
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	<p>namely that the concentrations should be calculated taking into account the impact of the proposed additional HMO.</p> <p>It was queried whether adopting a criteria approach for decision making around HMOs is a more subjective approach compared to exercising a more scientific approach.</p> <p>Some specific queries were made about the HMO Management Area Boundary. Its western boundary was queried, it was felt that it includes some streets that comprise predominantly owner occupied family homes. Some comments felt that the Boundary should be extended to incorporate more areas with larger houses which it was felt do not lend themselves to family homes including areas north of Sketty Road.</p> <p>.</p>	<p>other areas in a managed manner.</p> <p>Appendix 4 of the SPG includes a map which shows the current concentration of licenced HMOs on a Lower Super Output Area (LSOA) scale. Whilst this scale is obviously larger than the radius to be used in calculating the threshold, it serves to demonstrate that the majority of the proposed HMO Management Area includes current concentrations of 10.1-20.0%, 20.1 - 30.0% and >30.0%. A 30% threshold was consulted upon for this area.</p> <p>On reflection and following further sampling and analysis it has been concluded that, having regard to the representations received, the SPG should be amended and that the threshold should be reduced to 25% in light of this further analysis in order to encourage future provision to be more dispersed. The 25% figure strikes an appropriate balance between responding to the evidence on demographic patterns and character areas, alongside the desire to support balanced communities, which in certain areas will include family housing, shared living, and other uses such as commercial use. The analysis undertaken to evidence the SPG has highlighted that, given the relative size</p>	
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		<p>of the proposed HMO Management Area, the existing location of HMOs, and the needs of the County in respect of providing affordable accommodation for shared users, a figure lower than 25% would not achieve an appropriate balance as described above. The research undertaken to evidence the SPG highlighted that other Authorities have used a range of threshold figures, however it is imperative that Swansea applies a figure that is appropriate for this Authority. In the case of Cardiff for example, the 20% figure that is identified for a 'Management Area' applies to an area much larger than that proposed for Swansea, thereby allowing scope for a higher volume of growth. The cordon for Swansea is drawn tighter having regard to the specific issues that apply in Swansea as described in the SPG.</p> <p>The 10% threshold that is proposed in the SPG for all areas outside of the HMO Management Area is based on the so called 'tipping point' identified in National Research referenced in the SPG. A reduction to 5% was not considered appropriate or justifiable in light of this evidence, and such a reduction could not be sustained at appeal. This also applies to the proposal by consultees to apply 5% as</p>	
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		<p>a 'buffer' at the edge of the HMO Management Area i.e. individual applications for HMOs must be considered having regard to their particular impact and, again, there is no evidence to support the application of 5% as being a justifiable figure above which any adverse impact would be sustained to the character or balance of a community. Furthermore, the notion of a 'buffer' is likely to have the effect of increasing pressure either side of any delineated area of this nature, leading to a less dispersed pattern at the fringes.</p> <p>In applying the concentration test – the calculation will take into account the impact of the proposed additional HMO property. The calculation will include all properties (individual planning units) of all uses located within the radius, not just residential uses.</p> <p>Proposals for conversion to a HMO will be expected to meet all of the criteria specified within UDP Policy HC5 'Houses in Multiple Occupation'. The threshold is therefore only one test that the HMO must meet, and all other criteria also apply, such as impact on residential amenity, character, parking etc.</p>	
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<p>5.HMO Exceptions</p>	<p>Comments were received in relation to the paragraphs in the SPG which allow for flexibility in the application of the threshold test in exceptional circumstances in the case of ‘very high’ concentrations. The majority felt there should be no flexibility.</p> <p>It was considered that the 80% threshold proposed should be reduced to 50%.</p> <p>It was considered that the exceptions should not apply if the concentration threshold is breached. It was felt that a flexible approach to applications need not be applied to larger dwellings in areas of high HMO concentration as the draft SPG suggests, although conversely it was considered that the SPG needs to encourage larger (empty) houses to be converted to HMOs and concerns were raised about whether people would be able to sell large homes in these areas.</p> <p>It was raised that many purchasers are discouraged from buying a house in areas with high HMO levels therefore it was queried whether including an exception clause seeking properties to be placed on the market for over 6 months prior to being converted was appropriate.</p>	<p>It is considered appropriate to take a flexible approach to HMO proposals, in exceptional circumstances, to ensure the sustainable use of properties rather than have properties stand vacant for long periods – which in themselves can have negative impacts.</p> <p>The test for exceptional case is rigorous and applicants will be required to submit robust evidence to demonstrate why an exceptional case is justified.</p> <p>It is not considered appropriate to reduce the threshold level from 80% to 50% as the Council considers this flexibility should only apply in exceptional circumstances.</p> <p>Exceptional test no. 3 specifically references any particular characteristics of the property (e.g. scale or layout) which make it suited to HMO use and unsuitable for other uses such as C3.</p> <p>Normally, planning permission will only be required to increase the number of bedrooms in a property, if the increase results in the change of use of the property from a C4 HMO to a Sui Generis HMO, or if physical alterations are required to the property to facilitate</p>	<p>After careful consideration of these comments it was felt that no changes to the SPG were necessary for the reasons set out in the response.</p>
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	<p>It was perceived that an additional clause was needed to state that planning applications seeking permission to increase the number of bedrooms in a property should be resisted, unless evidence is submitted to demonstrate that the property has been unsuccessfully marketed for a 6 month period.</p>	<p>the increase in number of bedrooms. In such circumstances, the planning application will be determined in accordance with adopted planning policies. As such, it is not considered appropriate to apply a clause which seeks to resist the increase in number of bedrooms unless evidence has been submitted to demonstrate that the property has been unsuccessfully marketed for a 6 month period, as other policies apply to ensure that the proposal is acceptable.</p>	
<p>6. HMO Radius approach</p>	<p>It was considered that a street by street methodology should be applied, rather than a radius approach.</p> <p>There was agreement with the principle of a radius approach but that the radius should be decreased to 50m.</p> <p>It was suggested that a method be used which considers concentration on a radius basis in parallel with an analysis of concentration by street.</p> <p>HMO properties with less than 50% of its frontage should be counted within the radius.</p>	<p>Further analysis has confirmed that, in most instances, a radius approach, rather than street approach, is considered to more accurately reflect the spatial extent of the likely impacts of a HMO by considering adjacent properties to the rear, or properties on adjacent streets. Furthermore, streets will vary considerably in length, thereby being likely to produce non-representative outcomes in terms of identifying concentrations, whereas a radius approach provides a more consistent, meaningful approach.</p> <p>In response to concerns raised during the consultation however, the SPG has been amended to ensure the guidance does take account of instances where 'small streets' (which can include distinct small sub-sections of long</p>	<p>The HMO radius has been changed from 65m to 50m.</p> <p>With regard to the evidence, the SPG has been amended to state that:</p> <p>in instances where a HMO proposal outside the Management Area is on a small street (definition provided), no more than 10% of the total number of all properties on that street will be permitted to be HMOs.</p> <p>in instances where a HMO proposal inside the Management Area is on a small street (definition provided), no more than 25% of the total number of all properties on that street will be permitted to be HMOs</p>

		<p>streets) fall within the defined 50m radius area. Sampling undertaken to evidence the SPG has demonstrated that there could be occasions where there is a disproportionate concentration of HMOs in a single small street, where there are few or even no other HMOs in other streets within the radius area. This could result in the scenario where a proposal would pass the radius threshold test despite creating a harmful concentration of HMOs in the small street. As such, having regard to the evidence, the SPG has been amended to state that: in instances where a HMO is on a small street (definition provided), no more than 10%/25% of the total number of all properties on that street will be permitted to be HMOs, depending on whether the proposal is within or outside the Management Area.</p> <p>A 65m radius was consulted upon originally, however as a result of comments received in this public consultation further analysis has been undertaken on the merits of using a 50m radius. On balance it has been concluded that a 50m radius would take appropriate account of the direct impacts of a HMO and the radius has been amended accordingly.</p>	
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<p>7. Impact of high concentrations of HMOs on residential amenity.</p>	<p>A large number of comments received on the SPG referenced the impacts concentrations of HMOs are considered to have on general residential amenity e.g. litter, poor maintenance and disrepair of some properties, to-let signs, anti-social behaviour, crime, noise, general community cohesion etc.</p> <p>More mention needs to be made of the negative impact of high concentrations of HMOs on schools.</p> <p>The appearance of letting boards is negative and should be recognised in the SPG.</p> <p>Specifically in relation to refuse, it was considered the issue of vermin control needs to be referenced in the SPG.</p> <p>It was considered that bin storage was potentially appropriate to the front of properties, if kept tidy.</p> <p>Sound insulation should be required for all C4 HMOs as well as larger ones. SPG needs to be more specific about what is meant by noise insulation "may be required" in the SPG.</p> <p>The SPG should consider the impact of fire doors - in relation to resultant noise</p>	<p>Section 4 of the SPG includes analysis of the impacts of HMO concentrations. This includes the recognition of the impact on the viability of schools through falling rolls, increased litter, and the reduction in the quality of the local environment, including high numbers of letting signs. Section 4 is considered to adequately summarise the key impacts.</p> <p>Specifically in relation to letting boards, the Council has a Voluntary Code for landlords and their agents (adopted in December 2013). The code aims to control visual impact of 'To Let' boards whilst allowing landlords to legitimately advertise their properties. This SPG does not seek to duplicate these wider measures in place.</p> <p>UDP Policy HC5 'Houses in Multiple Occupation', criterion 'v' requires all proposals for HMOs to provide appropriate refuse storage arrangement. Paragraphs 5.44 to 5.46 provide further detail on what appropriate refuse storage would be. Paragraph 5.46 notes that refuse storage areas should be located to the rear of properties. However, recognising that this may not always be possible, the paragraph goes onto say that proposals for refuse storage to the</p>	<p>Additional background information has been provided in the SPG on the Council's Voluntary Code for Letting Boards. After careful consideration of the comments received, no further changes to the SPG were felt to be necessary for the reasons set out in the response.</p>
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	<p>impacts of doors slamming.</p> <p>Ensure through the SPG that HMOs do not alter the front external appearance of properties to the detriment of the street.</p> <p>The loss of front gardens to make way for parking should be avoided.</p> <p>It was queried whether there is a means by which landlords can be made more responsible for their tenant's refuse and the property appearance e.g. licence clauses, fines and/or enforcement</p> <p>The SPG needs to recognise that well-managed HMOs do not cause problems.</p>	<p>front of properties will not be permitted, if they detract from the local street scene. The SPG does not therefore prevent refuse storage to the front. It further notes that details of the proposed refuse storage arrangements must be provided with the planning application, and as such each application will be assessed on its own merit.</p> <p>The SPG considers it appropriate to consider noise insulation when converting existing properties into larger HMOs (more than 6 persons – Sui Generis Use Class). However the Council considers it is not reasonable to apply this requirement to C4 HMOs since the scale of C4 HMOs is similar to family housing in terms of the number of bedrooms and on this basis, noise insulation conditions cannot be justified as reasonable on planning grounds.</p> <p>UDP Policy HC5 ‘Houses in Multiple Occupation’ notes at criterion ‘iii’ that proposals for conversion of properties to HMO will only be permitted where there would be no adverse effect upon the external appearance of the property and the character of the locality. Paragraph 5.36 makes it clear that the acceptability of any physical alterations</p>	
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on HMO properties will be considered against guidance included in 'A Design Guide for Householder Development SPG'. Any changes to the front external appearance will therefore be considered in accordance with the Council's adopted guidance, and must not have an adverse effect on the external appearance of the property and the character of the locality.

Inclusion of a reference to not permitting the loss of front gardens for hardstanding was not considered appropriate. Permitted Development Rights can exist for this type of development.

Once planning permission is granted, development must be carried out in accordance with the planning conditions included on the decision notice. If these conditions are not adhered to, then the LPA would be able to take enforcement action. The LPA is only able to apply planning conditions that meet the 6 tests, as set out within Circular 016/2014 'The Use of Planning Conditions for Development Management'. The tests require planning conditions to be necessary, not duplicate other controls, be relevant to planning, relevant to the development, enforceable, precise and

		<p>reasonable. The LPA does therefore have some power to control the management of HMOs once planning permission is granted, provided that the planning conditions meet the 6 tests. For example, planning conditions may relate to sound insulation, bicycle storage and/or refuse storage being retained thereafter. A planning condition can be applied which requires the development to be carried out in accordance with the approved plans.</p> <p>UDP Policy HC5 ‘Houses in Multiple Occupation’ allows for the conversion of dwellings or non-residential properties to HMOs subject to the proposal meeting all of the 5 criteria. The SPG provides further guidance in relation to how these criteria will be used in assessing planning applications. The SPG therefore recognises that HMOs that satisfactorily meet UDP policy requirements will be permitted.</p>	
<p>8. Impact of HMOs on car parking, highway safety, and cycling</p>	<p>It was considered that concentrations of HMOs are a key cause of parking problems in some areas and that parking in Uplands and Brynmill has reached saturation point.</p> <p>It was queried, is there a way landlords can contribute financially towards the</p>	<p>The SPG must be read in conjunction with the Council’s SPG Parking Standards. Whilst it is recognised that the adopted Parking Standards pre-date the introduction of use Class C4 for HMOs they remain relevant to decisions on individual planning applications. These are maximum</p>	<p>After careful consideration of these comments, some clarification has been added to the SPG wording in paragraphs 5.39 and 5.40.</p>

	<p>provision of off-street car parking.</p> <p>Concern was raised over the absence of parking permit policing and general policing of traffic. Conversely it was stated that there are too many resident parking areas and not enough unrestricted areas which is causing parking problems.</p> <p>Concern was raised with the current parking standards. These were not considered fit for purpose. The standards should differentiate between wards - with St Thomas Ward (along with Castle and Uplands) allowing no more than 3 or 4 cars per household.</p> <p>There was disagreement with the logic of allowing 3 parking spaces for up to 6 occupants and an extra space for every extra occupant above. Instead it was suggested that the main consideration should be given to the amount of space available within or immediately within the curtilage of a dwelling, not to the number of occupants. Where levels of street parking have reached a point of saturation and no other space is available, further HMOs should be refused.</p> <p>Car parking requirements were considered to reduce for students and</p>	<p>parking standards and each application will be considered on its own merit based on the evidence submitted as part of the planning application.</p> <p>The SPG at paragraph 5.40 notes that LPA's may also seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit where there is evidence that there is an issue that needs to be addressed. The Council's policing of traffic is outside the scope of this SPG.</p> <p>Paragraph 5.41 makes clear that cycle storage should be provided in a dedicated cycle storage area, and that all storage areas that are visible from the public realm should be well integrated into the streetscene and visually unobtrusive. Paragraph 5.43 notes that where rear access arrangements allow, cycles should be stored to the rear of properties rather than in front gardens. The LPA encourages sustainable modes of transport, such as cycling, and it is considered unreasonable to request that rear access <i>must</i> be provided for cycling, as this is not always possible and therefore unduly restrictive.</p> <p>The request for weekend parking surveys falls outside the scope of this</p>	
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	<p>other HMO residents, as car ownership levels were considered to be lower.</p> <p>It was considered that the Council and the University need to work together so that students are discouraged from bringing cars to University.</p> <p>The SPG should include reference to rear access being required for bicycles and bike storage needs to be secure, sheltered and have lit access.</p> <p>It was asked if weekend parking surveys will be undertaken.</p> <p>It was considered that the SPG needs to clarify the circumstances in which permit restrictions may be imposed on planning permissions and this should be based on research and consultation.</p>	<p>SPG. However, paragraph 5.39 recognises that evidence regarding the particular parking issues in the locality, including whether there are any particular land uses that generate high levels of traffic and car parking, will be treated as a material planning consideration.</p> <p>Any planning obligations required by the Council from applicants need to be justified in accordance with Planning Policy Wales, Community Infrastructure Levy Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions) (necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related and reasonable in all other respects). These will need to be considered on a case-by-case basis. This could in theory relate to off-street parking provision provided the obligation meets the Circular tests and therefore does not necessarily warrant specific mention in this SPG.</p> <p>Referring to the encouragement of the Council and the University to work together to reduce car ownership is outside the scope the SPG.</p>	
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<p>9. Purpose Built Student Accommodation (PBSA)</p>	<p>General comments received were largely supportive of the PBSA element of the SPG however it was highlighted that 2nd and 3rd year students do not necessarily want to live in PBSA often due to the high cost but also due to student personal preference.</p> <p>Support for the provision of PBSA particularly in city centre locations.</p> <p>Support only for PBSA on the University campus.</p> <p>Concern that PBSA would make the city centre a 'ghost town'.</p> <p>It was considered, in relation to the criteria which requires applicants to demonstrate there are no available and suitable sites in the City Centre, that this could potentially benefit from excluding areas to the north-west of the University Wales Trinity St David's Swansea Waterfront Innovation Quarter.</p> <p>The SPG needs to allow for PSBA at alternative locations, outside the city centre.</p> <p>Support for the proposed approach to parking standards in respect of PBSA.</p>	<p>Reference is made in paras. 4.69-70 in relation to student preferences and price differences between PBSA and HMOs.</p> <p>The development of PBSA in city-centre locations is considered to dovetail with the Council's regeneration aims for the city-centre, for example in terms of generating an increase in footfall and vibrancy. Therefore the Council does not consider it is appropriate to support PBSA in alternative locations, other than within University campuses.</p> <p>The proposal's impact on amenity will be one of the considerations informing the LPA's decision. This will consider impacts relating to any concentrations of PBSA in a given area and impact on local amenity.</p> <p>Suggested specific references to the exclusion of areas such as the areas to the north-west of the University of Wales Trinity St David's Swansea Waterfront Innovation Quarter are considered superfluous. Consideration in relation to location and accessibility as well as the availability and suitability of other sites are likely to more robustly demonstrate the appropriateness of a PSBA scheme, rather than applying</p>	<p>After careful consideration of these comments, no changes were felt to be necessary to address the issues raised, for the reasons set out in the response.</p>
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	<p>It was perceived that there is low provision of PBSA in Swansea and that the University needs to build more.</p>	<p>specific area exclusions.</p> <p>The SPG does not prevent PBSA outside the city centre. It states that the Council will favour city centre sites in the first instance, unless the proposed site is within a Higher Education Campus. The Council will consider PBSA proposals on edge of city-centre locations subject to a number of tests. This approach is considered appropriate and underpins the Council's regeneration objectives for the city centre.</p> <p>The SPG is not able to stipulate who PBSA developers or applicants are or should be.</p>	
<p>10. Other Matters</p>	<p>A non-'sandwich' policy should be included in the SPG - preventing HMOs being located either side of a non-HMO property.</p> <p>Building Regulation consent should be given prior to a planning application being submitted to the authority for a HMO.</p> <p>Development should adhere to fire safety regulations, but ensure the house can be returned in the future to family use without excessive expenditure.</p>	<p>A 'non-sandwich' approach has been researched further. However, it is considered that this approach is too restrictive, particularly within the HMO Management Area. Furthermore, this approach is considered to protect the interests of an individual property, rather than the wider public interest. National planning guidance contained in Planning Policy Wales makes it clear that it is not the role of the planning system to protect the private interests of one person against the activities of another. It further notes that development should be considered with regards to its effect on the amenity</p>	<p>After careful consideration of these comments, no changes were felt to be necessary for the reasons set out in the response.</p>

	<p>Comments were made in relation to tax exemptions and the scope for amending current tax regimes.</p> <p>Requests were made for minimum room sizes (similar to the Cardiff approach) to be specified in the SPG.</p> <p>It was highlighted that many small-scale properties in Swansea were not suitable for conversion and that they should be excluded from being permitted as a HMO.</p> <p>More support should be included in the SPG for bringing empty properties back into use.</p> <p>Is there scope to include HMOs with 10+ occupiers where the current position exempts those managed by educational establishments from licensing.</p> <p>The SPG should recognise the role the Council could play in helping to ensure properties of poor standard are upgraded.</p> <p>It should be ensured that community cohesion is a top priority and that if HMOs are to be discouraged what replaces them.</p>	<p>and existing use of land and buildings based on general principles reflecting the wider public interest, rather than the concerns of the individual.</p> <p>Matters relating to Building Regulations and fire safety regulations compliance fall outside the (planning) remit of this SPG.</p> <p>Matters relating to tax exemption fall outside the (planning) remit of this SPG.</p> <p>The Council has adopted guidance for minimum floor areas for certain types of bedrooms in licensed HMOs. It is not legally possible to introduce minimum room sizes in other circumstances under Housing legislation although assessments are made for space and overcrowding purposes using the Housing Health and Safety Rating System. This matter is considered to be covered by Housing Legislation and it is not therefore considered necessary or possible to specify minimum room sizes within the SPG.</p> <p>It is recognised that small-scale properties in Swansea may not be suitable for conversion. It may not be reasonable to automatically preclude the conversion of all small-scale</p>	
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	<p>Additional licencing powers should be applied to the whole of Swansea - and not just specific wards.</p> <p>The University has an important role to play by working with students to ensure they are aware of their responsibilities to the community.</p> <p>Landlords should be held more accountable.</p>	<p>properties from being permitted as HMO. Each application will be considered on its own individual merits in terms of its suitability for HMO.</p> <p>Matters relating to licensing exemptions and amendments are outside the (planning) remit of this SPG.</p> <p>It is considered that this SPG strikes a balance between allowing for sustainable growth in HMOs and managing HMO concentrations to better effect for all.</p> <p>As explained above the SPG takes a flexible approach to HMO proposals, in exceptional circumstances, to ensure the sustainable use of properties rather than have properties stand vacant for long periods – which in themselves can have negative impacts.</p> <p>The test for exceptional case is rigorous and applicants will be required to submit robust evidence to demonstrate why an exceptional case is justified. This could include details relating to property condition.</p> <p>The Council already works closely with the Universities. This is outside the (planning) remit of the SPG.</p>	
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		<p>The remit of this SPG is focussed on the planning system. Measures to make landlords more accountable, beyond the planning conditions/planning obligations already specified in the SPG and/or responses, are outside the remit of this SPG.</p>	
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Houses in Multiple Occupation & Purpose Built Student Accommodation

Supplementary Planning Guidance

July 2017

LICHFIELDS



This document has been produced by Lichfields in partnership with the City and County of Swansea Council

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1.0 Introduction

Overview

- 1.1 Building sustainable communities is one of five identified priorities in the City & County of Swansea's (CCS) Corporate Plan (2016/17), which states:
- "We need to work together to build and support sustainable and thriving communities because this will result in the best possible outcomes for people, reduce the need for public services, and consequently reduce the cost of services. Sustainable communities are ones people want to live, work and bring up their families within. These are communities in which the vulnerable find support, people run businesses, and families work well and stay together."*
(Swansea Corporate Plan 2016/17 p25)
- 1.2 Within Swansea there are diverse communities and neighbourhoods that each occupy a different function in the housing market. Maintaining a mix of housing types, tenures and choice is important in helping to achieve sustainable communities. Within this mix, it is vital to ensure an appropriate quantum and quality of accommodation is provided for students to allow for the sustainable growth of Swansea's expanding universities. These are important economic drivers for the City and their continued success will play a key role in delivering increased prosperity to Swansea and the wider region.
- 1.3 This Supplementary Planning Guidance (SPG) sets out the Local Planning Authority's (LPA) approach to planning sustainably for Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA). It defines the planning policy framework that the LPA will use to determine planning applications for these types of development and provides detailed guidance on the way adopted Development Plan policies will be applied.
- 1.4 In some areas of Swansea, the concentration of HMOs has led to negative impacts that are threatening the sustainability of these communities. Additionally, PBSA developments are increasingly coming forward as a means of helping to meet the housing needs of students and potentially may reduce the pressure for additional HMOs.
- 1.5 This SPG aims to provide a clear framework for making effective and consistent decisions to manage the location and concentration of HMOs in the public interest. The SPG is set against a context that recognises the important role HMOs play in providing an affordable housing choice for students and non-students, whilst recognising that negative impacts can arise without appropriate control. The SPG also provides guidance on how the LPA will consider proposals for PBSA, including providing clarity on the most appropriate locations for such development.
- 1.6 The effectiveness and appropriateness of this SPG will be regularly monitored by the LPA. The first review and update of the SPG will follow adoption of the Swansea Local Development Plan (LDP) to ensure it is compatible with the new development plan policy framework. This review will also provide an opportunity

to consider any additional evidence arising over time, such as new national guidance and future outcomes of planning decisions on HMO proposals that reference the SPG in determination (including planning appeals). This will be particularly important where such outcomes demonstrate that a particular change to the guidance is necessary for the LPA to continue to use the SPG to provide effective, evidenced based and sustainable decision making.

2.0 Terms of Reference

2.1 This chapter sets out some key definitions which are relevant to the remainder of this SPG.

House in Multiple Occupation (HMO)

2.2 The planning system defines HMOs into two different use classes dependant on their size:

- 1 **Small HMOs:** in broad terms this relates to shared dwelling houses which accommodate between 3-6 unrelated persons who share basic amenities. This type of property is defined as Use Class C4.
- 2 **Large HMOs:** relates to shared dwelling houses with more than 6 unrelated persons sharing basic amenities. Such development is defined as a 'Sui Generis' use class.

2.3 The Use Classes Amendment Order 2016, which created the C4 use class in Wales, came into force on 25th February 2016. Since then, changes of use to both Use Class C4 and Sui Generis require planning permission.

2.4 The legal definitions of a HMO used by the Local Planning Authority (LPA) are based on the Use Classes Order. This differs slightly to those which have to be used by the Council's Housing and Public Protection Service for HMO property licensing purposes.

2.5 Under the Housing Act (2004), all HMOs of three or more storeys occupied by five or more people not forming a single household are subject to 'Mandatory Licensing'. 'Additional Licensing' for HMOs is applicable in Castle and Uplands Wards where all properties in which three or more people forming two or more households sharing basic amenities have to be licensed (HMOs with more than ten occupiers managed by an educational establishment are exempt from licensing).

2.6 For more information on HMO licensing please visit www.swansea.gov.uk/hmolicensing or contact the Council's Housing and Public Health Team for more information – e-mail evh@swansea.gov.uk or telephone (01792) 635600.

Purpose Built Student Accommodation (PBSA)

2.7 For the purposes of this SPG, PBSA is defined as predominantly larger-scale residential accommodation specifically for occupation by students. This may include new build development or the conversion of existing premises (e.g. large office blocks). It includes accommodation developed by Universities and also by the private sector.

Material Planning Considerations

2.1 Material considerations refer to matters to be taken into account when making a decision on an application for planning permission, including the determination

of an appeal. Such considerations must be relevant planning matters, having regard to national guidance¹, and may for example include issues relating to:

- Highway safety
- Loss of privacy
- Loss of light or overshadowing
- Parking
- Noise
- Effect on listed building and conservation areas
- Visual appearance, design and layout
- Government policy
- Previous planning decisions (including appeal decisions)
- A community's need for affordable housing is also a material planning consideration.

2.2 Common matters that are not relevant to the planning decision making process (i.e. non-material planning considerations) include, for example, matters controlled under building regulations and loss of property value. The identity of future occupiers of a HMO property is also not a material planning consideration.

2.3 Material considerations are varied and the relevance of the issue will depend on the individual circumstances of each application.

Permitted Development Rights

2.4 These are certain minor forms of development, defined in regulations, which do not need formal planning permission.

¹Planning Policy Wales, Welsh Government <http://gov.wales/topics/planning/policy/ppw/?lang=en>

3.0 Planning Strategy and Policy Context

National Planning Policy

Planning Policy Wales (PPW)

- 3.1 PPW sets out the land use planning policies for Wales. It identifies that a key role of the planning system is to manage the development and use of land in the public interest.
- 3.2 PPW makes it clear that it is not the role of the planning system to protect the private interests of one person against the activities of another. It further notes that development should be considered with regards to its effect on the amenity and existing use of land and buildings based on general principles reflecting the wider public interest, rather than the concerns of the individual.
- 3.3 It defines the goal of sustainable development as:
- “to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”*
- 3.4 PPW outlines that the Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development. In carrying out this duty, actions which public bodies must take include:
- 1 setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals; and
 - 2 taking all reasonable steps (in exercising its functions) to meet those objectives.
- 3.5 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. A key one which informs the context for this SPG is *“a Wales of cohesive communities”*. This aims to deliver attractive, viable, safe and well-connected communities.
- 3.6 PPW recognises that a home is a vital part of people’s lives, noting that it ‘affects their health and well-being, quality of life and the opportunities open to them’. The Welsh Government’s approach is to therefore:
- 1 Provide more housing of the right type and offer more choice;
 - 2 Improve homes and communities, including the energy efficiency of new and existing homes; and
 - 3 Improve housing-related services and support particularly for vulnerable people and people from minority groups.
- 3.7 PPW advises that LPAs will need to have a clear understanding of the factors influencing housing requirements in their area.
- 3.8 It advises that the cumulative effects of development or redevelopment, including conversion and adaptations, should not be allowed to damage an

area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

Local Planning Policy

Adopted Development Plan

3.9 The **Swansea Unitary Development Plan (UDP)** was adopted in November 2008. It provides the statutory basis for determining planning applications.

3.10 The UDP contains two key policies against which proposals for HMOs and PBSA will be considered as outlined below:

Policy HC5: Houses in Multiple Occupation

“Proposals for conversion of dwellings or non-residential properties to HMOs will be permitted subject to satisfaction of the following 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”*

Policy HC11: Higher Education Campus Development

“Higher education campus development will be permitted provided that:

- i *The layout, design, scale, density and use of materials is satisfactory, and reflects designing out crime principles,*
- ii *The intrinsic qualities of the site are recognised and respected,*
- iii *The relationship with adjacent buildings and spaces are satisfactory,*
- iv *There is an acceptable means of access (including by public transport, walking and cycling), and an appropriate level of parking,*
- v *Landscaping to an appropriate standard is incorporated as an integral element of the development,*
- vi *There would be no significant adverse effect on residential and landscape amenity, natural heritage and historic environment, and*
- vii *Transport Assessment and Travel Plans submitted with the application are satisfactory*

The use of appropriate City Centre sites for student accommodation will be favoured. Expansion of student accommodation at Hendrefoilan Student Village together with enhanced social and support facilities will be permitted through:

- a) Redevelopment and intensification of the existing accommodation, and*
- b) Limited additional development on the 'Quadrant Site'".*

Emerging Development Plan

- 3.11 The Council is in the process of preparing the **Swansea Local Development Plan (LDP)**, which on adoption will replace the UDP as the new development plan for CCS. The Deposit LDP includes policies on HMOs (Policy H9) and Student Residential Accommodation (Policy H11). Copies of the draft policies are included in Appendix 1.

Other Planning Guidance

- 3.12 The following adopted SPGs are also relevant to HMO development and PBSA:
- 1 Places to Live – Residential Design Guide (adopted January 2014)
 - 2 Planning for Community Safety (adopted December 2012)
 - 3 Planning Obligations (adopted March 2010)
 - 4 Design Guide for Householder Development (adopted June 2008)
 - 5 Swansea Central Area Regeneration Framework (February 2016)
 - 6 Tall Buildings Strategy (adopted November 2016)
 - 7 Car Parking Standards (adopted March 2012)

Conclusion

- 3.13 Taking into account the above national and local planning policy, this SPG sets out an integrated planning strategy for determining planning applications for HMOs (to accommodate students and other occupiers) and PBSA, given the obvious and direct relationship between demand arising for both, the likely increase in such demand and having regard to the expansion plans of Swansea's Universities and factors affecting wider housing requirements.
- 3.14 The strategy seeks to promote PBSA in appropriate sustainable central locations, recognising the positive contribution this type of development can make in terms of widening the accommodation choice for students enabling them to live in accommodation with the space and facilities suited to their needs with good access to services, facilities and public transport. The LPA favours PBSA within City Centre locations and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for this area, while also giving appropriate consideration to the potential impact on amenity of, or potential for conflicts with, surrounding uses.
- 3.15 In tandem with this, the LPA recognises the important role HMOs play in providing affordable, flexible tenancies and housing choice for students and non-students. The LPA's planning strategy aims to avoid harmful further intensification or concentration of HMOs but allow for the provision of HMOs to be made in a sustainable manner to meet future demand in appropriate locations. To supplement the Development Plan policy, the LPA seeks to set out an evidence based definition of harmful HMO concentration or

intensification and further guidance on how it will be calculated. More guidance is provided on up to date parking standards for HMOs following the introduction of the C4 use class.

4.0 Evidence Base Review

4.1 This SPG is founded on a comprehensive and up to date evidence base. An update has been completed of research undertaken by the Council in 2013 on the number, type, distribution and impacts of HMOs in Swansea. A review of relevant national research, other LPA's planning policy approaches, and appeal decisions has also been undertaken. A significant amount of engagement has been completed with Swansea University and the University of Wales Trinity St David (UoWTSD), local private landlords, Registered Social Landlords (RSLs), The Wallich, Swansea Student Liaison Forum, Council Officers across Departments and Local Councillors, and the public (please see Appendix 2 for more details on this engagement). The main findings of this research are summarised below.

Analysis of the Role and Demand for HMOs

Number and Distribution of HMOs

- 4.2 As of October 2016 there were 1,615 licensed HMOs in Swansea. Based on Council Tax data, approximately 65% of these properties are exempt from Council Tax because they are fully occupied by students. According to research undertaken by the Welsh Government in April 2015², Swansea has the second highest number of licensed HMOs in Wales after Cardiff.
- 4.3 The vast majority (98%) of existing licensed HMOs are located in either Uplands Ward (67%) or Castle Ward (31%). The proliferation of HMOs in these two Wards has contributed to them being defined as an 'Additional Licensing' area where all HMOs require licensing. There are therefore comprehensive up to date records regarding the number and location of HMOs within these Wards.
- 4.4 Outside of Castle and Uplands Wards only larger properties captured by Mandatory Licensing are recorded. As a result there are properties that now fall under the new planning Use Class C4 definition of a HMO but, as they are not subject to licensing and did not require planning permission before the use class order change in February 2016, their location is not recorded on Council licensing or planning databases.
- 4.5 The Council recognises the importance of the production and maintenance of a comprehensive database mapping Use Class C4 HMOs outside of Castle and Uplands Wards to support the application of this SPG.
- 4.6 Appendix 3 illustrates the distribution of licensed HMO properties as of October 2016.
- 4.7 Appendix 4 includes a map of the concentrations of licensed HMOs as a percentage of the total residential properties by Lower Super Output Area (LSOA³).

² Houses in Multiple Occupation: Review and Evidence Gathering (April 2015).

³ Lower Super Output Area is a geographical area, typically containing 1,500 residents and 650 households.

- 4.8 Appendix 5 includes a map showing the LSOAs with 10% or more licensed HMOs of total residential properties.
- 4.9 Current concentrations within LSOAs range from around 35% in parts of Uplands and Castle Wards to less than 10% in St Thomas and Sketty. It is acknowledged that there are localised areas and individual streets within these Wards which show significantly higher concentrations.

HMO Planning Applications in Swansea

- 4.10 Following the amendment to the Use Classes Order, the Council has experienced a 'spike' in the number of planning applications for a change of use to a HMO. This is because the Use Class Order change has widened the scope of development proposals that require planning permission. The vast majority of these applications have been for changes of use from a residential (C3) use to a HMO (C4 use or sui generis use). A smaller number were change of use applications seeking permission to change to other uses e.g. day nursery, offices and guest house to a HMO use. Other applications have included a certificate of existing lawful use and change of use from a HMO to self-contained flats. However, these applications represent a small number in terms of the total number of licensed HMOs already in existence in Swansea (1,615) and there is no evidence to suggest there has been a significant increase in the number of HMOs in Swansea over recent years.

The Private Rented Sector

- 4.11 The Council's Local Housing Market Assessment (LHMA, Update 2015) identified that approximately 17,100 households in Swansea (16%) rent privately (based on Census 2011 data).
- 4.12 The increased importance of the private rented sector is likely to continue due to a combination of declining housing affordability and continued increases in the rates of household formation that are not being met by the owner occupier sector.
- 4.13 In particular the LHMA identifies a need for 2,700 one bedroom homes between 2010-2025 across a range of tenures including the private rented sector.
- 4.14 HMOs are a key component of the private rented sector providing low cost rented accommodation on a flexible basis. In particular, HMOs provide an important accommodation, not only to students, but also to other adults looking to share accommodation through choice as well as others unable to afford independent living or to buy a home.

Welfare Reforms

- 4.15 Another key factor which is likely to increase demand for HMOs in Swansea is Welfare Reform. Changes include cuts to Housing Benefit which will reduce payments to social tenants if their rent is currently higher than the amount of Housing Benefit they would receive in the private rented sector. For single people under 35 this means that their housing benefit will be capped at the level

deemed necessary to rent a room in a shared house, which may be significantly lower than rents for one bedroom social rented flats.

- 4.16 In addition, other changes such as the 'bedroom tax', mean that tenants who claim housing benefit get less if they have 'spare' bedrooms. This also plays a key factor in increasing the demand for HMOs if tenants are unable to afford to pay the difference between the housing benefit and the rent.

Conclusion

- 4.17 Whilst it is difficult to identify an exact level of future HMO demand, indicators suggest that it will increase and that provision of new HMOs will play a role in meeting:

- 1 the needs of the City's important growing Higher Education establishments;
- 2 those who require the more flexible form of tenure provided by the private rented sector;
- 3 those unable to access home ownership and requiring smaller shared accommodation in the interim;
- 4 the demands created by welfare reforms.

Analysis of HMO Impacts

HMO Impact Analysis in Swansea

- 4.18 HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people. They also make an important contribution to the local economy and can help to support and enliven centres. This can positively contribute to the viability and vitality of centres (e.g. Uplands).
- 4.19 Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services.
- 4.20 The Council is committed to addressing these concerns which conflict with the Corporate Plan objectives in the interests of delivering sustainable and thriving communities.
- 4.21 Findings on the localised impacts of harmful concentrations of HMOs within Swansea⁴ reflect national research at both the Wales and UK level. This wider research also demonstrates that high concentrations of HMOs without proper regulation can lead to negative community impacts⁵.
- 4.22 Some of the key findings taken from the Council's research together with further analysis undertaken by Lichfields are set out below. This analysis concentrates

⁴ 2013 Report by the Council entitled Number, Type, Location and Community Impacts of HMOs in Swansea.

⁵ 2008 Ecotec Report for the UK Government "Evidence Gathering – Housing in Multiple Occupation and possible planning responses" and 2015 Report for Welsh Government "Houses in Multiple Occupation: Review and Evidence Gathering".

primarily upon Uplands and Castle Wards but reference is also made to the St Thomas Ward as a result of the likely changing geography of HMO demand and supply associated with the near-by University Bay Campus and SA1 developments.

Key Findings

- 1 The Uplands is the most densely populated Ward in the local authority area, Castle is ranked third.
- 2 The Uplands, Castle and St Thomas Wards have all experienced an increase in the number of people living in private rented tenure and a decrease in the number of people living in owner occupied accommodation over the last two decades.
- 3 There is surplus capacity within local schools in each of these three Wards.
- 4 Uplands and Castle Wards, both contain areas ranked in the top 10 most deprived in Swansea based on the Welsh Index of Multiple Deprivation (WIMD)⁶.
- 5 Looking at the Housing Indices within the WIMD, Mount Pleasant within Castle Ward is the most deprived housing area in Swansea whilst Brynmill within Uplands Ward is the second most deprived housing area.
- 6 Castle Ward also ranks poorly in terms of income, employment, health, education and community safety indices.
- 7 Levels of crime and anti-social behaviour within the beat areas⁷ of Mount Pleasant and Brynmill are higher than the benchmark beat average⁸, whilst levels recorded within the beat areas of Sandfields, Uplands and St Thomas were below the benchmark beat average.
- 8 The number of waste and noise complaints within Castle and Uplands is higher than the County Ward average across other Wards in Swansea. With regards to St Thomas, whilst the number of waste complaints is higher than the Ward average, the number of noise complaints is lower.
- 9 The average number of parking notices issued within Brynmill, Mount Pleasant and Uplands was higher than the County Ward average, whilst St Thomas is below the County average.

Conclusion

- 4.23 The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

⁶ Local levels of deprivation are measured by the Welsh Index of Multiple Deprivation (WIMD). This uses a range of data to rank areas in eight categories, ranging from income to health, which are then combined to create a multiple deprivation score for each area. These categories are referred to as 'domains'.

⁷ A beat area is a geographical area and time that a police officer patrols.

⁸ The benchmark beat average has been calculated from a list of similar beats provided by South Wales Police.

4.24 Analysis undertaken for this SPG shows a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts can be summarised as:

- 1 Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
- 2 Isolation for the remaining family households in areas with very high concentrations of HMOs;
- 3 Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
- 4 Issues of anti-social behaviour, noise, burglary and other crime;
- 5 Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
- 6 Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs⁹.

4.25 These findings continue to justify the need for a clear and fit for purpose planning policy framework on HMOs to ensure that this necessary and important form of accommodation is sustainably managed. In particular it supports the requirement to seek to avoid development that would lead to harmful concentrations or intensification in a particular area.

Other Planning Policy Approaches

4.26 A review of the HMO and PBSA strategies and policy frameworks of seven other local planning authorities in Wales and England, was undertaken to identify common practices and approaches.

4.27 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs and PBSA. However, there are two broad approaches identified, namely:

- 1 Threshold
- 2 Criteria

a) Threshold Approach

4.28 Those that adopted a threshold approach defined a geographic area (a radius or an output area). This area was then used as a basis for considering whether an identified concentration threshold was breached.

4.29 Defined radius sizes varied between 50m and 100m and mostly took account of licensed HMOs in these areas. In some instances, account was also taken of unlicensed HMOs.

4.30 Belfast looked at the number of dwelling houses within the street as a basis for considering whether an identified concentration threshold was breached.

⁹ Swansea To Let Signs – A Voluntary Code for Advertisers (2013).

- 4.31 The Nottingham case study took account of student only HMOs, PBSA and Halls of Residences within a defined 'output area' comprising approximately 125 households.
- 4.32 Thresholds identified in the case studies varied between 10% - 30%. These took into account the existing HMO concentration levels by area, and the Authority's spatial strategy for sustainably accommodating further HMO provision.

b) Criteria Approach

- 4.33 Newcastle was an example where a specific percentage threshold was not defined and instead the Authority used a criteria policy to assess the acceptability of a proposed new HMO. Slightly stricter controls were applied within Article 4 areas compared with other areas. The identified criteria policy related to topic areas such as amenity, character, appearance and refuse.

Car Parking Standards

- 4.34 A wide range of approaches to car parking standards was identified with no real correlation in approach. Some case studies identified specific standards for HMOs and/or PBSA whilst others did not. This mix in approaches, to some degree, reflected the varied age of the various guidance documents (i.e. some pre-dated changes to the use classes order).
- 4.35 The full review is included within Appendix 8.

Review of Appeal Decisions

- 4.36 To identify key issues highlighted by independent Planning Inspectors, a review of six English and Welsh planning appeal decisions from a range of local authorities who have adopted varying approaches to managing HMOs and/or PBSA concentrations (as noted above) has been undertaken.
- 4.37 The review draws together some key issues identified in this sample of HMO appeals. It is apparent that no absolute conclusion can be reached which confirms either the 'criteria' or 'threshold' approach is more robust at appeal. This review demonstrates there are advantages and disadvantages to both approaches.
- 4.38 A threshold approach by its inherent nature provides a very clear benchmark to work from in determining what is an acceptable HMO concentration. In this small sample, where authorities have formally adopted a 'threshold' approach Inspectors have not sought to revisit whether this threshold is appropriate or whether the area it is measured on is suitable. Rather the key matters at appeal focused upon whether there is any evidence to demonstrate that the proposal would not have adverse impacts on issues such as external appearance, amenity, parking etc.
- 4.39 Specifically Nottingham's (threshold) policy approach did allow for some form of flexibility in applying its threshold. It stated that planning applications which breach the identified threshold would be refused unless the applicant can

clearly demonstrate community balance will not be adversely affected. In both appeals reviewed in this location the appellant failed to demonstrate this point. However allowing for some degree of flexibility could in theory enable scope for a more bespoke assessment of impact upon community balance.

- 4.40 The appeals in Newcastle were useful to understand the merits of a criteria approach. In these cases, not setting a threshold has allowed for consideration of impacts on a site by site basis. However the (opposing) appeal decisions demonstrate there can be difficulties in how the impacts of HMO concentrations on the character of area are considered. This approach lacks the clarity of the threshold approach but ultimately allows each case to be considered on its own merit.
- 4.41 This appeal review indicates that the principle of a threshold approach is appropriately robust. A fuller review of the key issues considered and the key learning outputs in each appeal case is included within Appendix 7.

Issues highlighted by National Research

- 4.42 In April 2015, the Welsh Government (WG) published a report which examined the extent of concentration of HMOs in Wales. The Report was entitled “Houses in Multiple Occupation: Review & Evidence Gathering (April 2015)¹⁰. The report considers the issues associated with concentrations of HMOs, as well as existing legislation and best practice in both Welsh and non-Welsh authorities. The report made recommendations in respect of both local authority practice and potential changes to the regulatory framework (it was published prior to the changes made to the Use Classes Order).
- 4.43 The report recognises that high concentrations of HMOs have caused changes to local communities which have led to major concerns in those communities. Impacts are noted in relation to displacement of established communities, exclusion of first time buyers, anti-social behaviour, degrading of the general environment and street scenes and parking problems. The Report also cross-references to other research in England¹¹ which includes evidence that large concentrations of HMOs have a significant impact on the community. Specifically in Swansea, the Report recognises that the number of licensed HMOs is the second highest in Wales (after Cardiff). Using census data, High concentrations of HMOs were identified specifically in Uplands and Castle Wards with anticipated growth of HMOs in the St Thomas area.
- 4.44 The report notes that there is significant evidence, both from its research and other studies, of concerns from local communities increasing once HMO concentrations rise above 10%. It makes a recommendation that a 10% threshold is used as a proxy for designating Additional Licensing areas. The report notes that this level (10%) has been used in some planning policies as a benchmark for significant impact on communities.

¹⁰ Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings. Welsh Government 2015.

¹¹ Evidence Gathering – Houses in Multiple Occupation and Possible Planning Responses, CLG 2008 ECOTEC

Analysis of Role and Demand for PBSA

Growth of PBSA sector

- 4.45 The PBSA sector has grown strongly in recent years. This growth has seen the PBSA sector out perform many other more traditional property sectors and this trend is reflected in the increased number of investors entering this market to secure long-term income streams.
- 4.46 In the 1990s – 2000s student accommodation was largely met by private, typically buy-to-let landlords as well as halls of residences managed by Universities. However this national pattern is changing with the PBSA sector growing to help meet accommodation demand. Latest research¹² suggests that the sector now houses a third of all full-time students in over 550,000 purpose built bedspaces in the UK.
- 4.47 This relatively recent national trend is also now being experienced in Swansea. For example the LPA has approved circa. 3,200 bed spaces¹³ for PBSA in the last three years on sites located within and around the edge of the City Centre. Swansea is identified as a development opportunity in recent national research¹⁴. This research, however, does identify a particular challenge in Swansea in that the low local rents might make it more difficult to develop PBSA products that deliver a positive land value.

Role & Importance of the Universities in Swansea

- 4.48 Swansea University and UoWTSD make an important positive contribution to Swansea and its region. They help make Swansea vibrant, contribute to the social fabric of the area and also make a significant contribution to the local economy. Research in 2015 suggested that 6,482 Full Time Equivalent jobs are generated in Swansea from University activity – the second largest number in Wales after Cardiff. This represents 5.6% of the employment in Swansea. This same research suggests that the economic impact of the Higher Education sector in Swansea amounted to £629.5 million (Gross Value Added) in 2014/15¹⁵.
- 4.49 This importance is further re-emphasised in the Swansea Bay City Region Economic Regeneration Strategy (2013-2030) which seeks to maximise the long-term development of Higher Education, such as the new science and innovation campus at Swansea University, in order to support the transition of the City Region to an important knowledge-based and innovation-driven economy.
- 4.50 The Universities are therefore very important components of the local economy and their plans for expansion will reinforce this position delivering significant benefits to the local economy.

¹² Savills Research Spotlight on UK Student Housing 2016

¹³ As of 7th October 2016.

¹⁴ Savills Research Spotlight on UK Student Housing 2016

¹⁵ The Economic Impact of Higher Education in Wales (October 2015)

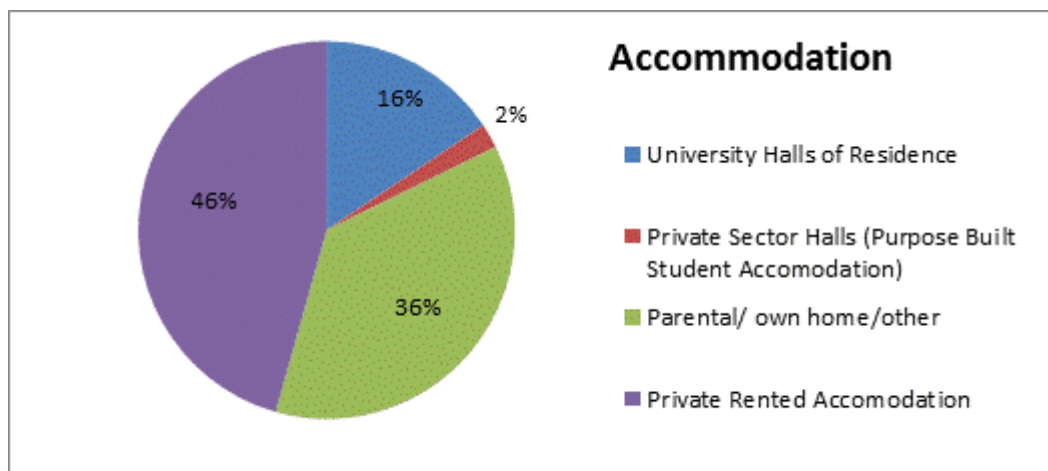
University Plans

- 4.51 In the 2014/2015¹⁶ academic year, there were approximately 26,400 students attending Swansea University and UoWTSD, although not all of these students live in Swansea.
- 4.52 The number of undergraduate acceptances in 2015/2016 to UoWTD's Swansea campus and Swansea University is up 1% compared with the previous academic year.
- 4.53 On average Swansea University and UoWTSD have grown by a combined average of 4% per annum over the last 15 years. Rolling forward this average growth rate up to 2024/2025 (next 10 years) would yield an additional 5,780 full time students.
- 4.54 A simple rolling forward of past trends, however, takes no account of the on-going major developments being undertaken by both Swansea University and UoWTSD. Whilst it is difficult to predict with absolute certainty how student numbers will change in the future, these growth plans are expected to increase overall demand for student accommodation and change the spatial demand given the relocation of major teaching centres to SA1, Fabian Way, and the City Centre.
- 4.55 Figure 4.1 shows how the Full Time (UK) students that lived in Swansea were accommodated in 2014/15¹⁷. The majority, 46% (circa. 5,500) lived in private rented accommodation with 16% (circa. 1,900) in university halls of residence and only 2% (circa. 250) in private sector halls of residence.

¹⁶ Latest available HESA data.

¹⁷ This relates to students who attend Swansea University and UoWTDs students only.

Figure 4.1 Swansea Students: Accommodation Profile



Source: HESA Data 2014/15

Swansea University

4.56 Swansea University is seeking to grow its student numbers to 20,000 Full Time Equivalent students over the next 3 years. In addition its Strategic Plan (2012-17) sets a target to have over 1,580 full time equivalent post-graduate students by 2017.

4.57 There are approximately 5,000 Engineering and Management students based at the new Swansea University Bay Campus and 650 support staff. Phase 1 of the new campus construction is complete and 1,500 student residences have been constructed on-site. It is understood that 500 more units are due to be completed by the end of 2017.

University of Wales Trinity St David

4.58 Establishing a strategic presence in Swansea at SA1 (Swansea's Waterfront Innovation Quarter) is one of UoWTSD's key aims¹⁸. The first phase of this development will deliver a library and faculty of architecture, computing and engineering, with associated central teaching and faculty space. Construction of phase 1 is underway and the aim is to be operational at the start of the academic year in 2018.

4.59 This development will provide a greater geographic focus for the University, which is currently dispersed through a number of buildings across Mount Pleasant, Townhill and Swansea City Centre.

Planning Applications for PBSA

4.60 In the last three years, approximately 3,200 PBSA¹⁹ additional bed spaces have been granted planning permission or have been resolved to be granted

¹⁸ UoWTSD Strategic Plan (2013-2017).

¹⁹ As of 7th October 2016.

planning permission (subject to Section 106 agreements). Whilst this is a significant increase it is still below the anticipated level of growth in student numbers and will still mean that there is a very substantial reliance on the existing housing stock to meet future accommodation needs.

Other Planning Approaches to PBSA

- 4.61 A review of the HMO and PBSA strategies and policy frameworks of six other local planning authorities in Wales and England, was undertaken to identify common practices and approaches.
- 4.62 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs and PBSA.
- 4.63 Methods of managing PBSA differed between case studies, but most sought to focus such developments in existing campus locations and/or central areas. Case studies in Newcastle and Falmouth showed some authorities had sought to proactively identify prospective sites for PBSA development.
- 4.64 The full review is included within Appendix 8.

Overarching Conclusion

Demand

- 4.65 Whilst it is difficult to predict with certainty, current indications suggest there is likely to be a steady growth in student numbers living in Swansea in the short to medium term. This is likely to mean there will be increased demand for both HMOs and PBSA in Swansea. Similarly, Welfare Reform changes and the likely continuation of people being unable to access home ownership is likely to further fuel demand for HMOs.
- 4.66 The highest levels of demand for student occupied HMOs is likely to remain within the Uplands and Castle Wards, however, there is already anecdotal evidence of an increase in HMOs (that do not require a licence under Mandatory Licensing) in St Thomas Ward due to the proximity of Swansea University's Bay Campus and the increased presence of UoWTSD at SA1.
- 4.67 In addition, planning permission has been granted for residential development on the existing Hendrefoilan Student Village which reinforces the shift in the provision of student accommodation away from West to Central and East Swansea.
- 4.68 Based upon current pressures, demand for PBSA is likely to focus on sites in and adjacent to the existing University campuses/ developments and the Central Area of Swansea.

Supply

- 4.69 In terms of PBSA there has been a significant increase in new provision and conversions (constructed and in the pipe-line) both directly by the relevant Universities but also by private providers within Swansea. It is likely that this

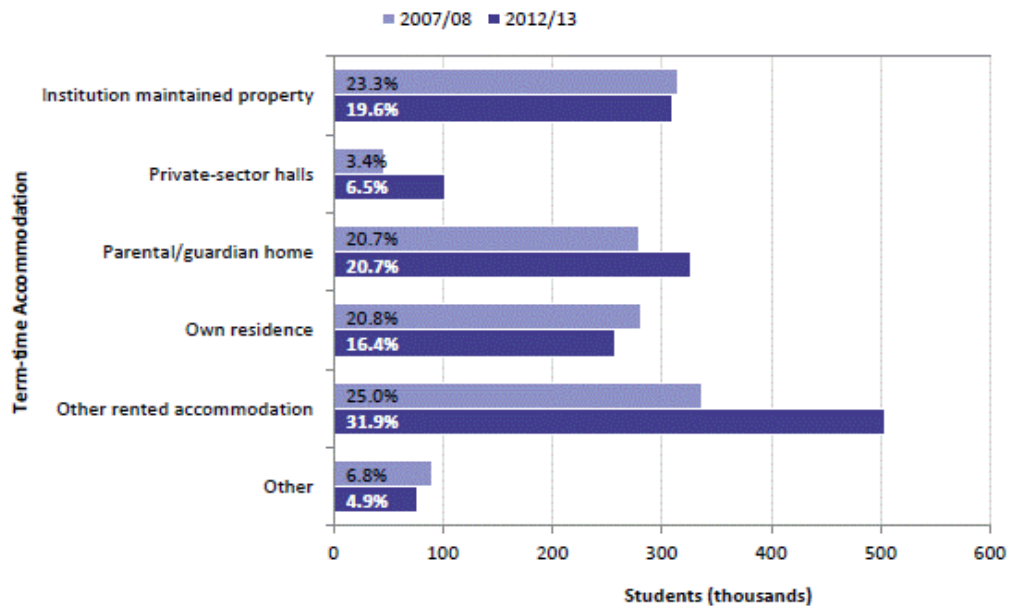
new build programme will assist in meeting a significant proportion of the increased accommodation needs of this sector but it is unlikely to significantly reverse the demand for HMOs. Indeed, whilst there is interplay between demand for PBSA and HMOs, it is not accurate to assume there is a direct correlation i.e. that future increases in PBSA supply will reduce demand for HMOs by the same amount. To make this assumption would unduly simplify a complicated process and underplay factors such as student preferences and behaviour, and any price differential between the two accommodation types. Welsh Government Research²⁰ has looked at this point and Figure 4.2 below includes an extract of the changes in term time accommodation experienced over the period 2007/08 and 2012/13.

- 4.70 The research found that during this period the percentage share of private-sector halls has almost doubled (3.4% to 6.5%) whilst other rented accommodation (predominantly HMOs) has increased by just over a quarter (25.0% to 31.9%), but appears now to have plateaued. Furthermore, to complete this research, feedback was sought from non-Welsh Universities and some other authorities. This feedback reported a reduction in demand for student HMOs, whether or not this is replicated in Swansea will depend on factors such as the price differential between the two accommodation types not being substantially greater.

²⁰ Welsh Government Research: Houses in Multiple Occupation: Review & Evidence Gathering (April 2015).

Figure 4.2 Change in Term Time Accommodation Between 2007/08 and 2012/13 from Welsh Government Research

Figure 17: Change in Term Time Accommodation Between 2007/08 and 2012/13



Source: Welsh Government Research: Houses in Multiple Occupation: Review & Evidence Gathering (April 2015).

4.71 Recognising these demand and supply factors, the strategy set out by this SPG is to encourage appropriate PBSA schemes in sustainable locations but also manage concentrations of HMOs in a way which allows for sustainable future growth to meet anticipated increases in demand.

5.0 Planning Applications for Houses in Multiple Occupation

- 5.1 This chapter provides guidance on how the LPA will determine planning applications for Houses in Multiple Occupation.
- 5.2 The following provides supplementary guidance relating to the relevant UDP policies HC5, EV1, EV2, EV3 and AS6. Policy HC5 relates to the conversion of dwellings or non-residential properties to HMOs only, and does not apply to new build development for HMOs. All proposals for conversion to a HMO, will be expected to meet all of the criteria specified in the policy.

Policy HC5 Houses in Multiple Occupation

Proposals for conversion of dwellings or non-residential properties to HMOs will be permitted subject to satisfaction of the following 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.

- 5.3 Proposals for the conversion of dwellings or non-residential properties to HMOs will be assessed against all of the UDP Policy HC5 criteria, and any other relevant policy that is pertinent to the submitted scheme.
- 5.4 Applications which seek to increase the number of occupiers within an existing HMO will, in respect of Policy HC5, only be considered against criterion (i), (iii), (iv) and (v) of that policy.

i) Effect upon residential amenity, including noise, nuisance and/or other disturbance

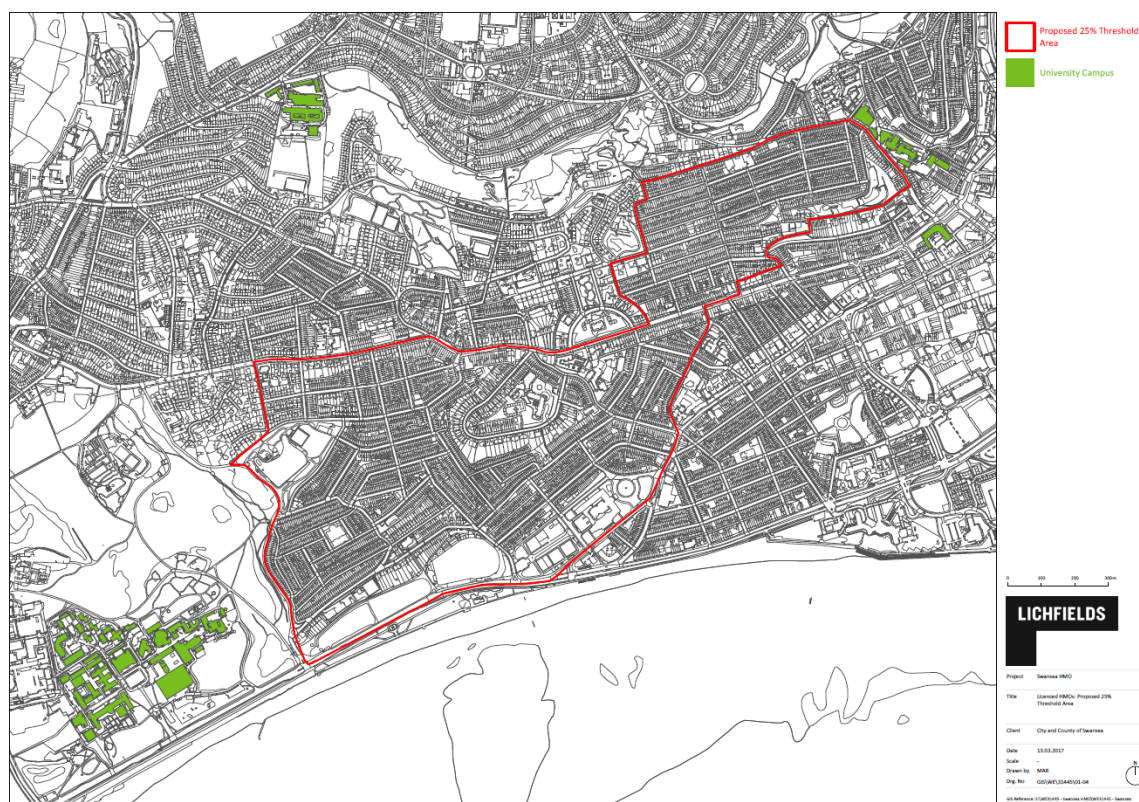
- 5.5 Council planning policy supports the efficient use of buildings and recognises the benefits of making best use of existing resources such as encouraging residential living above retail and commercial uses in centres. Creating a mix of uses can help to create sustainable, vibrant and enlivened centres, but also requires careful consideration to avoid a conflict between uses arising.

- 5.6 Specifically in relation to noise, due to the nature of higher density living development in larger HMOs, increased comings and goings are often noted which, in some instances, can lead to noise issues. Consideration will, therefore, be given to the use of noise insulation when converting existing properties into larger HMOs (more than 6 persons - Sui-Generis Use Class) and the extent to which the proposal's design and layout minimises the potential for noise nuisance. Whilst this is primarily the preserve of Building Regulations it may be deemed necessary to attach planning conditions which require the installation of sound insulation to properties in certain circumstances.
- 5.7 In terms of other disturbance the principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. In particular, maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.

ii) Definition of a harmful concentration or intensification

- 5.8 This SPG defines a specific threshold, above which further concentration or intensification of HMOs will normally be deemed harmful, which strikes an appropriate balance in allowing for sustainable future growth in HMOs. This threshold has been identified based on an understanding of:
- 1 current HMO concentrations;
 - 2 demand and supply for HMOs and PBSA;
 - 3 a review of other local authority approaches; and
 - 4 other available evidence, including findings of national research undertaken by the Welsh Government
- 5.9 Reflecting the current uneven concentrations of (licensed) HMOs and the identified impacts of high HMO concentrations (see Section 4), a two-tier threshold approach will be applied to determine whether an area has reached a point at which further HMOs would have a harmful effect.
- 5.10 **In the defined HMO Management Area, a threshold of 25% of all properties being HMOs will be used.** The boundary of the HMO Management Area is illustrated in Figure 5.1 and also Appendix 9. The Management Area incorporates part, but not all, of the Uplands and Castle Wards.
- 5.11 **Outside the defined HMO Management Area, a threshold of 10% of all properties being HMOs will be used.** Parts of the Uplands and Castle Wards are outside the HMO Management Area, as are all other Wards across the City & County.
- 5.12 In considering whether a proposal breaches the defined threshold level for that area, **the LPA will assess the concentration of HMO properties within a 50 metre radius of the HMO planning application.** The LPA will seek to resist planning applications for HMOs that breach the identified threshold for that area, unless there are material considerations that demonstrably outweigh the identified concerns regarding harmful concentration or intensification.

Figure 5.1 Threshold Map Showing the HMO Management Area.



Source: Lichfields

Justification for the Thresholds

- 5.13 It is recognised that some new HMOs need to be delivered in the future to meet demand and a societal need, however it is also the case that their provision must be managed sustainably. Research undertaken to evidence this SPG has highlighted that other LPAs across the UK have implemented a range of different policy approaches, including the use of thresholds tailored to their specific circumstances and/or to reflect available national and local research. The thresholds to be applied in the Swansea context are similarly based on the available evidence.
- 5.14 Within the HMO Management Area, evidence²¹ summarised in Chapter 4 of this guidance suggests there are existing community sustainability and cohesion issues that are resulting from harmful concentrations of HMOs. Some areas within the HMO Management Area already have HMO concentrations of over 10% (see Appendix 3), with significantly higher concentrations in some places, notably in Brynmill closest to the Swansea University Singleton Campus. The 25% threshold to be applied in the HMO Management Area will limit any further harmful concentration or intensification of HMOs within this area to the extent that proposals for a HMO will normally be resisted where it would result in more

²¹ Houses in Multiple Occupation in the City & County of Swansea: An Assessment of their Number, Type, Location and Community Impacts. 2013.

than one in four properties being HMOs within the given radius. It is acknowledged that the effect of this threshold being applied will be to significantly limit the opportunity for further HMOs within parts of these Wards, however this policy approach responds to the available evidence and strikes an appropriate balance between recognising the established character of different streets and areas whilst also supporting sustainable communities.

- 5.15 The threshold approach will effectively encourage future HMO provision to be more dispersed to other areas outside the Management Area in a suitably managed way, specifically limiting HMO concentration or intensification in all other locations outside the Management Area to no more than 10% i.e. 1 in 10 properties in most instances. There will be some isolated exceptions to this rule, as defined elsewhere in this SPG. National research²² has identified that 10% is a general ‘tipping point’ beyond which the evidence indicates that a concentration of HMOs can begin to adversely impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can ‘tip’ from a balanced position in terms of demographic norms and impacts associated with this demographic change. This evidence based approach therefore provides a robust rationale for applying the 10% threshold for all areas outside the HMO Management Area.

Application of the Threshold

- 5.16 In considering whether a proposal breaches the defined threshold level the LPA will assess the concentration of HMO properties within a 50 metre radius of the HMO planning application proposal. The radius will be measured from the centre-point of the proposed property’s street frontage. All properties will be counted where their main street facing entrance is included within this radius. Where the radius dissects a property frontage, the property should be included if 50% or more of its primary frontage is included within the defined radius.
- 5.17 The threshold to be applied will always be set according to the location of the proposed HMO, which is 25% within the HMO Management Area and 10% in all other areas. In circumstances where the existing threshold within the 50m radius is below the relevant 25% or 10% thresholds, the threshold would be considered to be breached if granting planning permission would take the percentage of properties that are HMOs to above the specified limit. This includes instances where an increase would breach the threshold by decimal points. For example a proposal that would give rise to 25.01% of properties being HMOs within the HMO Management Area would be considered to breach the threshold.
- 5.18 If the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 25% threshold will be applied – and vice-versa.
- 5.19 In terms of the size of the radius, a 50m scale most accurately reflects the spatial extent of likely HMO impacts in Swansea, following testing in different parts of the City to explore how many properties this would on average include.

²² Houses in Multiple Occupation: Review & Evidence Gathering Report of Findings (April 2015).

All properties (i.e. individual planning units of any use, including for example flats and commercial units) within this radius will be counted where such properties have a street facing entrance included within this radius. This approach is considered to more accurately reflect the density of HMOs within an area, particularly in an area of mixed uses, which is likely to be less sensitive to the provision of HMOs.

- 5.20 In some areas of Swansea, residential property plots may be large or development particularly sparse meaning a 50m radius may capture only a handful of properties. In such cases, the Council will apply the relevant threshold to an area that contains at least 10 properties. Should a 50m radius fail to capture the required number of properties, the Council will select the nearest properties from the same side of the street as the proposed HMO so that at least 10 properties are captured.
- 5.21 In order to understand the full extent of HMOs within the 50m radius the LPA will, for proposals in Uplands and Castle Ward, use the Council's public register of licensed HMOs as the basis for the calculation. The public register of licensed HMOs is updated regularly by the Council's Housing and Public Health Team. For all HMO proposals, including those outside this Additional Licensing Area, the LPA will draw upon all available records within the public domain. In addition, when calculating the proportion of HMOs, the LPA will also consider representations received as part of the consultation process on planning applications in order to establish the use of properties.
- 5.22 Whilst currently there is no other Additional Licensing Area outside Uplands and Castle Wards, the Council is actively reviewing the evidence available in this regard to establish whether other areas meet the criteria for such a designation. Appropriate surveys, inspections and engagement will be carried out to provide the necessary evidence to underpin such a designation, which will highlight whether a significant proportion of HMOs in a given area are being ineffectively managed and likely to give rise to one or more particular problems, either for those occupying the HMOs or for members or the public.

Sampling and Examples

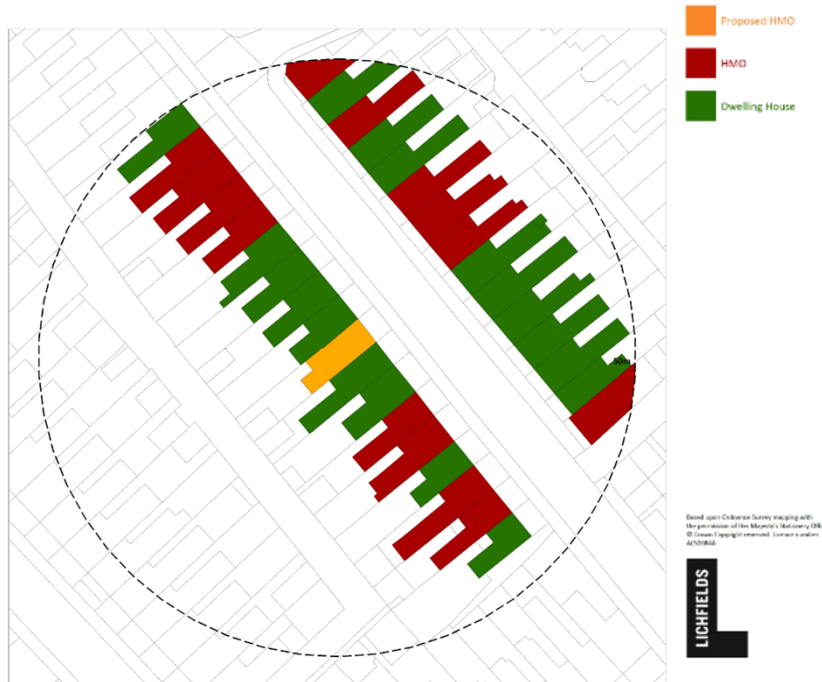
- 5.23 Appendix 10 includes the results of sample testing undertaken to test and evidence the implications of applying the 25% threshold via a 50m radius approach. In the case of the four sample locations in the Appendix, each of these proposals would breach the threshold.
- 5.24 The following provide other worked examples of implementing the threshold approach.

Example 1 – Non-compliance with 50m radius threshold

- 5.25 The worked example of Figure 5.2 below shows that there is a total of 33 properties within the 50m radius, including the application property. There are a total of 14 existing HMOs. With the proposed additional HMO this would increase to 15 HMOs which would account for 45% of all properties. This would be above the identified threshold of 25% and therefore the LPA will seek to

resist the planning application, unless there are material considerations which demonstrably outweigh concerns regarding harmful concentration or intensification.

Figure 5.2 Worked example of the 50m radius approach within the 25% threshold HMO Management Area



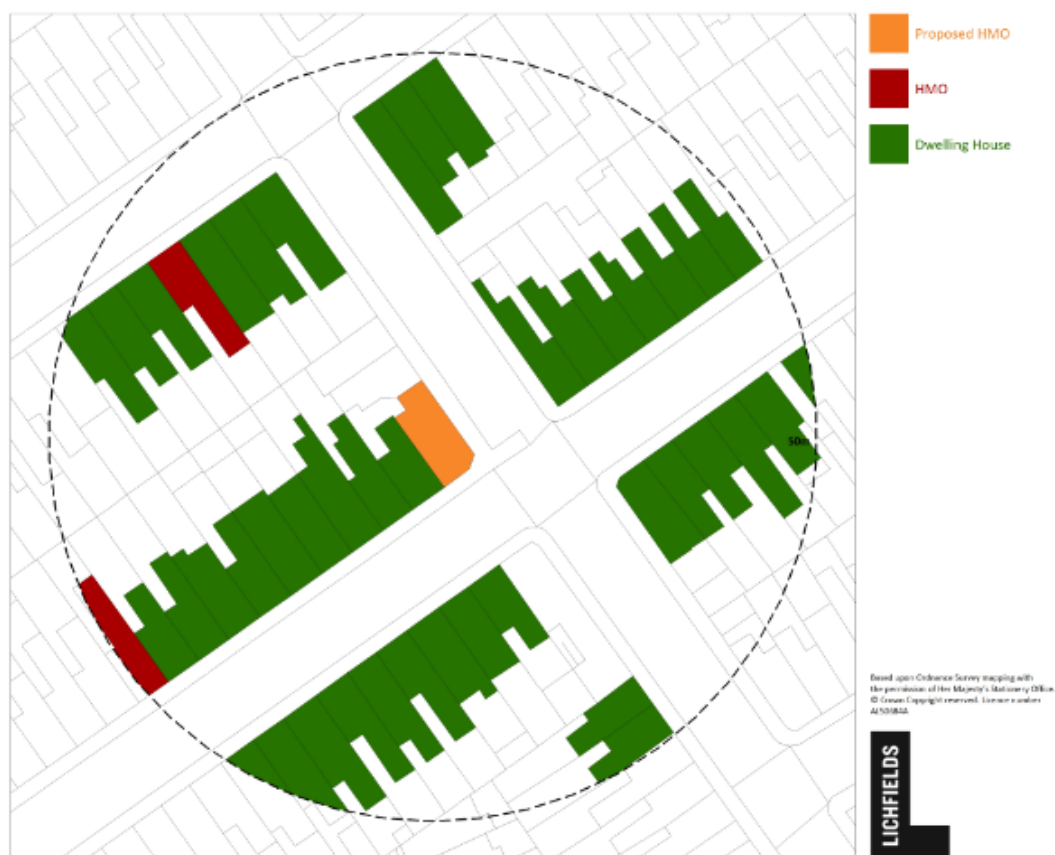
Source: Lichfields

Example 2 – Compliance with 50m radius threshold

5.26

Within the example in Figure 5.3 below, there are 2 existing HMOs. With the addition of the proposed HMO this would equal 3 HMOs out of a total of 45 properties. This accounts for 7% of all dwelling houses within the radius. This would be below the identified 10% threshold and therefore the conversion of the property to a HMO would be acceptable, subject to satisfactorily meeting all other relevant UDP policy requirements, supplementary guidance and material considerations.

Figure 5.3 Worked example of the 50m radius approach within the 10% threshold area (outside of the HMO Management Area)



Other Material Considerations and Exceptional Circumstances

- 5.27 In certain instances there may be specific material considerations and/or exceptional circumstances that demonstrably outweigh the outcome of the 50m radius 'threshold test' as a determining factor in the decision making process. That is, whether or not a proposal is found to comply or not comply with the 50m radius threshold test will not on every occasion be the final determining factor as to whether planning permission for a HMO is approved or refused.
- 5.28 In some instances a HMO proposal may be considered by the LPA to be unacceptable development, at variance with Policy HC5 or other relevant development plan policy, even though the proposal would not give rise to the threshold limit being exceeded within the 50m radius. Whether or not a material consideration would on balance render a proposal unacceptable, notwithstanding the 'threshold test' being satisfied, will depend on consideration of the particular circumstances pertaining to the application and whether evidence exists that a significant adverse effect would arise. Examples of issues that can be material considerations are set out in Chapter 2 of this SPG.

Exceptions in Small Streets

- 5.29 There are certain street patterns and layouts that are characteristic of areas of Swansea where applying the threshold on a radius basis could fail to protect against an unacceptable concentration of HMO uses. Specifically, this relates to those instances of 'small streets' falling within the defined 50m radius area, where sampling of the radius approach has demonstrated that there could be occasions where there is a disproportionate concentration of HMOs in that single small street, but where there are few or no other HMOs on other streets within the radius area. This could result in the scenario where a proposal would comply with the radius threshold test despite creating a harmful concentration of HMOs in the small street.
- 5.30 Having regard to the evidence above, **in instances where a HMO proposal is on a small street:**
- **Outside the HMO Management Area no more than 10% of the total number of all properties on that small street will be permitted to be HMOs**
 - **Within the HMO Management Area no more than 25% of the total number of all properties on that small street will be permitted to be HMOs**
- 5.31 **The definition of a 'small street' is, for the purpose of this SPG, one that has between 11 and 34 properties inclusive.** Based on these parameters, streets of 35 properties or more are not defined as small streets. This upper limit has been defined on the basis of sampling of the 50m radius threshold across a range of street sizes.
- 5.32 In the case of **streets of 10 or fewer properties within the HMO Management Area, a maximum of one HMO property will be permitted within the street.** In the case of **streets of 10 or fewer properties outside the HMO Management Area, a maximum of two HMO properties will be permitted within the street.**
- 5.33 A 'small street' is, for the purpose of this SPG, defined as an uninterrupted section of road that is fronted by properties on one or both sides, and that is not dissected by any other street. Under this definition, in certain instances a street may be classified as a 'small street' where it is a subsection of a longer street in terms of street name. For the avoidance of doubt, where a street with the same name is dissected by another street, if any sub-divided part(s) of that street has between 11 and 34 properties it will be counted as a 'small street' for the purpose of applying the 10% exception limit. Figure 5.4 below illustrates an example of such a scenario and highlights a section of 'Old Road' that would be considered to be a small street where the exception would be applied.

Figure 5.4 Illustration of a small street for the purpose of applying the 10% street threshold 'small street exception test', where the street forms a sub-section of a longer road name according to its name



Example 3 – Non-compliance with 'small street' exception threshold

- 5.34 In the worked example illustrated in Figure 5.5 below, the proposed additional HMO is in a small street outside the HMO Management Area of only 12 properties, which already has 2 HMOs. In this example there are no other HMOs within the radius other than those on the same small street as the application property. The proposed additional HMO would take the total number to 3 HMOs out of a total of 42 properties within the 50m threshold radius and as such the proposal would comply with the 'threshold test' using the radius methodology. In this case however, it would be regarded as a small street having regard to the number of properties. The proposal would give rise to more than 10% of HMOs becoming established in that small street (i.e. 3 out of 12 or 25%), therefore the proposed additional HMO would be resisted in order to avoid further intensification in the number of HMOs concentrated in a single small street.

Figure 5.5 Worked example of an instance where a proposed HMO, sited outside the HMO Management Area, would pass the 50m radius threshold approach but would not meet the 'small street exception test'



Exceptions in very high HMO concentrations

- 5.35 Within the HMO Management Area, whilst the LPA will normally seek to resist HMO proposals that would breach the 25% threshold, in the case of 'very high' concentrations, the LPA will consider whether any additional supporting evidence and information submitted to accompany the planning application sufficiently demonstrates that exceptional circumstances justify a departure from the threshold test. This approach takes account of those exceptional circumstances where evidence indicates the market for certain C3 residential properties is demonstrably weaker and/or the application property is more suited to a HMO use than non-shared accommodation, particularly in the case of certain larger dwellings or properties requiring significant repair works within a very high concentration of other HMO uses. In these exceptional instances, it may be more appropriate to take a flexible approach to ensure the sustainable use of these properties rather than have C3 properties standing vacant for long periods.

- 5.36 In this context, **within the HMO Management Area, where there is a very high concentration of HMOs within a 50m radius of a proposed HMO (defined for the purpose of this SPG as over 80% of all properties within the radius), any further HMO proposals must be accompanied by a comprehensive assessment that must consider all of the following criteria, in order to assess whether any exceptional circumstances justify a departure from the threshold test:**
- 1 **Evidence that the property has been unsuccessfully marketed for a C3 use at a reasonable asking price for a period of at least 6 months.**
 - 2 **Reasons why, and evidence to justify, that the property is unviable for C3 use (e.g. financial viability of any renovations needed; lack of demand for traditional family accommodation in that area).**
 - 3 **Any particular characteristics of the property (e.g. scale or layout) which make it suited to HMO use and unsuitable for other uses such as C3.**
 - 4 **Proximity to a commercial area already subject to noise disturbance.**
 - 5 **Any other relevant material considerations.**
- 5.37 In the case of these exceptional circumstances, i.e. where there are very high HMO concentrations (over 80%) within a given 50m radius in the HMO Management Area, the LPA will have regard to the assessment that must be submitted, and will consider any other evidence relating to the above additional criteria. This is necessary in order to determine whether, on balance, a proposal for an additional HMO is acceptable even though the proposal would self-evidently further breach the 25% threshold. In such cases the proposal must otherwise accord with Policy HC5 and other development plan policy.

iii) Effect upon the external appearance of a property and the character of the locality

- 5.38 The acceptability of any physical alterations on HMO properties (for example, external extensions; dormer windows) will be considered against guidance included in 'A Design Guide for Householder Development SPG (adopted June 2008). Some conversions to a HMO can result in excessive extension proposals and such over development will not be permitted. Listed-building consent may be required for both internal and external alterations to a listed building.
- 5.39 If the property is in a Conservation Area, Conservation Area Consent may be required. Please seek advice from the Council's Urban Design and Conservation Team.

iv) Effect on local car parking and highway safety

- 5.40 Whilst the Council's SPG Parking Standards (adopted March 2012) pre-date the introduction of use Class C4 for HMOs they remain material to decisions on individual planning applications. The LPA will adopt a two tier approach:
- 1 For smaller HMOs (C4 Use Class):
 - a For conversion to C4 or new build C4 HMOs, the same maximum parking standards will be applied as a C3 dwelling house – defined as 'Houses (General Purpose)' in the current Parking SPG.
 - 2 For larger HMOs (Sui Generis Use Class):
 - a If the proposal is for a conversion to a Sui Generis HMO use, the LPA will consider the planning application's compliance against the 'Houses in Multiple Occupation' section in the Council's adopted Parking Standards taking into account the current use's parking requirements (i.e. 3 car parking spaces for up to 6 sharing in a C3 dwelling and 1 space per additional bedroom thereafter).
 - b For new build larger HMOs in Zone 1, the same maximum parking standards will be applied as for PBSA in the current Parking SPG. However in Zones 2-6, the HMO criteria in the Parking SPG apply and the fall-back position in terms of the existing use and the demand for parking for the existing use should be specified.
- 5.41 Evidence regarding the particular parking issues (e.g. records of accidents) in the locality, including whether there are any particular land uses that generate high levels of traffic and car parking, will be considered as a material planning consideration. Where an applicant wishes a reduced standard of parking to be considered, the Sustainability Matrix form (Appendix 5 of the Parking Standards SPG) should be completed and submitted with the planning application.
- 5.42 Where there is evidence that there is an issue the LPA may seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.
- 5.43 Secure cycle parking should be provided in HMO proposals on the same basis as for PBSA, which require 1 stand per 2 bedrooms. There may be circumstances where increased provision in cycle storage could be considered as part of an applicant's justification for lower car parking provision. However the LPA will consider each case on its own merit.
- 5.44 Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required. Appendix 3 of the Council's Parking Standards SPG contains further information on this standard.

- 5.45 All cycle storage areas visible from the public realm should be well integrated into the streetscene and visually unobtrusive. Further information is provided in 'Places to Live: Residential Design Guide SPG' (Adopted January 2014). Where rear access arrangements allow, cycles should be stored to the rear of properties, rather than in front gardens.

v) Provision of appropriate refuse storage

- 5.46 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.
- 5.47 All refuse and recycling for HMOs should be suitably stored in landlord provided bins. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging.
- 5.48 All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties which will detract from the local streetscene will not be permitted. Details of the proposed refuse storage arrangements should be provided with the planning application.

6.0 Planning Applications for PBSA

- 6.1 This Chapter provides guidance on how the LPA will determine planning applications for PBSA.
- 6.2 The following provides supplementary guidance to the relevant UDP policies HC11, EV1, EV2, EV3 and AS6. Policy HC11 relates to higher education campus development within Swansea. Whilst the policy relates to all forms of campus development it does state that appropriate City Centre sites will be favoured for student accommodation. This Section provides more guidance on this element of the policy.
- 6.3 Supporting UDP paragraph 3.4.3 recognises that Swansea's Universities are seeking to expand over the next 5-10 years. However it notes that existing space limitations mean that any expansion plans are likely to result in proposals being brought forward for further campus development. Paragraph 3.4.5 states that increased student accommodation within the City Centre will be encouraged.
- 6.4 Where proposals for student accommodation are on campus they will be assessed against the criteria under policy HC11, where they are proposed off campus they will be assessed against UDP Policies including EV1 and EV2.
- 6.5 The LPA will favour, in the first instance, City Centre sites for PBSA unless the proposed site is within a Higher Education Campus.
- 6.6 The LPA will consider PBSA proposals at sustainable locations on the edge of the City Centre where it can be demonstrated:
- there are no available and suitable sites in the City Centre; and
 - there is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
 - the development would give rise to an overall benefit to the vitality and viability of the City Centre.

Demonstrating an Appropriate PBSA Scheme

- 6.7 As part of a planning application for PBSA, the applicant must demonstrate that the development complies with the guidance standards set out below. This applies to all PBSA irrespective of its location and will be a material consideration in the determination of a planning application.

Location and Accessibility

- 6.8 PBSA must in the first instance be located within the City Centre Action Plan Area defined in the UDP. Proposals which are located outside the City Centre (other than those on existing campus developments located within the Local Authority boundary) will need to provide an assessment to demonstrate the proposal's conformity to criteria a, b and c outlined above.

- 6.9 Any PBSA proposed on the edge of the City Centre will need to have acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport. This includes safe, attractive and legible active travel routes.
- 6.10 It will also be necessary to demonstrate that the location of the proposed development adheres to the policies contained within the UDP and does not give rise to any conflict with adjoining land uses.
- 6.11 Applicants will be required to carry out a detailed Availability and Suitability assessment that should address the following.

Availability

- 6.12 To assess the availability of potential sites and premises within the City Centre, the assessment should include information on the following two availability matters. Under each theme are set out some of the considerations which can be drawn upon in order to demonstrate a robust assessment has been undertaken into the site's/premises' availability:
- 1 Site Ownership and Land Assembly
 - i What is the known land ownership / land assembly arrangement of the site/premises that have the potential to constrain the future development of the site?
 - ii Is the site/premises within single or multiple ownership?
 - iii Are there any ransom strips, covenant restrictions and/or public rights of way which restrict its availability?
 - 2 Marketing
 - i Is the site or premises vacant?
 - ii Is the site or premises being advertised for sale on the open market?
 - iii Are there any known marketing issues that would constrain the future development of the site in terms of its availability to purchase?
- 6.13 If the availability of the site or premises is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Suitability

- 6.14 In order to assess the suitability of potential sites and premises within the City Centre Action Plan area, the assessment must include adequately detailed information on the following 5 themes.
- 6.15 Under each theme are set out some of the considerations which can be drawn upon in order to demonstrate a robust assessment has been undertaken into the site's/premises' suitability for PBSA.
- 1 Site size and capacity
 - i Is the site or premises a sufficient size to accommodate the proposed development?

2 Policy merits / constraints

- i What site-specific policies contained within the UDP are relevant to the site or premises and do these make it unsuitable for PBSA future development?
- ii What is the current use and condition of the potential site or premises?
- iii Are there any other considerations which make the site or premises unsuitable for development? E.g. is PBSA compatible with the surrounding land uses, are unacceptable amenity impacts likely to occur etc?

3 Planning History

- i What is the known planning history of the site or premises? Applicants can refer to the Council's online planning history database to access this information.
- ii Is the site or premises subject to an extant planning permission for development? If so, what is the likelihood/timescale of permission being implemented?
- iii Does the planning history/status represent a potential constraint to the future development of the site or premises?

4 Accessibility

- i How accessible is the site or premises to key facilities and services via sustainable transport modes?
- ii How accessible are the existing University campuses via sustainable transport modes?
- iii Are there any other site or premises specific access constraints which mean the site is not suitable?

5 Any other constraints

- iv Are there any other constraints that would constrain the future development of the site or premises e.g. drainage capacity issues, or known contamination issues?

6.16 If any of the above criteria regarding the suitability of the site is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Design

6.17 UDP Policy EV1 sets out the good design principles which all new development should accord with.

6.18 Specifically new PBSA development should be designed so it responds to its local context and wherever possible seeks to improve the built environment.

- 6.19 PBSA proposals, by their nature, are often high-density developments. The LPA supports the principle of high density living and energy efficient design provided it is carefully designed and integrated with surrounding areas.
- 6.20 Proposals for new development should have regard to the desirability of preserving the setting of any listed building, which is often an essential part of its character.
- 6.21 The LPA will expect evidence within the planning application to show how the applicant has arrived at the design and how this positively relates to its context. This may require a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment – dependant on the location of the site.
- 6.22 The LPA will resist inappropriate development where it would be detrimental to the amenity of occupants within neighbouring development and within the proposed development itself. This may be due to overlooking, overshadowing or adverse micro-climatic conditions (particularly relevant for a tall building proposal). Proposed buildings should be designed to maximise the living conditions of its inhabitants. For example, all habitable rooms must benefit from natural light, a means of outlook, ventilation, and a level of privacy.
- 6.23 Landscaping plays an important part in helping to integrate new development into its surroundings and PBSA developments will be expected to include appropriate levels of landscaping for aesthetic and functional purposes. The LPA encourages the use of indigenous species in such schemes and on-going management of these areas will be secured via Section 106 agreements in certain circumstances.
- 6.24 PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. Access routes should be designed to be over-looked by building frontages, wherever possible, and security lighting used to minimise the risk of crime whilst avoiding unnecessary light pollution. The Council's adopted 'Planning for Community Safety' SPG (2012) provides further guidance on increasing community safety and reducing crime and the fear of crime, in order to improve the quality of life for existing and future students and residents.

Tall Buildings

- 6.25 Proposals for tall PBSA will need to have regard to the Council's Tall Buildings Strategy SPG. The SPG defines tall buildings as a *'building that is more than twice the height of adjacent buildings'*. The adopted strategy identifies zones within Swansea City Centre where tall buildings are 'welcomed' and other areas where they may be 'considered'. There is a general presumption against tall buildings outside of the areas identified for visual and infrastructure reasons. The strategy also sets out guidelines for the design of tall buildings.
- 6.26 Taller, higher density PBSA, are unlikely to be supported in locations within or adjoining existing residential neighbourhoods, as this is likely to conflict with the existing character and amenity of the area.

Sustainable /Renewable Energy

- 6.27 All new PBSA will be encouraged to incorporate sustainable and/or renewable energy features e.g. Combined Heat and Power, green roofs, solar panels etc.

Impact on Amenity

- 6.28 PBSA will not be permitted where it would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character (see UDP Policy EV40).
- 6.29 Depending on the nature and location of the site, an assessment of air, noise and light pollution impact, together with proposals for mitigation should be submitted as part of a planning application. If the results of the assessment and proposed mitigation measures demonstrate there is a significant harm to health or local amenity this would be grounds to refuse planning permission.
- 6.30 Where appropriate, conditions will be attached to planning permissions in order to protect the amenity and safety of students and nearby residents against air, noise or light pollution.

Waste Management

- 6.31 All PBSA proposals will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel, in accordance with UDP policy R16.
- 6.32 The following information should be provided as part of a planning application for PBSA, to demonstrate how waste will be managed:
- a Plans demonstrating an adequate footprint for the internal and external on-site waste, recycling, composting, separation and storage facilities; and
 - b Details of proposed access routes for 26 tonne recycling and refuse collection vehicles, including adequately sized access pathways and service roads with suitable dropped kerbs and crossovers. These requirements will need to be considered in accordance with the User Hierarchy as featured in Manual for Streets.

Management Plan

- 6.33 A management plan will be required to be submitted as part of PBSA planning applications. The management plan will need to include information on how the development is intended to be managed in order to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents.
- 6.34 The management plan should, at a minimum, include the following:
- a Information on the general maintenance and management of the site, including external amenity / landscape space;

- b The arrangements in place in terms of servicing – deliveries and waste/recycling storage and collection;
- c A travel plan, including the management of (residents and visitor) parking. This will also need to demonstrate the measures in place to encourage use of sustainable methods of transport and how any tenancy agreement will be managed;
- d Details on the management of traffic particularly at the beginning and end of term;
- e Measures relating to site safety and security (such as CCTV, adequate lighting and intercom systems, security doors etc.) in order to create a safe environment for occupants and to reduce the opportunities for crime;
- f Procedures for minimising and managing community complaints, such as issues relating to noise, and anti-social behaviour. Details may include soundproofing, noise control measures, code of conducts for student behaviour, complaints procedures, University / Student liaison officer etc.
- g Details of the tenancy agreement

Parking Standards

Cars

- 6.35 Parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council’s SPG Parking Standards (adopted March 2012). The parking standards will be material to decisions on individual planning applications. The current maximum standards are as follows:

Table 6.1 Current Maximum Parking Standards

PBSA – Maximum Car Parking Standards		
	Residents	Visitors
ZONE 1	1 space per 25 beds for servicing, wardens and drop-off areas	Nil
ZONE 2 TO 6		1 space per 10 beds (for students & or visitors)

Source: Swansea Council SPG Parking Standards

- 6.36 Notes 1-8 included on page 17 of the current SPG Parking Standards will still be applied.
- 6.37 The guidance figures given are maximum standards and flexibility can be justified in appropriate circumstances in accordance with the sustainability matrix (Appendix 5 of the Car Parking Standards SPG). Furthermore, the Swansea Central Area Regeneration Framework SPG (2016) states that a limited relaxation of the car parking standards will be considered to facilitate

appropriate regeneration proposals within this area where there would be no adverse effects on highway conditions. This flexible approach will also be applied to edge of city centre sites for PBSA proposals.

- 6.38 In terms of the sustainability matrix, points will be awarded to developments in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. Where an applicant wishes a reduced standard of parking to be considered, the form within Appendix 5 of the Car Parking Standards SPG should be completed and submitted, and be accompanied by relevant evidence. See Appendix 6 of this SPG for a copy of this Sustainability Matrix.
- 6.39 In instances where parking cannot be provided on site, or it is judged as not being required on other grounds beyond the Sustainability Matrix (this could be, for example, there is no available on street parking nearby; or there are overriding regeneration objectives), the applicant may be required to provide a financial contribution towards alternative transport measures where appropriate or identified parking management arrangements.
- 6.40 Other than for Zone 1 locations, a reduction shall not be applied unless an acceptable travel plan is also submitted. In addition to this, a condition requiring a legal tenancy agreement to prevent students parking on neighbouring streets within a 3 mile radius of the accommodation building may also be applied to some developments. Additional car parking management details will need to be included within a submitted Management Plan to demonstrate, for example, how tenancy agreements and car parking will be managed to avoid highway issues arising etc.

Bicycles

- 6.41 In terms of bicycle parking the following standards will be required for PBSA:

Table 6.2 Bicycle parking standards for PBSA

PBSA – Cycle Parking		
	Long Stay	Short Stay
All Zones	1 stand per 2 bedrooms	No requirement

Source: Swansea Council SPG Parking Standards

- 6.42 In some instances, increased bicycle provision may be included as part of a case to justify a reduction in car parking. The LPA will consider the appropriateness of this approach on a case-by-case basis. Further information is provided on these requirements in Appendix 3 of the Parking Standards SPG, March 2012.
- 6.43 Further detail on motorcycle parking is also outlined in this document, which states the amount of motorcycle parking provision should be based on 5% of total car parking provision. Further information on this is contained in Appendix 4 of the Parking Standards SPG, March 2012.

Houses in Multiple Occupation and Purpose Built Student Accommodation

Supplementary Planning Guidance

Appendices

July 2017

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Appendices

Appendix 1: LDP Draft Policies H9 and H11

Appendix 2: Engagement with Stakeholders

Appendix 3: Distribution of licensed HMO properties as of October 2016

Appendix 4: Map of the concentrations of licensed HMOs as a percentage of the total residential properties in that given area

Appendix 5: Map showing LSOA with 10% or more licensed HMOs of total residential properties

Appendix 6: Parking SPG Sustainability Matrix

Appendix 7: Review of Planning Appeals

Appendix 8: Benchmark Review of Other Planning Policy Approaches

Appendix 9: Threshold Map

Appendix 10: Sensitivity Testing

Appendix 1: LDP Draft Policies H9 and H11

H 9: HOUSES IN MULTIPLE OCCUPATION AND RESIDENTIAL CONVERSIONS WITHIN SETTLEMENTS

Within settlement boundaries, proposals to convert dwellings or underutilised commercial and industrial buildings to houses in multiple occupation, flats or bedsits will only be permitted where:

- i. The development would be compatible with adjoining and nearby uses;**
- ii. In the case of buildings with an employment use, there is no over-riding need to retain that use;**
- iii. The development would not contribute to harmful concentration or intensification of HMOs in a particular area; and**
- iv. The development would not result in an over-intensive use of a dwelling/building.**

H 11: STUDENT RESIDENTIAL ACCOMMODATION

Proposals for student residential accommodation should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and**
- ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and**
- iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.**

Appendix 2: Engagement with Stakeholders

1.0 Introduction

1.1 This appendix provides a summary of the public consultation methods that were used during the 6 week public consultation on the Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA).

1.2 In addition, prior to the public consultation period, considerable engagement was undertaken in producing the draft SPG. This included workshops and interviews with key stakeholders as well as liaison with Council Officers.

Public Consultation Methods & Publicity

1.3 The draft SPG was subject to a 6 week public consultation between 23rd January 2017 to 5th March 2017.

1.4 As part of the public consultation, the following was undertaken:

- 1 Public notice (bilingual) in the South Wales Evening Post on 23rd January 2017: <http://www.public-notices.co.uk/national/view/98504/draft-spg-on>
- 2 Press articles prior to and throughout the consultation period.
- 3 Social media notices prior to and throughout the consultation period.
- 4 Poster displays (bilingual) in the Civic Centre and Guildhall reception areas (see Appendix 1); and Sketty, St Phillips (Castle Ward) and Port Tennant (St Thomas Ward) Community Centres.
- 5 Summary of the consultation displayed on the Civic Centre reception area electronic display board.
- 6 Specific web page (bilingual) created for the SPG (www.swansea.gov.uk/hmopbsa). This set out a summary of the document, provided download links to a pdf version of the document and comment form, in addition to a link to the e-consultation system.
- 7 Direct email notification (bilingual) to:
 - 8 All Political representatives including all Councillors.
 - 9 All relevant Council Officers.
 - 10 Members of the public who requested to be informed and others who had commented on relevant policies in the recent Deposit LDP consultation.
 - 11 Neighbouring Carmarthenshire and Neath Port Talbot Councils' Planning Teams.
 - 12 Utility infrastructure providers.
 - 13 Relevant Officers of Swansea University and University of Wales Trinity Saint David (UWTSD).
 - 14 The Student Liaison Forum.
 - 15 Private Landlords.
 - 16 Registered Social Landlords.
 - 17 Developers and planning agents.
 - 18 The Home Builders Federation.

- 19 Welsh Government.
- 20 Natural Resources Wales.
- 21 CADW and GGAT.
- 22 Swansea Civic Society.

1.5 A public information drop-in event was hosted by Council Officers at the Civic Centre Reception Area on 7th February 2017 between 2pm and 7pm, which received approximately 20 visitors.

1.6 Hard copies of the SPG and comment forms were made available in all public libraries within the relevant areas (Central Library, Sketty and St Thomas libraries) and the Civic Centre reception area.

Engagement with Stakeholders

1.7 Consultation has been undertaken with various groups in order to inform the drafting of the SPG. The following consultation exercises have been undertaken:

- a Workshop with local landlord representatives;
- b Workshop with Councillors;
- c Liaison with two Registered Social Landlords(RSLs) active in the Swansea area;
- d Interview with a representative from the Wallich;
- e Interviews with representatives at Swansea University and UoWTSD;
- f Presentation at Swansea Student Liaison Forum meeting; and
- g On-going liaison with Council officers across Departments, particularly licensing, planning policy, development management and highways.

1.8 A summary of the key points raised by each group is included below:

Landlord Workshop

1.9 A workshop was held with local landlords on the 7th November 2016. The key discussion points are summarised below:

- a HMOs fulfil an important role in providing affordable accommodation, however landlords felt they are often negatively perceived. Their positive contribution in terms of addressing housing need, whether it be for students or to provide a means of affordable housing, was considered to not be fully recognised.
- b The group felt that demand for HMOs is increasing in Swansea. This was considered to be as a result of increasing numbers of students which is outstripping supply. It was also recognised that the forthcoming Welfare Reforms are likely to increase demand.
- c Whilst PBSA will help to meet the demand, this was not considered to be able to meet this entirely. Also PBSA was considered to be expensive and not affordable to all students.

- d The new Bay campus was recognised to be changing the geographical demand for student HMOs. This was considered to result in more students requiring accommodation within HMOs closer to the Bay campus.
- e Good quality HMOs that are properly managed were considered to not have adverse impacts. The group considered that more responsibility should be given to landlords and/or agencies to more closely manage HMOs.
- f The Uplands and Castle wards were identified as being the most popular areas for HMOs due to the accessibility to the Universities and the City Centre.
- g It was considered there should be more support for encouraging empty properties to be used as HMOs, as this would allow for properties to be brought back into use.
- h It was considered that parking requirements for HMOs should be reduced and the Council should adopt a more flexible approach.

Members Workshop

1.10 A workshop was held with members on the 8 November 2016. The key discussions points are summarised below:

- a Members recognised the positive impact of HMOs, however they considered a balance is required. It was agreed that the main issues are within areas where there are high densities of HMOs and where they are poorly managed.
- b Members stated there was a need for a policy which works for the community. People are worried about the cohesion of their community as a result of increases in HMOs and PBSA. Members considered that the policy needs to protect areas that currently do not have high densities of HMOs and that are primarily characterised by family housing, such as St Thomas.
- c Members felt it will be necessary to ensure that the data on the number of HMOs within the area is up to date and robust going forward in order for the policy to work. They considered that there was a need for a methodology to identify the extent of existing HMOs that do not require a license.
- d Members supported a threshold and radius approach. They considered threshold areas should be clear and tally up with people's perception and the characteristics of a particular area. They considered a defined radius approach – 100m was suggested - may be more appropriate than calculating concentrations according to an alternative geographical scale e.g. Census output area. It was discussed that 100m might be too large in Swansea, but further work would be undertaken to test different sizes.
- e Members considered that the SPG should provide clear guidance on the parking standards and the criteria for assessing when a reduced level of car parking may be considered to be acceptable.
- f It was recognised that PBSA can reduce the pressure for new student HMOs and should be encouraged. However, members did consider that some students prefer to live within HMOs and not all students may be able to afford to reside within PBSA

Swansea Student Liaison Forum

- 1.11 Lichfields attended the Swansea Student Liaison Forum Meeting on 24th October. An overview of the commission was provided and initial queries answered. Key questions raised related to how and what impacts of HMOs were being analysed, how un-licenced HMOs might be taken account of in drafting the SPG and how the local community could be involved during the drafting process.

Consultation with Local RSLs

- 1.12 Feedback from Pobl and Coastal was sought via email and telephone. The main considerations highlighted were the implications of the Welfare Reform Act which in 2018 will affect single persons under 35 in social rented accommodation.
- 1.13 The changes were considered to mean that a large number of individuals will no longer be able to afford to rent a social house or flat and as such will require shared accommodation. The demand for this type of accommodation was therefore expected to increase.
- 1.14 Housing Associations were considering the need to provide shared accommodation, which is likely to be delivered through the conversion of existing houses in order to meet this demand.
- 1.15 Feedback highlighted the need that this policy does not prejudice the establishment of HMOs in areas where there may be demand for such accommodation from single people affected by the Welfare Reform changes.

Interviews

Wallich

- 1.16 Feedback from the Wallich highlighted that they expect an increase in demand for smaller HMOs, due to forthcoming Welfare Reforms and Universal credit.
- 1.17 Wallich highlighted that there is a demand for shared accommodation in Swansea for asylum seekers and single persons between the ages of 25 and 35 in particular.
- 1.18 No particular geographical pattern for demand was noted, although some preference was experienced amongst some groups for central locations, which are closer to support networks and community facilities.

Swansea University

- 1.19 The University highlighted an aspiration to grow in-line with the figures set out in this SPG and noted that University applications were at their highest.
- 1.20 The 'cap' being lifted in England and the Diamond Review were highlighted as key factors for the future, which will influence student numbers going forward.
- 1.21 Swansea University was noted to have a large nursing school and therefore the different needs of these students were noted. For example, these students often live nearer the hospital and have different term structures which often require HMO type accommodation. The University advised that the Council needs to develop a sufficiently flexible tool regarding HMOs which accounts for the accommodation requirements of 'non-conventional students' such as these.

- 1.22 The University has aspirations to achieve 20,000 FTE students over the next 3 years (this is equivalent to circa 25,000 bodies).

University of Wales Trinity St David

- 1.23 The University's current plans seek to focus on development at SA1 and the Waterfront. Permission has been granted to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of UoWTSD's revised masterplan proposals to develop its 'Swansea Waterfront Innovation Quarter'. Planning permission has been granted for Phase 1 which involves construction of a new Library and Faculty of Architecture, Computing and Engineering (FACE) & Technology Building.
- 1.24 Development at SA1 will be combined with a gradual rationalisation of some other of UoWTSD's existing bases in Swansea including the Townhill Campus which is a proposed housing allocation in the emerging LDP.
- 1.25 UoWTSD stated that overall student numbers across all of their campuses were not projected to change substantially.

Other Responses

- 1.26 A significant number of written responses were also received from the residents of Uplands. These responses raised a significant number of locally-specific issues identified by local residents ranging from experience of parking impacts, refuse, thoughts on what is a harmful HMO concentration and other matter.

Appendix 3: Distribution of licensed HMO properties as of October 2016



- Castle Ward Boundary
- University Campus
- Licensed HMO (as of 4th October 2016)



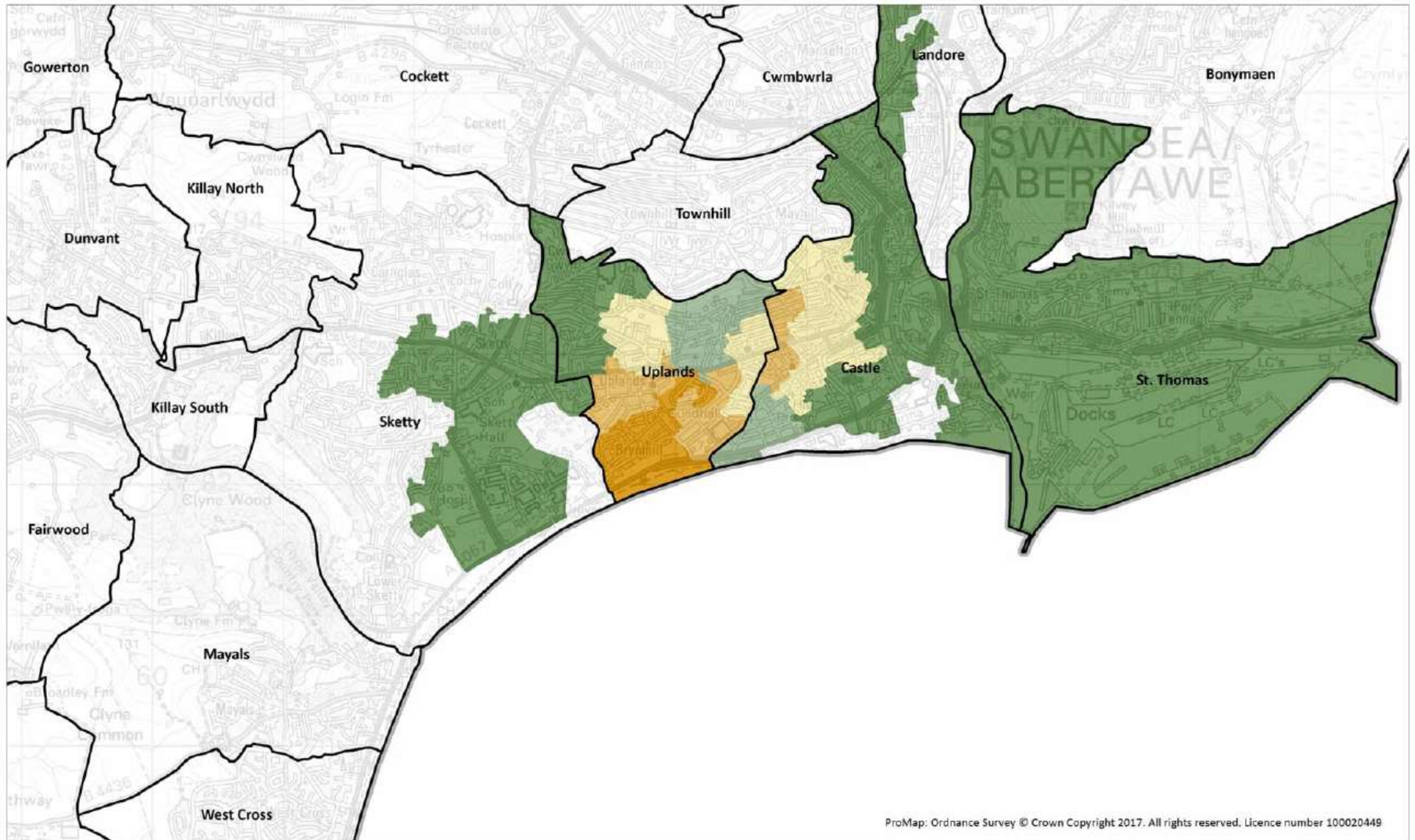
Project: Swansea HMO
Title: Licensed HMOs: Castle Ward
Client: City and County of Swansea
Date: 13.03.2017
Scale: -
Drawn by: MAB
Dwg. No: GIS/WE/31445/01-07

GIS Reference: 31445 - Swansea HMOs (2016) - Swansea HMO - Licensed HMOs (2016) - 05.12.2016.mxd

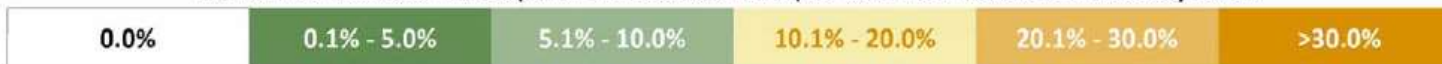




Appendix 4: Map of the concentrations of licensed HMOs as a percentage of the total residential properties in that given area



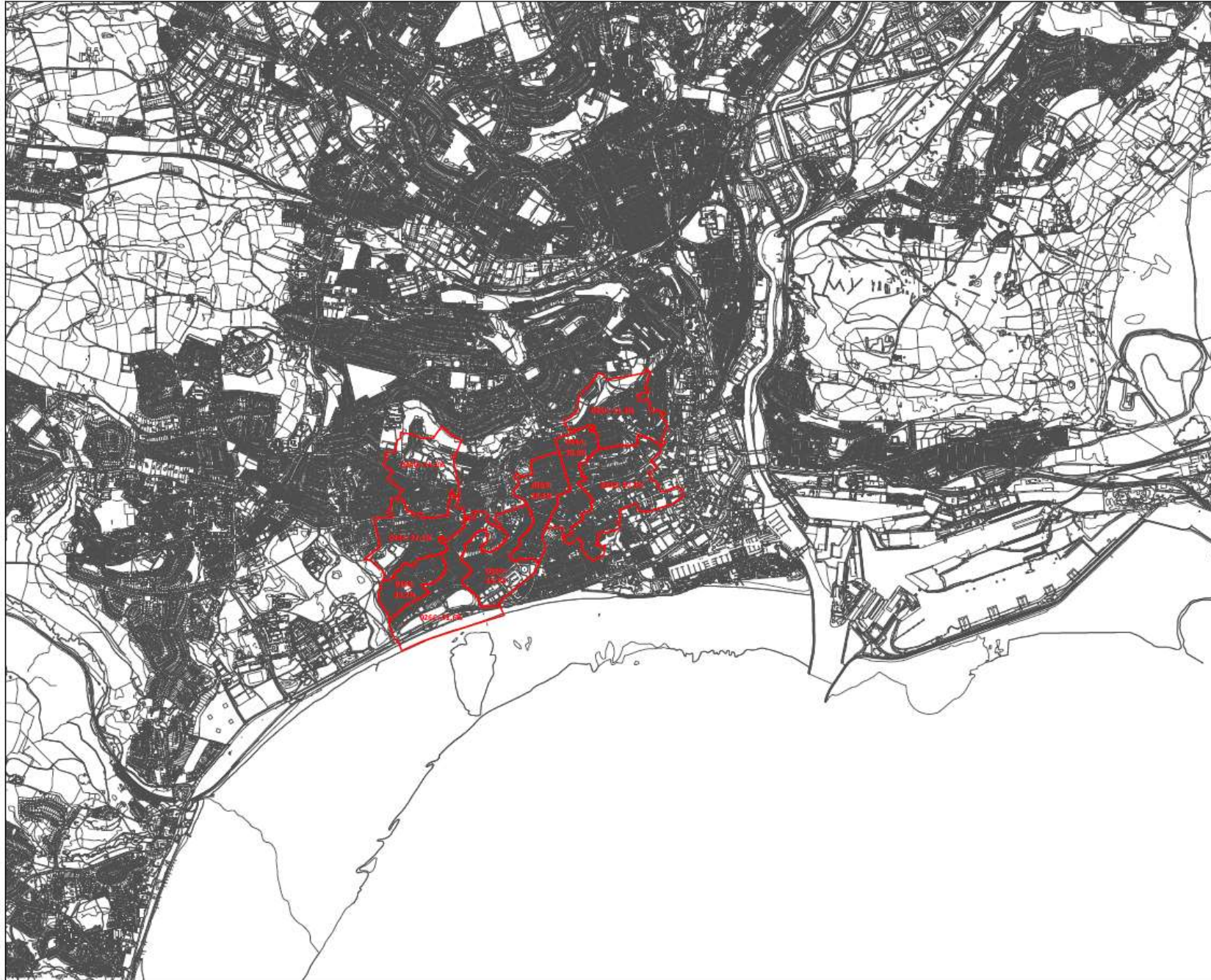
Number of licenced HMOs (as of 4th October 2016) as % of total residential stock by LSOA




Ward Boundary

Source: City & County of Swansea Council

Appendix 5: Map showing LSOA with 10% or more licensed HMOs of total residential properties



 LSOA with 10% or more licensed HMOs of total residential properties



Project Swansea HMO
Title LSOA with 10% or more licensed HMOs of total residential properties
Client City and County of Swansea
Date 13.03.2017
Scale -
Drawn by MAR
Dwg. No 010\WES\1445\01-10
GIS Reference: 114931445 - Swansea HMO\010\01-10 - Swansea HMO - Licensed HMOs By LSOA - 10%+ Licensed HMO of total residential properties - 08.11.2016.mxd



Appendix 6: Parking SPG Sustainability Matrix

1.0 SUSTAINABILITY

- 1.1 Sustainability points will be awarded to developments that meet the criteria below for their proximity, in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. Award of these sustainability points will result in a reduction in parking requirement as detailed below:

Sustainability Criteria	Maximum Walking Distance	Single Sustainability Points
Local Facilities		
Local facilities include a foodstore, post office, health facility, school etc. Access to two of these within the same walking distance will score single points, whereas access to more than two of these will double the points score.	200m 400m 800m	3 pts 2 pts 1 pt
Public Transport		
Access to bus stop or railway station	300m 400m 800m	3 pts 2 pts 1 pt
Cycle Route	200m	1 pt
Frequency of Public Transport	Frequency	
Bus or rail service within 800m walking distance which operates consistently between 7am and 7 pm. Deduct one point for service which does not extend to these times.	5 minutes 20 minutes 30 minutes	3 pts 2 pts 1 pt

- 1.2 Thus the sustainability points score for a dwelling within 400m of a school and a post office (1 X 2pts = 2pts), within 300m of a bus stop (3pts) and having a service frequency of every 15 minutes but only between 8am and 6 pm (2 pts — 1pt = 1 pt) would score a total of 6 pts.

Reductions in Parking Requirement

Sustainability Points	Parking Reduction (Per dwelling)	Sustainability Points	Parking Reduction
Residential Developments		All Other Developments (other than shops and retail warehouses)	
10 pts	2 spaces	10 pts	30%
7 pts	1 space	7 pts	20%
		5 pts	10%

1.3

Other than for Zone 1 City Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining and for all other developments the reduction shall not be applied unless an acceptable travel plan is also submitted.

Where an applicant wishes a reduced standard of parking to be considered, this form must be completed and submitted accompanied by relevant evidence.

Sustainability Criteria	Maximum Walking Distance	Single Sustainability Points
Local Facilities		
Public Transport		
Cycle Route		
Frequency of Public Transport	Frequency	

Reductions in Parking Requirement Requested

Sustainability Points	Parking Reduction (Per dwelling)	Sustainability Points	Parking Reduction
Residential Developments		All Other Developments (other than shops and retail warehouses)	

1.4 Other than for Zone 1 City Centre locations, the reductions in parking requirement for residential units shall not result in less than one parking space remaining and for all other developments the reduction shall not be applied unless an acceptable travel plan is also submitted.

Appendix 7: Review of Planning Appeals

1.0 Appeals Review

1.1 This section reviews six English and Welsh planning appeal decisions from a range of local authorities who have adopted varying approaches to managing HMOs and/or student accommodation concentrations. As outlined in the earlier section, these broad approaches can largely be categorised into two methods - a 'threshold' or a 'criteria' approach.

1.2 This section summaries the key issues considered in each appeal case and then draws together some conclusions on the observed robustness of these two broad approaches.

Threshold Approach Appeal Cases

Cardiff

Address: 16 Rhymney Terrace, Cardiff, 17 Letty Street, Cardiff, and 93 Richards Street, Cardiff.

Development: Three separate appeals relating to change of uses from C3 to a larger HMO (sui generis)

Appeal Ref: APP/Z6815/A/15/3140589/3140590/3141810

Appeal Date: 22-06-2016

Appeal Decision: Allowed

1.3 The main issue was the cumulative effect of the proposal on the amenity and character of the area, having regard to objectives of maintaining sustainable and balanced communities and whether the proposal conflicts with prevailing planning policies.

1.4 Using the Council's (draft) 50m radius tool, the Council argued that the three proposals were located within areas of high concentration of HMOs (ranging between 50%-59%).

1.5 A key determining factor in this appeal was that all three properties were demonstrated to be operating as shared (3-6 person C3 use class) dwellings at the point the new C4 use class change was introduced. Therefore they were subsequently identified to be a C4 use class. In each appeal the proposed development was considered on the basis of an increase of occupancy from 6 unrelated persons (C4 use class HMO) to occupancy by 8 persons (sui generis HMO).

1.6 On this basis, the Council considered that each proposal would result in unacceptable cumulative harm to amenity because the increased proportion of transient residents in the area and proliferation of vacant properties in the summer months would lead to less community cohesion and place higher demands on social, community and physical infrastructure.

1.7 The Inspector noted that Cardiff's Local Development Plan (LDP) policy did not suggest any particular point beyond which further intensification of

HMO occupancy will be considered less favourably. Whilst the Inspector did make reference to the Council's Supplementary Planning Guidance (SPG), which sets a concentration threshold, he gave no weight to this as it was draft and had only just been published for consultation.

- 1.8 The Inspector found that since the 3 properties are likely to continue in HMO use even if the appeals were not to succeed the proposals will make no difference to the number and proportion of properties in HMO use in their respective locations within the Cathays ward. Whilst he acknowledged that occupancy of each property by a larger number of unrelated persons may bring with it marginally greater issues of domestic rubbish control and street litter, he considered these matters are largely for management and resolution via effective organisation of services and community engagement strategies.

Key Learning Output: Highlights the need for a SPG to set a framework for considering policy and determining 'cumulative impact'. Highlights the distinction between considerations of an intensification of HMO use and creation of a new HMO property.

Nottingham

Address: 4 Albert Grove, Nottingham
Development : Creation of an additional seventh bedroom at the appeal property, which is in use as a HMO providing student lets.
Appeal Ref: APP/Q3060/A/12/2181125
Appeal Date: 13-03-2013
Appeal Decision: Dismissed

- 1.9 The main issue in this appeal was the effect of the development on the living conditions of nearby residents, with particular regard to the creation and maintenance of a balanced and sustainable community.
- 1.10 The appeal site was located within an area that had been identified as an area with a high concentration of students (an average concentration of 47% of student households). The Inspector made reference to the Council's Supplementary Planning Document (SPD) 'Building Balanced Communities', which indicated that in an area where students account for more than 25% of households, planning applications will be refused unless the applicant can clearly demonstrate the community balance will not be adversely affected. The applicant had not provided any evidence to show that the community balance in the area will not be adversely affected by the development.
- 1.11 The Inspector noted that there is no substantive evidence to suggest that the living conditions of neighbouring residents would be directly adversely

affected by the development with particular regard to noise, disturbance and parking.

- 1.12 The Inspector considered the main issue to be cumulative impact. The Inspector accepted that, whilst the proposal relates to one bedroom, if replicated across the wider area, such development would lead to a more substantial increase in student accommodation, which would prejudice the creation and maintenance of a balanced community.

Key Learning Output: An observed benefit of having a clear threshold and a potential method by which this threshold might be framed to allow the applicant the ability to provide evidence to demonstrate the absence of harm.

Nottingham

Address: 19 Swenson Avenue, Nottingham
Development : Change of use from family residence to student accommodation.
Appeal Ref: APP/Q3060/A/13/2210212
Appeal Date: 13-03-2014
Appeal Decision: Dismissed

- 1.13 The main issues were the effect of the development on the maintenance of balanced communities and on the living conditions of local residents with particular regard to parking, noise and disturbance.
- 1.14 The Council's policies sought to not permit proposals resulting in additional student accommodation in areas with a significant concentration of student household unless the applicant can clearly demonstrate that the community balance will not be adversely affected. The threshold was set at 25% within a specified 'output area'.
- 1.15 The appeal site was located in an area where 46% of households are students, taking into account the average of surrounding output areas the concentration amounted to 30.7%. The Inspector concluded that the development would add to the concentration of students in the area and would have an adverse impact on the aims of policy to create sustainable and balanced communities.
- 1.16 The Inspector considered that an increased concentration would be likely to exacerbate adverse effects e.g. noise, unsatisfactory waste disposal etc. The appellant did highlight the potential (adverse) effects of existing student accommodation in close proximity on their own living conditions (if it continues to be used as a family house) however the Inspector gave little weight to this.
- 1.17 Whilst the Inspector recognised each application and appeal must be treated on its own merits he appreciated the Council's concern that approval of this proposal could be used in support of similar schemes. He

considered this is not a generalised fear of precedent, but a realistic and specific concern given the other properties nearby whose owners may well seek to let their property for the purposes of student accommodation. He therefore concluded that allowing this application could make it difficult to resist planning applications for similar developments in the future and the cumulative effect would exacerbate the harm described.

Key Learning Output: Noted benefit of identifying a clear threshold and a way in which this might be framed to allow the applicant to provide evidence which demonstrates the absence of harm on the community balance.

Newport

Address: Kardinale House, Newport
Development : Change of use from a dwelling to a house in multiple occupation.
Appeal Ref: APP/G6935/A/14/2214123
Appeal Date: 29-07-2014
Appeal Decision: Dismissed

1.18 One of the main issues in this case was the effect of the proposed development (8 bed HMO) on highway safety – specifically parking.

1.19 The Council's maximum parking standard identified a requirement for 9 no. off-street parking spaces (1 space per bedroom and 1 space per 5 bedrooms for visitors) although the Inspector referenced another HMO appeal¹ where the Inspector concluded in relation to the CCS Wales Parking Standards that the guidance must be interpreted flexibly and with common sense. In that instance the Inspector used 1 space per bedroom and 1 space per visitors as the starting point, before applying reductions taking into account other factors. 'Other factors' in the case of this previous appeal were those which were defined in Appendix 6 of the CCS Wales Parking Standards which uses a 'points' system to take account of location and sustainability. In this previous appeal, the Inspector accepted that this was a suitable basis for establishing an appropriate reduction. The development subject to this appeal proposed to provide 3 spaces, although only 2 were independently accessible. The Inspector did not consider this was adequate and he was not presented with evidence to support the argument put forward which stated students have a lower rate of car ownership.

Key Learning Output: Noted flexibility and past Inspector interpretation of maximum parking standards for HMOs.

¹ Appeal at 41 Risca Road, Newport dated 04/07/2011 Ref: APP/G6935/A/11/2148693

Criteria Approach Appeal Cases

Newcastle-Upon-Tyne

Address: Land at 12 Belle Grove Terrace, Newcastle-upon-Tyne

Development : Retention of three unauthorised HMOs

Appeal Ref: APP/M4510/C/13/2196274

Appeal Date: 17-12-2013

Appeal Decision: Allowed

- 1.20 The main issue in this case was the effect of the development upon (1) the character and appearance of the street scene and that of the locality with particular regard to the intensity of the use and (2) the living conditions of nearby residents having particular regard to noise and general disturbance.
- 1.21 The Inspector found that there was no harm to the street scene from intensification as, whilst the wider area has high concentration of HMOs, the street where the appeal site was located, is not dominated by a high proportion of HMOs. He considered that the limited introduction of three self-contained flats as HMOs, to a street which contains a significant element of family housing and a reasonable mix of accommodation, is unlikely to significantly tip the balance or change the character of the street scene.
- 1.22 It was not therefore considered to have demonstrable harm to the character of the wider locality due to the suitable and sustainable positioning and location of the building in comparison to the surrounding dense and compact locality.
- 1.23 The Inspector found that there was no harm to neighbour's living conditions. The Inspector considered that the location and building was suitable for use as HMO in terms of internal and external spaces and adequate off-street parking in the rear was provided.
- 1.24 The Inspector considered that in the event that noise levels are to such an extent that complaints are likely or cause statutory nuisances, the Council has sufficient powers under other legislation to address these issues. Whilst the Inspector recognises that planning conditions are unlikely to control noise emitted from occupiers congregating outside i.e. smoking, car doors slamming etc this is controlled by the managing agents, which have put in place mechanisms for neighbours to raise legitimate concerns / complaints. Additionally potential occupiers were vetted and references obtained prior to their tenancy.
- 1.25 The Inspector considered that these measures go some way in addressing concerns about anti-social behaviour and general disturbance.

- 1.26 The Inspector considered that haphazard waste disposal system can be controlled by condition.

Key Learning Output: The noted increased scope for interpretation in a criteria led approach and the possibility that impact on character can be (very) localised – relating to an individual street.

Newcastle-Upon-Tyne

Address: 116 Grosvenor Road, Newcastle upon Tyne
Development : Change of use from C3 to C4..
Appeal Ref: APP/M4510/W/15/3133517
Appeal Date: 15-01-2016
Appeal Decision: Dismissed

- 1.27 The key issues in this appeal related to 1) whether the proposal would result in the loss of a good quality, spacious and convenient dwellings suitable for occupation by a family, 2) the effect of the proposal on the character of the area and 3) the effect of the proposal on the living conditions of occupiers of neighbouring properties (particularly in relation to noise and disturbance).
- 1.28 The Inspector found that Newcastle's SPD on Maintaining Sustainable Communities accords with the provisions of NPPF which seeks to create sustainable, inclusive and mixed communities.
- 1.29 The Inspector specifically considered how to apply the specific criteria of Policy SC1.
- 1.30 Evidence from a local estate agent was submitted which suggested that whilst the property was suitable and attractive for family accommodation, buyers were deterred by the perceived 'student' character of the area. The Inspector contended that the loss of family housing and the changes in character which result from the loss were the items which Policy SC1 seeks to prevent. The Inspector therefore concluded that the house would be suitable for occupation by a family.
- 1.31 Another criteria the Inspector considered related to not permitting development that would lead to a level of HMO concentration which would be detrimental to the character of the area. In this case, the Council submitted evidence to demonstrate that 29 of the 63 properties on the lower part of Grosvenor Road were HMOs (evidence derived from Council Tax Records and Electoral Registrations) whilst the appellant argued that 57 of the 63 properties were HMOs – although only 13 of these were licenced. The appellant's evidence was based on discussions with local residents, estate agents and property websites. Therefore the Inspector concluded that there was a high existing level of HMOs and although the appellant did try to argue that the character has already shifted to one dominated by multiple occupancy. However the Inspector concluded that

this would lead to an increased concentration of such uses which would further erode the character of the area.

1.32

The Inspector then considered the policy's criterion which seeks to protect against harm to the living conditions of neighbouring residents through the introduction of additional activity, access, traffic or parking. The Inspector considered that due to more comings and goings there would likely be an increased level of noise and disturbance experienced by occupiers of adjacent and surrounding properties.

Key Learning Output: The increased scope for interpreting what is an unacceptable level of HMO concentration (considering impact upon the character of the area). Evidence of licenced and un-licenced HMOs were also drawn upon.

2.0 Conclusion

- 2.1 This review draws together some key issues identified in this sample of HMO appeals. Whilst it has been rather focused, it is apparent that no absolute conclusion can be reached which confirms either the ‘criteria’ or ‘threshold’ approach is more robust at appeal. This review demonstrates there are advantages and disadvantages to both approaches.
- 2.2 A **threshold approach** by its inherent nature provides a very clear benchmark to work from in determining what is an acceptable HMO concentration. In this small sample, where authorities have formally adopted a ‘threshold’ approach Inspectors have not sought to revisit whether this threshold is appropriate or whether the area it is measured on is suitable. Rather the key matters at appeal have then focused upon whether there is any evidence to demonstrate that the proposal would not have adverse impacts on issues such as external appearance, amenity, parking etc.
- 2.3 Specifically Nottingham’s (threshold) policy approach did allow for some form of flexibility in applying its threshold. It stated that planning applications which breach the identified threshold would be refused unless the applicant can clearly demonstrate community balance will not be adversely affected. In both appeals reviewed in this location the appellant failed to demonstrate this point however allowing for some of flexibility could in theory allow scope for a more bespoke assessment of impact upon community balance.
- 2.4 The appeals in Newcastle were useful to understand the merits and demerits of a **criteria approach**. In these cases, by not setting a threshold this has allowed for consideration of impacts on a site by site basis. However the (opposing) appeal decisions demonstrate there can be difficulties in how the impacts of HMO concentrations on the character of area are considered. This has yielded some uncertainty but ultimately allows each case to be considered on its own merit.

Implication for Swansea HMO concentration tool

- 2.5 Emerging Swansea LDP Policy H9 (Houses in Multiple Occupation and Residential Conversions within Settlements) sets out 4 criteria which proposals to convert dwellings or underutilised commercial and industrial buildings to HMOs will need to adhere to. The key criteria which relates to HMO concentration states that “the development would not contribute to harmful concentration or intensification of HMOs in a particular area “.
- 2.6 Accompanying paragraphs to this policy state that a SPG will define what is deemed a harmful concentration or intensification by setting out threshold limits to be applied to the proportion of the total building stock that HMOs should comprise in different parts of the County.

This appeal review (albeit a small sample) has indicated that the principle of a threshold approach is appropriately robust.

Appendix 8: Benchmark Review of Other Planning Policy Approaches

1.0 Other Policy Approaches Review

1.1 This section provides a review of six other local planning authorities in Wales and England, strategies and policy frameworks for houses in multiple occupation (HMOs) and purpose built student accommodation (PBSA), in order to identify common practices and approaches. We also include a short summary of the relevant car parking standards in each of these areas and specifically for the 2 Welsh examples summarise the licencing context.

1.2 A summary of the key findings is outlined at the end of this section.

Case Study 1: Cardiff

Adopted Development Plan

1.3 Cardiff's adopted Local Development Plan (LDP) (2006-2026) has a specific policy (H5) relating to the conversion or sub-division to flats or HMOs. It sets out the following 4 criterion which need to be met:

- a The property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.
- b There would be no material harm to the amenity of existing nearby residents by virtue of disturbance, noise or overlooking.
- c The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area; and does not have an adverse effect on local parking provision.

1.4 The LDP has no specific policy for PBSA.

Supporting Documents

1.5 Cardiff has a draft Supplementary Planning Guidance (SPG) on HMOs (April 2016), which sets out their policy approach to dealing with planning applications for HMOs. This SPG was consulted upon until 20th October 2016 and has been revised to take of comments. This revised SPG has very recently been approved by Council and therefore has SPG status.

1.6 The Council sets a two-tiered HMO threshold, of 20% within the two wards that have the highest concentration of HMOs, and a 10% threshold in all other wards. It also sets a 50m radius which includes all dwelling houses that have their main frontage facing the street.

1.7 If more than 20% of the dwellings within the highly concentrated areas, or if more than 10% of the dwellings in all other wards, within a 50 m radius of the proposed HMO are already licenced HMOs, then the Council would look to refuse this application unless its implementation, judged in the light of other material considerations, would serve the public interest. The SPG

includes a worked example but does not include mapping to indicate where HMOs properties are currently located.

- 1.8 The SPG also sets out design criteria for assessing proposed HMOs. This takes into account: room size and facilities, recycling and refuse storage, amenity space, parking, cycle storage, noise, light and outlook, access, external alterations and internal alterations impacting on external appearance.

Licencing Context

- 1.9 Cardiff operates a two-tiered HMO licencing approach:

- **Mandatory HMO** licencing system: Citywide

- 1.10 Applies to dwellings that are three-storey or more and contain at least five residents not forming a single household.

- **Additional HMO licensing system:** Cathays and Plasnewydd wards only.

- 1.11 Applies to properties with three or more residents not forming a single household.

Case Study 2: Newport City Council

Adopted Development Plan

- 1.12 Newport's adopted LDP (2011-2026) has a specific policy (H8) relating to HMOs. It sets out 4 criteria that proposals to subdivide properties into HMOs will need to adhere to:

- a The scale and intensity of use does not harm the character of the building or locality and will not cause an unacceptable reduction in the amenity of neighbours or result in on street parking problems;
- b Does not create an over concentration of HMOs in one area which would change the character or create an imbalance in the housing stock;
- c Adequate noise insulation is provided;
- d Adequate amenity for future occupiers.

- 1.13 The Council has no specific policy for PBSA.

Supporting Documents

- 1.14 Newport Council adopted its SPG on HMOs in August 2016. It sets a two-tier threshold, which means that the Council will not support a planning application that would take the number of HMOs, considered as a proportion of local housing stock, above a specified limit.

- 1.15 In 'defined areas' this limit is 15%; in other areas, 10%. It notes that proposals that exceed these figures will be unsuccessful unless their

implementation, judged in the light of all other material considerations, would serve the public interest.

- 1.16 Like Cardiff, it uses a radius to identify an area in which to apply the thresholds limits. This area will include all residential properties where their entire principal elevations lie within a 50 m radius. It notes that, in areas where there are only a handful of properties within the 50m radius, the council will apply the relevant threshold to an area that contains at least 10 dwellings.
- 1.17 Should a 50m radius fail to capture the required number of properties, the Council will select the nearest 10 dwellings from the same side of the street as the proposed HMO.
- 1.18 The SPG includes a worked example of this tool and also includes a link to an on-line mapping tool which shows where other HMOs are. The SPG also sets out design criteria for assessing proposed HMOs. This takes into account: parking provision, amenity considerations, character of the area, design considerations, alterations to listed buildings, alterations to buildings within conservation areas.
- 1.19 Licencing Context: Newport operates a two-tiered HMO licencing approach although it's not clear from the SPG which geographic areas this covers:
- **Mandatory HMO licencing system**
- 1.20 Applies to dwellings that are three-storey or more and contain at least five or more persons.
- **Additional HMO licensing system**
- 1.21 Applies to properties that contain more than two households.

Case Study 3: Falmouth

- 1.22 Given the merger of several smaller authorities into one unitary authority - Cornwall Council – the policy context for the Falmouth area is complex. However of most recent note is the current consultation on Cornwall Council's Site Allocations Development Plan Document (DPD). With regards to Falmouth, the DPD sets out a three pronged approach to manage HMOs and PBSA (see para 7.44):
- a The introduction of an Article 4 Direction and Neighbourhood Plan, which will be able to prevent further loss of the existing houses stock to student accommodation;
 - b Any increase in the student cap at the Penryn Campus should only be lifted in a phased manner, directly linked to the delivery of bespoke, managed, student accommodation (i.e. when a student accommodation scheme has been built, an equivalent increase in the Penryn Campus student cap is allowed). An appropriate mechanism must also be implemented to monitor any future growth and its impacts; and

- c The identification of a small number of sites that could appropriately deliver managed student accommodation; with sites identified both off-site and on-site to satisfy future needs.

1.23 To facilitate the third point, a series of site options have been identified to support the delivery of managed student accommodation.

1.24 It further notes that the any proposed development relating to student accommodation, including change of use, should also have due regard to the Falmouth Neighbourhood Plan, which when adopted will form part of Cornwall's Local Plan and will provide policies to manage student accommodation proposals within the town.

Falmouth Neighbourhood Plan & forthcoming HMO Article 4 Direction

1.25 On request from Falmouth Town Council, Cornwall Council is in the process of introducing an Article 4 Direction in Falmouth. The Article 4 would require new HMOs in Falmouth that fall into the Dwelling Use Class C4 to apply for planning permission. The Article 4(1) direction comes into force on 16 June 2017.

1.26 The policy approach for dealing with planning applications for HMO will be set out within a Falmouth Neighbourhood Plan. The Neighbourhood Plan is currently in progress and not available in draft form at this stage.

1.27 The Neighbourhood Plan will set out where HMOs would and would not be permitted. Planning applications will be assessed against the policies set out in that plan. The intention is stated to not be to prevent any future HMO increases, as they are recognised as a vital element of Falmouth's housing options. The Article 4 will be used to maintain a balanced and sustainable mix of housing options in particular locations by ensuring HMOs don't reach unsustainable levels in concentrated areas. It is stated that research identified particular clusters of HMOs – ranging from 12% to 24%.

1.28 The Neighbourhood Plan website states that this forthcoming Plan could be used to set the criteria for how these planning applications are decided. These could, for example,

- a prevent further changes of use to HMO in the areas already significantly affected by HMOs if they would cause harm to amenity or community balance;
- b set positive criteria for planning permissions for changes of use to HMO in other areas, subject to an upper limit.

Case Study 4: Birmingham City Council

Adopted Plan

1.29 The Unitary Development Plan (UDP) is the current existing development plan for Birmingham. It was adopted in 1993 and reviewed in 2005. It has

a specific policy relating to HMOs. The following criteria is used in such determining planning applications:

- a effect of the proposal on the amenities of the surrounding area and adjoining premises;
- b the size and character of the property;
- c the floorspace standards of the accommodation;
- d the facilities available for car parking;
- e the amount of provision in the locality.

1.30 The following guidance will also apply:

1.31 The use of small terraced or small semi-detached houses for HMO will cause disturbance to the adjoining house (s) and will be resisted. The impact of such a use will depend, however, on the existing use of adjoining properties and on the ambient noise level in the immediate area.

1.32 Where a proposal relates to a site in an area which already contains premises in similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. If a site lies within an Area of Restraint identified in chapters nine to twenty-one or in Supplementary Planning Guidance, planning permission may be refused on the grounds that further development of such uses would adversely affect the character of the area.

Supporting Documents

City Wide Policies - Residential Uses Specific Needs SPG

1.33 The Council has an adopted SPG 'Specific Needs Residential Uses', which provides further guidance on space standards for HMOs and also minimum bedroom sizes for Student Accommodation.

1.34 The Council recognises that the demand for student residential accommodation of all types generally exceeds the supply available and therefore does not wish to unduly restrict the supply of accommodation.

1.35 It notes that parking for student accommodation is treated on its merit through proximity to the campus.

Area based planning policies - Selly Oak, Edgbaston and Harborne: Houses in Multiple Occupation Article 4

1.36 Birmingham City Council introduced an Article 4 Direction in Selly Oak, Edgbaston and Harborne, which requires planning permission for the change of use of a family home to a use class which falls into dwelling Use Class C4 – "Houses in Multiple Occupation. The Article 4 direction came into force on 30 November 2014.

1.37 Alongside the Article 4 direction, a Planning Policy Document (November 2014) has been prepared and will be a material planning consideration until the policy is included in the forthcoming Development Management Development Plan Document.

1.38 The policy aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. The policy approach is:

Policy HMO1

Conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses.

Emerging Planning Policies

1.39 The Council has been in the process of preparing its Development Plan which will cover the period up until 2031.

1.40 The latest version of the Plan (pre-submission document part 3, 2013) has a specific policy relating to PBSA. It notes that PBSA provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:

- a There is a demonstrated need for the development
- b The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport
- c The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity
- d The scale, massing and architecture of the development is appropriate for the location
- e The design and layout of the accommodation together with the associated facilities provided will create a positive living experience.

1.41 The Development Plan has no specific policies relating to HMOs.

Case Study 5: Nottingham City Council

Adopted Plan

1.42 Nottingham City Council's Aligned Core Strategy (adopted 2014) recognises that increased numbers of student households and HMOs has

altered the residential profile of some neighbourhoods dramatically, and has led to unsustainable communities and associated amenity issues.

1.43 It notes that the problem is most acute within Nottingham City, and in order to help address this, the City Council introduced an Article 4 Direction in March 2012 that requires planning permission to be obtained before converting a family house (C3 dwelling house) to a (C4) House in Multiple Occupation anywhere within the Nottingham City Council area.

1.44 The Core Strategy also encourages PBSA in appropriate areas. It recognises that such developments can provide a choice of high quality accommodation for students and also assist in enabling existing HMOs to be occupied by other households, thus reducing concentrations of student households.

Emerging Policies

1.45 The policy approach to considering planning applications for student accommodation and HMOs is set out in the emerging Nottingham City's Part 2 Local Plan (Publication Version January 2016). The plan has a specific policy (HO6) relating to HMOs and PBSA.

1.46 In assessing planning applications for HMOs, the Council will consider the following criteria:

- 1 Existing proportion of HMOs and/or student households and whether this will amount to a 'significant concentration'
- 2 The individual characteristics of the building or site and immediate locality;
- 3 Any evidence of existing HMO and/or PBSA within the immediate vicinity of the site that already impacts on local character and amenity;
- 4 Impact of the proposed development on the character and amenity of the area;
- 5 Whether the proposal would incorporate adequate management arrangements, and an appropriate level of car and cycle parking having regard to the location, scale and nature of development;
- 6 Whether the proposal would result in the positive re-use of an existing vacant building or site that would have wider regeneration benefits;
- 7 Whether adequate evidence of the need for new PBSA of the type proposed has been provided; and
- 8 Whether new PBSA is designed in such a way that it can be capable of being re-configured through internal alternations to meet general housing needs in the future.

1.47 Where there is already a 'significant concentration' of HMOs and/or student households in an area, planning permission will not usually be granted for further HMOs or PBSA. A 'Significant Concentration' is considered to be 10%.

- 1.48 Appendix 6 of the Local Plan Part 2 sets out the methodology for determining areas within a significant concentration of HMOs. It notes that these areas are identified using Council Tax information to map the properties where student exemptions apply combined with Environmental Health records of properties known to be in use as HMOs.
- 1.49 It identifies Output Areas comprising of 10% or more HMOs/Student Household, along with contiguous Output Areas. Output Areas are defined by the Office for National Statistics and are stated in this Plan to provide the only independently defined and convenient geographical units for the purpose of this approach. An Output Area comprises relevant data for approximately 125 households.
- 1.50 A weighing factor is applied to council tax exemption data in respect of Halls of Residence / PBSA of similar formats, based on the application of an average student household size of 4 persons. Therefore a 100 bed space Hall of Residence would equate to 25 student households.
- 1.51 The area of measurement for determining whether there is a 'significant concentration' is the Home Output Area within which a development proposal falls and all Contiguous Output Areas (those with a boundary adjoining the Home Output Area), thereby setting the development proposal within its wider context.
- 1.52 Having defined the relevant Output Area cluster, Council Tax data and Environmental Health records are then used to provide a combined total for HMOs / Student Households within the cluster. Essentially the information will show that there are 'x' households within the cluster (taken from Ordnance Survey Address Point data and cross-checked with Council Tax Household data) of which 'y' are HMOs / Student Households (taken from the Council Tax and Environmental Health data). This is expressed as a percentage.
- 1.53 The Plan also has a specific policy (HO5) relating to the location for PBSA. It notes that PBSA of an appropriate scale and design will be encouraged in the following locations:
- a Allocated sites where student accommodation use accords with site specific Development Principles;
 - b University campus;
 - c Within the city centre boundary;
 - d Above shopping and commercial frontages within defined Town, District and Local Centre, and within other commercial frontages on main transport routes where this assists in the regeneration of underused sites and premises;
 - e Sites where student accommodation accords with an approved SPD.

Supporting Documents

- 1.54 The Council's 'Building Balanced Communities' SPD (adopted 2006 and reissued in March 2007) sets out, amongst other things, the Council's approach to the provision of student housing. The SPD pre-dates the Council's Core Strategy and Emerging Local Plan. The SPD seeks to encourage the provision of PBSA in appropriate locations and to restrict the provision of further student housing in areas with a recognised over-concentration of students, where the creation and maintenance of balanced communities is therefore seen as an issue.
- 1.55 With regards to HMOs, the SPD notes that planning permission will be refused where the development would prejudice the creation and maintenance of balanced communities. In deciding whether the creation and maintenance of balanced communities is prejudiced, the City Council will have regard to:-
- a the percentage of households in a locality that are made up solely of full time students (appendix 1);
 - b the overall number of students in an area, which can have an important influence on community balance. For instance, the presence nearby of PBSA can lead to large numbers of students in an area of relatively few student households; and
 - c whether the area currently has relatively few student households, but is in danger of becoming unbalanced as numbers increase and the problems identified in appendix 2 are beginning to manifest.
- 1.56 An area of significant student concentration are 'output areas' which comprise 25% of student households and above. In an area where students account for more than 25% of households, planning applications will be refused unless the applicant can clearly demonstrate that the community balance will not be adversely affected.

Case Study 6: Newcastle City Council

Adopted Plan

- 1.57 Newcastle City Council adopted its Core Strategy and Urban Core Plan (CSUP) on 26 March 2016. It notes that the Council will continue to support PBSA in suitable and accessible locations supported by access to local services. The policy seeks to focus the provision of PBSA within the Urban Core.
- 1.58 The UDP was adopted in 1998 although some policies still remain saved following adoption of the CSUP in 2016. The main policy (H1.5) relating to student housing in the UDP is however superseded by the CSUP.
- 1.59 The CSUP includes a broad policy (CS11: Providing a Range and Choice of Housing) which seeks to focus the provision of PBSA within the Urban Core.

- 1.60 The UDP has a (saved) Development Control Policy Statement (5) which refers to HMOs. It notes that the following criteria will be taken into account in determining planning applications for HMO:
- a General nature of the locality, including the incidence and impact of intensive residential uses;
 - b Effect on the character of the locality;
 - c Size and suitability of the premises;
 - d Outlook and privacy of prospective occupants;
 - e Effect on adjacent and nearby occupiers;
 - f Impact on any necessary fire escapes;
 - g Availability of adequate, safe and convenient arrangements for car parking;
 - h Local highway network and traffic and parking conditions;
 - i Provision for refuse storage facilities;
 - j Ease of access for all sections of the community;
 - k Views of consultees and nearby occupiers;
- 1.61 It further notes that the grant of planning permission for HMO's may include conditions relating to, inter alia:
- a Soundproofing of premises;
 - b Car parking to be provided before first use;
 - c Refuse storage facilities;
 - d Provision of means to enable access for all.

Supporting Documents

- 1.62 In 2011, the Council introduced the Maintaining Sustainable Communities SPD with the aim of controlling the growth of HMOs. Since that time the Council has adopted its Core Strategy and Urban Core Plan. The Council has therefore reviewed the 2011 SPD, and an updated draft SPD (September 2016) is out for consultation until 25 November 2016.
- 1.63 It notes that the Council introduced three HMO Article 4 Directions between 2011 and 2013.
- 1.64 Policy SC1 – HMO Changes of Use sets out the policy against which planning application for HMOs will be considered. The Council does not adopt a threshold approach to assessing the acceptability of planning application for HMOs. Rather the policy sets out 9 criteria, which take into account factors such as loss of a suitable family home (in Article 4 areas). Other considerations listed are also generally applied in all locations – such as unacceptable harm to the amenity of neighbouring residents, detrimental to the character and appearance of the locality or existing building, highway and parking issues, whether it would lead to a level of

concentration of such uses that would be damaging to the character of the area (level of concentration is not defined).

- 1.65 In the case of Tyneside flats within Article 4 areas, the policy further restricts the change of use of an upper flat to an HMO, and the extension or alteration of an upper flat HMO to facilitate the creation of additional habitable space within the roof space through the insertion of new or increased size rooflights or dormer window extensions.
- 1.66 Within an HMO Article 4 area, the policy notes that PBSA will not be granted. The supporting paragraph notes that developments for new PBSA in Article 4 areas would also result in an increased density of shared housing in areas which already experience impacts associated with this form of accommodation. It is therefore also necessary to control the growth of this form of development. The form of development covered could be new build or conversion of existing properties and cover tradition three to six person small HMO, larger HMO or accommodation that is designed specifically for student or other forms of occupation.
- 1.67 Policy SC2: Housing in the Urban Core refers to residential development in the Urban Core of the City. The policy requires the design of PBSA, including HMOs (both C4 and Sui Generis) to ensure that it can be adaptable to alternative future uses.

Interim Planning Guidance on Purpose Built Student Housing (November 07)

- 1.68 The Council has an adopted Interim Planning Guidance on PBSA. This document pre-dates the Core Strategy and Urban Core Plan. The document sets out an overall strategy to address student housing needs in Newcastle, and deals specifically with new purpose built student housing. It seeks to promote and enable the development of a range of good quality PBSA schemes in appropriate, sustainable locations. The document notes that alongside encouraging the development of PBA, the Council is seeking to discourage the conversion of family houses into flats or HMOs.
- 1.69 It notes that relevant guidance relating to PBSA may also be included within Area Action Plan DPD, and within development briefs for individual sites.
- 1.70 The document identifies potential sites for student accommodation, many of which are within and at the edge of the city centre. Other sites have been identified where these are accessible to the University Campuses via sustainable means of transport. In particular it considers:
- a Site Size
 - b Estimated Student Bed spaces
 - c Location
 - d Current use/background
 - e Constraints

- f Ownership, Property and Land issues
- g Timescales
- h Planning Context including sustainability / transportation etc.
- i Regeneration Issues.

1.71 A scoring framework was developed in order to assess the overall suitability of these sites. The criteria used is as follows:

- a Accessibility to the Campuses
- b Site size / Capacity
- c Planning Merits
- d Regeneration Merits
- e Availability / Timescales

1.72 The resulting site scores were intended to help identify which sites were potentially suitable without prejudicing consideration of any planning application.

Case Study 7: Belfast City Council

1.73 The Council has a guidance documents on the management of HMOs referred to as the 'Subject Plan'. The Belfast HMO strategy is to:

- a Protect the amenity of areas where multiple occupation is, or is likely to become, concentrated;
- b Accommodate the need and demand, while maintaining a community balance;
- c Focus HMO development in areas where it can contribute to regeneration; and
- d Promote appropriate development of purpose built student accommodation.

1.74 The Council adopt a threshold approach to identify the extent to which further HMO development will be permitted in different locations. In areas where there are currently houses in multiple occupation, or within an area that is likely to become concentrated, planning permission will only be granted where the number of HMOs does not exceed 30% of all dwelling units within the Policy Area.

1.75 The 30% threshold was considered to be the upper limit for conversion to multiple occupation, as this level could potentially assist regeneration but at the same time would not necessarily result in the local communities becoming imbalanced. The Council identified 22 areas where HMOs are concentrated and which already exceeds 30% of the dwelling units. Consequently, no further HMO development will be permitted within these areas until such time as the proportion of HMOs falls below 30% i.e. the change of use of HMOs to a dwelling house. Outside of the 22 HMO Policy Areas, and designated HMO Development Nodes (this refers to HMOs within commercial or shopping areas, the Council adopts a 10%

threshold based on the number of dwelling units on that road or street. In instances where such road or streets exceeds 600m in length, the number of dwelling units within 300m either side of the proposal on that road or street will be taken into account.

1.76 The Council consider that setting a limit of 10% will allow a degree of managed and controlled growth of HMOs.

1.77 The Council also adopts a criteria based policy in determining planning applications for HMOs. It notes that planning permission will only be granted for HMOs where all of the following criteria are met:

- a Any HMO unit within a Policy Area does not exceed 4 bedrooms;
- b Any HMO unit is not wholly in the rear of the property without access to the public street;
- c The original property is greater than 150 sq m gross internal floor space when any house is being converted to flats for HMO use;
- d All flats for HMO use are self-contained

Purpose built student accommodation

1.78 In June 2016, the Council adopted its Supplementary Planning Guidance (SPG) on Purpose Built Managed Student Accommodation. The guidance is structured into 6 key criteria consisting of:

- a Location and accessibility;
- b Design quality
- c Impact and scale
- d Management
- e Need
- f Planning agreements.

Car Parking Standards

1.79 A summary of the various car-parking standards is included overleaf

	<u>Cardiff 2010 Parking Standards</u>	<u>Newport 2015 Parking Standards</u>	<u>Cornwall 2004 Parking Standards</u>	<u>Birmingham 2012 ParNewport 2015 Parking Standards</u>	<u>Nottingham 2016 Emerging Parking Guidance</u>	<u>Newcastle 2015 Parking Standards</u>	<u>Belfast Belfast Metropolitan Area Plan</u>
HMOs	C3 HMOs in non-central areas: maximum 1 car parking space per unit, with 0.25 visitor spaces per unit and 0.25 cycle parking per unit. Not clear what the requirement would be for HMOs in central areas.	HMOs in central areas: standards do not specifically differentiate for HMOs – just 'houses' at 0.5 to 1 space per unit. HMOs outside of the city centre: the requirement for HMOs is 1 space per bedsit, and 1 visitor space per 5 units.	No specific standard for HMOs. Studios/bedsits is 1 space / 3 units.	No specific standard for HMOs	C4 HMOs is differentiated although it notes that it is based on discussions with Planning/High ways	No specific differentiation for HMOs.	No specific differentiation for HMOs.
PBSA	Sui Generis PBSA in all areas: 1 space per 25 beds, and 0.25 cycle visitor short spaces in addition at 0.05 per unit	PBSA within the City Centre: 1 space per 25 beds for servicing, wardens and drop-off areas, with no visitor spaces. PBSA (under college/university control) outside of the City Centre: 1 space per 25 beds for servicing, wardens and drop-off areas. The visitor car parking requirement is 1 space per 10 beds (for students and/or visitors).	Higher and Further Education: – 1 sp/2 staff and 1 sp/15 total possible students.	Purpose Built Student Accommodation (Use Class C2): Area 1: 1 space per 10 bedrooms. Area 2: 1 space per 7.5 bedrooms. Area 3: 1 space per 5 bedrooms (lower provision will be appropriate in campus situations)	C2 PBSA is differentiated. Notes that it is based on discussions with Planning/High ways	No differentiation for PBSA but (C3) student Accommodation is specified: 1 per 4 bed space and where appropriate 1 per unit of warden accommodation and suitable pick up and drop areas. In some instances no parking will be acceptable in the city centre.	No specific differentiation for PBSA.

2.0 **Summary**

2.1 The review has shown there is a variation in the manner in which individual local authorities have sought to manage HMOs and PBSA.

Method of Managing HMOs

2.2 This review has identified two broad approaches:

- 1 Threshold; or
- 2 Criteria.

Threshold

2.3 Those that adopted a threshold approach defined a geographic area (a radius or an output area). This area was then used as a basis for considering whether an identified concentration threshold was breached.

2.4 Defined radius sizes varied between 50m and 100m and took account of licenced HMOs in these areas. Although in some instances, account was also taken of unlicenced HMOs as well.

2.5 Belfast looked at the number of dwelling houses within the street as a basis for considering whether an identified concentration threshold was breached.

2.6 The Nottingham case study took account of student only HMOs, PBSA and Halls of Residences within a defined 'output area' comprising approximately 125 households.

2.7 Threshold identified in the case studies varied between 10%, 15%, 20%, 25% and 30%.

Criteria

2.8 Newcastle was an example where a specific percentage threshold was not defined and instead the Authority used a criteria policy to assess the acceptability of a proposed new HMO. Slightly stricter controls were applied within Article 4 areas compared with other areas. The identified criteria policy related to topic areas such as amenity, character, appearance and refuse.

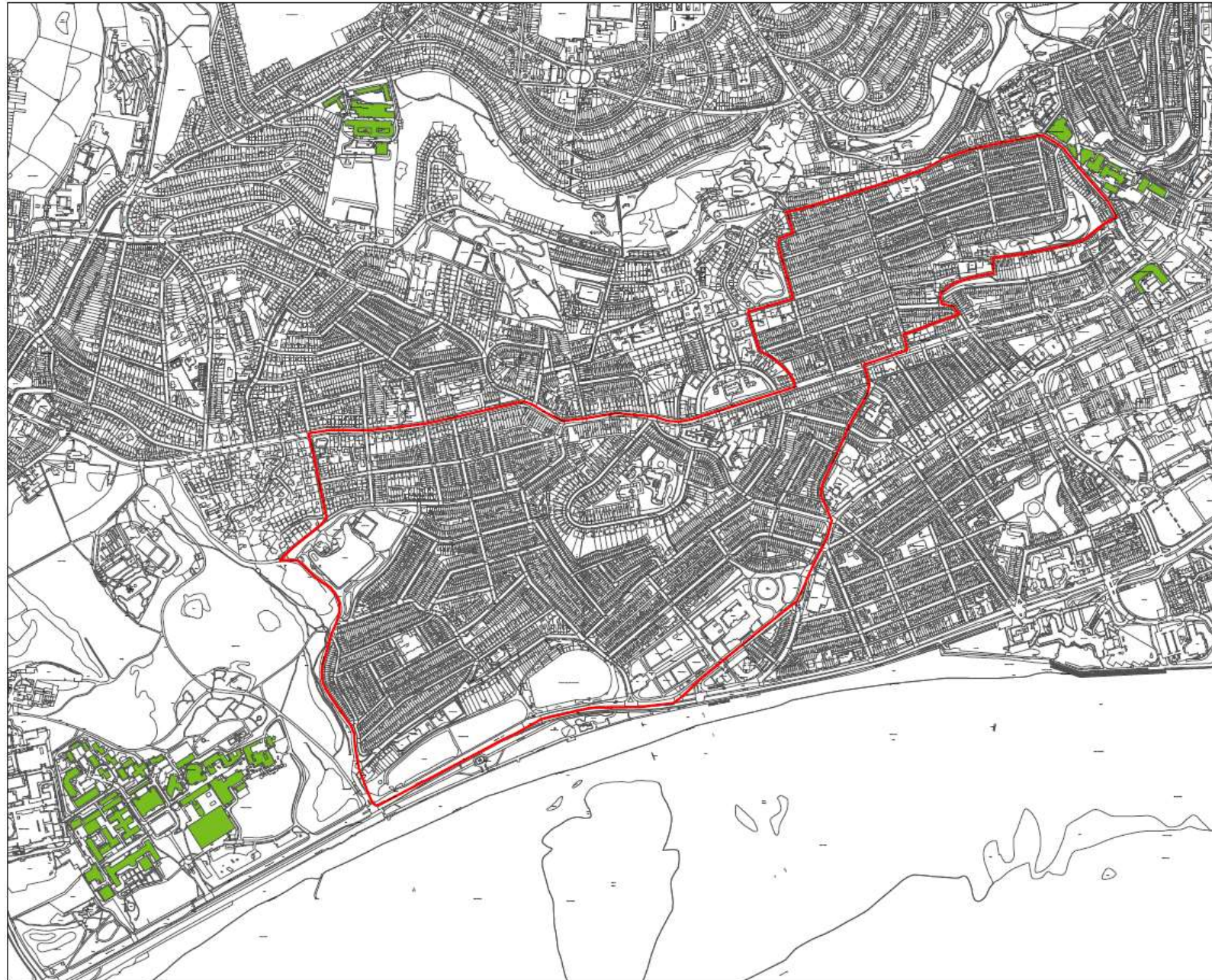
Managing PSBA

2.9 Methods of managing PSBA differed between case studies, although most sought to focus such developments in existing campus locations and/or central areas. Case studies in Newcastle and Falmouth showed some authorities had sought to proactively identify prospective sites for PSBA development.

Car Parking Standards

- 2.10 A wide range of approaches to car parking standards was identified with no real correlation in approach. Some case studies identified specific standards for HMOs and/or PBSA whilst others did not. This mix in approaches, to some degree, reflected the varied age of the various guidance documents (i.e. some pre-dated changes to the use classes order).

Appendix 9: Threshold Map



 Proposed 25% Threshold Area

 University Campus

0 100 200 300m

LICHFIELDS

Project: Swansea HMD

Title: Licensed HMDs: Proposed 25% Threshold Area

Client: City and County of Swansea

Date: 28.09.2017

Scale: -

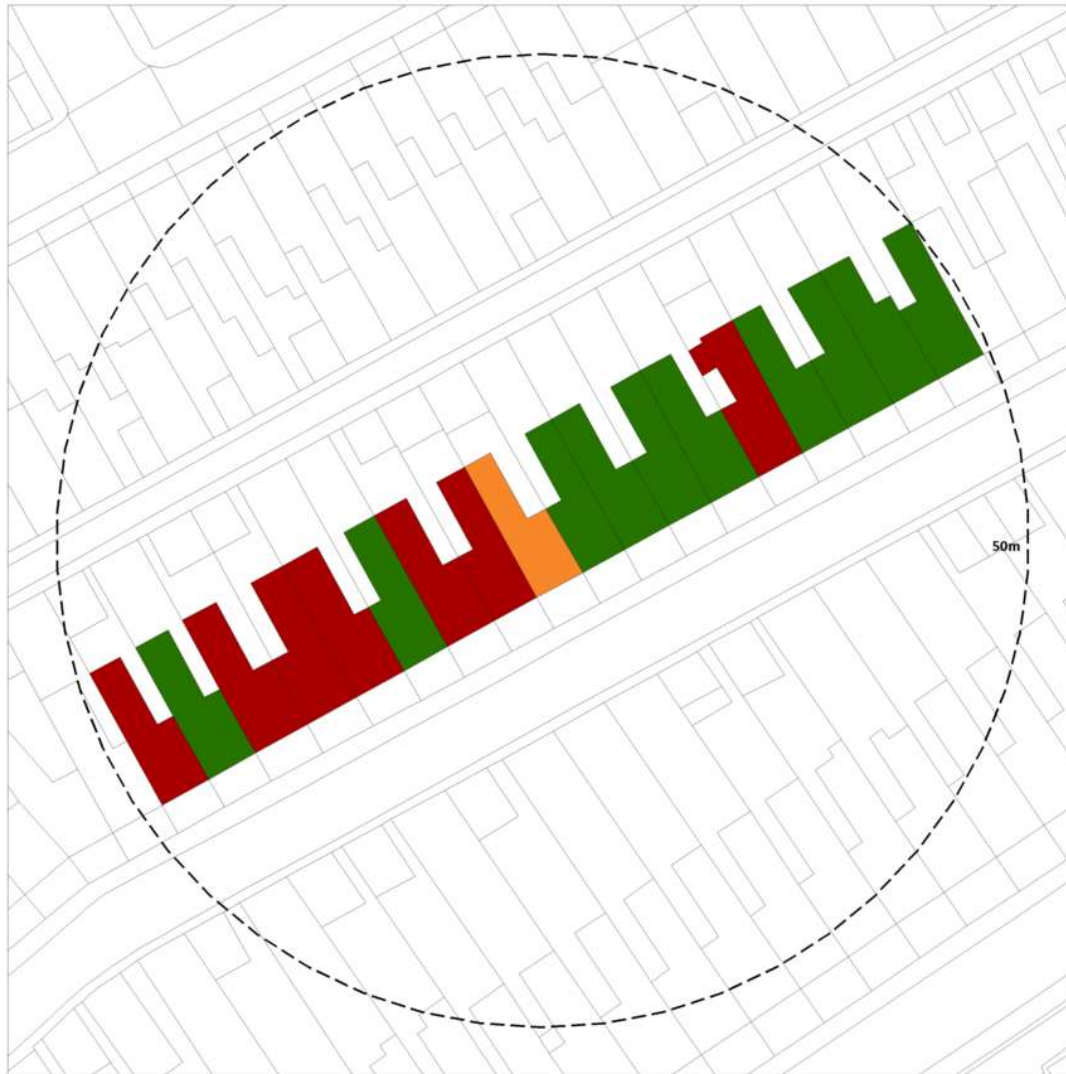
Drawn by: MAB

Drw. No: GSD/WF/13445/01-13



OS Reference: S17613445 - Swansea HMD/WF13445 - Swansea HMD - Licensed HMDs - Proposed 25% Threshold Area - 28.09.2017.mxd

Appendix 10: Sensitivity Testing



Proposed HMO

**Other Licenced HMO
(as of 4 October 2016)**

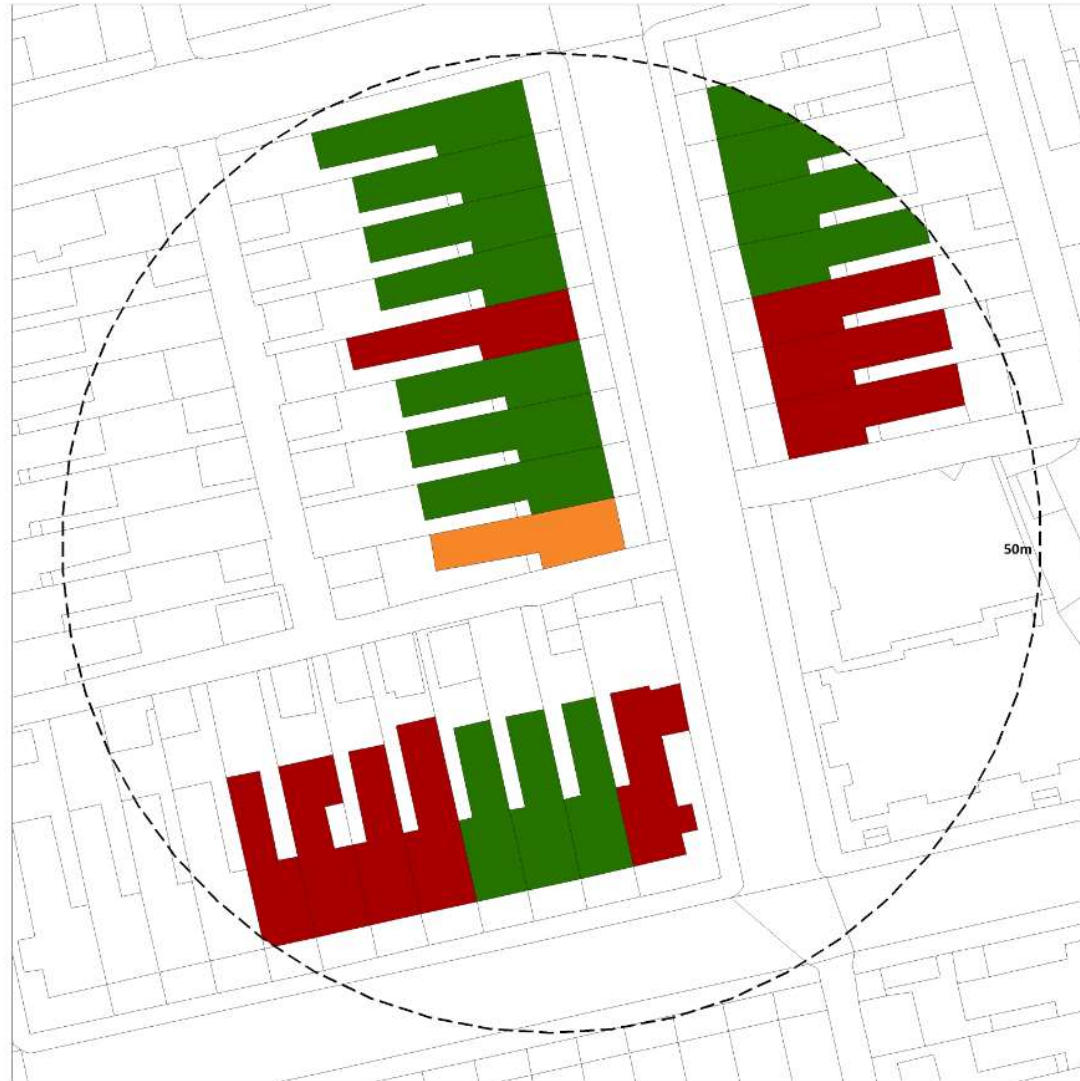
Dwelling House

18 dwelling houses
7 HMOs (plus 1 proposed) = 8
44% of all dwelling houses are HMOs

Source: City & County of
Swansea Council

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- Proposed HMO
- Other Licenced HMO (as of 4 October 2016)
- Dwelling House

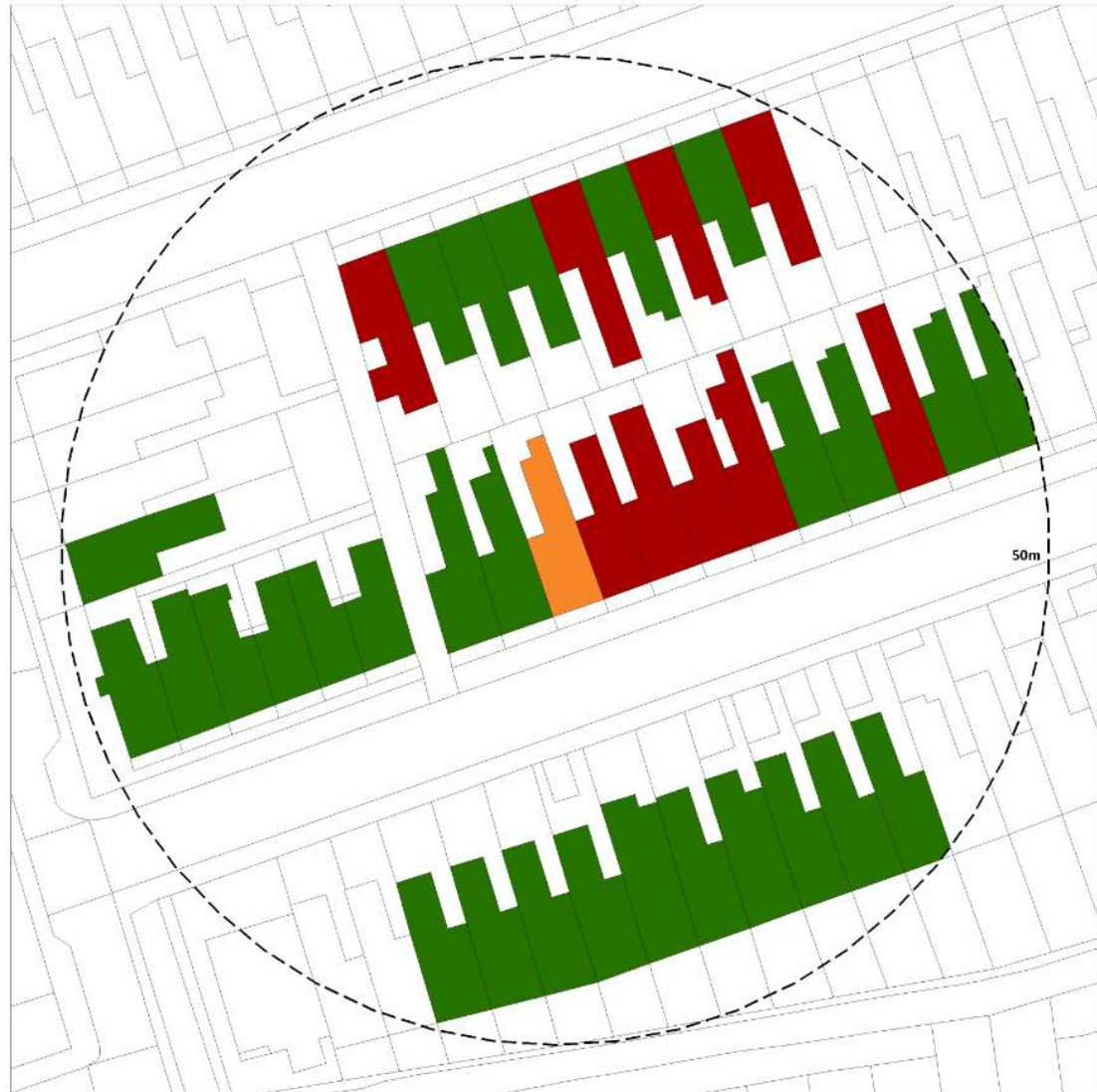
24 dwelling houses
9 HMOs (plus 1 proposed) = 10
42% of all dwelling houses are HMOs

Source: City & County of Swansea Council

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- Proposed HMO
 - Other Licenced HMO (as of 4 October 2016)
 - Dwelling House
- 38 dwelling houses
9 HMOs (plus 1 proposed) = 10
26% of all dwelling houses are HMOs
- Source: City & County of Swansea Council

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Agenda Item 6

Report of the Head of Planning & City Regeneration

Planning Committee – 4 July 2017

APPROVAL OF DRAFT UPDATED SUPPLEMENTARY HOUSEHOLDER DESIGN GUIDANCE FOR CONSULTATION

Purpose:	This report provides an overview of the draft updated 'A Design Guide for Householder Development' Supplementary Planning Guidance (SPG) document and seeks authorisation to undertake public and stakeholder consultation.
Policy Framework:	City and County of Swansea Unitary Development Plan (Adopted November 2008).
Reason for Decision:	To approve the draft updated SPG as a basis for public and stakeholder consultation.
Consultation:	Legal, Finance, Access to Services.
Recommendation(s):	1) The draft SPG as attached at Appendix A is approved as the basis for public consultation.
Report Author:	Huw Jenkins
Finance Officer:	Aimee Dyer
Legal Officer:	Jonathan Wills
Access to Services:	Phil Couch

1.0 Introduction

- 1.1 This report seeks authority to undertake a 6 week public and stakeholder consultation exercise on the draft updated Householder Design Guide. A copy of this guide is attached as Appendix A.
- 1.2 The Householder Design Guide was originally adopted in June 2008. It has been used successfully in many development management negotiations and decisions to help raise the quality of residential householder developments throughout the City & County of Swansea. It is also regularly referred to by Planning Inspectors. However, the need has arisen to review the Householder Design Guide to reflect recent changes to Permitted Development Rights.
- 1.3 Once the consultation process is concluded, a schedule of comments and responses to all representations received will be reported back to Planning Committee for consideration, along with an amended version of the SPG document for adoption.

2.0 Background and Policy Context

- 2.1 At the national level, Planning Policy Wales (Edition 9, Nov 2016) and Technical Advice Note 12: Design (2016) advocate the development of high quality design and development.
- 2.2 The design policies of the Unitary Development Plan (2008) comply with this national guidance, with policies such as EV1 setting out general design criteria for new development and Policy EV2 ensuring that development proposals are appropriately sited and located. Policy HC7 specifically addresses the impact of residential extensions and alterations on the existing surrounding context whilst a number of other UDP policies address the quality of design in particular circumstances which can affect proposals for shop fronts and commercial frontages including:
- Policy EV7 – Extensions/Alterations to Listed Buildings
 - Policy EV9 – Conservation Areas
 - Policy EV9 – Demolition of Unlisted Buildings in Conservation Areas
- 2.3 Under nationally set legislation, residential dwellings benefit from rights which allow certain minor changes to houses to be considered deemed consent and thus not requiring planning permission. These rights are known as Permitted Development (PD) Rights and were updated in April 2014 by way of the Welsh Government Technical Guidance document entitled “Permitted development for householders (version 2)”. This necessitated the need to update the Swansea Householder Design Guide SPG to incorporate these changes.
- 2.4 In addition to the varying planning policy contexts that can affect householder development proposals, consideration must also be given to the architectural context of the locality as well the potential impacts on the amenity of neighbouring properties. Therefore, it is necessary to set out clear local guidance to highlight the correct approach for each context as well as to raise standards of design and wellbeing. This will formalise the design advice provided by the Council’s officers, and provide residents and developers with a clear understanding of what is expected of their proposals.
- 2.5 This design guide has a key role to play in raising standards of residential design and wellbeing across the whole of Swansea. Well-designed residential extensions and alterations create much more attractive neighbourhoods for those living within these areas, help to minimise the detrimental impact of new development on neighbours and allow residents to adapt their homes in response to changing circumstances whilst remaining within their communities.
- 2.6 In many cases good design need not cost more, but poor design can have long term negative consequences and social impacts. Good quality householder development is important to meet the wellbeing needs of residents as well as to provide attractive communities. Given the prevalence of such proposals which make up a large proportion of development proposals in Swansea, day to day development management decisions in relation to these householder developments are a key part of the physical regeneration process.

In 2016 approximately 700 valid planning applications were received for householder developments which fall outside of the scope of Permitted Development. The need for clear local guidance to help raise design standards is therefore especially important.

3.0 A DESIGN GUIDE FOR HOUSEHOLDER DEVELOPMENT SPG

3.1 The draft updated Householder Design Guide (attached as Appendix A) is aimed at improving the character and appearance of all householder developments as well as the wellbeing of residents and communities within the City and County of Swansea. It will be used to assess and negotiate the wide range of householder development proposals within the whole city and county area. Underpinning this updated SPG document are a number of key aims which include:

- Ensuring that householder proposals protect the amenity of existing neighbours and the wider community.
- Encouraging appropriate responses to extensions and alterations to existing dwellings which contribute to the history and/or aesthetic quality of the area.
- Ensuring proposals relate satisfactorily to the dwellinghouse and the wider street as a whole.

3.2 The changes to the document do not seek to fundamentally alter the existing content that was originally adopted in June 2008 but have been undertaken in order to update the document to be in line with current legislation and to improve the clarity and ease of use of this SPG. These changes therefore comprise of:

- Updating the document to reflect changes to the Permitted Development Rights for householder in Wales;
- Altering some of the previous Guidance note sections to improve the layout and usability of the document. These changes include:
 - Adding a new 'General Principles for All House Types' section;
 - Adding a new 'Annexes & Ancillary Accommodation' section;
 - Removing the 'Conservatories' section as these are assessed in the same manner as extensions;
 - Splitting the previous 'Bungalows, dormers and roof extensions' section into two separate sections entitled 'Extending your Bungalow' and 'Dormers & Roof Extensions'.
- Reformatting the layout and style of the whole document to be in line with the recent suite of adopted SPG documents (Residential Design Guide, Infill & Backland Development Design Guide, Shop Front & Commercial Frontages Design Guide).

3.3 The guide does not prescribe a particular architectural style, rather it stresses the importance of analysing the context to find the correct approach to the development and once this has been selected then further detailed design issues can be addressed. It would therefore be used to assess and negotiate the wide range of proposals in different character areas present within the city and county area.

3.4 The guide sets out a logical approach for undertaking householder works across the City and County of Swansea area. Starting with the local Planning Policy context and advice on preparing the design, it then goes on to set out 3 Core General Guidance Notes for considering the context of development:

- Note A – Understanding your House and Local Area
- Note B – Respecting the Context and Character of your House
- Note C – Protecting the Amenity of Neighbouring Properties

Following this, the guide goes onto set out 14 specific Design Guidance Notes for different types of Householder development:

- 1 – General Principles for All House Types
- 2 – Extending your Detached House
- 3 – Extending your Semi-detached House
- 4 – Extending your Terraced House
- 5 – Extending your Bungalow
- 6 – Annexes & Ancillary Accommodation
- 7 – Dormers & Roof Extensions
- 8 – Raised Decking, Balconies & Retaining Walls
- 9 – Domestic Garages & Outbuildings
- 10 – Access & Parking
- 11 – Boundary Treatments
- 12 – Trees & Other Vegetation
- 13 – Resource Efficiency
- 14 – Crime Prevention

3.5 The guide is therefore about more than just how new additions and changes look. It seeks to provide guidance for an integrated approach to the various considerations for householder works underpinned by sensitivity to the local context as well as neighbouring amenity.

4.0 Consultation

4.1 The SPG document will be made available in both English and Welsh and subject to a 6 week period of consultation, which is an integral part of the process towards adoption as SPG. The consultation will provide Councillors, members of the public, stakeholders and other interested parties the opportunity to contribute to the guidance. The aim is to ensure that there is a broad consensus of support for the objectives of the guidance.

4.2 The public and stakeholder consultation process will make use of a variety of consultation methods to raise awareness and maximise the involvement of the community, including: publication of press notice, articles/adverts in the local media, and targeted consultation of local planning agents and specific local organisations.

4.3 The consultation will be publicised via the Council's dedicated consultation email database of over 8000 contacts and web page where comment forms will be available for those who wish to comment. During the consultation period a free event for stakeholders such as agents, designers, developers, amenity societies etc. will be offered to explain the draft document and invite their feedback. All information will also be readily available at the Civic Centre and libraries throughout the County. Summary details and promotional materials will be provided in a bi-lingual format.

4.4 All comments received will be recorded, evaluated and incorporated into the draft document where considered appropriate. A summary of the consultation will be incorporated into the final SPG document once adopted and a full detailed schedule of representations will be made available on request.

5.0 Financial Implications

5.1 There are no financial implications arising from the publication of this SPG, as the cost of the public consultation process can be accommodated within existing budgets and staff resources. The consultation will, as far as possible, utilise electronic means of distributing the documents and seeking the engagement of interested parties.

5.2 The final adopted document will be made available electronically on the Council website, so there will be no printing costs.

6.0 Legal Implications

6.1 The 'A Design Guide for Householder Development' guidance document will provide supplementary planning guidance to the adopted City and County of Swansea Unitary Development Plan (2008) and will be a material consideration in evaluating future planning applications. This SPG has been produced in order to inform the provisions of the current UDP, however given the emerging status of the LDP it also aligns with the principles established within this forthcoming Local Plan.

6.2 The Council has a duty to seek to continually improve in the exercise of its functions (which include where appropriate powers) in terms of strategic effectiveness, service quality and availability, sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009.

7.0 Equality & Engagement Implications

7.1 Section 4 of this report outlines equalities considerations in respect of consultation activity. Summary material will be available in Welsh. An Equality Impact Assessment (EIA) screening has been carried out and this indicates that a full EIA is not necessary.

Background Papers:

None

Appendices:

Appendix A – Draft A Design Guide For Householder Development Guide



A DESIGN GUIDE FOR HOUSEHOLDER DEVELOPMENT



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Status of this design guide

This design guide relates to extensions and alterations of existing domestic properties throughout the City and County of Swansea.

This design guide updates the 2008 version and was subject to a 6 week public and stakeholder and subject to a six week public and stakeholder consultation exercise as set out in appendix 1. It was adopted as Council policy on the **[ADOPTION DATE TO BE ADDED]** and will be used as supporting guidance to development plan policies in the determination of planning applications submitted to the Authority. The current plan is the Unitary Development Plan (UDP) and this design guide will be used as supporting guidance to the policies listed below:

- **EV1: Design**
- **EV2: Siting**
- **HC7: Residential Extensions and Alterations**

It is anticipated that the document will also be adopted by the Council as formal Supplementary Planning Guidance to the following policies in the City and County of Swansea Local Development Plan (LDP), once this has been adopted:

- **PS 2: PLACEMAKING AND PLACE MANAGEMENT**
- **H 8: ANCILLARY RESIDENTIAL ACCOMMODATION**

Other policies may also be relevant to some developments, and it is therefore important that this design guide should be read in conjunction with all the relevant policies of the Development Plan.

Please note that all dimensions stated or indicated in this design guide are measured externally.

Introduction

WHO IS THE DESIGN GUIDE FOR?

I. The design guide has been written for householders considering an extension or alteration to their house or garden, where the work involved will require planning permission (although it is also relevant to works that do not require planning permission). It relates to all parts of the City and County of Swansea – city, suburbs, towns, villages and rural areas. The design guide outlines what design issues need to be considered and also sets out what information is required when submitting a planning application. The principal aim of this design guide is to improve design quality. The design guide will help avoid unnecessary delays when seeking planning permission and provide more objectivity, certainty and consistency in decision making.

THE IMPORTANCE OF GOOD DESIGN

II. Good design is important for householder development throughout the whole City and County of Swansea area, including dense urban areas, suburban neighbourhoods and small rural communities. The case for good design is supported by existing Development Plan policy and the emerging Unitary Development Plan all of which reflect National Planning Policy Guidance and Advice.

III. The key aim of this document is to allow householders to remain within their communities and to adapt their homes to meet changing needs over time in a manner which respects the character of the local neighbourhood as well as protects the rights and wellbeing of neighbours.



Urban Terraces



Suburban Villas



Rural Cottages

How to Use this Design Guide

IV. The main part of the guide explains the design issues the Council wants you to consider when preparing your householder planning application. When using the design guide you should first read the General Guidance Notes, paying particular attention to Guidance Note C which offers advice on protecting the residential amenity of neighbouring properties. You should

then read through the design guidance notes that are relevant to your proposed extension or alteration.

V. This design guide sets minimum requirements where appropriate and outlines the design issues which need to be considered on a case by case basis.

Start from the current Local Planning Policy Context

(Currently the Swansea Unitary Development Plan (UDP)—to be replaced with the LDP once adopted)



Preparing your Design

Guidance relating to:

- Planning permission
- Pre-application advice
- Seeking professional design advice
- Speaking to your neighbours
- Submitting a valid planning application



3 Core General Guidance Notes to be read by Everyone

NOTE A — Understanding your House and Local Area

NOTE B — Respecting the Context and Character of your House

NOTE C — Protecting the Amenity of Neighbouring Properties



Select Relevant Design Guidance Notes

- | | |
|---|-----------------------------------|
| 1—General Principles for All House Types | 9—Domestic Garages & Outbuildings |
| 2—Extending your Detached House | 10—Access & Parking |
| 3—Extending your Semi-detached House | 11—Boundary Treatments |
| 4—Extending your Terraced House | 12—Trees & Other Vegetation |
| 5—Extending your Bungalow | 13—Resource Efficiency |
| 6—Annexes & Ancillary Accommodation | 14—Crime Prevention |
| 7—Dormers & Roof Extensions | |
| 8—Raised Decking, Balconies & Retaining Walls | |

Preparing your Design

STEP 1:

SPEAK TO THE COUNCIL

PRE-APPLICATION ADVICE

VI. The guidance provided by this document should enable you and your professional advisors to prepare the submission of an application for planning permission. However it is advised that you seek pre-application advice from the Planning Department in order to get advice and guidance on the acceptability of your proposals prior to submitting a full planning application. Unacceptable proposals which have not been through pre-application are likely to be refused without negotiation.

VII. There is charge for pre-application advice however this is less than for a full planning application and will help you to determine what changes need to be made to make your application successful. As a part of this you will be expected to provide some information including at least some sketch proposals for consideration to ensure your time and their time is effectively and efficiently used.

PLANNING PERMISSION

VIII. The Council's Development Management Section will be able to advise you on whether you need planning permission or other special permissions for your proposed alteration or extension. For a general overview of the typical works to houses please see the Planning Portal website which gives information on a range of proposals to alter or extend your house— (www.planningportal.co.uk/wales_en/info/2/do_you_need_permission)

IX. Many minor categories of householder development for alterations, extensions or new outbuildings do not require planning permission because of Permitted Development (PD) Rights allowed under national planning legislation but you are encouraged to apply the same design principles to these schemes. More

restrictive Permitted Development Rights apply in Conservation Areas and the Gower Area of Outstanding Natural Beauty (AONB) and in some cases these have been removed by a planning condition on a previous planning permission or by an Article 4 Direction. Importantly, flats do not enjoy any residential permitted development rights. In order to avoid the possibility of enforcement action you are advised to check with the Planning Department in every case.

X. More particularly if the proposed works affect a tree, or will result in the removal of a tree with a Tree Preservation Order (TPO) or located within a conservation area you will need to indicate this clearly on your plans. Works to or the removal of a protected tree can usually be assessed as part of a planning application and in most cases will not require a separate consent.

XI. **Building Regulations Approval:** In addition to obtaining planning permission you will also need to apply for Building Regulations Approval. The Council's Building Control department will check whether the proposed works comply with the necessary building regulations. It is therefore recommended that you apply for planning permission and Building Regulations Approval simultaneously so that any required changes can be made to your planning application. Building Inspector recommendations (e.g. demolition) should be checked with the Development Management Section – especially on Listed Buildings or in Conservation Areas.

XII. **Protected Species:** Dwellings may hold roosts of bats which are protected by law. Natural Resources Wales (NRW) must be notified of any proposed action which is likely to disturb bats or their roosts. If you think your property is being used as a bat roost, then you should contact NRW for advice on how best to proceed. Contacts are given at the end of this document. Please note that birds are protected whilst they are nesting (1st March to 31st September) and should not be disturbed during this period. Badgers are also a statutory protected species. The Nature Conservation section of the Planning Department advise on all protected species matters.

Preparing your Design

XIII. WARNING

If you carry out any work including building an extension or making alterations that need planning permission or another form of consent without first obtaining the necessary permissions, you may be subject to Enforcement Action and prosecutions in the Courts. As a result you may have to put things right later at considerable inconvenience and cost to yourself. The Contact List attached to this guide provides a comprehensive list of how to contact the right person to answer your specific query.

WHAT OTHER PERMISSIONS MIGHT BE REQUIRED?

In addition to planning permission, you may also require other special permissions or consents:

XIV. Listed Building Consent: If your property has a special historic or architectural character it may be a listed building. This means that before undertaking any works you will need to get Listed Building Consent from the Council for most alterations and other works that affect the character of the listed building both externally and internally. These applications must be accompanied by a Heritage Impact Assessment (HIA).

XV. Conservation Area Consent: There are less PD Rights if your property is within a conservation area (Article 1(5) Land). Also if you are considering partial or total demolition of your house or boundary walls, then you may require Conservation Area Consent. In cases where demolition is proposed, a planning application will also need to be submitted illustrating what will replace the existing property. All development within Conservation Areas is required to preserve or enhance the character and appearance of that area. These applications must be accompanied by a Heritage Impact Assessment (HIA).

XVI. Area of Outstanding Natural Beauty: The Gower peninsula was the UK's first designated Area of Outstanding Natural Beauty (AONB), recognised for the quality and variety of landscapes and associated scenery. The high quality of the AONB's coastal landscapes and sea

views contribute to the seascape, and its varied heathland commons provide superb views across the surrounding farmland and coastline. Whilst no additional permission is required, proposals to extend or alter houses and all other forms of householder development within the AONB must demonstrate how they would conserve or enhance the natural beauty of the designated area. Applications in the AONB area should also follow the guidance set out in the Gower AONB Design Guide SPG.

XVII. Protected Trees: Some trees which are important to the local amenity of an area are protected by Tree Preservation Orders (TPO) set by the Council. If a tree covered by a TPO is on or adjacent to your property then it will need to be accurately plotted on the site plan submitted with your planning application. Unauthorised works to TPO trees is a criminal offence.

STEP 2:

SEEK PROFESSIONAL DESIGN ADVICE

XVIII. Finding professional advice: The Royal Society of Architects Wales (RSAW) provide guidance on selecting and appointing an architect. In addition the Royal Town Planning Institute, (RTPI), the Royal institute of Chartered Surveyors (RICS) and the Chartered Institute of Architectural Technologists (CIAT) can provide advice.

IXX. Preparing a brief for your designer: It is in your interest to clearly specify to your designer what you want your design to provide and what drawings are required to accompany your planning application. This is called a brief and is best provided in writing and can also include how much you want to pay for the plans. An important part of your brief however should be for your designer to follow the recommendations of this guide. It may be necessary for you to reassess what you want to do if it does not follow this guidance as there is a finite limit as to how large or radical an extension or alteration can be to any house.

Preparing your Design

STEP 3:

SPEAK TO YOUR NEIGHBOURS

XX. You are strongly advised to speak with your neighbours to explain your proposals before completing your plans. It is a good idea to put yourselves in their position when considering the impact of your proposal on them. If your proposals affect a party wall you will need to comply with the provisions of the 1996 Party Wall Act. You are advised to speak to the council's Building Control Section if you are unsure whether this applies to you. Alternatively an explanatory booklet is available to download from the online Building Control section at www.swansea.gov.uk. See the end of this design guide for further contact details.

XXI. After you make a planning application the Council will publicise your application and consult with your closest neighbours. If your neighbour or other third parties object in writing to the Council, it may delay your planning application. If objections received on your proposal raise valid planning issues, the Council may ask you to amend your planning application. Notwithstanding this, even if your neighbour does not object to your proposal, if it is considered unacceptable on design grounds your application can still be refused.

STEP 4:

FOLLOW THE DESIGN GUIDANCE AND SUBMIT A VALID PLANNING APPLICATION

XXII. The Council provides detailed guidance notes with your planning application forms setting out what plans, drawings and other supporting information is required to be submitted with your planning application. This guidance is also set out on page 40 of this design guide. Failure to submit this will significantly slow down the progress of your planning application and could result in it being returned to you without being registered.

XXIII. You should follow the guidance set out in this guide to help you achieve a good design for your proposal. Whilst every planning application will be considered on its individual merits the Council will carefully assess your application against this guidance and if it does not follow it, it may be refused planning permission.

Understanding your House and Local Area

A.1 One of the principal objectives of the planning system is to safeguard the existing qualities of the environment, buildings and streets. When first considering making an application to extend or alter your property, you should assess your house and garden and the contribution they make to the surrounding area or street. It is important that any additions or alterations are sensitively designed to fit in with the characteristics of both your house and the wider street scene. The considerations below outline what you need to take account of when preparing your planning application.

CONSIDER THE CHARACTER OF YOUR EXISTING HOUSE AND PLOT

A.2 When first considering making a householder planning application you should analyse the character of your house and how it relates to its plot. It is important that extensions are sensitively designed to fit in with the inherent characteristics of your property. This will be the product of a number of features, some quite obvious, others more detailed. The key considerations are:

What type of house do you have? – is it terraced, semi-detached, or detached – is it two or three storeys or is it a bungalow?

Is your house of a particular architectural period?

For example is it a 19th century cottage, a 1930s semi-detached house or 1970s dormer bungalow? In every case you should consider to what extent your house has retained its original character?

What is the shape of the roof?– is it hipped, pitched, mono-pitched or flat? Does it have any existing dormer windows or extensions?

Does your house have any distinctive features? – dormer windows, chimneys, bay windows, gables, and/or decorative features?

What is the arrangement of windows and doors?

– are they of a vertical proportion with traditional sash windows, or are they of a more modern horizontal proportion?

What materials have been used? – local materials, brick, stone, slate – are the windows and doors timber or uPVC – what is the roof covering?

What are the car parking and access arrangements serving your house? - what is the general parking situation in the immediate vicinity and wider area?

CONSIDER THE SITING AND DESIGN OF NEIGHBOURING PROPERTIES - AVOIDING THE 'THREE O'S'

A.3 In addition to the design and layout of your own property, you should also take into account key characteristics of the immediate neighbouring properties. If you are proposing an extension or a new outbuilding or other form of householder development, consider its size, position, design, scale and massing in order to avoid **overlooking**, **over-shadowing** or having an **over-bearing** impact on any neighbouring property. These three O's can be avoided by:

- Observing the distance between your proposed development and neighbouring properties, in particular private garden areas and windows.
- Considering any differences in ground level – if your property is at a higher level than a neighbouring property, extra care will be needed.
- Considering the orientation of the proposed development in relation to the sun path and the impact this will have on the direct natural sunlight enjoyed by your neighbours.

A

Understanding your House and Local Area

CONSIDER THE CHARACTER OF THE STREET AND SURROUNDING AREA

A.4 You should consider the degree of variety or consistency in character – if properties in your street or area have a strong and consistent character, there may be a particular height, building form or certain design features that will need to be respected and incorporated into your development. Conversely if there is wide variety in building design present in the street or area around your property, there may be scope for a more site specific response. However you should always seek to avoid an over-dominant form of householder development.

A.5 Please be aware that just because a neighbour has a larger extension, it does not necessarily follow that you should be allowed the same. Each application will be determined on its merits with reference to the design guidance and policy framework relevant at the time.

A.6 The key considerations are:

Respect the 'Building Line' – ensure your development respects the line created by other houses/building frontages in the street.

Recognise the height of surrounding buildings – the height of other buildings is likely to limit the height of an extension to your property.

Note the spaces between buildings – spaces between buildings are as important as the buildings themselves in creating the street scene. There is usually a consistent gap between buildings on streets where semi-detached houses predominate. Your householder development should not compromise the gap if this is a strong and distinctive feature of your street.

Have regard for frontage boundary treatments – where they exist frontage boundary treatments help to distinguish between public and private areas and can present an important and unifying design feature within the streetscene.

Respect mature trees, hedges and other planting – existing natural vegetation can contribute significantly to the setting of a house and attractiveness of the streetscene.

Consider what makes your home and the street feel safe – think about what qualities of your home and street make you, other residents and pedestrians feel safe and how this can be preserved or enhanced.



Strong and Consistent Character:
Hafod Renewal Area

- Consistent character
- Repetitive building form
- Strong building line



Irregular and Loose Character:
Coleridge Crescent

- Staggered Building Line
- Variety of house types
- Different materials

Respecting the Context and Character of your House

B.1 As a general rule the architectural design of your extension should draw upon and respond to the character and scale of the original house, with similar roof details, windows, doors and external materials. You should take care to ensure that your development does not contribute to the suburbanisation of villages and the countryside.



Contemporary extension to a thatched cottage, Oxwich (Winner of several 2006 Design Awards)

CONSIDERING A CONTEMPORARY DESIGN APPROACH

B.2 There is support within planning policy and guidance for innovative and contemporary design when it is sensitive to its location and setting. The other usual considerations will apply but, you will also need to demonstrate a contextual design approach that uses the character, setting and location of the existing house to inspire a more contemporary response. The quality of materials is of paramount importance with a contemporary design approach. Proposals for contemporary design approaches will need to be fully justified against the local context and should be explained in a supporting design statement.

B.3 A contemporary approach will often provide significant opportunities to incorporate sustainable design features to reduce the carbon footprint of the property. It is strongly recommended that you carefully select your architect if you wish to adopt this approach.

KEY DESIGN PRINCIPLES

EXTENDING TO THE FRONT OF YOUR PROPERTY

B.4 Other than porches, extensions to the front of your house are not likely to be acceptable and should generally be avoided since they are highly prominent, often break the building line, compromise the relationship between the house and the street and seriously compromise the original character of the property. This is particularly true for terraced or semi-detached properties but can also apply to detached houses.

B.5 When designing a porch it is important, like any other extension, that it should reflect the character of the house. The porch should be in proportion to the scale of the house and should avoid being over-dominant.

USING THE RIGHT MATERIALS

B.6 As a general rule you should use external materials that harmonise with the existing property and the surrounding area. This is particularly important for front and side extensions as these are normally more visible from the street. In most circumstances this means matching the materials to those already used on your house.



Materials should generally harmonise with the existing property and complement the character of the street

B

Respecting the Context and Character of your House



The use of inappropriate materials in this row of traditional terraces undermines the whole street

B.7 Although it may not always be possible to find exact matching materials and features, particularly for older houses, your proposals will be expected to use materials that complement the colours, tones and textures of your house.

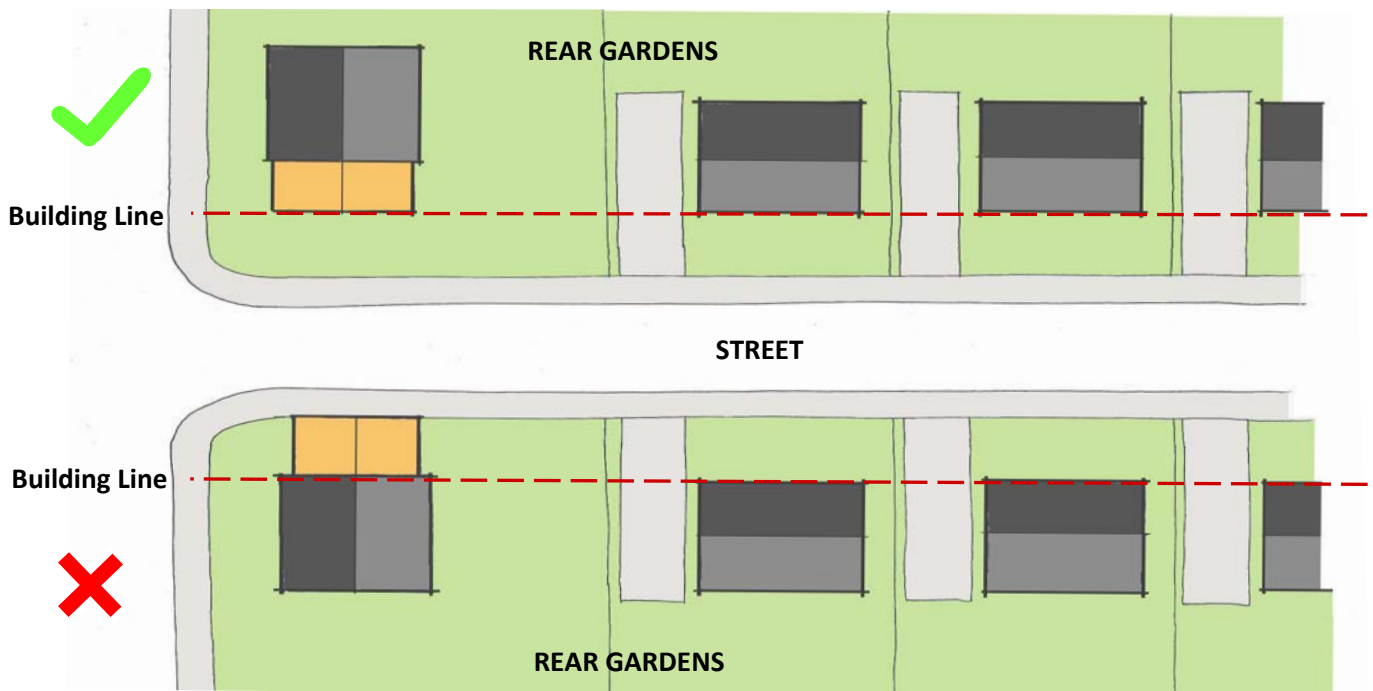
B.8 The use of second hand materials is encouraged to help find an acceptable match as long as they are in sound condition and fit for purpose.

CORNER PLOTS

B.9 If your house is situated on a corner plot, extensions and alterations will tend to be visible from a number of public vantage points particularly the adjacent streets. The need to address the frontage on both streets must therefore be recognised and you will need to consider the following guidelines:

B.10 Extending a house on a corner plot will impact upon two building lines. These building lines will normally need to be preserved. As a consequence the building line of the house in the adjoining street could limit the width of your extension. The design and appearance of the house on the opposite corner will also be important particularly if together the properties create a sense of entry into the street.

B.11 Given the prominence of a corner plot, you should avoid designing an extension with a large blank wall fronting directly onto the street which would have an overbearing effect on the street scene and reduce natural surveillance.



An extension on a corner plot should not extend beyond the building line in the adjoining street

Respecting the Context and Character of your House

B.12 There may be exceptional cases where a corner building or extension may break the building line in order to perform a townscape function such as in order to adequately address its corner location with two public facing elevations or to provide a feature building at a key junction.

WINDOWS AND DOORS

B.13 The design and arrangement of new windows and doors should respect the character and appearance of the original house. This can be achieved by following these general principles:

- New windows and doors should be of a similar size, shape, design, proportion and materials to the original house.
- They should also reflect the pattern and arrangement of the windows of the house.
- The recessing of the windows should match the existing windows.
- Introducing new types of window in the extension should be avoided.
- The existing front entrance to the house should be kept in its original location.
- Larger areas of glazing should be kept to the rear elevation of your house.

DETAILED DESIGN

B.14 It is important that not only the colours and tones of the materials harmonise but also that the details are appropriate. The following should be taken into account:

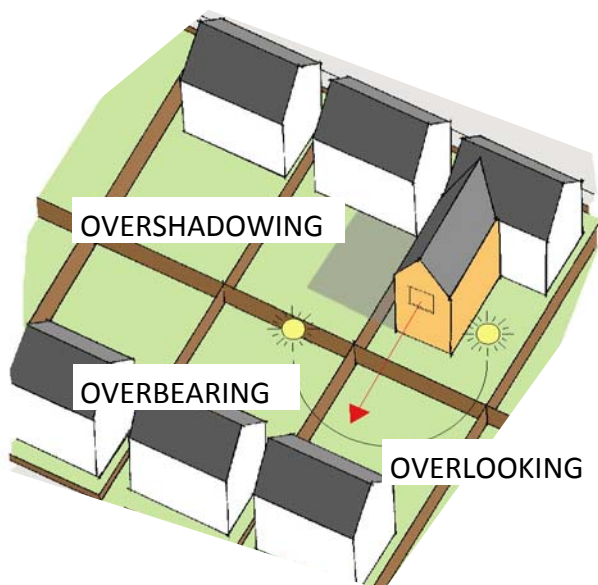
- The head and cill details to openings are usually easy to replicate and are a very effective way of integrating the old with the new.
- Look at the verge, eaves and ridge of your roof and aim to detail the extension in the same way. These elements are particularly important in achieving a sense of continuity.
- Large format tiles can appear to be clumsy and out of scale on single-storey extensions and porches. Some manufacturers produce 'baby' ridge tiles for use in such circumstances.
- Having carefully chosen bricks or stone which match the original house, it especially important to try to match the bonding of the original brickwork/stonework and mortar type and joints.
- Consider the use of traditionally detailed timber wooden windows in older houses.



Windows should match the scale and proportion of the existing windows in your property

Protecting the Amenity of Neighbouring Properties

C.1 Extensions of all types must not unacceptably detract from the quality of life (usually called 'residential amenity') of the occupants of neighbouring houses and gardens. This is an important consideration for the Council when determining a planning application for householder development. This section outlines key principles that apply to proposals for all house types and should be considered by all proposing an extension to their house.



This extension would overlook and overshadow adjacent properties and would be overbearing to the adjoining rear gardens—this is not acceptable

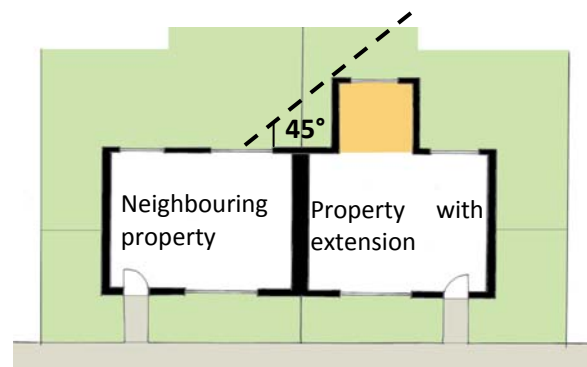
KEY DESIGN PRINCIPLES

AVOID OVERBEARING, OVERSHADOWING AND OVERLOOKING — The 3 O's

C.2 **Avoid overbearing impact:** As a general rule, a two-storey extension should not be positioned very close to the boundary adjacent to the garden of a neighbour's property such that it would unacceptably encroach upon the sense of openness and outlook from both their house and garden. Single storey extensions on sloping sites can have similar effects.

C.3 **Avoid overshadowing impact:** It is important that an extension does not reduce sunlight and daylight to an unacceptable level in neighbouring houses, it is also important not to cast large shadows over neighbouring houses or gardens. The degree of sunlight and daylight lost and shadow cast will depend on the position of your extension relative to the sun and the height and length of it in relation to neighbouring properties.

C.4 A guideline to assess the degree of sunlight and daylight lost and shadow cast, the **45 degree test** is used. This relates to a line taken at 45 degrees on plan from the centre of the nearest habitable room windows in an adjoining property. If your proposed extension breaches the 45 degree line, then it could potentially result in a loss of daylight / sunlight to the neighbouring house. Non compliance with the 45 degree test will not necessarily result in refusal of planning permission, provided that appropriate analysis of the impact on the affected properties can demonstrate that the loss of sunlight and daylight is within acceptable parameters.

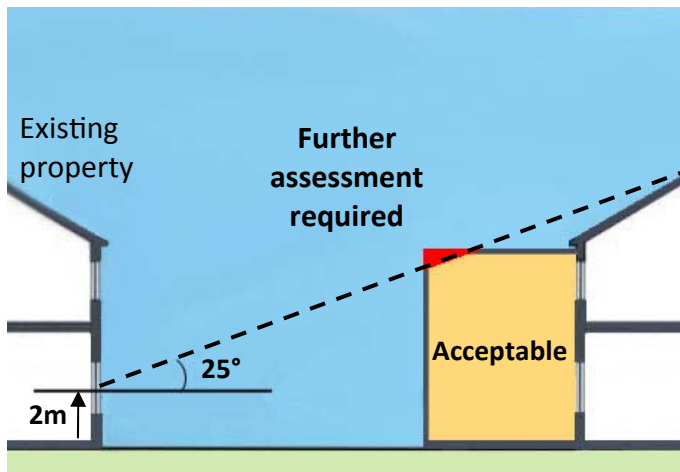


The 45 degree test helps assess potential overshadowing

C.5 In some instances it may also be necessary to test the height of your proposed extension against the **25 degree test**. This is a line taken at 25 degrees from the horizontal at a point 2m up from the floor at the centre of the nearest habitable room in an adjoining property. If the whole of the proposed development falls beneath a line drawn at 25° from the horizontal, then there is unlikely to be a substantial effect on daylight and sunlight. If the proposed development goes

Protecting the Amenity of Neighbouring Properties

above the 25° line, it does not automatically follow that daylight and sunlight levels will be below standard. However, it does mean that further checks will be required to assess the levels of daylight and sunlight.

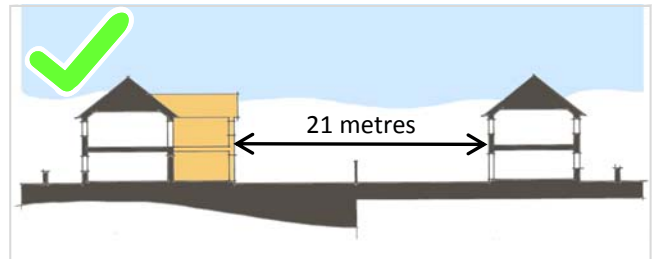


The 25 degree test for overshadowing

C.6 Avoid overlooking impact: Extensions should not overlook neighbouring houses or their private gardens. If habitable rooms such as bedrooms, living rooms and kitchens are proposed on the first floor or above, great care should be taken to avoid direct overlooking from windows and balconies, particularly where the extension is close to the boundary. Some degree of mutual overlooking is common in higher density development and the stage at which this becomes unacceptable will depend upon individual circumstances. However the following guidelines are considered to represent the minimum distances generally acceptable to prevent an unacceptable degree of overlooking. They also apply to avoid an unacceptable overshadowing or overbearing impact.

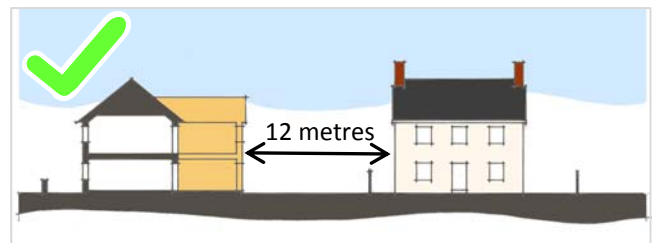
C.7 Where a proposed window for a lounge, dining room, bedroom or kitchen (habitable rooms) will directly face a similar window in a neighbouring property the distance between them should be at least 21m in a 'back-to-back' situation. A reduced distance may be acceptable where there are no habitable rooms at first floor or above, or the rear elevations of the properties do not directly face one another or are at angle to one another.

SEPARATION DISTANCES FOR TWO STOREY EXTENSIONS



A distance of 21m is required between the windows of two habitable rooms in a 'back-to-back' situation

C.8 To avoid an unacceptable impact on habitable rooms and gardens a 12m minimum distance should be maintained between a proposed extension and the side wall of any neighbouring dwelling. This 'back-to-side' distance must be achieved even if the proposed extension faces a wall with no windows in order to avoid any overbearing impact upon your neighbours.

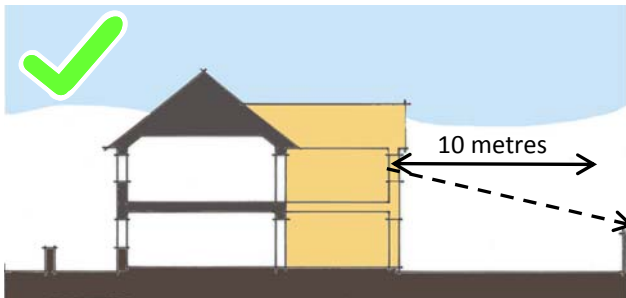


A distance of 12m is required between an extension and a wall with no windows

C

Protecting the Amenity of Neighbouring Properties

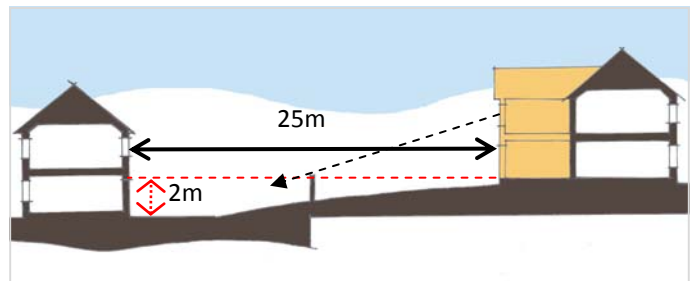
C.9 In addition to protecting the residential amenity of neighbouring properties the local planning authority will also consider the impact an extension has on a neighbour's private garden. Unacceptable direct overlooking into a neighbour's garden can be avoided by ensuring a separation distance of at least 10m exists between a window to a first floor habitable room and the rear or side garden boundary between two properties. Oblique overlooking of neighbouring gardens can be reduced by the careful positioning of windows and the retention of an adequate gap to the side boundaries. Existing screen hedging and planting can further reduce the potential for overlooking. Permanent obscure glazing to rooms which are not classed as 'habitable' can also help address this.



A distance of 10m is required between a rear extension and a rear garden boundary

C.10 If the application property is at a higher level, then the minimum separation distances will need to be increased to allow for potential increased overlooking. To work out the minimum distances, 2m should be added to the minimum distances (between windows and to garden boundaries as indicated in the preceding paragraphs) for every 1m difference in height.

C.11 A reduced distance may be acceptable where the landform between the dwellings and boundary treatments provide acceptable screening.



Where there is a change in levels, the separation distance between an extension and an opposing window may need to be increased to maintain adequate levels of privacy

C.12 If it is proposed to add an extra storey to a two storey building, then an increased minimum distance is required to allow for potential increased overlooking. To work out the minimum distances in this situation, 5m should be added to the minimum distances (between windows and to garden boundaries) indicated in paragraphs C.5 to C.7 for every additional floor proposed.

General Principles for All House Types

1.1 There are a number of key principles to consider when designing an extension to any type of house. These are summarised below and should form that starting point for your proposals. There are also a number of specific considerations which will depend whether your house is detached, semi-detached, terraced or a bungalow and these are set out in the sections following this one.

KEY DESIGN PRINCIPLES FOR ALL HOUSE TYPES

- One of the key principles to consider when designing an extension to a house is that it should not dominate the original house in terms of its size, position and design. In general this can be more easily achieved by positioning extensions to the rear of the property.
- If the extension cannot be located to the rear then setting the extension back from the principal elevation can help to make the extension more subservient and retain the character of the original house.
- Similarly setting down the ridgeline of the extension below the main ridgeline of the existing house will also help to make the extension subservient and maintain the character of the original house.
- The amount of setting back the extension and setting down to the proposed ridgeline will depend on the character of the dwelling, but generally 0.5m will be the minimum in both cases.
- Side extensions should not upset the form and balance of the original front elevation. This is particularly important on more traditional houses. As a guide the extension should be no greater than one-half the frontage width of the original house.
- Side extensions should be set at least 1m off any boundary.
- It is important that the principal elevation remains intact and is respected. Repositioning the main entrance should be avoided.
- The general shape of the roof should be repeated in the roof design of the extension. For example if your existing house has a pitched or hipped roof, then the extension should be designed with a similar pitched or hipped roof.
- The roof of the extension should usually be constructed at the same pitch as the existing roof.
- Asymmetrical roofs generally appear contrived and like flat roofs will generally not be considered acceptable on traditional houses.
- However in exceptional cases, where the existing property has little or no architectural or design merit, a more contemporary and innovative approach can be adopted. It will be important in these cases to ensure the development is of the highest quality and remains in keeping with the streetscene and surrounding area in terms of its overall design.
- Proposals for conservatories, sun rooms, orangeries etc. constitute an extension and will be assessed in the same manner.
- Habitable rooms in both the existing dwelling and proposed within any extension must have some outlook from windows. An approach utilising Velux windows and/or obscured glazed windows only for habitable rooms will not be considered acceptable.

2

Extending your Detached House

2.1 Detached houses, particularly older properties are usually built on larger plots and often have more potential for alteration and extension; however this does not mean that less attention should be given to the quality of the design or that an over large extension is acceptable. One of the key principles to consider when designing an extension to a detached house is that it should not dominate the original house in terms of its size, position and design. In general this can be more easily achieved by positioning extensions to the rear of the property. In general side extensions should not upset the form and balance of the original front elevation. This is particularly important on more traditional houses.



Extending a detached dwelling can help to create a more balanced, well proportioned property

KEY DESIGN PRINCIPLES

TWO STOREY SIDE EXTENSIONS TO DETACHED HOUSES

2.2 A side extension should not dominate or upset the proportions of your house and the most straightforward way to ensure this is to limit the size of the extension relative to the original house. Depending upon the design of the original house and shape of the roof there are several ways this could be achieved: setting back the extension from the front of the house; dropping its roof height below that of the original house; limiting the width of the extension relative to the frontage width of the

original house; and avoiding the use of strong architectural features that might compete with the original house.



A subordinate extension that respects the proportions and scale of the original house

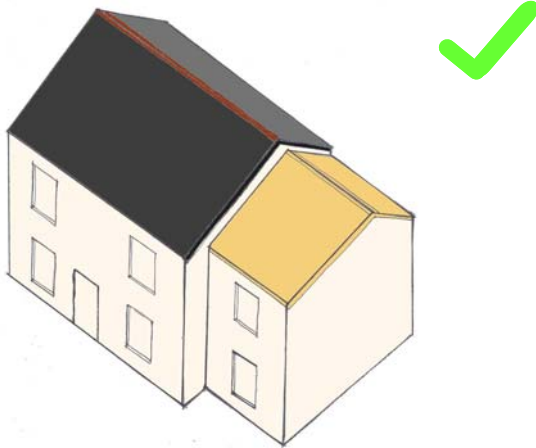


A poorly designed side extension that competes with the scale and form of the original house

2.3 The depth of the extension itself should also be subordinate to the main body of the original house.

Extending your Detached House

2.4 The general shape of the roof should be repeated in the roof design of the extension. For example if your existing house has a pitched or hipped roof, then the extension should be designed with a similar pitched or hipped roof. The roof of the extension should usually be constructed at the same pitch as the existing roof. The width and proportion of gables should be no greater than that on the existing house and will usually be smaller.



Pitched roof to original house mirrored in extension

2.5 An extension to the side of your house should not detract from the relationship between the house and the space between the houses. Where possible, the extension should leave a reasonable space around the house and an adequate area of garden. It is important that any proposed extension does not result in the overdevelopment of a property and how it sits within its garden plot. It is important to maintain adequate space between an extension and the common boundary between you and your neighbours to ensure that the overall character of the street or area and the relationship between the buildings is maintained.

2.6 To avoid the 'terracing effect', where detached houses encroach upon each other until the sense of visual separation between houses is lost, a minimum distance of 1m should be retained between the eaves of any extension and the adjoining side boundary. This will also allow for convenient access around the building for maintenance, although sometimes this will need

to be greater. Much will depend on the overall character of the area in determining when overdevelopment is going to occur.

TWO STOREY REAR EXTENSIONS TO DETACHED HOUSES

2.7 Whilst an extension to the rear of a detached house will often be less visible than a side extension it is still important that the extension is well designed and subordinate in scale. In cases where a rear extension will be clearly visible to the public, the design approach will need to be as robust as if it were on the side of the property.



CONTEMPORARY EXTENSION PHOTO TO BE ADDED

Extending your Semi-detached House

3.1 The unique characteristic of a semi-detached house is the relationship between the pair of adjoining properties. Semi-detached houses have a symmetrical quality, often mirroring the same roof design, materials and arrangement of window and door openings. An extension to a semi-detached house will need to respect this symmetrical quality and you should pay particular attention to how the extension will affect the relationship between the pair of semi-detached properties.



Semi-detached properties often have a very strong symmetrical relationship which should be retained

KEY DESIGN PRINCIPLES

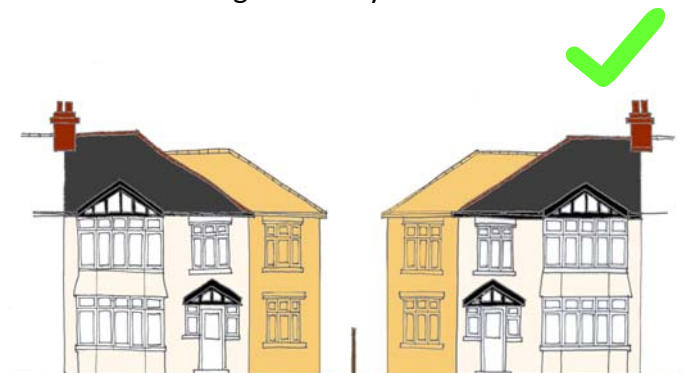
TWO STOREY SIDE EXTENSIONS TO SEMI-DETACHED HOUSES

3.2 If you are extending a semi-detached house it is particularly important to avoid creating a 'terracing effect' by closing the gap between adjoining pairs of semi-detached properties. If these gaps are incrementally closed, eventually the character of the street will be eroded as the balance between the houses and the space between them is altered so that a more built up character is created. This would usually be at odds with the design and architecture of the houses and the overall character of the streetscene.



A pair of over scaled extensions that result in the terracing effect

3.3 Where there is a consistent and continuous relationship between the dwellings and the spaces between these dwellings, the planning authority will seek to retain a minimum distance of 1m between the common boundary and the eaves of the extension. This will reduce the physical impact on the neighbouring property and will avoid the situation where adjacent roofs meet or nearly meet in an incongruous way.



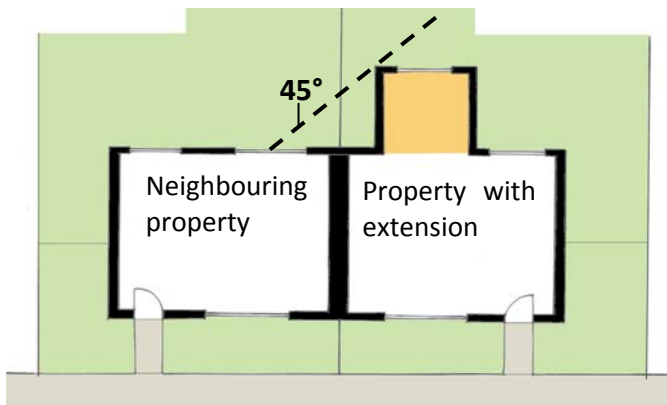
Well proportioned side extensions that retains a 1m gap

TWO STOREY REAR EXTENSIONS TO SEMI-DETACHED HOUSES

3.4 Sometimes in a semi-detached situation neighbours can combine rear extensions. This can provide mutual benefits such as avoiding overshadowing a neighbour's garden or building an overbearing extension. If you wish to pursue this option a single application should be submitted for the combined extension in order to avoid unacceptable overshadowing or overbearing two-storey rear extensions.

Extending your Semi-detached House

3.5 All two storey rear extensions will need to be assessed against the '45 degree Rule' (see section C). To comply with this guideline an extension to the rear of a property should keep within a line taken at 45 degrees from the centre of the nearest window of any habitable room, including kitchens, in an adjoining property.



The 45 degree rule helps prevent overshadowing

SINGLE STOREY EXTENSIONS TO SEMI-DETACHED HOUSES

3.6 In the case of a single storey extension at the rear, an extension should not exceed 4m in length externally, where the extension is built on a shared boundary. This allows for construction of a reasonable sized extension without unacceptably impacting on the amenity of the neighbouring property. Where a single storey extension is constructed away from a shared boundary, there may be scope for a deeper extension subject to meeting all other principles regarding design and residential amenity.

3.7 The extension should be subordinate to the original house in terms of its proportions and its roof design. The arrangement and proportion of openings and the use of materials should all harmonise with the main house.

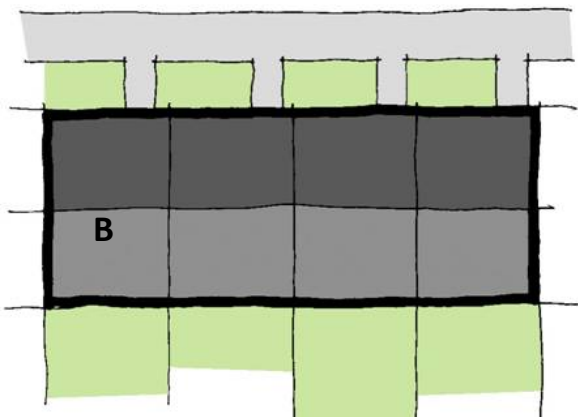
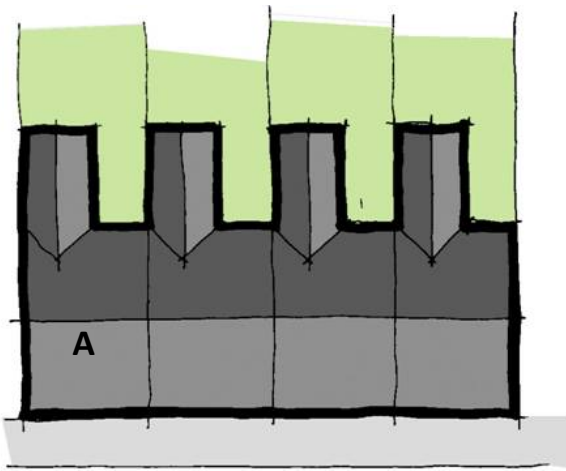


This single storey extension successfully incorporates the materials, roof pitch and proportion of windows of the original house

CONTEMPORARY EXTENSION PHOTO ALSO TO BE ADDED

Extending your Terraced House

4.1 Terraced housing can be in the form of a traditional terraced property or more modern terraced house, the latter of which is generally smaller, has a different internal layout and no rear wing. Whilst there are many common aspects to consider when preparing proposals to extend or alter these house types, there are good design principles that apply to each house type. This part of the guide describes these principles.



Plan of traditional terraces (A) with projecting rear wings and modern terraces with 'flat back' (B)

KEY DESIGN PRINCIPLES

REAR EXTENSIONS TO TRADITIONAL TERRACED PROPERTIES



Traditional terraced property

4.2a Extensions to the rear of traditional terraced dwellings are typically sensitive due to the close relationship of the houses to one another. Considerations to take into account include the original form/shape of the houses, the presence of other existing extensions and outbuildings, and the positioning of existing and proposed windows.

4.3a A 4m external depth is the starting point for planning applications of rear extensions. However there may be scope to extend further, typically up to 7.3m for single storey extensions. Proposals for extensions to terraced houses will be assessed on their individual merits taking into consideration the factors set out in paragraph 4.2 as well as being tested against both the 45 degree and 25 degree tests set out previously in this document.

OR

4.2b In general, extensions to the rear of traditional two-storey terraced dwellings should be no more than 7.3m in length from the main back wall for a single storey extension, and no more than 4m in length for a two storey extension. Where the neighbouring properties on both sides have already been extended beyond these distances, an extension may be allowed to the same length.

Extending your Terraced House

4.3b Each house should retain a minimum of 25 sq. metres of private amenity space to accommodate rotary dryers, refuse storage and table and chairs etc.

The above text sets out 2 different approaches to the guidance for rear storey extensions to Terraced dwellings. We would therefore like your views on which approach is better and why?

Paragraphs 4.2a and 4.3a set out an assessment based on a case-by-case assessment of what would be considered acceptable and depends on the individual circumstances of the dwelling and neighbours whereas paragraphs 4.2b and 4.3b provide more certainty on length and space parameters but less emphasis on the individual circumstances of the site and neighbours.

REAR EXTENSIONS TO MODERN TERRACED PROPERTIES



Modern terraced property

4.4 The arrangement of rooms within modern terraced houses and townhouses is generally similar to that of a semi-detached property and the guidance on those properties is generally applicable to this type of property.

4.5 As with semi-detached house extensions the 45 degree rule will apply to all extensions for terraced houses (see Section C).

REAR EXTENSIONS TO FOR BOTH MODERN AND TRADITIONAL TERRACED PROPERTIES

4.6 Each house should retain a reasonable amount of private amenity space to accommodate drying washing, refuse storage and provide space for table and chairs etc. to sit outdoors.

4.7 Extensions to terraced properties should be designed with a suitable pitched roof rather than a flat roof. When building single storey extensions it is worth considering possible future first floor extensions when designing foundations and the position of load bearing walls.

4.8 Where there is a change in levels between two houses, the house on higher ground will have a greater effect on its neighbour, therefore the height and position of the extension will need careful consideration.

SIDE EXTENSIONS TO END OF TERRACE HOUSES

4.9 Where a house forms the end of a row of terraced properties, it may be possible to build a side extension. In these cases it will be important to retain the character and appearance of the terraced property and the character of the street scene as a whole.

4.10 On side extensions, roof design, the arrangement and proportion of openings and the use of materials should all harmonise with the existing house.

4.11 Careful consideration will be given to whether a garage door can be incorporated within a side extension to an end of terrace house as this will often result in a disruption to the rhythm of windows and doors encountered in the street scene.

CONTEMPORARY EXTENSION PHOTO ALSO TO BE ADDED?

Extending your Bungalow

5.1 Bungalows offer accessible accommodation to a variety of occupants. However, when additional space is required there are often desires to utilise the roof space to accommodate this.



Bungalows offer accessible accommodation. Any roof alterations must be carefully considered

5.2 Often, proposals to achieve this will take the form of dormer windows or extensions which allow for the majority of the additional accommodation to be contained within the existing main roof of the dwelling whilst providing for additional headspace. More detailed information for dormer windows and extensions can be found in Section 7 of this document and you should refer to this for any proposals involving such an approach.

5.3 In order to provide more living space in your bungalow you may wish to propose more radical works to the roof to raise the eaves or increase the roof pitch and roof height to gain more headroom in your loft space. This however is often problematic and if the property is located within a street where there is a consistent roof design it would not generally be acceptable.

5.4 It is therefore important to consider the potential effect both upon the character of the existing property and the street scene as a whole. The following design principles should be followed.



In streets with bungalows of consistent roof height and design alterations to roofs will be more restricted

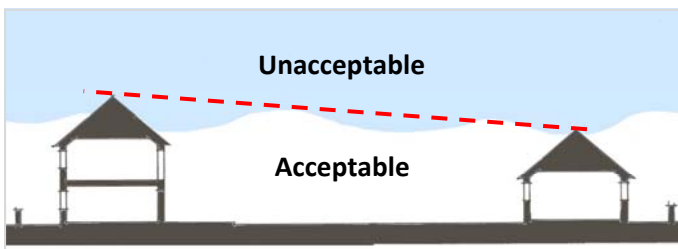
5.5 Respect the character of the street scene. Consider the height of surrounding buildings as this will be a key consideration when the local planning authority assesses the proposal. If the street you live in is lined with bungalows, it is unlikely you will be able to increase the roof height of your house to gain an additional floor. If however there is a variety of ridge or storey heights then there may be scope to extend upwards.

5.6 Think about your neighbours and whether your roof extension would be overbearing to any adjacent properties. This will be particularly important where the eaves are being raised to accommodate an additional floor.

5.7 You will also need to ensure your proposed roof extension will not overlook or increase the effect of overshadowing of any neighbours. As with general house extensions, the local planning authority will seek to protect the residential amenity and privacy of neighbouring properties. Groups of bungalows will often benefit from higher levels of privacy than normal houses and this should not be unacceptably compromised by roof extensions which create overlooking where none existed before.

Extending your Bungalow

5.8 A key consideration for any proposals to extend a bungalow upwards is to ensure that the extension complements the ridge heights of your neighbours. Where the neighbouring properties are of equal or similar height the proposals should match these. However where there are a variety of dwelling heights you should draw a line from the ridge of one neighbouring property to the other. In order to achieve a suitable height for the proposals and minimise the impact on the neighbours the extension should not break above this line.



An extension which sits below the line between the ridges of the neighbouring properties is more likely to be acceptable subject to other considerations

5.9 You should also look at the character of your own property – any extension to the roof will need to respect the character, proportions and scale of the existing house. Alterations to the shape, height and/or pitch of the roof have the potential to unbalance the design of the dwelling as a whole. In particular you will need to ensure materials match those of your existing house and any additional windows complement the existing pattern and design of fenestration.

5.10 In some instances where there is a mixture of character and house types in the street there may be scope to improve the appearance of your existing bungalow by undertaking a more contemporary appearance to the proposals as part of a wider set of renovations to the whole property.

5.11 Contemporary approaches to design can often allow for the use of new exterior cladding materials or rendering, new windows as well as the inclusion of additional features such as

balconies, as part of an overall renovation to the existing bungalow. However all aspects of the design, including new features, will be assessed on a case by case basis taking into consideration the impact of such features on neighbours, as well as the suitability of these as part of an integrated design approach .



Examples of contemporary renovations to bungalows

5.10 Any roof or other alterations to bungalows should also accord with sections A-C and the general principles for all dwelling types. Proposals which include dormers should also follow the guidance set out in section 7 of this guide.

6.1 Ancillary residential accommodation, typically in the form of an annexe, can fulfil an important function, such as enabling a relative to live with their family in the same dwelling but with a degree of independence.

6.2 Such accommodation must be ancillary in terms of design, size and function to the main dwelling, be within the curtilage of the main dwelling, and not form a self-contained separate dwelling. Any scheme that fails to demonstrate that it is functionally connected to, or reliant on, the main dwelling will be assessed as a proposal for a new dwelling.

6.2 Ancillary residential accommodation should therefore not have the full range of facilities or be designed in such a way that would make it capable of being occupied as an independent dwelling.

6.3 You should provide details on who will use it, including their relationship and/or dependency with the main dwelling occupants, and ownership details of the annexe. You must also be able to demonstrate that it has been designed to be strictly reflective of the occupant's identified essential needs. This might include one en-suite bedroom and a living area with kitchenette, in the case of a single dependent person.

6.4 Any proposals for a residential annexe must, by virtue of its design, scale, height, form, massing, materials and layout, be subordinate to, and respect and enhance the character of the existing main dwelling.

6.5 The annexe must also be within the main dwelling's residential curtilage and be part of the same single planning unit sharing amenities including vehicular access, parking, and garden. There should be no boundary demarcation or sub division of garden or parking areas.

6.6 Annexes will normally only be permitted in the form of an extension to the main dwelling. In the case of the conversion of

existing outbuildings within the main dwelling curtilage that benefit from permitted development rights, it may only be acceptable to convert part of the building to ensure the conversion provides only limited facilities commensurate with an annexe that is partly dependent on the main dwelling.

6.7 An annexe should not displace an existing use which would require the construction of a further alternative building to enable that use to continue.

6.8 New build detached annexes will only be considered where it is satisfactorily demonstrated that an extension or conversion is not appropriate or possible, and will not be permitted at locations outside of the defined settlement limits.

6.9 Given the importance of assessing the relationship between any proposed annexe and the main house to which it is reliant upon, you should submit plans and elevations showing the proposed development in the context of the whole site.

6.10 Proposals submitted for ancillary residential accommodation will be assessed on a case-by-case basis taking into consideration relevant submitted information justifying the need for such accommodation. Where proposals are considered acceptable the Planning Authority will in many cases attach specific conditions restricting the use of the accommodation for its intended use. Any accommodation found to be in breach of these conditions will be the subject of enforcement action.

Dormers & Roof Extensions

7.1 This part of the guide applies to proposals involving extensions and alterations to a roof. Whether you are proposing a dormer or any other type of roof extension, there are certain design principles which need to be followed.

DORMERS AND DORMER ROOF EXTENSIONS

7.2 The size, shape and appearance of the roof of a house is a key component of its overall design and contributes much to its character. Therefore alterations to your roof need to be carefully considered to ensure its character is not harmed.

7.3 Dormers can either take the form of a dormer roof extension or a dormer window. The key difference being that a dormer roof extension tends to have a greater volume, increasing the general headroom and thereby creating additional internal accommodation within the roof space, in addition to providing a roof window.



Dormer windows tend to be as wide as the window itself whereas dormer extension will have a greater volume creating additional accommodation in the roof

7.4 A dormer window is usually a smaller structure only as wide as the window itself and usually sits more comfortably in the roof plane, either on its own or as part of a group of dormers. Half dormers are those contained partly within the roof space and partly within the main body of the house.



An original half dormer positioned partly in the wall and partly in the roof

KEY DESIGN PRINCIPLES

7.5 Any proposed dormer roof extensions or dormer windows should reflect the design of dormers that are an original feature of the original house or other buildings in your area or street.



These original dormer windows respond to the symmetrical character and pattern of openings without dominating the roof plane

7.6 A dormer roof extension should not compromise the roof form or dominate the plane of the original roof. To achieve this, it should be set up from the eaves, down from the ridge and not occupy too much of the width of the roof.

7

Dormers & Roof Extensions

7.7 As a general rule dormer extensions are discouraged to the front of your house, unless they are a local feature.

7.8 Flat roofed dormer windows and dormer extensions rarely reflect the character of traditional houses and should be avoided unless these are part of a high quality contemporary design approach.

7.9 A better approach, particularly in the case of traditional houses and designs, is to provide a gable or hipped roof to a dormer window which matches the pitch and shape of the main roof. This will allow you to provide more headroom internally. In the case of dormer extensions these should be provided with a catslide roof to provide a less obtrusive roof profile and better complement the main roof.



Gable dormer window



Catslide dormer extension

7.10 On visible elevations, dormer windows and windows in the dormer extension should be positioned to accord with the position, proportion and scale of existing windows to retain the symmetry of the elevation.



Dormer should reflect the symmetry and size of other windows on your house. Front dormers are discouraged when they are not a feature of the street

7.11 On houses with hipped roofs a dormer extension to the side of the property will be more visible in the street scene than if located on the rear and will need to be carefully designed.

7.12 In these cases limiting the size of the dormer extension and positioning it within the roof plane below the main ridgeline and up from the eaves will help to mitigate its effect upon the character of the house. Where the main roof of the house is hipped, the dormer should mirror the hipped roof design.



The dormer on the right is appropriately subservient within the roof plane and the hipped roof design mirrors the hipped roof of the original house

Dormers & Roof Extensions

7.13 Even where a roof plane is not readily visible an overly large roof extension would not be considered acceptable if it dominates the original roof plane.



A large, poorly designed dormer extension can dominate a house and the streetscene

7.14 On larger roof slopes, it may be more appropriate to install 2 smaller dormers rather than a larger, wider dormer.

7.15 All dormer windows should have a slim frame and cheeks, and should relate well to the position and size of the windows in the floors below.

7.16 Extra care should be taken to ensure the materials of the dormer window or dormer extension match the cladding and roofing materials of the main house. White uPVC dormers will not typically be considered acceptable.



7.17 In many cases roof lights may be more appropriate, since they have a less intrusive effect upon the roof plane and can also reduce the problems of overlooking. They do not normally require planning permission if they project 150mm or less from the roof plane unless your property is in a conservation area in which case all proposals for rooflights require planning permission and this should always be checked.



7.18 Please note that alterations to roofs may require a bat survey to be undertaken. Such surveys must be undertaken by a qualified and licensed individual and you will be advised by the planning authority when such a survey is deemed necessary.

8

Raised Decking, Balconies & Retaining Walls

8.1 Certain decking, balcony designs and retaining walls require planning permission depending on their size and height. Ground levels can be particularly relevant in this respect.

8.2 Constructing decking, a balcony or a retaining wall to the exterior of your house can provide additional outside space and extend your living area. However, whilst these structures might be relatively minor development, they can still have a detrimental impact on the visual quality of your property and the overall street scene if they are situated to the front of your house. More particularly they can adversely affect the amenity of neighbouring properties. You should consider the following when designing a balcony, raised decking or retaining wall.

KEY DESIGN PRINCIPLES

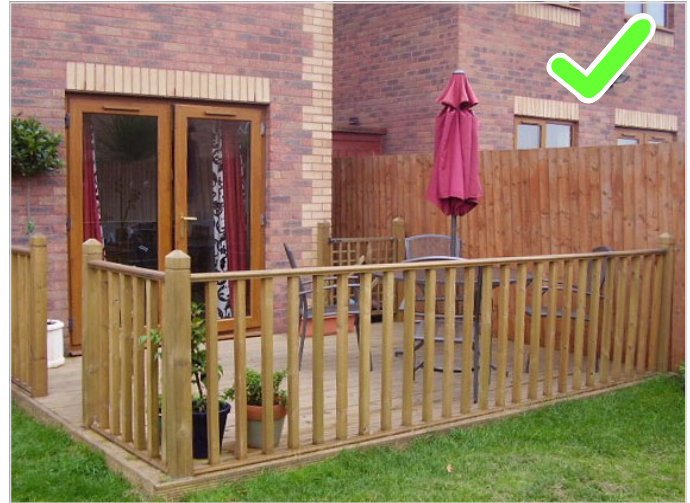
DECKING

8.3 Consider the siting of the decking. Sited too close to the boundary, the decking may result in overlooking of your neighbour's property which would not be acceptable. See section C for guidance relating to protecting the amenity of neighbouring occupiers.

8.4 Ensure that the design of the decking complements the character of your house. The scale, massing and materials used in the decking should respect the appearance of your property, neighbouring properties and the overall street scene.

8.5 Avoid the use of tropical hardwoods and look for timber with the FSC mark which is certified as coming from sustainable sources.

8.6 Whilst decking can enhance the use of your garden, it should not by virtue of its size adversely affect your neighbour's amenity or privacy.

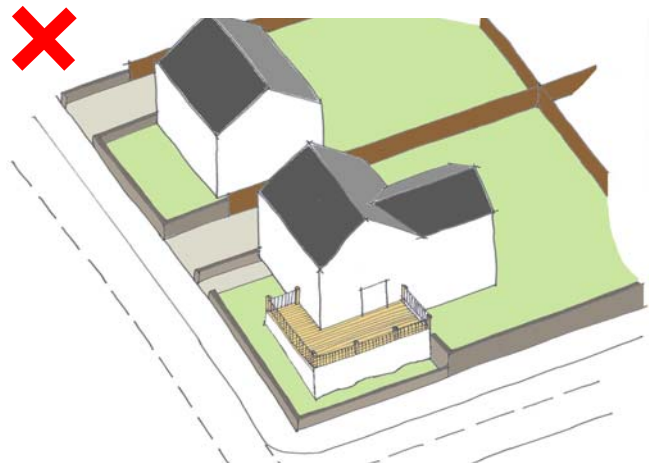


Decking should not result in overlooking of neighbouring properties

8.7 Furthermore, if the decking is elevated the impact of placing safety fencing around it would increase the overbearing impact on neighbouring properties and in some cases cause overshadowing.

8.8 All areas of decking over 30cm in height from ground level will require planning permission. Individual applications will be assessed on their own merits.

8.9 Decking is often elevated above ground to compensate for the slope of a site. However whether finished with a retaining wall or with timber decking, this could potentially be overbearing whilst also allowing direct overlooking of your neighbour's property.



On sloping ground decking and retaining walls can result in an overbearing and incongruous form of development

Raised Decking, Balconies & Retaining Walls

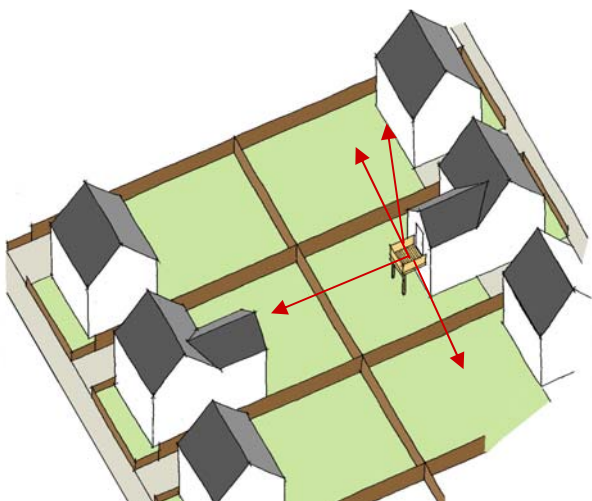
BALCONIES

8.10 A balcony should respect the character and appearance of your house. It should not unbalance or dominate the elevation to which it is attached, or the appearance of the house when viewed as part of the street scene. Depending on their size and the room they serve, balconies can add new amenity space to the property which can generate new activity and raise amenity concerns, particularly as a result of overlooking and noise generation. Rear balconies can be particularly difficult in this respect because of their relationship with the private rear gardens of neighbouring properties.



These original balconies illustrate how a balcony can form part of or enhance the character of your house

8.11 A balcony should not result in adjacent properties being directly overlooked.



Potential overlooking from balconies should be avoided

8.12 In some cases it may be appropriate to consider recessing the balcony in order to address concerns with overlooking into neighbouring properties. However this approach will not necessarily be considered acceptable in all instances and individual applications will be assessed on their own merits.

8.13 The scale, design and materials should complement the character of your property, whether it is traditional or modern. They should be set well away from common boundaries to avoid direct overlooking. Balconies should not result in views into the rear windows of neighbouring properties.

RETAINING WALLS

8.14 New or replacement retaining walls should respect the character of the area and not impact on the amenity of neighbours.

8.15 Consider the overall height of a retaining wall with typical 2m boundary walls and fences on top – often this can be very dominant in the streetscene/wider area and on neighbours.

8.16 Use finishes appropriate to the character of the area. If you are replacing a traditional stone retaining wall, retain the stone and re-use to face the concrete block work.

8.17 Consider whether there is a less harsh solution. Would two low walls within a garden area work instead of a tall retaining wall on the boundary?

8.18 Consider whether there is scope for a planting area in front of a retaining wall to allow vegetation to grow and provide visual softening.

8.19 Where a retaining wall of over 1.5m is to be constructed or extended, you must obtain Building Regulation Approval.

Domestic Garages & Outbuildings

9.1 This part of the guide applies to proposals to add a new domestic garage or outbuilding within your curtilage or to proposals for the extension of an existing garage or outbuilding. These buildings must be used for ‘purposes incidental to the enjoyment of your house’, and not for commercial purposes or as separate residential accommodation. As with extensions and alterations to your house, the location and design of your garage or outbuilding should respect the character and appearance of your property, the relationship of your property with neighbouring houses and the overall street scene.

KEY DESIGN PRINCIPLES

9.2 The size and position of a proposed new garage and/or outbuildings should not impact detrimentally on the space around the house and should take fully into account advice on access and parking set out in Section 10 of this guide.

9.3 A garage or outbuilding must be smaller in scale and subservient to the main house. Garages and outbuilding should be finished in materials that are sensitive to the main house. Pitched roofs are recommended as long as this does not unacceptably increase the massing of the building.

9.4 Garages and outbuildings should not generally be positioned in front of the main house unless this forms part of the character of the street.

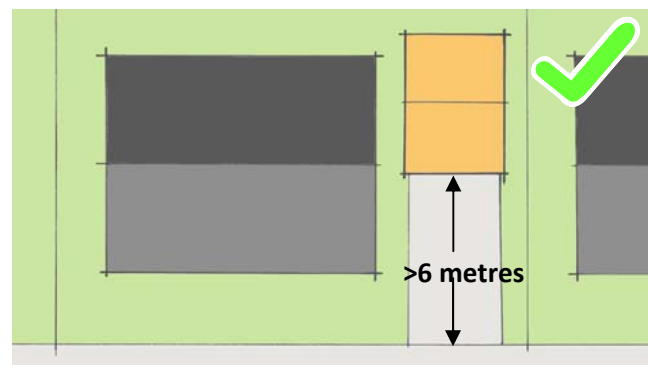
9.5 Your garage or outbuilding must not adversely affect your neighbour’s enjoyment of their garden or house. A garage or outbuilding should not cause overshadowing, overlooking or be overbearing to a neighbour’s property, including their garden.

9.6 A garage or outbuilding should not result in the loss of trees or other features that are important to the area.



Setback behind the house this garage has the appearance of a subservient structure that is ancillary to the main house

9.7 As a general rule, garage doors should be as narrow as practical, with two single doors preferred over one double door. Traditional front opening ‘up and over’ doors are much more in keeping with a residential setting than roller shutter doors which have a far more commercial appearance and are not recommended unless not visible to the public.



A garage should be a minimum of 6m back from the front boundary

9.8 When considering garage doors, regard must be made to the space required to open and close doors. A drive length of at least 5m must remain when doors are being opened.

9.9 For garages on a rear lane, the garage must be set back sufficiently so that its doors when open do not project into the lane.

9.10 New garages should not compromise the safety of users of the highway.

Access & Parking

10.1 Extending your house may well increase the demand for car parking at the property and/or result in additional pressure for on-street car parking. This will possibly constrain the size of the proposed extension. The relevant parking guidelines will be applied to all householder planning applications.

10.2 If your proposed extension or alteration will result in changes to your vehicular access; a new drive-way; or a new crossing to the pavement or verge requiring a dropped kerb you must obtain a separate approval from the highways department of the Council. You will also need to obtain planning permission for a new or wider access for your driveway if it fronts onto a classified road.

KEY DESIGN PRINCIPLES

10.3 Maintain existing off street parking spaces and comply with the adopted guidelines wherever possible unless this results in an unacceptable loss of front garden or frontage boundary treatment.

10.4 Provide for both pedestrian access and parking, drives should be at least 3.2m wide.

10.5 The access should be safe with adequate visibility.

10.6 Gates will not be allowed to open out onto the footway or highway.

10.7 A new vehicular access off a main road or a very busy road may require a turning area within your plot so vehicles do not have to reverse in or out. If your proposal involves creating a shared private driveway you must provide a turning facility.

10.8 Parking spaces normally measure a minimum of 2.6m by 4.8m with an additional 1.2m margin around 3 sides for accessible parking spaces. Within a garage, the normal parking space should be increased to minimum internal dimensions of 3m by 6m.

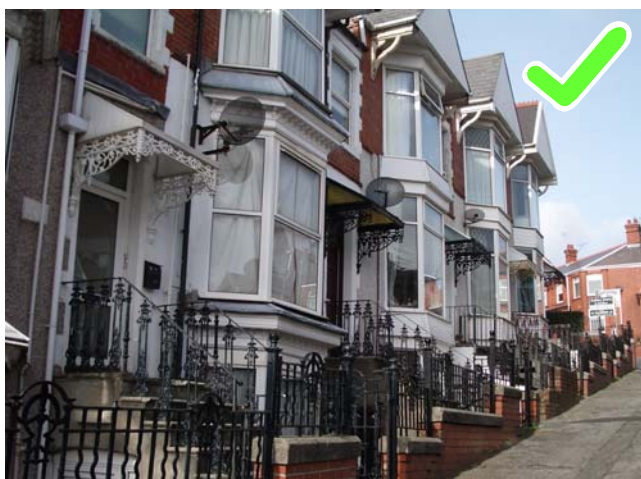
10.9 Parking should be located where cars can be seen in order to reduce the opportunities for car crime. However, this needs to be balanced against the visual impact of parked cars and hard standing areas on the streetscene and character of the area. Therefore, where appropriate, garages and parking areas should be sited so that cars are behind the building line in secure areas. Where this is not possible, front boundaries and a garden area should be retained for planting to provide visual relief.

10.10 New driveways and parking areas should be finished in porous materials which reduce surface water run-off. For example, consider gravel (where this will not wash onto the public highway), permeable block paving and porous surfaces between vehicle running areas.

10.11 In many instances the Permitted Development Rights associated with the conversion of integral garages to living space has been removed, so you are advised to check with the Planning Applications Section whether planning permission is required. Integral garages are intrinsic elements of many residential developments and their conversion will be resisted unless adequate off street parking can be provided without resulting in a loss of more than half of the front garden area of the application property.

Boundary Treatments

11.1 Front boundary treatments such as walls, railings, gates and hedges can contribute significantly to the character and appearance of an area, street or lane as well as providing security and an increased sense of privacy to the front of a house. They also help to define and enclose public areas and make them more attractive to pedestrians. Streets and lanes generally become unattractive if frontage boundary treatments vary or are missing.



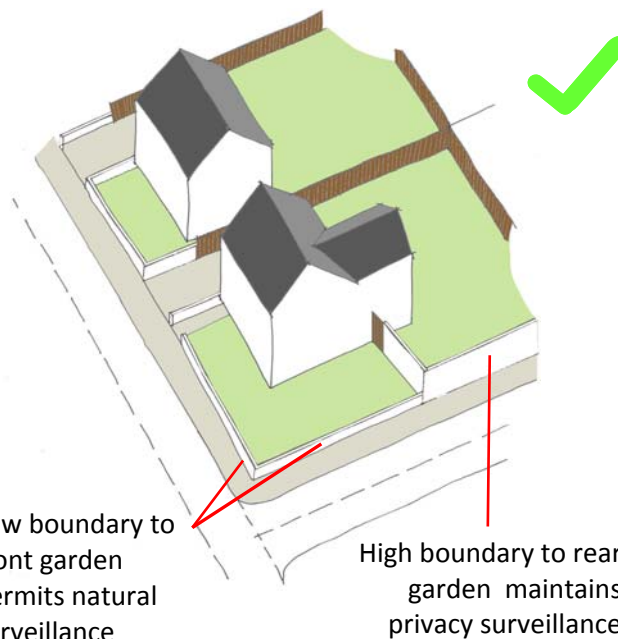
Frontage boundary treatments contribute to the character of your street and should be retained

KEY DESIGN PRINCIPLES

11.2 Frontage boundary treatments should match the height, materials and type of boundaries on either side. This is particularly important where they are generally the same along a street, or a feature of the locality. In some instances, a secure front garden can also provide space for cycle and refuse storage.

11.3 New frontage boundary treatments should not obstruct views of the house, or prevent natural surveillance of the public realm from the house.

11.4 When considering boundary treatments for a corner plot the height of the boundary enclosure needs to respond positively to both street frontages in a way which provides you with a private garden but without excessively long blank boundary treatments that would have a deadening effect on the street scene.



On corner plots, boundary treatments should respond positively to both street frontages, ensuring boundary treatments to private rear gardens do not have a deadening effect on the street scene

11.5 Boundary treatments on corners will therefore need to be finished in high quality, durable materials that harmonise with the existing properties and the surrounding area.

11.6 Close boarded timber fencing as an individual treatment will not be acceptable for any boundaries or gates that directly front the public highway or other publicly visible areas. However, close boarded fencing in combination with walls and pillars may be acceptable in some locations where there is not a strong identity of other boundary treatments such as walls, hedges or railings.



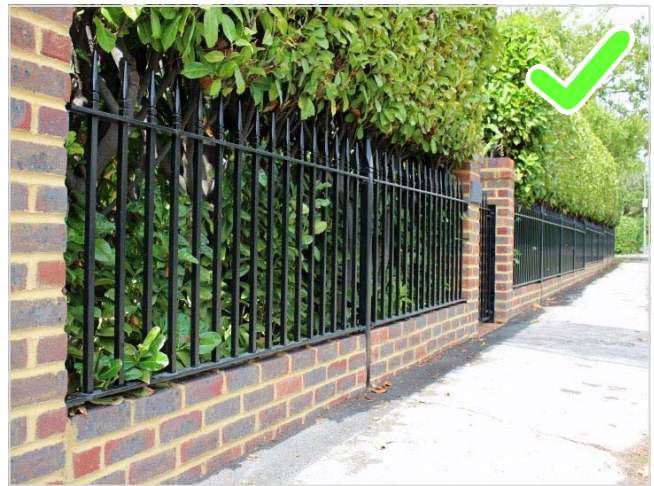
Close boarded fencing as an individual treatment is not acceptable in publicly visible areas

Boundary Treatments

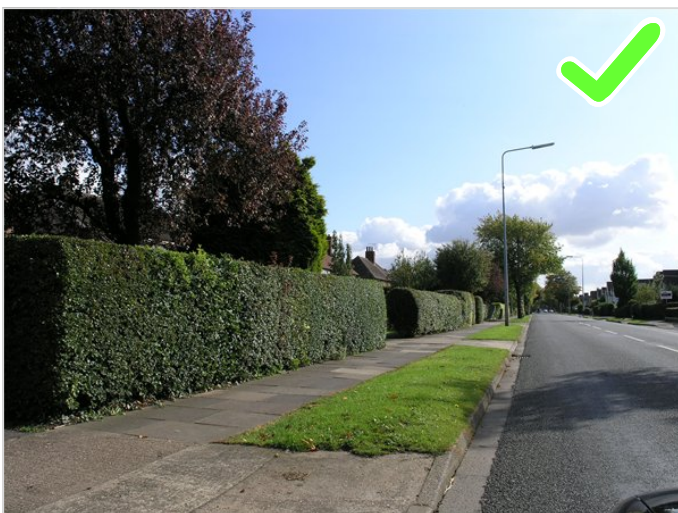


Close boarded fencing can be combined with walls and pillars of an appropriate style and materials to provide a more acceptable boundary treatment

11.7 Hedging can form an attractive and effective boundary treatment that needs to be regularly maintained to avoid growing too high or encroaching onto the pavement or other land. Fast growing conifers should be avoided as their size is inappropriate to a residential area and they can cause significant overshadowing of neighbouring properties. Hedging can often also be combined with walls or fences to provide a more locally appropriate boundary treatment.



Hedges can also be combined with walls and/or railings to provide a more urban appearance



Hedges can provide a robust boundary which provides greenery and has benefits to the environment

11.8 When considering the installation of gates you must ensure that these are inward opening only as gates which open out onto and cause obstruction to the public highway (including pavements) will not be considered acceptable.

Trees & Other Vegetation

12.1 Existing trees and planting help make areas more attractive and add to the value of your home. They can also add to an area's ecological value. However, it is easy to damage trees and planting when carrying out works, either by affecting the soil or ground level around the root zone or by cutting roots in the construction of services and foundations.



Trees and planting help make areas more attractive whilst also providing natural drainage in built up areas

KEY CONSIDERATIONS WHEN CARRYING OUT DEVELOPMENT

12.2 Building works should not be carried out underneath tree canopies or within a two metre radius of smaller trees with an undeveloped crown.

12.3 Equipment or materials should not be stored underneath tree canopies or within a two metre radius of smaller trees with undeveloped crown.

12.4 Some trees are protected by law by Tree Preservation Orders (TPO) because of their individual or group quality and the contribution they make to the character of an area. It is illegal to carry out work on, or remove these trees without permission. If in any doubt, check with the Council whether any of the trees on your property are protected by a TPO.

12.5 Also, if your property is within a Conservation Area, you should check before carrying out any work to or that might affect any trees as they also have statutory protection if over a prescribed size.

12.6 Consider opportunities for bird boxes and ecological planting in garden areas.

Resource Efficiency

13.1 Resource efficiency means minimising the energy your house needs for heating, lighting and other energy uses. It also means using materials and construction methods that do not require a lot of energy to either produce or build.

13.2 The minimum requirements to achieve resource efficiency in new construction are set out in the Building Regulations. Building Regulations information including guides on building energy efficient extensions can be found on the Building Control Section on the Swansea Council website (www.swansea.gov.uk/article/2012/Domestic-alterations)

13.3 Proposals for alterations and extensions which achieve high levels of resource efficiency are encouraged by the City and County of Swansea.

KEY DESIGN PRINCIPLES:

13.4 Look to arrange the internal layout of the extension so that the main habitable rooms are on the southerly side of the building. If the rear of your house faces south, consider extending a rear kitchen into more liveable space, or adding south facing study or playroom. A north facing lounge could be used more in the evenings.

13.5 You can also save energy and heat your home by making the most of heat from the sun, if your extension faces southeast to south west. Generally, windows on the south side of the building should be larger than those on the north side to maximise passive solar gain.

13.6 Where possible provide house entrances away from prevailing winds and protect with a porch or lobby.

13.7 Conservatories can be very expensive to heat in the winter and can waste energy. They should therefore be separated from the main house by an insulated wall and closable doors and windows so that you can avoid having to heat it when it is cold.

13.8 In designing your alteration or extension consider whether there are opportunities to build-in features to produce energy. Solar water heating

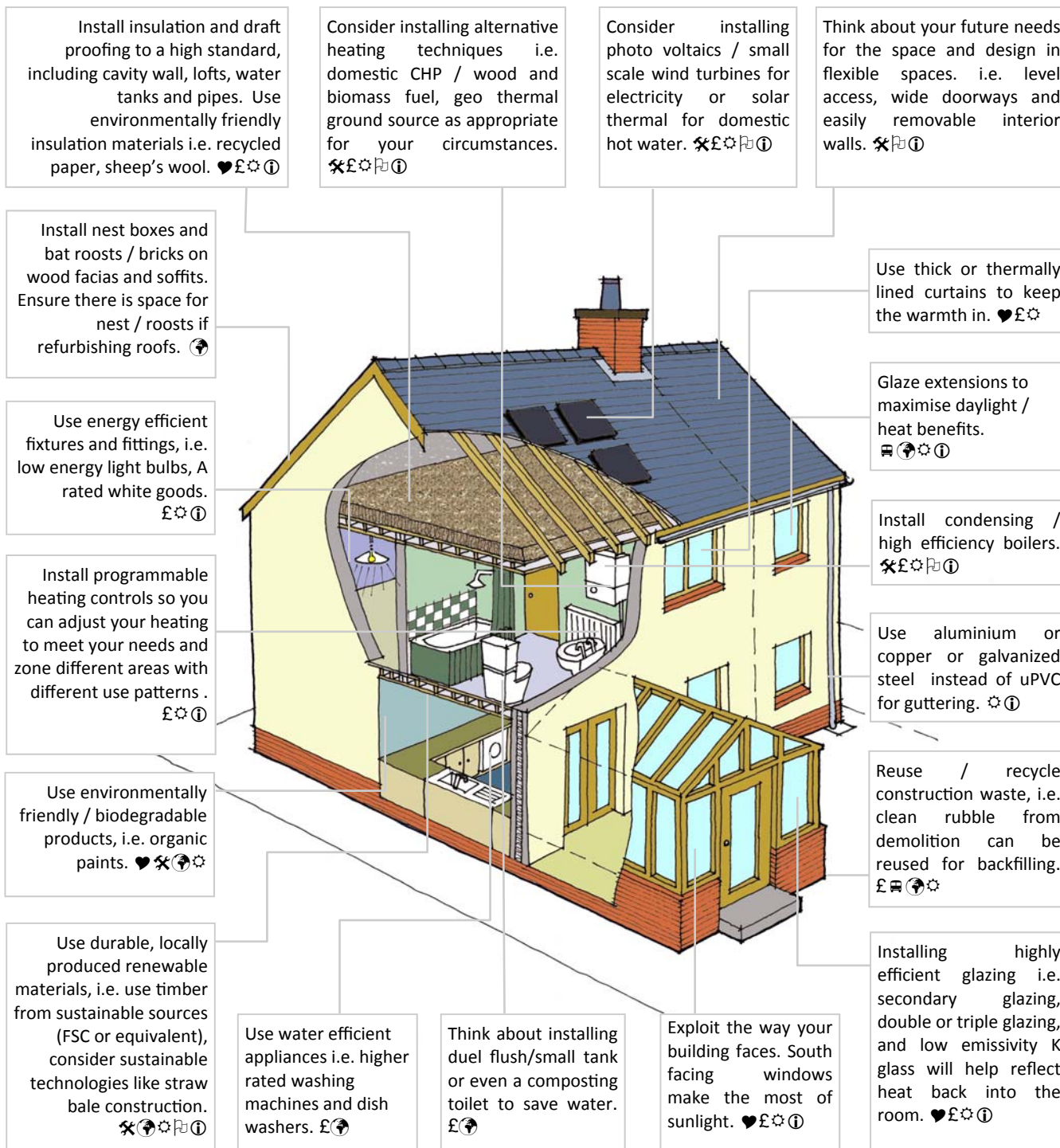
panels can provide 50% of your hot water requirements, while photovoltaic panels can produce some of your electricity. Whilst energy saving features are encouraged, if poorly located they can detract from the character of your house or neighbourhood, especially if the building is listed or within a sensitive area such as the Gower AONB or a Conservation Area. If you are planning to incorporate any of these features you should check whether they need planning permission.

13.9 Wherever possible use materials that are produced locally and which come from a source that can be renewed without harm to the environment. High quality reclaimed materials can save resources and may also provide a better match with the existing building. If your proposals involve demolition, where possible use demolition materials on site, for example natural stone could be reused in walls.

13.10 Avoid the use of tropical hardwood and look for timber stamped FSC which is certified as coming from sustainable sources.

13.11 In very heavy rain, water run-off from hard surfacing can overwhelm drains and cause flooding and pollution. You can avoid this by using a 'green' roof, which has turf or plants sitting on a waterproof membrane and must have a low pitch of less than 15 degrees. Permeable paving surfaces such as blocks or bricks set in the ground, allow rain water to drain away gradually. Rainwater butts can provide a useful source of water for garden watering or car washing in drier periods.

13.13 In the summer you can avoid the need for cooling or air conditioning by ensuring that south facing windows are shaded, e.g. by roof overhangs or trees or deciduous planting, blinds or louvres.



Key

- ♥ Health benefits
- ✂️ Reduced maintenance costs
- £ Reduced utility bills
- 🚗 Reduced travel
- 🌍 Improved wildlife/environment
- ♻️ Reduced greenhouse gases
- 🏠 Selling point of property
- ⓘ May need planning permission or building control; seek advice from the Council

Crime Prevention

12.1 The council is obliged to encourage design that reduces crime under section 17 of the Crime and Disorder Act. You should consider the following simple and often inexpensive measures to reduce your chances of becoming a victim of crime.

KEY DESIGN PRINCIPLES

12.2 Put yourself in the position of a burglar. Is your house an easy target? What can you do to make your home more secure?

12.3 If a burglar or thief thinks they can be seen they are less likely to commit a crime so provide good natural surveillance from your home onto the street, your gardens and driveways. This can be achieved by the careful positioning of windows.

12.4 Where possible ensure that you can view your parking area from your house.

12.5 Movement sensitive lighting on your property will deter burglars and will also make it safer for you. Such lighting should be sensitively located with suitable timing devices to avoid unnecessary lighting pollution.

12.6 Boundary enclosures should be used to secure the most vulnerable parts of the house, usually at the rear where there is no natural surveillance from the street. Low boundaries at the front give maximum visibility whilst side entrances should be lockable. Attractive high quality, robust materials will be required where enclosures are visible from the street or parking areas and it will not be acceptable to create blank, unsightly structures that would detract from the character of the area or in some cases reinforce negative perceptions of an area.

12.7 Consider fitting a good quality burglar alarm, a proven deterrent.

12.8 You should ensure that all locks are securely fitted and meet British Security Standards for locks (BS3621), windows (BS7950) and Doors (PAS 24-1).

12.9 For further information please see the Planning for Community Safety SPG on the council website. More documents on crime prevention are listed at the rear of this guide.

Submitting your Application

There are standard requirements for submitting a planning application to ensure that it is clear to the Council, your neighbours and any other people we consult exactly what you want to build. This is essential to be able to properly assess the impact of your proposal on your property, your neighbour's property and the surrounding area. It is also important to be able to verify that what you build is what you have permission for.

This section outlines what information must accompany all householder planning applications and what additional information would help the Council in its consideration of the application. Separate guidance notes are sent out with all planning application forms to illustrate the information required.

It is helpful to indicate key dimensions, to help avoid any confusion especially where plans are viewed online.

Location plan

- Scale 1:1250 preferably and no smaller than 1:2500. Ordnance Survey extracts are preferred.
- Including a North point
- Outline the application site in red line, and indicate any adjoining land owned or controlled by the applicant with a blue line
- Show the application property in relation to all adjoining properties and the immediate surrounding area, including roads
- Show vehicular access to a highway if the site does not adjoin a highway

Details of existing site layout - block plan

- Scale, typically 1:200, 1:500 or a similarly appropriate and recognised planning scale to ascertain required level of detail
- North point, date and number on plans
- Show all of the existing house in plan form including the position of any existing outbuildings, garages, significant trees, driveways, parking areas and other notable features
- The existing boundary treatment to the site and if possible the position of the nearest neighbouring properties.

Details of proposed site layout

- Scale, typically 1:200
- North point, date and number on plans

- Show proposals in context of adjacent buildings
- Show the siting of any new building or extension, vehicular/pedestrian access, changes in levels, landscape proposals, including trees to be removed, new planting, new or altered boundary walls and fences, and new hard-surfaced open spaces
- Car parking spaces and/or garage space must be shown on submitted drawings.
- Details are to include existing and proposed parking facilities even if not affected by the building works.

Floor plans

- Scale 1:50 or 1:100
- In the case of an extension, show the floor layout of the existing building to indicate the relationship between the two, clearly indicating new work
- Show floor plans in the context of adjacent buildings, where appropriate
- In the case of minor applications it may be appropriate to combine the layout and floor plan (unless any demolition is involved)
- Include a roof plan where necessary to show a complex roof or alteration to one

Elevations

- Scale 1:50 or 1:100 (consistent with floor plans)
- Show every elevation of a new building or extension
- For an extension or alteration, clearly distinguish existing and proposed elevations
- Include details of material and external appearance
- Show elevations in the context of adjacent buildings. Street scene sketches will be particularly important where an extension to a semi-detached or terraced property is proposed.

Cross Sections

- Scale 1:50 / 1:100, where appropriate.

Supporting Information

- Listed building statement (in accordance with paragraph 69 of circular 61/97)
- Conservation area statement (where relevant)
- Although design and access statements are not compulsory for householder developments, they can be a useful tool for explaining complex/ innovative/ contemporary schemes.

Further Reading

The following are available in hard copy format or online from the Welsh Government or Department for Communities and Local Government (DCLG):

- Welsh Government, 2016—(Edition 9), Planning Policy Wales
- Welsh Government, 2005—TAN 8: Planning for Renewable Energy
- Welsh Government, 2016—TAN 12 Design
- Welsh Government, 2014—Householder Permitted Development Rights
- Welsh Government, 2013—Building work, replacements and repairs to your home
- Welsh Government, 2014—Protected Trees - A Guide to Tree Preservation Procedures
- Welsh Government, 2014—A Householder's Planning Guide for the Installation of antennas (including satellite dishes)
- UK Government, 1996—The Party Wall etc. Act 1996: explanatory booklet
- City and County of Swansea—Local Plans and Unitary Development Plans

These more detailed publications may be helpful to some readers:

- BRE, 2008—The Green Guide to Specification
- Building Research Establishment "Site Layout Planning for Daylight and Sunlight" BR209
- British Standards Institute BS8300, 'Access for Disabled People'
- City and County of Swansea, 2012—Car Parking Standards SPG
- City and County of Swansea, 2016—The Protection of Trees on Development Sites SPG
- City and County of Swansea, 2011—Gower AONB Design Guide SPG
- City and County of Swansea, 2014—Places To Live—Residential Design Guide SPG
- City and County of Swansea, 2014—Infill & Backland Design Guide SPG
- City and County of Swansea, 2011—The Conversion of Rural Buildings SPG
- City and County of Swansea, 2012—Planning for Community Safety SPG
- Crime and Disorder Act 1998, Section 17
- Welsh Office Circular 16/94, 'Planning Out Crime'

Web Links:

- City and County of Swansea—Home adaptations for elderly and disabled people:
<http://www.swansea.gov.uk/homeadaptations>
- City and County of Swansea—Guide to extending your home:
<http://www.swansea.gov.uk/article/32338/Guide-to-extending-your-home>
- City and County of Swansea—Make your home more energy efficient and save money:
<http://www.swansea.gov.uk/energyefficienthome>

Contacts

CITY & COUNTY OF SWANSEA:

Planning Applications Section

Tel: (01792) 635745
Email: planning@swansea.gov.uk
Web: www.swansea.gov.uk/planning

Trees & Hedgerows

Tel: (01792) 635724
Email: alan.webster@swansea.gov.uk
Web: www.swansea.gov.uk/tpo

Building Control

Tel: (01792) 635636
E-mail: bcon@swansea.gov.uk
Web: www.swansea.gov.uk/bcon

Nature Conservation

Tel: (01792) 635784
E-mail : nature.conservation@swansea.gov.uk

Conservation and Listed Buildings

Tel: (01792) 635284
Email: designswansea@swansea.gov.uk
Web: www.swansea.gov.uk/urbandesignandconservation

Transportation

Tel: (01792) 636337 / 636341
E-mail: transportation@swansea.gov.uk
Web: www.swansea.gov.uk/transportandstreets

Appendix 1: Consultation Statement

Public and stakeholder consultation

Consultation Statement to be added post
PC and prior to adoption as SPG

Appendix 1: Consultation Statement

Glossary

Amenity	Quality of life and wellbeing enjoyed by neighbours/occupiers
Amenity space	Areas of spaces surrounding your property including gardens, decked areas and balconies
Building line	The line created by the frontages of buildings in a street - terraced houses have a very strong building line
Curtilage	The land surrounding and belonging to a house
Dwelling	A term used in planning to describe a house, bungalow or flat
Detached	Free-standing house that is not attached to any other dwelling
Dormer Extension	Vertical wall projecting out of roof slope often with windows
Dormer Window	Window in the roof with a pitched or flat top
Eaves	The lowest edge of the roof that projects over the top of a wall
Elevation	A term used in planning to describe the external walls of a house
Fenestration	A term used to describe the pattern or arrangement of windows
Gable	A wall, usually with a triangular section found at the ends of a pitched roof
Habitable room	Includes living rooms, dining rooms, studies, kitchens and bedrooms but not bathrooms, toilets, dressing rooms or hallways
Hipped roof	A roof generally with four sloping planes each sloping to the eaves with no gables
Ridge or Ridgeline	Generally the highest part of a roof where the slopes meet
Roof light	A window inserted in the roof that lays flush with the roof plane
Roof plane	The slope of a roof
Semi-detached	A pair of dwellings that when read as one are a mirror image of one another.
Storey	A term used to describe a level or floor in a building
Terraced	A row of houses usually of the same scale and design
Pitched roof	A roof with two sloping sides that meet at a ridge, with gables at either end

**Planning Services
City and County of Swansea Council
Civic Centre
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Swansea
SA1 3SN**

**planning@swansea.gov.uk
01792 635701**



Report of the Head of Planning & City Regeneration

Planning Committee - 4 July 2017

Provisional Tree Preservation Order P17.7.4.611

Land at 344, Swansea Road, Waunarlwydd, Swansea. (2016)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 611: Land at 344, Swansea Road, Waunarlwydd, Swansea. (2016).

Recommendation:

That the Tree Preservation Order: Land at 344, Swansea Road, Waunarlwydd, Swansea. (2016) be confirmed

For Decision

1. Introduction

1.1 The provisional Order was served on 20th September 2016.

2. Objections and Representations

2.1 One letter expressing an objection has been received within the minimum required consultation period; no letters of support have been received.

2.2 R.J. Owen objects to the ash tree at 344 Swansea Road being protected for the following reasons:

- That branches overhang their property, some touching the pine end;
- That their gutters become blocked from leaves falling from this tree;
- That the tree causes moss to grow on their roof;
- That roots are damaging their drive;
- That this tree was not previously protected by a TPO

3 Appraisal

3.1 A provisional tree preservation order P17.7.4.611 has been placed on an ash tree at 344 Swansea Road. The order was made to replace TPO 268 that had altered significantly.

3.1.1 The ash tree contributes significantly to the street scene and local amenity.

3.1.2 The tree has been evaluated using the industry recognised evaluation system TEMPO, which scores the trees' contribution to the local amenity. The score was 13 – which makes the TPO defensible.



Photograph 1: Significant amenity contribution of ash tree protected by TPO611

- 3.2 The overhanging branches of the tree can be pruned back under exemption if they are making contact with the pine end as stated. The objector can also make an application to prune other branches which would be considered on its own merits.
- 3.3 The tree would have been contributing to the blocked gutters prior to the new TPO being made; no applications were received to remove the tree under the previous TPO; one application to prune overhanging branches was made in 1988. The problem can be mitigated by the use of gutter guards.
- 3.4 A letter to arrange a meeting to discuss the damage to the drive was sent to R. J. Owen on the 31st October 2016. No reply was forthcoming to facilitate viewing the drive. An application to mitigate any damage to the drive would be considered on its own merits.
- 3.5 The tree was protected by TPO 268 and there is a history of a previous tree works application (88/0311/10) to support this.

4. Recommendation

It is recommended that the Tree Preservation Order: Land at 344, Swansea Road, Waunarlwydd, Swansea; TPO P17.7.4.611 be confirmed without amendment.

Contact Officer: Alan Webster
Extension No: 5724
Date of Production: 28th February 2017

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Report of the Head of Planning & City Regeneration
to Chair and Members of Planning Committee

DATE: 4TH JULY 2017

Bay Area Team Leader Liam Jones - 635735	Area 1 Team Leader: Ian Davies - 635714	Area 2 Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llanyfelach Llansamlet Mawr Morriston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.

Phil Holmes
BS(Hons), MSc, Dip Econ
Head of Planning & City Regeneration



TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members. The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 77 and 78 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2017/1049/FUL	123 St Helens Avenue, Brynmill, Swansea, SA1 4NW Change of use from residential (Class C3) to a 4 bed HMO for 4 people (Class C4)	APPROVE REFUSE
2	2017/0993/FUL	90 Hawthorne Avenue, Uplands, Swansea, SA2 0LY Change of use from residential dwelling (Class C3) to a 5 bedroom HMO for 5 people (Class C4)	APPROVE
3	2017/0775/FUL	Land At Heol Pentre Bach, Gorseinon, Swansea, SA4 4ZA Residential development for the construction of 41 units, including access and all other associated works.	APPROVE
4	2017/0482/S73	Land At Drummau House, Birchgrove Road, Birchgrove, Swansea, SA7 9EJ The stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use. Variation of conditions 3 and 4 of planning permission granted on appeal (Appeal Ref: APP/B6855/A/12/2184665. LPA Ref: 2012/0079) to allow for the permanent use of the site by gypsies and travellers	APPROVE
5	2017/0768/S73	Land To The West Of Parc Y Bont Off Trinity Place, Pontarddulais, Swansea, SA4 8QX Variation of plans condition 2 of planning permission 2011/0758 granted 8th February 2016 to amend the site layout and house types in respect of plots 11 - 23 and 27 - 30	APPROVE

PLANNING COMMITTEE – 4TH JULY 2017

ITEM 1

APPLICATION NO:

2017/1049/FUL

WARD:

Uplands - Bay Area

Location:

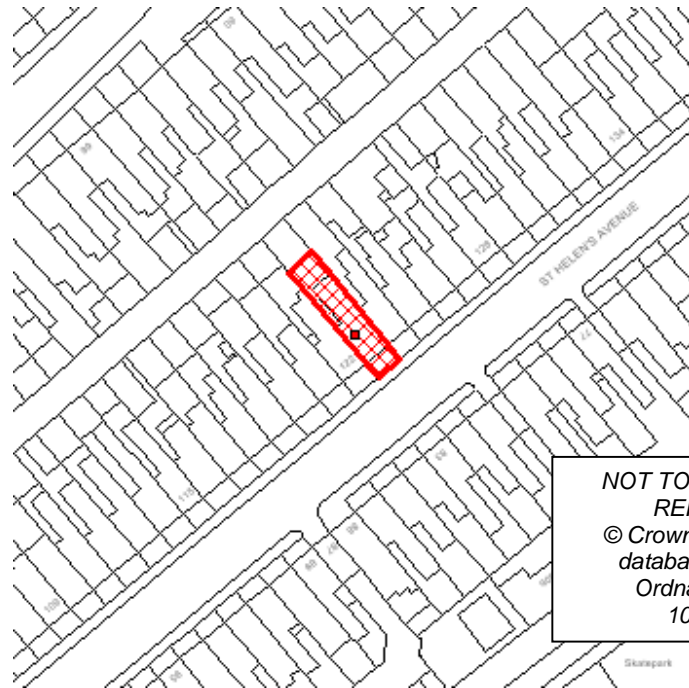
123 St Helens Avenue, Brynmill, Swansea, SA1 4NW

Proposal:

Change of use from residential (Class C3) to a 4 bed HMO for 4 people (Class C4)

Applicant:

Mr JONATHAN JOHNSTON



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 - 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)

UDP - AS6 - Parking/Accessibility

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

PLANNING COMMITTEE – 4TH JULY 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/1049/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1049/FUL	Change of use from residential (Class C3) to a 4 bed HMO for 4 people (Class C4)	PDE	

RESPONSE TO CONSULTATION

THREE neighbouring properties have been consulted and the proposal was advertised on site. ONE LETTER OF OBJECTION has been received which is summarised as follows:

- 1) There are too many HMOs on the street.

TWO separate petitions of objection have been received, totalling 95 signatures from separate addresses, stating the following concerns:

- 1) Parking issues
- 2) Harmful concentration
- 3) Impact on neighbourhood
- 4) Increase in refuse

Highways - No objection

Pollution Control - No objection subject to conditions: 1. The dwelling being used by no more than 4 persons in the interest of highway safety. 2. Cycle Parking to be provided in accordance with details to be submitted to the LPA for approval, and maintained as such in perpetuity, prior to beneficial occupation of the HMO.

APPRAISAL

This application is reported to committee at the request of Councillors Peter May and Mary Sherwood. The constitutional threshold has been met in terms of letters of objection and petitions received.

Procedural Matter

This report has been drafted on the basis of there being no Adopted Supplementary Planning Guidance ('SPG') on the topic of Houses in Multiple Occupation (HMO). It is noted, however, that there are unique circumstances prevalent in that the application is presented to Planning Committee at the same time that the Draft SPG on Houses in Multiple Occupation & Purpose Built Student Accommodation is presented for Adoption. This application shall be determined having regard to the material considerations at the time of its determination.

Description

Full planning permission is sought for the change of use from residential (Class C3) to a 4 bedroom HMO (Class C4) at 123 St. Helen's Avenue, Brynmill.

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ITEM 1 (CONT'D)

APPLICATION NO:

2017/1049/FUL

The existing dwelling is two storey 3-bedroom terraced property which is situated within the residential area of Brynmill. The area comprises traditionally designed dwellings. The proposal would utilise a ground floor reception room as an additional bedroom i.e. 1 bedrooms at ground floor level and 3 bedrooms at first floor level.

No external alterations are proposed to the host dwelling. The applicant has, however, indicated that provision can be made for a covered cycle shed to the rear of the property for 4 cycles and bin storage area.

Main Issues

The main issues for consideration in the determination of this application relates 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'.

Whilst at the time of drafting this report there is no current SPG on the topic of HMOs the Council has drafted a SPG entitled Houses in Multiple Occupation & Purpose Built Student Accommodation following public consultation which has been presented for Adoption at the same Planning Committee. Should the Adoption of the SPG precede the determination of this application then significant weight shall be given to the document in the decision making process. Should the SPG not be adopted then no weight can be given to the SPG.

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 predominantly 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 and whilst the LPA has had difficulty in determining the threshold at which a harmful concentration would arise from HMOs within individual streets work has been on going on providing for a Supplementary Planning Guidance document to deal with both HMOs and Student related developments. Recent planning appeal decisions have set out that in the absence of Adopted Supplementary Planning Guidance on this matter, where or not a proposal is harmful depends on planning judgement.

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

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ITEM 1 (CONT'D)

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- (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 one bedroom to provide for a four bedroom property. 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.

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)'. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation.

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ITEM 1 (CONT'D)

APPLICATION NO:

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

St Helens Avenue is a long street running horizontally southwest to northwest through Brynmill and is intersected vertically by Gorse Lane, Francis Street, St Helens Crescent and St Helens Road. From viewing the Councils own HMO register, updated by Environmental Health, there are currently 88 HMOs registered along St Helens Avenue (as of 23 June 2017). There are approximately 213 properties on this road which is an approximate percentage of 41.2%. Approval of this application would therefore take this figure to approximately 41.7%.

Regard should also be given to recent planning permissions granted on appeal at No. 57 St Helen's Avenue for a 6 person HMO (Reference 2016/1688) on 25th April 2017 and No. 124 St Helens Avenue for a 5 bedroom HMO (Reference 2016/1038) on 4th May 2017. These properties do not currently feature on the HMO register but having regard to them, given that they could be implemented within a period of 5 years from their permission, would take the percentage to 42.7%.

It is clear that approval of the application would therefore result in the addition of a further HMO in to a ward area that already comprises a high concentration of HMOs, however, whilst this is the case there has been no empirical evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal most notably those mentioned above in relation to similar schemes along St Helens Avenue. In those decisions Planning Inspectors have set out that with no Adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

In the absence of a percentage or other similar calculation based approach without an Adopted SPG there would be no empirical evidence to suggest that there is harm such that the LPA could refuse the application. On this basis it would be regarded that the development complies with the aims of this criterion.

Notwithstanding this it can be noted that the Council has been preparing a Draft SPG and that this document is on this Planning Committee agenda for Adoption at the same time of considering this individual planning application. This document at the time of drafting this report defines a specific threshold, above which further concentration or intensification of HMOs will normally be deemed harmful, which strikes an appropriate balance in allowing for sustainable future growth in HMOs. This threshold has been identified based on an understanding of: current HMO concentrations; demand and supply for HMOs and PBSA; a review of other local authority approaches; and other available evidence, including findings of national research undertaken by the Welsh Government. Reflecting the current uneven concentrations of (licensed) HMOs and the identified impacts of high HMO concentrations, a two-tier threshold approach is suggested to be applied to determine whether an area has reached a point at which further HMOs would have a harmful effect.

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ITEM 1 (CONT'D)

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Two areas are recognised with one being a HMO Management area whereby a threshold of 25% of all properties will be used. The Management Area incorporates part, but not all, of the Uplands and Castle Wards. Outside the defined HMO Management Area, a threshold of 10% of all properties being HMOs is proposed to be used. Parts of the Uplands and Castle Wards are outside the HMO Management Area, as are all other Wards across the City & County.

In considering whether a proposal breaches the defined threshold level for that area, the SPG proposes that LPA will assess the concentration of HMO properties within a 50 metre radius of the HMO planning application and that the LPA will seek to resist planning applications for HMOs that breach the identified threshold for that area, unless there are material considerations that demonstrably outweigh the identified concerns regarding harmful concentration or intensification.

In addition to the 25% and 10% areas the draft SPG sets out exceptions for small streets. It advises that there are certain street patterns that are characteristic of Swansea where applying the threshold on a radius basis could fail to protect against an unacceptable concentration of HMO uses. A small street is defined as being a street of more than 10 properties but fewer than 35, includes properties on both sides of streets and is the uninterrupted section of road that is fronted by properties and not divided by any other street. It is recognised that under this definition, in certain instances, the street to be included in the calculation may be a subsection of a longer street in terms of street name.

Calculations have been carried out taking into account the draft SPG and defined thresholds. In this instance St Helen's Avenue falls within the HMO Management Area which sets a threshold of 25% within a 50m radius of the property proposed for conversion.

Evidence is provided in the SPG (Chapter 4) which suggests that there are existing community sustainability and cohesion issues that are resulting from harmful concentrations of HMOs and thus the threshold approach seeks to limit any further harmful concentration or intensification of HMOs within this area to the extent that proposals for a HMO will normally be resisted where it would result in more than one in four properties being HMOs within the given radius.

The calculations highlight that within the 50m radius there are 36 properties and currently 11 HMOs based upon the licencing data. This equates to a percentage of 30.5%. Adding an additional HMO within this area would result in the concentration for 12 HMOs being 33.3% and would therefore exceed the 25% threshold set out in the SPG.

Further to this regard can be given to a recent planning permission granted on appeal at No. 124 St Helen's Avenue which falls within the 50m zone. Clearly this application has yet to be implemented and resultantly included in the HMO register, however, its inclusion, along with the application property, would result in the concentration percentage being 36.1% within the 50m radius.

The SPG also sets out 'other material considerations and exceptional circumstances' which can be a determining factor in the decision making process. It states that whilst the LPA will normally seek to resist HMO proposals that would breach the 25% threshold, in the case of very high concentrations (those being 80% within a 50m radius) consideration can be given to any supporting assessments provided to justify the use.

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ITEM 1 (CONT'D)

APPLICATION NO:

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In this instance the threshold is below the suggested 80% threshold and no supporting information has been provided to justify this proposed HMO as representing an exceptional circumstance.

On this basis, should Members accept the evidence base and the Draft SPG is formally adopted by the Council prior to the determination of this application, the proposal would fail to accord with the thresholds and thus a recommendation of refusal can be justified on the basis that the proposal would contribute to a harmful concentration and intensification of HMOs in the area contrary to the requirements of Policy HC5 criteria (ii) of the UDP.

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

There are no dedicated parking spaces available as part of the existing or proposed development. Parking on street is controlled via the use of residents' permits and the property will remain eligible for two permits as is currently the case. The application form makes reference to cycle parking being included in the form of a shed to house the cycles and this should mitigate for the lack of car parking. There is rear lane access which could provide access to a parking area although it is narrow in width and the part adjoining the lane has not been included in land within the applicant's ownership. Consultation has been undertaken with the Highway Authority and no objection has been raised on highway grounds.

Reference can be made to the Parking Standards SPG which sets out that for a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwellinghouse. Details can be secured for cycle storage via an appropriate planning condition and this will encourage sustainable means of transport.

Appropriate refuse storage arrangements can be provided

There appears to be adequate areas for bin storage to the rear of the property and the applicant has indicated on plan the locations of such facilities. A condition is recommended to ensure that such a facility is provided.

Response to consultation

With regard to the points raised in the letter of objection and petitions, these have been addressed above.

With regard to the consultation response from the Highway Authority, the cycle condition is recommended in the interests of sustainability. It is, however, considered unreasonable to restrict the dwelling to 4 persons in light of C4 use class allowing up to 6 persons, the fall-back position of the property that could be occupied in excess of 4 persons and the size of the dwelling being appropriate and therefore the restrictive condition is not recommended.

Conclusion

In the absence of an Adopted SPG it can only be concluded that the Local Planning Authority has no basis upon which to justify a recommendation of refusal on grounds that the use of the property as a HMO would result in a harmful concentration of HMOs within this area and accordingly. Recommendation A is therefore one of approval.

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ITEM 1 (CONT'D)

APPLICATION NO:

2017/1049/FUL

If, however, the current Draft and the associated evidence base of the SPG is adopted prior to the determination of this application then the recommendation would be one of refusal as detailed in Recommendation B below.

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

RECOMMENDATION A

This recommendation is made subject to this application being determined prior to the Council adopting the Draft Supplementary Planning Guidance entitled "Houses in Multiple Occupation and Purpose Built Student Accommodation July 2017".

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: block plan, proposed floor plans received on 10th May 2017; bike and bin store plan received 15th June 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities to be provided for the secure storage for 4 cycles and refuse storage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained in perpetuity.
Reason: In the interest of sustainability and general amenity.

RECOMMENDATION B

This recommendation is made subject to the application being determined following the Council adopting the Draft Supplementary Planning Guidance entitled "Houses in Multiple Occupation and Purpose Built Student Accommodation July 2017".

REFUSE, for the following reason:

PLANNING COMMITTEE – 4TH JULY 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/1049/FUL

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 HMO Management Area due to the proposal exceeding the 25% threshold of HMOs within a 50m radius as set out in the Adopted Supplementary Planning Guidance Document entitled Houses in Multiple Occupation & Purpose Built Student Accommodation (Adopted July 2017). Following evidence set out in the Adopted SPG it can be concluded that the impact of an additional HMO will lead to negative impacts in the wider area including higher levels of transient residents, isolation of remaining family households and harm to the balance of the community and be 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 9 November 2016) of creating sustainable and inclusive mixed communities.

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: Policies EV1, AS6 and HC5 of the City and County of Swansea Unitary Development Plan 2008.
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PLANNING COMMITTEE – 4TH JULY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0993/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0493/PRE	PRE-APP Change of use from 4 bed residential property (Class C4) to 5 bed HMO (Class C4)	MIXPR E	29.03.2017
2017/0993/FUL	Change of use from residential dwelling (Class C3) to a 5 bedroom HMO for 5 people (Class C4)	PDE	

RESPONSE TO CONSULTATION

THREE neighbouring properties have been consulted and the proposal was advertised on site. FIFTY EIGHT LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) Not in keeping with the area
- 2) Rubbish and noise concerns
- 3) It should be rented to professionals not students
- 4) Parking concerns
- 5) HMOs are not maintained properly
- 6) Building works have commenced and is causing problems
- 7) Where would the bike racks be?
- 8) The number of HMOs should be limited
- 9) Effect on house prices
- 10) Overintensive use of the property
- 11) The hill is too steep for people to cycle
- 12) Emergency access concerns due to parking problems
- 13) The application should be delayed until the adoption of the HMO SPG

TWO separate petitions of objection have been received, totalling 79 signatures from separate addresses, raising similar concerns as those outlined above.

ONE LETTER OF SUPPORT has been received which is summarised as follows:

- 1) If there's a parking problem it is due to existing residents owning excessive number of cars.
- 2) This will provide much needed accommodation in the area
- 3) Overriding issues not relating to the actual use of the property.

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.

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ITEM 2 (CONT'D)

APPLICATION NO:

2017/0993/FUL

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 are no dedicated parking spaces available. The parking on street is controlled via the use of residents' permits and the dwelling will remain eligible for two permits as is currently the case. The application form makes reference to cycle parking being included in the form of a shed to house the cycles and this should mitigate for the lack of car parking, although no actual details have been provided. There is rear lane access which could provide access to a parking area although it is narrow in width, this has not been referenced in the application form.

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 for approval, and maintained as such in perpetuity, prior to beneficial occupation of the HMO.

Pollution Control - No comment to make.

APPRAISAL

This application is reported to committee at the request of Councillors Peter May and Mary Sherwood. The constitutional threshold has been met in terms of letters of objection received and signatures in the petition of objection.

Procedural Matter

This report has been drafted on the basis of there being no Adopted Supplementary Planning Guidance ('SPG') on the topic of Houses in Multiple Occupation (HMO). It is noted, however, that there are unique circumstances prevalent in that the application is presented to Planning Committee at the same time that the Draft SPG on Houses in Multiple Occupation & Purpose Built Student Accommodation is presented for Adoption. This application shall be determined having regard to the material considerations at the time of its determination.

Description

Full planning permission is sought for the change of use from residential (Class C3) to a 5 bedroom HMO (Class C4) at 90 Hawthorne Avenue, Uplands.

PLANNING COMMITTEE – 4TH JULY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0993/FUL

The existing dwelling is two storey 3-bedroom terraced property which is situated within the residential area of Uplands. The area comprises traditionally designed dwellings. The proposal would utilise two ground floor reception rooms as additional bedrooms i.e. 2 bedrooms at ground floor level and 3 bedrooms at first floor level.

No external alterations are proposed to the host dwelling.

Main Issues

The main issues for consideration in the determination of this application relates 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'.

Whilst at the time of drafting this report there is no current SPG on the topic of HMOs the Council has drafted a SPG entitled Houses in Multiple Occupation & Purpose Built Student Accommodation following public consultation which has been presented for Adoption at this Planning Committee. Should the Adoption of the SPG precede the determination of this application then significant weight shall be given to the document in the decision making process. Should the SPG not be adopted then no weight can be given to the SPG.

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 predominantly 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 and whilst the LPA has had difficulty in determining the threshold at which a harmful concentration would arise from HMOs within individual streets work has been on going on providing for a Supplementary Planning Guidance document to deal with both HMOs and Student related developments. Recent planning appeal decisions have set out that in the absence of Adopted Supplementary Planning Guidance on this matter, where or not a proposal is harmful depends on planning judgement.

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

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ITEM 2 (CONT'D)

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- (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 bedrooms to provide a five bedroom property. 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.

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). 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.

PLANNING COMMITTEE – 4TH JULY 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/0993/FUL

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, updated by Environmental Health, there are currently 13 HMOs registered along Hawthorne Avenue out of approximately 90 properties (as of 23 June 2017). This equates to an overall percentage within the street area of approximately 14.4%. Approval of this application would therefore take this figure to approximately 15.5%.

It is clear that approval of the application would therefore result in the addition of a further HMO in to a ward area that already comprises a high concentration of HMOs, however, whilst this is the case there has been no evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal. In decisions Planning Inspectors have set out that with no Adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases. It would be difficult therefore to suggest that an increase from approximately 14% to 15% within the street area would be harmful.

In the absence of a percentage or other similar calculation based approach without an Adopted SPG there would be no empirical evidence to suggest that there is harm such that the LPA could refuse the application. On this basis it would be regarded that the development complies with the aims of this criterion.

The Draft SPG which is on this Planning Committee agenda for Adoption defines a specific threshold, above which further concentration or intensification of HMOs will normally be deemed harmful, which strikes an appropriate balance in allowing for sustainable future growth in HMOs. This threshold has been identified based on an understanding of: current HMO concentrations; demand and supply for HMOs and PBSA; a review of other local authority approaches; and other available evidence, including findings of national research undertaken by the Welsh Government

Reflecting the current uneven concentrations of (licensed) HMOs and the identified impacts of high HMO concentrations, a two-tier threshold approach is suggested to be applied to determine whether an area has reached a point at which further HMOs would have a harmful effect.

Two areas are recognised with one being a HMO Management area whereby a threshold of 25% of all properties will be used. The Management Area incorporates part, but not all, of the Uplands and Castle Wards. Outside the defined HMO Management Area, a threshold of 10% of all properties being HMOs is proposed to be used. Parts of the Uplands and Castle Wards are outside the HMO Management Area, as are all other Wards across the City & County.

In considering whether a proposal breaches the defined threshold level for that area, the Draft SPG proposes that LPA will assess the concentration of HMO properties within a 50 metre radius of the HMO planning application and that the LPA will seek to resist planning applications for HMOs that breach the identified threshold for that area, unless there are material considerations that demonstrably outweigh the identified concerns regarding harmful concentration or intensification.

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ITEM 2 (CONT'D)

APPLICATION NO:

2017/0993/FUL

In addition to the 25% and 10% areas the Draft SPG sets out exceptions for small streets. It advises that there are certain street patterns that are characteristic of Swansea where applying the threshold on a radius basis could fail to protect against an unacceptable concentration of HMO uses. A small street is defined as being a street of more than 10 properties but fewer than 35, includes properties on both sides of streets and is the uninterrupted section of road that is fronted by properties and not divided by any other street. It is recognised that under this definition, in certain instances, the street to be included in the calculation may be a subsection of a longer street in terms of street name.

Calculations have been carried out taking into account the Draft SPG and defined thresholds. In this instance the application site falls outside of the HMO Management Area and is therefore within a zone that sets a threshold of 10% within a 50m radius of the property.

Evidence is provided in the Draft SPG (Chapter 4) which suggests that the tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts associated with this demographic change. This evidence based approach therefore provides a robust rationale for applying a 10% threshold for all areas outside the HMO Management Area.

Hawthorne Avenue is not a small street as defined in the Draft SPG and calculations highlight that within the 50m radius there are 45 properties with 1 existing HMO amounting to 2.2%. Approval of the application within this area would take this figure to 4.4%.

On the basis of this approach therefore it can be concluded that there would be an acceptable mix of HMOs within this area and there would be no resulting harmful concentration or intensification of HMOs in this area which complies with the requirements of Policy HC5 criterion (ii).

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

There are no dedicated parking spaces available as part of the existing or proposed development. Parking on street is controlled via the use of residents' permits and the property will remain eligible for two permits as is currently the case. The application form makes reference to cycle parking being included in the form of a shed to house the cycles and this should mitigate for the lack of car parking. There is rear lane access which could provide access to a parking area although it is narrow in width and the part adjoining the lane has not been included in land within the applicant's ownership. Consultation has been undertaken with the Highway Authority and no objection has been raised on highway grounds.

Reference can be made to the Parking Standards SPG which sets out that for a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwellinghouse. A condition restricting the number of residents is, therefore, not considered reasonable. Details can be secured for cycle storage via an appropriate planning condition and this will encourage sustainable means of transport.

Appropriate refuse storage arrangements can be provided

There appears to be adequate areas for bin storage to the rear of the property. A condition is recommended to ensure that such a facility is provided.

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ITEM 2 (CONT'D)

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Response to consultation

With regard to the points raised in the letters of objection, points 1, 2, 4, 7, 8, 10, 12 and 13 have been addressed above. Points 5, 8 and 11 are not material planning considerations and therefore cannot be taken into consideration. Point 3 relates to the type of future occupiers. The Local Planning Authority cannot discriminate between potential occupiers of premises and this cannot form part of the assessment. Additionally the behaviour of occupiers is not under the control of the Planning Authority, but other legislation would have remit to investigate issues such as noise complaints. With regard to works commencing (point 6), such works such as internal reconfiguration would not require planning permission. It is only when the use commences that such a development would be considered to have taken place. Such matters are considered to be a risk that the developer takes on.

With regard to the consultation response from Highways, the cycle condition is recommended. It is, however, considered unreasonable to restrict the dwelling to 5 persons in light of the fall-back position and the size of the dwelling and therefore the restrictive condition is not recommended.

Conclusion

It is considered that the Local Planning Authority has no evidence to suggest that the use of this property as an 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 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 received 3rd May 2017; proposed ground floor plan, proposed first floor plan received on 15th May.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 Details of facilities to be provided for the secure storage for 5 cycles and refuse storage shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained in perpetuity.
Reason: In the interest of sustainability and general amenity.

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: Policies EV1, AS6 and HC5 of the City and County of Swansea Unitary Development Plan 2008.
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UDP - EV23 - Green Wedges

Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and/or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 3 (CONT'D)

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UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (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)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0775/FUL	Residential development for the construction of 41 units, including access and all other associated works.	PDE	
2015/2506	Residential development for the construction of 41 units with associated access and landscaping works	S106	30.09.2021
2016/3168/DOC	Discharge of conditions 5, 6 _ 7 of planning permission 2015/2506 granted 30th September 2016 (archaeological and site investigation)	APP	04.01.2017
2017/0650/DOC	Discharge of condition 8 of planning permission 2015/2506 granted 30th September 2016 (Construction Pollution Management Plan)	APP	03.05.2017
2017/0775/FUL	Residential development for the construction of 41 units, including access and all other associated works.	PDE	

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ITEM 3 (CONT'D)		APPLICATION NO:	2017/0775/FUL
2017/1019/DOC	Discharge of condition 9 of planning permission 2015/2506 granted 30th September 2016 (materials)	APP	12.06.2017
2017/1161/DOC	Discharge of condition 11 of planning permission 2015/2506 granted 30th September 2016 (Scheme for the ownership and maintenance of the surface water system)	APP	19.06.2017
2005/0678	Residential development (outline)	WDN	31.05.2005

Background

This application is being reported to Planning Committee as it is a departure from the Unitary Development Plan currently in force.

Following the extensive public consultation exercise on The City and County of Swansea Deposit LDP in 2016, the council as the planning authority are currently carrying out a comprehensive review of the representations received and considering the requirement for any refinements to be made to the plan prior to its submission to the Welsh Government for examination. The site is allocated within the Deposit LDP for residential development.

A Tree Preservation Order is in place on a group of Oak trees along the western boundary of the site.

There have been three previous applications for the residential development of this land since 1994. The first application contained the application site and adjoining land to the west and was dismissed on appeal (ref: LV/94/0254/03).

The second application was submitted in 2005, utilised a smaller section of land and proposed 39 dwellings on the indicative plan submitted with the application. This application raised similar concerns to the previous application and the applicant subsequently withdrew the application prior to the Committee meeting.

The most recent application (ref: 2015/2506) granted planning permission for the development of 41 dwellings on the site at Planning Committee in September 2016. The timeframe for implementation was reduced to one year to ensure the development contributed towards the Council's housing shortfall. Since this permission was granted, Elan Homes have sold the site to Barratt Homes who have sought to amend the application in terms of keeping a culvert running along the eastern boundary in situ rather than relocating it to land to the west of the site (as previously proposed). This has necessitated a redesign of the scheme given the requisite easements from the culvert. The current application site remains the same as per the previous approval and the number of dwellings proposed remains the same.

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Alongside this, Barratt Homes have undertaken some site clearance works and have discharged all of the pre-commencement conditions attached to the previous consent in order to implement the extant permission before it expires.

Neighbour comments:

The development was advertised in the Press on 2nd May 2017, on site with two site notices, and 30 no. properties were consulted individually.

10 LETTERS OF OBJECTION have been received in response to this application which are summarised below:

- Application has been refused on numerous occasions - what has changed?
- Road and junctions around the development (especially junction with Frampton Road) are inadequate, dangerous and congested - increasing vehicle numbers could result in the Council having to find remedies at a later date and result in increased tax rates
- Increase in local population will change the local environment - loss of greenfield land could result in re-evaluation of property for taxation purposes
- Site has been sold as drainage problems could not be resolved
- Why has work started on site - trees have been cut destroying wildlife habitat
- Land is green wedge - detrimentally changed forever - should be on nearby brownfield site
- Access road is narrow and vehicles parking opposite each other make it difficult to get past
- Extra strain on local services including schools and emergency services - doctors at full capacity
- Increase traffic in the area - in particular the entrance to Queensgate Village and on Frampton Road - would be hazardous
- Nearby residential developments have added to the congestion and resulted in illegal parking at nearby facilities
- Inconsiderate parking obscures visibility at Junction with Frampton Road
- Overbearing effect on Queensgate Village
- Concerns over flooding and sewerage
- Site has been decimated
- Site on the verge of the saltmarsh which offers trees and shelter to wildlife
- Number of vehicles is likely to be higher than predicted
- Proximity to SSSI - Loughor Estuary
- LDP refers to 40 dwellings as opposed to 41 as proposed
- Transport Assessment uses data from 3 years ago and is therefore outdated
- Impact on neighbours during the construction phase in terms of traffic/ congestion and amenity concerns / hours of operation
- Parking allowance of 1 car per bedroom would mean in excess of 120 spaces
- Dwellings too close to the trees as noted by Tree Officer
- New development would increase amount of surface run off while reducing natural soak off areas
- Development would affect wildlife and trees/ shrubs and PROW
- Previous application by Elan Homes was held up and subsequently withdrawn
- Yellow lines are routinely ignored
- Development opposite entrance on to Frampton Road would make things worse

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Consultation Responses

Highways:

"1 Introduction

1.1 This proposal is for the construction of 41 dwellings on undeveloped land fronting Heol Pentre Bach in Penyrheol. The site is to be accessed from three locations along the site frontage and is supported by a Transport Statement that assesses the sites accessibility and traffic impact.

1.2 The site benefits from a previous consent for residential (2015/1670) so the principle of that level of development has already been established.

1.3. The site has also been identified as suitable for residential development under the Swansea LDP

2 Traffic Generation

2.1 A Transport Statement was provided in support of the application. Traffic movements have been quantified with reference to national data for housing developments and indicate that the likely movements would be 6 in and 18 out in the am peak and 16 in and 8 out in the pm peak. This equates to 24 two-way movements or just 0.45 movements per minute in each peak hour which is not considered a high volume. The number of predicted movements is too small to have any adverse effect on the operation of any junctions and the surrounding highway network.

3 Accessibility

3.1 The site is well served by footways and there are public rights of way to the north and west of the site. There are no dedicated cycle facilities in the immediate area and all cyclists have to use existing roads. There are bus stops within 500m and 650m with approximately 8 services per hour, therefore adequate bus provision is available.

4 Site Layout

4.1 All roads within the development are indicated to adoptable standards and are acceptable to serve the development. A combination of standard cul-de-sac provision is indicated together with some shared surface roads and links to the adjacent public rights of way are also shown.

4.2 Each plot is provided with parking in accordance with adopted standards and road widths are in accordance with adopted guidance.

5 Highway Safety

5.1 Some local concern has been raised about the additional traffic and difficulties currently experienced due to on street parking in the area. The predicted traffic generation is relatively low and unlikely to result in any congestion issues.

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Parking is provided within each plot and therefore is acceptable and in accordance with adopted standards so the risk of overspill parking is low.

- 5.2 There are general concerns regarding the speed of traffic along Frampton Road in the vicinity of the junction with Pentre Bach Road. A recent planning application opposite the site was granted consent and required to provide some form of traffic calming which would also cover the Pentre Bach Road junction and therefore the same requirement should be imposed on this application.

I recommend no highway objection subject to the following;

- i. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- ii. No building works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
- iii. The site shall not be brought into beneficial use until such time as speed reduction measures at the junction of Heol Pentre Bach and Frampton Road have been completed in accordance with details to be agreed with the Highway Authority.
- iv. All internal roads must be constructed to adoptable standards.

Note: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091."

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Pollution Control:

"I have no objection to this application as long as the previously approved details relating to comments made by the Pollution Control Division are adhered to."

Drainage:

"Based on the Engineering Layout dwg 10162-001 Rev F now supporting the Drainage Strategy ref 7444/FRA/JRV/2 dated 14 April 2016 we can recommend the following.

Condition

1. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

3. The development shall not discharge to the adjacent watercourse at any rate greater than 7.5l/s.

Reason: To prevent increased runoff to the local watercourse network and increased flood risk.

Informatives.

Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues."

Urban Design Officer:

"A previous permission was granted on the site under application ref: 2015/2506 and this set out the principle of residential development as well as broad parameters of an acceptable layout and design principles.

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Comments:

* The proposed layout is based on a logical approach of strong building lines and outward facing development fronting onto the existing street and Public Open Space (POS) areas with secondary internal streets/cul-de-sacs behind this public 'front'.

* The outward facing approach, which also provides for corner turning units at each of the cul-de-sac junctions, provides a good level of articulation to the public façades of the dwellings as well as a good level of fenestration onto these public areas. This helps to provide a good level of natural surveillance onto the public realm as well as integrate the scheme into the wider existing context.

* The proposals provide for a good mixture of dwelling sizes and tenures to improve housing choice for a mixed community and the mixture of dwelling types also adds variation and interest to the scheme.

* Given the prominence of the dwellings at plots 36 - 41 fronting onto the existing POS areas, the mixture of dwellings with different roofs and the terraced, staggered nature of this row we will need to see a streetscene of this group to assess its visual coherence.

* Whilst overall the scheme provides for well-designed dwellings with corner turning units also there is one exception to this which is the FIR type. This has an odd front door arrangement and is lacking in front and rear windows which give this a non-standard appearance which lacks the quality of the remainder of the dwelling types. It is therefore recommended that this dwelling type be amended to provide the front doors side by side facing the street to provide better balance and legibility to the principal elevation of this type. In addition to this small first floor windows should be provided above these repositioned doors (alternatively a recessed panel of the same size can be provided above the right side door given the location of the store above the stairs at first floor level). In addition to this an additional pair of windows should be included to the rear elevation in a mirrored location to the existing in order to serve the proposed bathrooms and provide balance to this elevation.

* In addition to this the FIR house type at plots 36 & 37 should be flipped so that the lounge and kitchen areas lie to the northern side where these will provide greater overlooking of the path in this location with the more private bedrooms set away from this path.

* The parking strategy for the scheme is a mixture of detached garages, integrated garages, side drives, frontage parking and rear row parking also. Overall this mixture of parking methods is utilised effectively to reduce the visual dominance of parked vehicles within the scheme and is considered acceptable.

In summary, subject to the changes and additional information requirements set out above, the proposals are considered to be appropriate and are considered to be an improvement to the extant planning permission granted under app ref: 2015/2506 by virtue of providing a more coherent design approach with strong building lines and articulated dwellings which face outwards onto the existing street and POS areas. Once the points set out above have been satisfactorily addressed the scheme will be recommended for approval."

Housing:

"We will require the provision of 30% Affordable Housing.

We require the scheme to include a range of DQR compliant house types, dispersed across the site in clusters. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

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We agree with the proposed 12 social rented units, 4 x 1 bedroom walk up flats, 3 x 2 bedroom houses, 4 x 3 bedroom houses and 1 x 4 bedroom house.

60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer.)"

Strategic Planning:

"The site is outside the adopted Unitary Development Plan (UDP) settlement boundary and is designated as EV20/21 - Development in the Countryside; and EV23 - Green Wedge. As such the proposed development represents a departure to existing development plan policy, which presumes against residential development at such locations.

The emerging Local Development Plan (LDP) is of relevance to the determination of the proposal. The LDP Preferred Strategy identifies opportunities for appropriate greenfield releases on the edge of the settlement boundary at Gorseinon and Loughor on a small scale where these would constitute appropriate rounding off. The site in question was identified under Candidate Site Reference UL002 as one these potential allocations and was as one of the sites included in the Deposit Local Development Plan (LDP). The site was attributed with a provisional capacity for 40 residential units.

The housing land supply currently stands at 3.2 years (2016 JHLAS), which is less than the 5 years required under national planning policy. The Council has demonstrated its commitment to increasing the available housing land supply through publication of the Developer Guidance - Planning Applications for Non-Householder Residential Development.

This guidance sets out that the Council will take a positive approach to the negotiation and preparation of appropriate planning applications for non-householder residential development on sites recommended for allocation in the emerging LDP. Where such cases represent a departure from the adopted UDP, the Council will prioritise identified strategic sites to ensure the high numbers attributed to them can be delivered and because these sites are most capable of delivering the widest social/economic benefits to contribute towards achievement of the LDP strategy and sustainability. The guidance states that the Council will also prioritise sites identified for the particular purpose of delivering majority proportions of affordable housing. The application site does not fall into either of the aforementioned categories, and is instead a proposed 'non-strategic' housing site. The guidance sets out that lower priority will be afforded to any such non-Strategic site recommended for LDP allocation beyond adopted UDP settlement boundaries, because they:

- * are less likely to deliver associated wider community facilities and highway improvements
- * will deliver fewer units than larger strategic sites
- * could divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites; and
- * would require multiple releases to redress the shortfall

However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with full regard to the particular circumstances and planning issues. It states there may be circumstances when a small scale site could provide a contribution to housing numbers that would not otherwise be secured by other strategic sites.

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The Guidance states that such departure applications will need to demonstrate that the proposed development:

1. is in-line with the emerging LDP
2. will deliver a meaningful and early contribution to meeting housing supply before adoption of the LDP and will not divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites
3. is sustainable, viable and will deliver any necessary social/economic benefits such as community facilities and highways improvements to make the development acceptable

The principle of allowing the development has been assessed under these three points below.

Site Assessment

1. As noted, the site has been agreed by Members as a suitable housing allocation for the Deposit LDP for a very similar number of units. The Preferred Strategy seeks to ensure such allocations secure a settlement rounding off. This is particularly relevant at this location in that a Candidate Site proposal was made proposing a large (12 hectare) residential development further west, at land known as 'Whitley Fach' (Candidate Site UL008). Following detailed assessment the Council has resolved not to allocate a strategic site at this location and land further west of the application site will therefore be designated as open countryside beyond the settlement boundary in the forthcoming Deposit LDP. Given these circumstances, it is vital that the layout of this site does not facilitate the potential for further expansion to the west of the application site at 'Whitley Fach', and instead secures a rounding off and re-enforced defensible boundary through its design.

Land around the estuary has been identified as the Lower Loughor Valley and Estuary Special Landscape Area (SLA) demonstrating its outstanding quality visual, sensory and habitat landscapes that make it a landscape of significant local importance. Emerging LDP policy will seek to ensure no significant adverse effect on the features and characteristics for which the SLAs have been designated. The effects of the proposal on the sensitive landscape area beyond and the importance therefore of delivering a strong permanent western boundary is clearly of key significance to determining the suitability of the proposal. It is also requested that the street/mews highway details are configured to exclude the opportunity for the proposed estate road to be extended at a later date or utilised by increased volumes of traffic.

In summary, in relation to site appraisal, the proposal does represent an opportunity to round off the settlement in an appropriate manner (meeting the in-principle provisions of the LDP Preferred Strategy), however further amended details of the site layout and works to be undertaken to maintain and enhance the boundary are considered necessary to satisfy this element, and to ensure the scheme does not facilitate future encroachment of development to the west.

2. The proposal has potential to deliver housing land supply before LDP adoption. There appear to be no major constraints which might delay the site's commencement and I understand that the developer maintains that it can demonstrate, with evidence, that the development economics of the scheme enable it to come forward immediately and that the company has a track record of building out sites in the vicinity soon after planning permission.

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It is noted that the Planning Statement states that they have a firm intention to proceed with development in the shorter term.

In the event that planning permission is recommended, an appropriate condition should be placed on the planning permission restricting it to a time period leading up to LDP adoption.

It is significant that the large scale 'Whitley Fach' proposal submitted to the Council as an LDP 'Candidate Site' for consideration has been assessed in detail and is considered unsuitable for development, and therefore there is no alternative strategic site to the application site at this location. The application therefore represents a non-strategic scale alternative site that does not compete with a strategic scheme being progressed in the vicinity.

3. A full planning application has been submitted in-line with the Developer Guidance. Based on the stakeholder consultation responses it will be necessary to ensure the development delivers any infrastructure / community improvements necessary to make the development acceptable and that this will not affect the viability and prompt deliverability of the site. It is positive that the Planning Statement notes that the developer intends to deliver 30% of the site as affordable housing units.

Conclusion

The proposed development is a departure to the extant UDP. Notwithstanding this it has potential to accord with the provisions of the recently approved Guidance Note on Non Householder Residential Development in respect of departure applications, subject to further detailed information being provided as described above.

Any permission granted should be time restricted to ensure development takes place promptly and that the site contributes to the land supply before LDP adoption."

Education:

"Review of the effect on Catchment Schools of Proposed Development

1. Planning Application: Land at Heol Pentrebach, Gorseinon, Swansea.
Planning Application No. 2017/0775/FUL now submitted by Barratt Homes.
Previous Planning Application for same development site was submitted by Elan Homes and was given approval on 30/09/2016 with £52,440 Section 106 being approved (i.e. Penyrheol Comp: £31,696; YGG Pontybrenin £20,744) - same number of dwellings as previously approved (4 of which are 1 bed flats)
Proposed residential development of 41 dwellings:
2. **Catchment Schools, capacity and projected capacity**
The catchment area for this development is Upper Loughor, and the catchment schools are:

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	Catchment schools	Number of unfilled places Date Jan. 2017	%	Previous Application	DIFF	Projections Jan 2023	%
English Medium Primary	Tre Uchaf Primary	28	13.59	41	-13	44	21.36
English Medium Secondary	Penyrheol Comprehensive *	89	9.13	63	+23	75	7.69
Welsh Medium Primary	YGG Pontybrenin *	7	1.48	14	-7	-43	-9.07
Welsh Medium Secondary	YG Y Gwyr *	227	21.06	105	+122	-139	-12.4

3. Demountables *

There are currently two double demountable buildings at YG Y Gwyr and one at Penyrheol Comprehensive (all deemed Category B). The current two double demountable buildings at YGG Pontybrenin are both Category A.

The demountables are currently considered fit for purpose.

4. SPG Pupil Generation (37 Dwellings)

	Pupil Numbers	£	Pupil Numbers
Primary	11.47	£118,966.84	E9 / W2
Secondary	8.14	£129,002.72	E6 / W2

Whilst the pupil numbers and projections at the catchment schools have changed slightly. The position for education remains the same as the original agreement. There remains capacity issues at three of the catchment schools and therefore it is considered that the previous request remains valid and reasonable and therefore you request £20,744 for YGG Pontybrenin and £31,696 for Penyrheol Comprehensive school in order to improve capacity at the schools."

Ecology:

My comments are largely as for the previous application - but have added some additional comments regarding bats. The development will have an effect on the ecology of the site, this impact can be minimised by following the guidance indicated in section 5 of the Reptile Survey (WYG December 2015) and the recommendations in appendix C of the updated ecological survey.

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A condition should be added to any permission we give to ensure that this guidance is followed. Habitat mitigation should include enhancement of retained habitats and the planting of ecologically friendly landscape planting. The stream adjacent to the site is suitable for occasional use by otters, this habitat and the adjacent strip of habitat should not be disturbed. Any scrub on the site may contain nesting birds; scrub should only be cleared outside the bird nesting season (March to September). The boundary trees should be retained. Any category 2 trees which are to be felled or affected by works should be treated as described in section 5.3.3 of the updated phase 1 ecological survey. The hedges and trees around the perimeter are used by foraging and commuting bats the recommendations in section 5.3 of the Bat Activity Survey Report Feb 2017 should be followed and a lighting plan agreed with council.

Natural Resources Wales:

"NRW do not object to the above proposal, however we wish to make the following comments.

Ecology and Protected Species

We note the submission of the document entitled; 'Barratt Homes Ltd South Wales: Land at Heol Pentre Bach, Gorseinon: Update Extended Phase 1 Habitat Survey Report', dated February 2017, by WYG Limited.

Section 5.2 of the Update Extended Phase 1 Habitat Survey report states that mature trees located along the site boundary are of higher ecological value and that these will be retained where possible.

We support the recommendations made in Section 5.3.3 which states that any Category 2 trees, which will be felled or affected by other works will be subject to precautionary measures in line with BCT 2016 Guidelines.

Given the uncertainty over the amount of time between any potential planning permission being granted and work commencing on site, we advise that immediately prior to felling (or other tree works), an assessment/survey of any Category 2 trees, which would be affected should be undertaken. If any bat roosts are found then work must stop immediately, and NRW contacted for further advice.

We advise that trees are surveyed and assessed in accordance with 'Bat Surveys for Professional Ecologists; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016. If any survey finds that bats are present at the site and you require further advice, then please feel free to contact us again.

NRW also support the recommendations made in relation to otters, which are laid down in Section 5.3.5. We advise that you consult your Authority's Planning Ecologist regarding the proposals made in relation to other species within the above report.

In addition, we note the submission of the document entitled; 'Barratt Homes Ltd South Wales: Land at Heol Pentre Bach, Gorseinon: Bat Activity Survey Report', dated February 2017, by WYG Ltd.

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We welcome the recommendations laid down in Section 5.3 of the report in relation to: avoidance, compensation and lighting design which we advise would be best delivered via an appropriate Landscaping & Lighting Plan, which should be agreed with your Authority's Planning Ecologist.

Flood Risk

The application site is located within Zone A, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). We have no knowledge of flooding at this location, but there is an ordinary watercourse adjacent to the site and therefore any flood risk associated with this should be assessed by the Local Planning Authority, who would be the Lead Local Flood Authority, in this instance.

Land Contamination / Geoscience

We consider that the controlled waters at this site are not of the highest environmental sensitivity; therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. In this instance, we would recommend that your Authority refers to its own environmental advisors.

Protected Sites

We note that the site is located approximately 170m from the boundary of the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI. A watercourse on the northern boundary of the site also appears to provide a direct hydrological link between the site and the SAC/SSSI.

There is a requirement for the Local Authority to assess any potential impacts under the Conservation of Habitats and Species Regulations 2010. Regulation 61 of the Regulations. The competent authority must undertake a test of the likely significant effects of the proposal on the SAC. If it cannot be demonstrated that there will not be a significant effect, either alone or in combination with other plans and projects, your Authority are required to undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission

Pollution Prevention & Waste Management

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). As best practice, we would advise the applicant/developer to produce a site specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments.

We would also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website: (www.defra.gov.uk). We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

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Please note, we have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development."

Arboricultural Officer:

"The proposed layout appears to place plots 15 - 19 closer to the retained protected trees than the approved Elan layout. The trees overhang a significant proportion of the gardens of these plots and will lead to ongoing pressure to prune these trees. The trees are oaks which have dense foliage exacerbating the problem. The increased separation from these trees was a revision in the approved scheme and should be replicated to reduce the ongoing conflict with the important trees.

The previously required storm drain is not shown on the new layout, if this is not now required it is an improvement on the previous scheme, however if it is still required, its impact on the retained trees must be provided.

The provided landscaping plan does show tree planting to compensate for the previous loss of trees. The specification for the trees does not indicate what type of stock will be used. The size of trees and species identified should be planted as pot grown or root balled not bareroot. The confirmation of this type of stock will also necessitate an alteration to the staking detail for the trees as a single stake is not suitable for these stock types.

In the event of the proposal being approved please condition a tree protection plan for the site to protect the trees during construction."

Arboricultural Officer (Amended Plan):

"The changes to the layout have moved it closer to the previously approved plan. I am content in this respect.

Please append the following condition to ensure the trees are protected during construction.

Condition

Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural report written by WYG referenced A083749 V3. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity."

Landscape Officer:

"Generally the scheme is repetitive and limited in variety / palette. Some species e.g. lavender will not always survive at all locations (unless in full sun with good drainage) but as there is limited detail shown on the plans it is difficult to comment further on the locations and mixtures of shrub species or the locations of individual trees. This scheme should be redrawn and submitted to include some of the information requested and suggested changes for further more targeted comments.

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It would also help if the plot numbers were labelled to give more meaningful comments and grass areas should be shown. All access / maintenance paths / hard surfacing around buildings for future maintenance etc. should also be shown.

Note that it will be our intention to protect all trees planted as part of this permission with Tree Preservation Orders. Prunus is also not particularly long lived; consideration should be given to alternatives and greater tree species variety (see more detailed comments below).

Comments on Plant Selection:

Viburnum tinus and Photinia Red Robin can be large growing shrubs, there are smaller varieties e.g. V.t 'Eve Price' and Ph. Little Red Robin (which has an ultimate height of 600-900) that are more appropriate for some of the available spaces and have less maintenance requirements.

Betula spp. and Prunus Autumnalis are shallow rooted and should not be planted adjacent to pavements unless there is provision for root containment with adequate rooting space elsewhere. Prunus is also not particularly long lived; consideration should be given to alternatives and greater variety. I note that Prunus and Betula J are planted within say 2m of each other.

Root deflection to be provided for Birch and Cherry species within 3m of hard paving to avoid future damage / lifting of paving. Where space is limited consideration should be given for deeper rooted species.

Please provide details for tree planting in paved areas.

Some of the footpath planting adjacent to footpaths is incongruous e.g. the mixture of Berberis Purpurea (small and thorny) feature shrubs of Buxus Cones and Phormium and more robust and larger growing Photinia Red Robin and Prunus lusitanica.

The mixture of Heuchera, Hydrangea and Viburnum tinus with feature planting of Phormium and Fatsia is unlikely to be successful.

I note the planting of single specimens of Fatsia and Buxus cones in a 'verge' area that will look incongruous."

Public Rights of Way Officer:

- o It looks from the plans as if a small walkway is going to link the development to footpath LC46 in the North West. If this is so, the Countryside Access Team would look for footpath LC46 to have works completed on it through planning gain to include some clearance, levelling and surfacing in the form of tarmacking.
- o Other footpaths in the area may be affected by the development, specifically LC18, which is on route to the sewage treatment plant. The developer should be aware that if they need to work on public rights of way, or dig them up, they should contact the Countryside Access Team to discuss.

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- o Barrett's would be completing the works on our (the highways authority's) behalf. As such we would give them permission to do the works as it would be an improvement to the footpath. They would need to let us know when the works are programmed in so that we can inform the public that works are to be undertaken. 2 weeks' notice of this would give us ample time to get a notice up at either end of the footpath to warn people of the impending works. I am assuming it would take them no more than a couple of days. Due to this short time period, we wouldn't need to do a temporary closure on the path. They would not need to tender or be on our contractor list as no money / budget would be changing hands at all from us to them, whether they are using a sub-contractor or completing the works themselves. They would be completing the works at their own expense on our behalf.
- o Footpath improvements would involve a digger scrape of vegetation off the path to make a wider more convenient walking surface for the local populace. In terms of surfacing, we'd be looking for the improved path to be surfaced with tarmac to 1200mm wide. I haven't measured the path's exact length, but would estimate it at no more than 200m.
- o 2 of the stiles should be replaced with kissing gates as this improves the access for walkers.

Dwr Cymru Welsh Water:

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

The proposed development site is crossed by a 375mm & 150mm combined sewer overflow pipe with their approximate position being marked on the attached Statutory Public Sewer Record. Their position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.

Reason: To protect the integrity of the public (sewer/sewers) and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"? 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Glamorgan Gwent Archaeological Trust:

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint.

As you may remember we commented on the previous application for this site (2015/2506), as well as the subsequent discharge of condition (2016/3168), and our understanding of the archaeological resource of the area remains unchanged.

We note the submission of an archaeological desk-based assessment, compiled by Archaeology Wales (Report no. 1419, dated December 2015). The document assesses the archaeological resource of the development area and the potential impact of the proposal. It concludes that there is the potential to impact on Post-medieval archaeological remains; notably a small farmstead known as Pen Y Cae. The assessment indicated that there was a need to record the upstanding remains of Pen Y Cae prior to work commencing on site and for an archaeological watching brief to be maintained during groundworks associated with the development. A recommendation with which we concur.

Therefore, in our role as the archaeological advisors to your Members we recommend that two conditions be attached to any consent, ensuring that archaeological and architectural investigations are carried out to mitigate the impact of the proposed development.

We have no objection to the determination of the consent as long as these conditions are attached and implemented.

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In order to preserve the remains of Pen Y Cae by record we recommend that a Level 2 building survey (Historic England 2016) is made prior to work commencing. To ensure that work is carried out in a suitable manner, we therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application. This condition is worded:-

No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate impact.

The second condition will require the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:-

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

Coal Authority:

"The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

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The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The planning application is supported by a Site Investigation Report (November 2015, prepared by Intégral Géotechnique (Wales) Limited). We note that this Report was submitted in support of a previous residential development proposal for 43 dwellings at the site under planning application 2015/2506.

The Site Investigation Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of deep coal seams, The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past.

The Site Investigation Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, an Envirocheck Report, historical OS mapping, and BGS geological mapping. The Report indicates that on the basis of a desk-based review of mining and geological data, possible shallow coal mine workings were identified as potentially posing a risk to stability at the site.

The Site Investigation Report goes on to detail the results of subsequent intrusive investigations carried out at the site, which comprised the excavation of eight trial pits and the drilling of six rotary boreholes. These investigations only encountered one coal seam of any note at the southern end of the site which was found to be 0.5m thick and at depth of in excess of 25m. No coal was encountered where records suggest the outcropping coal seam should be present.

On the basis of the above, the Report is able to conclude that the risk from unrecorded shallow mining is very low and that precautions against shallow mining subsidence are not required.

The Coal Authority Recommendation to the LPA

The Coal Authority is satisfied with the broad conclusions of the Site Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application."

Police Designing Out Crime Officer:

"I am pleased with the layout with the layout. Parking is within curtilage and/or overlooked.

Side windows must be installed in plots 36/37 to overlook the path that leads from the parking bays to the doors of the properties. These windows must be protected by defensible planting to prevent them from being accessed easily.

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Rear gardens adjacent to paths or open fields should also be protected by fencing at least 2 metres in height.

Entry onto the estate should be restricted to the designated routes."

Other general comments were provided with regards to lighting, boundary identification, landscaping and planting, side and rear parking, vehicle parking, garden sheds, bin stores, security lighting, drainpipes, public utilities, blank walls, door security, window security, intruder alarm system, identification of properties and garages.

Llchwyr Town Council:

Object to the application. The reasons being that the proposal constitutes an over development of the site, there are highway concerns and there should be no access from Borough Road.

Gorseinon Town Council:

"Object to the proposal. Concern was expressed that the site has already been cleared of existing trees which was illegally done during the nesting season March - August, and this should be noted and reported. Members have previously requested an upgraded junction (mini roundabout) be created by the developers at the site junction with Frampton Road to address the poor exit conditions from this estate. It was noted that the developer has utilised the previous drainage proposals/ culvert design from Elan Homes scheme which it is noted by the City Drainage engineers is unacceptable, and objected to. He suggests the application be withdrawn or deferred for amendment. The Tree Officer also notes that plots 15-19 are now nearer the protected trees and are likely to affect the trees adversely."

Cllr Cole:

Raised concerns regarding trees backing on to Heol Y Nant and queried whether TPO trees would be affected.

Site Location

The application site covers an area of approximately 1.23 hectares and lies to the west of Heol Pentre Bach where it terminates. The site comprises the whole of one field and smaller parts of three other fields. A landscaped strip separates the site from Heol Pentre Bach with a turning head located at the northern end of the road. Clos Y Morfa adjoins the northern end of the site with a pedestrian footpath running between the two roads, adjacent to an area of public open space. Dwellings on Heol Y Nant wrap around the southern boundary of the site. Heol Pentre Bach is accessed off Frampton Road which links Penyrheol and Loughor.

The site is currently agricultural land that rises gently from east to west and slopes down towards the north with a mature hedge atop a bank running along the western site boundary. The site is predominantly grass land and the trees/ scrub on site have been largely removed pending the redevelopment. Two public footpaths (Nos 45 and 46) run adjacent to the site. The site has good access to a number of public footpaths that extend into the surrounding countryside and link it to the nearby Loughor Estuary foreshore. The character of the nearby residential areas is typical of the type of relatively modern suburban streets with various cul-de-sacs stretching off the main spine road, comprising of predominantly two storey detached and semi-detached properties.

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Description of Development

This is a full application for planning permission for 41 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated access and landscaping works.

The proposed layout comprises an extension to the end of this road to provide a new access into the development along with 2 new accesses off Heol Pentre Bach with the turning head also utilised to access two garages located within the development. The development would consist of 3 cul-de-sacs each with a private drive(s) to serve several of the dwellings.

11 different house types are proposed as part of the development which would comprise detached, semi-detached and terraced properties. The dwellings would be two-storey finished either in brick or render. The proposed development allows for 12 of the proposed units to be affordable (approximately 29%). The mix of affordable units comprises 4 x no. 1-bed flats, 3 x no. 2-bed houses, 4 x no. 3-bed houses and 1 x 4 bed house.

The application has been submitted along with an Updated Extended Phase 1 Habitat Survey Report, Reptile Survey, Bat Activity Surveys, a Transport Statement, Landscape Character and Visual Impact Assessment, Site Investigation Report, Tree Condition and Valuation Survey, Arboricultural Method Statement, a Flood Consequences Assessment and Drainage Strategy, an Archaeological Desk Based Assessment and a Welsh Language Impact Statement.

The application has subsequently been amended to relocate dwellings along the western boundary further away from the existing trees and to cover comments raised by the Urban Design Officer. The Engineering Details have also been amended following comments from the Drainage Officer.

APPRAISAL

This is a full planning application for 41 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated works including access and landscaping at Heol Pentre Bach. The application site covers an area of approximately 1.23 hectares and lies at the northern end and to the west of Heol Pentre Bach. The site is currently pasture land enclosed with trees and is located outside of the Urban Boundary within a Green Wedge.

Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the principle of the development, the design/ visual impact of the proposals, impact on neighbouring amenity, highway safety, ecology, drainage and water quality issues, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of the Development

The application site is located within a green wedge, outside of the Urban Boundary as defined in the Adopted Unitary Development

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Plan. Local residents have stated that the proposal is contrary to Policy EV23 and various applications have been submitted, refused and dismissed on appeal on this site over the last 20 years. Policies EV18 and EV20 are not considered applicable as this is not a rural exception site proposed for affordable housing to meet an identified need and the proposal is not for persons primarily employed in agriculture, forestry or an appropriate rural use. The key policies are therefore Policy EV23, EV1 (which requires good design, including relationship to existing development patterns) and EV2 (which gives preference to the use of previously developed land over greenfield sites and requires regard to be had to its surroundings) along with guidance contained with Planning Policy Wales (9th Edition) and the accompanying Technical Advice Notes. Policy EV 22 seeks to control development in the countryside in order to conserve and enhance its value.

Both National and development plan policy aims to safeguard the openness of green wedge land, and Unitary Development Plan Policy EV23 states that development will only be permitted within a green wedge if it maintains the openness and character of the land and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area.

Policy EV23 goes onto state that appropriate development within the green wedge comprises the following:

- (i) Justified development in association with agriculture or forestry;
- (ii) Essential facilities for outdoor sport and recreation or cemetery use;
- (iii) Limited extension, alteration or replacement of existing dwellings;
- (iv) Small scale farm diversification;
- (v) The re-use of existing permanent/substantial buildings;
- (vi) Affordable housing for local needs under Policy EV18;
- (vii) Other uses of land and forms of development that maintain the openness of the green wedge and do not conflict with the purpose of including land within it.

The character of the area is dependent to a large part on the balance between the built environment and open space. The site presents a sizable area of open space abutting the access road, surrounded by existing landscaping that adds significantly to the rural character of the area which is considered to form the urban fringe. The proposal would not maintain the openness of the green wedge in this location.

It is clear from the outset that the proposed residential development of this site falls outside the definition of appropriate development as defined in UDP Policy EV23 and within the PPW definition of inappropriate development. Paragraph 4.8.14 of PPW states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge. It also says that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

As a starting point, it is considered that the development of 41 dwellings in this location, with associated access, would result in an unjustified form of urbanising development that would have a harmful impact on the character and openness of the green wedge contrary to UDP Polices. Substantial weight should be placed on this.

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The previous appeal decision from 1994 is materially different to the current application in that the site was significantly larger and included land to the west of the site and the decision was made over 20 years ago when the local/ national policy context was different.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

In this instance, the applicant argues that the application site is proposed as an allocated site for residential development within the Local Development Plan and the Council do not currently have a 5 year housing land supply which constitutes the exceptional circumstances required by Planning Policy Wales. In addition, all of the 'pre-commencement' conditions of the most recent application (2015/2506) have been discharged and the applicant is about to make a material start on this development which would ensure that the previous permission was extant and remained live.

It should be noted that once the most recent permission is implemented, the principle of the residential development would not need to be considered further as the development would remain extant.

The Draft Local Development Plan was placed on Deposit last summer and the Council are currently in the process of reviewing all comments prior to submitting it to the Welsh Government for Examination (anticipated in late July). The site is allocated within the emerging LDP for housing for approximately 40 dwellings. One resident has noted that the proposal is for an increased number to that indicated in the LDP but it should be noted that the LDP has provided an indicative figure and 41 dwellings has been considered acceptable on site previously.

Para 2.14.1 of PPW states that the weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report.

The Strategic Planning Officer has advised that the LDP Preferred Strategy identifies opportunities for appropriate greenfield releases on the edge of the settlement boundary at Gorseinon and Loughor on a small scale where these would constitute appropriate rounding off. It is also clear that the LDP would be reliant on greenfield land to meet the housing targets identified. The site has been reduced from that previously considered at appeal and represents an appropriate opportunity to round off the settlement in an appropriate manner providing the existing field boundary is respected.

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The proposal has potential to deliver housing land supply before LDP adoption. There appear to be no major constraints which might delay the site's commencement. Indeed, work has already commenced on site in terms of site clearance (however at this time, it is not considered that a material start has been undertaken) and Barratt Homes are seeking to implement the existing permission and undertake works under the consent before the permission expires. They have advised that should permission be granted, they will progress with the scheme currently being considered. It is also of note that Barratt Homes do not currently have involvement in any of the LDP Strategic Sites and the proposal represents a non-strategic scale alternative site that does not compete with a strategic scheme being progressed in the vicinity.

In the event that planning permission is granted, an appropriate condition should again be placed on the planning permission restricting it to a time period leading up to LDP adoption.

As clarified in a recent appeal decision (Ref: APP/K6920/A/15/3137884) by the Inspector (the PINS Director of Wales), the LDP Manual states that the deposit plan 'should be considered by the LPA as the version it intends to submit for examination and, later, to adopt'. The Council has resolved to place the emerging Plan on deposit and must, therefore, consider the emerging Plan and the allocations contained within it to be sound. In this regard, some weight (albeit limited) is to be given to the allocation within the emerging plan.

Turning now to the matter of housing land supply, the most recent Joint Housing Land Availability Study (2016) concluded that there is only a 3.2 years supply of housing land available in Swansea, substantially less than the 5 years supply prescribed in national policy. PPW states that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing, and TAN1 (Joint Housing Land Availability Studies) advises that, where a housing land supply shortage exists, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

In conjunction with its preparations for the emerging LDP, the Council has produced a Guidance Note, Planning Applications for Non-householder Residential Development, which aims to provide a clear strategy to address the housing land shortfall and includes advice to prospective developers on how the planning authority intends to deal with planning applications for sites not currently allocated within the UDP. The main principle is to bring forward several strategic sites recommended for allocation in the emerging LDP. However, at the current time, only one application has been submitted on a strategic site and therefore these sites would not make any significant impact on the housing shortfall for several years. In the meantime, it is appropriate to give considerable weight to the need to increase supply when dealing with planning applications.

The current proposal complies with many national and development plan policies, particularly many elements of sustainability due to the location of the site just outside the settlement boundary and the availability of public transport nearby. Its main conflict is in respect of the matters in the first main issue above, i.e. harm to the openness and character of the green wedge and the open countryside. However, notwithstanding these conflicts, it is considered the need to increase housing supply to warrant considerable weight in the short term.

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The issue regarding the policy conflict and the weight to be given to the material considerations in this respect must be weighed in the planning balance along with all of the other issues that are considered further below before determining whether the principle is considered acceptable.

Design/ Visual Impact/ Layout

The layout has been designed with two new cul-de-sacs accessed off Heol Pentre Bach and the turning head at the end of the road extended to provide for a new turning head and a private parking court for residents of the northern half of the development. The site layout is similar to the previously approved scheme, albeit tweaked to enable the culvert that runs along the eastern boundary to remain in situ. This has resulted in the plots fronting Heol Pentre Bach to be set back from the road with private accesses at the front but maintains natural surveillance over the main access road. Comments raised at pre-application stage have been addressed in the general submission and additional comments raised have also resulted in further amendments to improve the overall scheme.

Plots 36 - 41 front onto the open space and public walkway between Heol Pentre Bach and Clos Y Morfa. Whilst the parking for these properties is at the rear, the parking is overlooked from several properties and the rear gardens are secured by robust brick walls. These walls have also been included in other sections that are within the public domain to provide secure boundaries adjacent to private drives.

The Urban Design Officer has advised that entrances to the site are well defined by corner turning houses and the vistas into the site are closed by focal buildings. Whilst the adopted residential Design Guide discourages the approach of cul-de-sacs in favour of connected streets, it is considered acceptable on this occasion given the shallow depth of the site and the short distance in terms of connectivity. The changes requested by the Urban Design Officer have been undertaken and the Urban Design Officer has no objections to the scheme.

In summary, the proposals are considered to be appropriate and are considered to be an improvement to the extant planning permission granted under app ref: 2015/2506 by virtue of providing a more coherent design approach with strong building lines and articulated dwellings which face outwards onto the existing street and POS areas.

In terms of finishes, red multi brick, golden buff brick and cream render were originally proposed. The use of render on several properties was considered acceptable during the consideration of the previous application on the basis that it has been used at first floor level in other parts of the Queensgate development and its use in a suburban location such as this is considered acceptable. However, Officers had significant concerns with the use of golden buff bricks given that the remainder of the estate has been built with different colour red multi bricks. Whilst there are a variety of different bricks used in the locality, they are similar given their red base which ensures that the various developments relate well to each other. The proposal has subsequently been amended to omit this brick and the proposed materials are considered acceptable for the suburban location given that there are examples of render in the area. The design of the dwellings is considered appropriate to this area and respect the scale and design of the existing vernacular.

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The Police Designing Out Crime Officer does not object to the proposals and is generally supportive of the layout as the parking areas/ public spaces are overlooked. He did request the consideration of windows on the side elevation of plot 36/37 however this would increase overlooking of an existing property at Clos y Morfa. The layout would have to be redesigned to ensure suitable planting in front of this elevation and this was not considered necessary. The footpath is a short length and the Fir property has been redesigned so that the living room windows are on the northern side of the building to ensure increased natural surveillance during the day. The other comments of the Police DOCO would be attached as an advice note.

A Landscape Character & Visual Impact Assessment (LCVIA) has been prepared by White Young Green in support of this application. In the long term the overall impact on the landscape amenity of local residents would be adverse. For those properties adjacent to the eastern boundary of the site there would be a moderate adverse impact as a result of a change in their outlook, although this would in part be mitigated by the filtering effect of existing vegetation and the establishment of proposed vegetation. In the long term there would be no change to the landscape amenity of footpath users in the wider area due to separation distance and/or intervening features. Landscape character is partly derived from the vegetation pattern of the site, which includes the site boundary vegetation. The proposed development retains and supplements this vegetation which would be a small-scale change but beneficial in terms of its contribution to the vegetation pattern. In the long-term the proposed development would become integrated into its landscape setting. The potential initial adverse impacts on landscape amenity would reduce for all receptors, including those with most adverse change near the eastern boundary of the site.

Given that this site is allocated within the Deposit Local Development Plan for 40 dwellings and permission has been granted for 41 dwellings previously, the Council have acknowledged that the character of the site itself would change as a result of the development of this site. It is appreciated that the proposals would have a moderate adverse impact on the properties directly opposite the site to the east, which amounts to approximately 4 properties (of which 1 has no windows on the side elevation facing the site) although other properties adjoining the site would be impacted upon. Planning guidance indicates that there is no protection for private views and the LVIA concludes that impact would be partly mitigated by the retention of existing vegetation at the front of the site and within this context, whilst there would be an impact, it is not considered significant enough to warrant refusal on this issue. In addition, it is not considered that the proposal constitutes overdevelopment of the site.

Overall, the resultant development would be similar to other recently constructed developments within the locality and is similar in nature to the previously approved scheme. It is therefore considered that the detailed design and layout of this proposal is acceptable, in terms of its impact on the character of the area.

Neighbouring/ Residential Amenity

The proposed development is located to the east of dwellings on Heol Pentre Bach, to the north of properties on Heol Y Nant and south of properties in Clos Y Morfa. The issues of the visual impact and loss of outlook/ devaluation have been considered above. Comments have been received that the proposals would have an overbearing impact on the existing estate, would result in the loss of the village feel and pollution (noise, light and traffic) would increase both within the site and Gorseinon in general.

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In terms of separation distances, the developer has generally complied with the separation distances outlined within the Adopted Residential Design Guide. Sufficient space has been provided between Plots 1 and 3 and the existing adjoining property and whilst plots 36/37 are marginally closer to No.6 Clos y Morfa than the previous scheme at the nearest point, the building has been re-oriented 90° so that it is side on to reduce the impact and is considered acceptable. There are no windows in this flank elevation at first floor level ensuring no overlooking. Within the site, the dwellings achieve the minimum distances recommended within the Residential Design Guide with the exception of plots 28/29 and plot 2 which is 10.5m. However, these properties have an element of outlook either side of plot 22, and being south facing it is considered that the garden and rear windows would still receive sufficient sunlight. One property (plot 20) was indicated to have two side windows (one serving an en-suite) overlooking the neighbouring garden and property and whilst there would be an element of overlooking from adjacent properties, it is considered necessary to attach a condition requiring one window to be omitted and obscure glazing in the en-suite window given the increase overlooking this would provide of the area immediately at the back of the adjacent property. It is therefore considered that the proposals would not have an overbearing impact on the existing development and there are no concerns regarding a reduction of privacy for residents subject to conditions.

In terms of general noise/ disturbance/ light pollution, it is not considered that there would be a significant increase over and above the present situation given that the site is surrounded by existing residential development. As such, it is not considered that the proposed residential use of this site would have an adverse impact on the amenity of existing neighbouring uses.

Finally, residents have commented over disruption, noise and disturbance during the construction phase and queried operating hours. Given the proximity of nearby dwellings and the issues involved with the construction of the development on nearby residents, it was previously considered appropriate to attach a condition requiring the submission of a Construction Pollution Management Plan (CPMP) for the proposed development. This CPMP was previously agreed with the Pollution Control Officer, included hours of operation of plant and machinery and a condition ensuring it is complied with as a result of this development would be attached to any grant of consent.

Highway Safety/ Parking/ Public footpaths

Residents and the two local Community Councils have raised several concerns with regards to transport and highway safety issues. Comments have been received with regards to safety fears for pedestrians/ scooter users and existing local residents due to an increase in traffic, concerns the road is already narrow and hazardous due to on street parking and surrounding roads cannot cope due to congestion, illegal parking, visibility at junctions and queries over the content of the transport statement.

The Transport Assessment states Heol Pentre Bach is single carriageway and is subject to a 30 mph speed limit with no white lining present. The latest available recorded Personal Injury Accident (PIA) data was obtained for the Frampton Road corridor and the junction with Heol Pentre Bach. It is thought that there are local concerns regarding the safety at this junction. The accident data covered a five year period from the 1st January 2010 and concluded that there was one record of a personal injury accident during the period that resulted in 2 casualties with a fatal severity (the police report indicates that it was caused by driver error).

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There were five other incidents during the period (4 of which were slight). However, traffic calming is proposed at the junction of Frampton Road and Pentre Bach Road given concerns from local residents and the Highways department on previous applications.

The site is highly accessible by a variety of transport modes, including walking, cycling and public transport and is surrounded by a network of safe, attractive and convenient walking and cycling routes in the local area. A number of key local amenities and Gorseinon town centre are all located within 2km of the site. A number of bus services operate in the vicinity of the site, providing services to Llanelli and Swansea.

The TRICS database has been interrogated to provide an appropriate per dwelling trip rate for the proposed residential development. The development proposal would generate 24 two-way vehicle trips in the AM peak and 24 two-way vehicle trips in the PM peak. This would result in one extra vehicle every two minutes in the AM Peak, and PM peak respectively. This level of effect would not change the character or performance of the local highway network. The development proposal would generate 68 two-way multi-modal trips in the AM peak and 61 two-way multi-modal trips in the PM peak.

The Highways Officer has raised no issues with regards to the content of the Transport Assessment which have been quantified with reference to national data for housing developments. The Officer has advised that the number of predicted movements is too small to have any adverse effect on the operation of any junctions and the surrounding highway network. All roads within the development are indicated to adoptable standards and are acceptable to serve the development. A combination of standard cul-de-sac provision is indicated together with some shared surface roads and links to the adjacent public rights of way are also shown. Each plot is provided with parking in accordance with adopted standards and road widths are in accordance with adopted guidance.

Some local concern has been raised about the additional traffic and difficulties currently experienced due to on street parking in the area and Gorseinon Town Council have requested a mini-roundabout at the junction of Frampton Road. The Officer has stated that predicted traffic generation is relatively low and unlikely to result in any congestion issues. However, there are general concerns regarding the speed of traffic along Frampton Road in the vicinity of the junction with Heol Pentre Bach. A recent planning application opposite the site was granted consent and required to provide some form of traffic calming which would also cover the Heol Pentre Bach junction, as was the previous consent on this site which was considered acceptable when considered together with that development. The same requirement should be imposed on this application. The Highways Officers does not object to the application subject to conditions. Whilst the Officer has requested a Construction Traffic Method Statement, this was not attached as a condition to the previous extant consent and is not considered necessary in planning terms and would be added as an advice note. Concerns over illegal parking would be a separate police matter and no access is proposed from Borough Road as part of this proposal.

In terms of public footpaths, the PROW Officer has advised that several footpaths are located within the vicinity and would be affected as a result of the development. The Officer has requested works to improve footpath LC46 to include clearance, levelling and tarmacking. A scheme for these works would be attached as a condition of any consent granted given that they would improve access to the countryside for residents of this development and would encourage walking.

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Finally, the Officer has advised that two existing stiles should also be replaced with kissing gates to improve access for all users of the adjacent footpaths and this would be included within a S106 agreement attached to any consent granted.

The proposals are therefore considered acceptable in terms of access, highway safety and parking.

Ecology/ Trees/ Landscaping

An Updated Extended Phase 1 Habitat Survey has been submitted along with reptile surveys and bat surveys. It is recommended that any removal of habitat suitable for breeding birds (trees and dense scrub) is completed outside the bird breeding season (considered to be March to September inclusive, although it can vary depending on weather conditions and species present). No reptiles were recorded during the presence/ likely absence surveys. However due to the timing of the surveys, at the end of the reptile season, it is considered possible very low numbers of common reptiles, including slow worm and common lizard, could be present. A precautionary clearance methodology is proposed including careful staged strimming of suitable habitat, long grass and scrub areas, to approximately 100 mm to encourage reptiles to move towards the suitable habitat in the wider landscape.

Residents have commented that Loughor Estuary is a SSSI and there should be a buffer zone around the protected area. Natural Resources Wales do not object to the application and have advised that the recommendations in Section 5.3.3, that further bat surveys are carried out on trees which are proposed to be lost and that have the potential to support roosting bats, should be followed. NRW note that the site is located approximately 170m from the boundary of the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI. A watercourse on the northern boundary of the site also appears to provide a direct hydrological link between the site and the SAC/SSSI. However, they consider it unlikely that the on-site works would have a significant adverse effect on the SAC/SSSI, providing appropriate pollution prevention and construction management plans are in place.

The Council's Ecologist has advised that whilst the development would have an impact on the ecology of the site, this impact would be minimised by following the guidance indicated in section 5 of the Reptile Survey (WYG December 2015) and section 5 of the Updated Extended Phase 1 Survey (WYG December 2017) and conditions to this effect would be attached to any grant of consent. Habitat mitigation should include enhancement of retained habitats and the planting of ecologically friendly landscape planting. The hedges and trees around the perimeter are used by foraging and commuting bats; the recommendations in section 5.3 of the Bat Activity Survey Report Feb 2017 should be followed and a landscaping and lighting plan agreed with council. The Ecologist has concluded that as the proposed development is entirely residential, the likely impacts on the protected site features include disturbance through noise and illumination and contaminated water running off the site. The development site falls on a slight eastward slope falling away from the Burry Inlet SAC; there are a series of hedges between the site and the SAC. Because of the geography and distance between the sites noise and light disturbance would not affect the SAC. Drainage issues are covered by the existing Habitats Regulation Assessment (David Tyldesley & Associates). It can be concluded that the development would not have a significant effect on the features of the Burry Inlet SAC. Further to this, the development is 1.5 km from the Burry Inlet SPA and Ramsar sites; this includes a large block of land with residential development which would act a significant buffer.

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This distance is sufficient to prevent disturbance of the bird features of the protected site. It is concluded that the development would not adversely affect the features of the Burry Inlet SPA or Ramsar sites.

Gorseinon Town Council commented that the site had already been cleared which was illegally undertaken during nesting season and note the Arboricultural Officer also raised concerns. Whilst the majority of the trees located on the site have already been cleared, permission was not required for this (as the trees/ scrub were not protected) and it is not illegal to remove vegetation during bird breeding season, although care should be taken to ensure an offence is not committed. Former Councillor Cole queried whether the trees at the rear of Heol y Nant would be removed as the neighbours consider these to be on their land. Firstly, the applicant has indicated that these trees are to remain and secondly, this would be a separate legal matter in any event between interested parties as these trees are not protected. Former Councillor Cole also queried whether the TPO trees along the eastern boundary would be impacted upon but this proposal would require the removal of one less oak tree given the revised drainage arrangements and the remainder would not be touched.

The Arboricultural Officer originally commented that the proposed dwellings are closer to the trees than previously approved, however the applicant has now amended the layout to provide for larger gardens and the Arboricultural Officer advised that the revision of the scheme has moved the houses further away from the category A oak trees on the western boundary. This would reduce further pressure on these trees and future pruning would be controlled as these trees are protected. The Officer also commented that the revised layout is an improvement given that the storm drain position has now changed and requested amendments to the landscaping scheme. These changes have subsequently been incorporated into the proposals and are considered acceptable providing a condition is attached to ensure the works are undertaken in accordance with the tree protection measures already approved. The Landscaping Officer has provided comments with regards to the landscaping scheme which have not been incorporated into the current proposals given the delay in receiving these comments. However, a condition would be attached to any grant of consent requiring further landscaping details to be submitted to and approved in writing notwithstanding those submitted to date. This would be tied in with the Lighting condition required for ecological purposes.

Contaminated Land

A Site Investigation has been prepared by Integral Geotechnique. The site was tested for ground contamination as part of the process, where it was established that trigger levels for pollutants were below guidelines for residential gardens with in-situ soils classified as inert. No contamination sources were found in the groundwater with no ground gas risk.

The Council's Pollution Control Officer previously reviewed the site investigation report accompanying the application and had no objections provided that further assessment at the "Overgrown northern part of the site" and location TP7 is undertaken (due to the presence of asbestos and potential Asbestos Containing Materials). These details have already been provided in order to discharge condition 7 of the previous consent.

The Officer also requested a condition regarding unforeseen contamination and a Construction Pollution Management Plan which has also previously been agreed. NRW has no adverse comments subject to the inclusion of a condition regarding a Pollution Management Plan.

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A condition requiring the development to be undertaken in accordance with the approved CPMP would be attached to any grant of consent.

The Coal Authority is satisfied with the broad conclusions of the Site Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, the Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Affordable Housing

The applicant has proposed 12 units of Affordable Housing within this development, split between the northern and southern sections of the site (4 x 1 bed, 3 x 2 bed, 4 x 3 bed and 1 x 4 bedrooms). This equates to 29% provision on site. All the units must be DQR compliant and should be pepper potted throughout the development. On the basis of the submitted information, the Housing Officer has not objected and the proposals are considered acceptable and these requirements would be secured via a S106 agreement.

Education

The Education Officer has advised that whilst the pupil projections at the catchment schools have changed slightly from the previous application, the position for Education remains the same as the previous permission. There remains a capacity issue at three of the catchment schools and therefore it is considered that the previous request remains valid and reasonable which comprises a contribution of £20,744 for YGG Pontybrenin and £31,696 for Penyrheol Comprehensive school in order to improve capacity at the schools.

Therefore, in line with the Council's Planning Obligations SPG, it is proposed that a contribution of 31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin.

Archaeology

The Archaeological Assessment assessed the potential impact of the proposed development on the archaeological resource, and examined designated sites and landscapes within an agreed search area of 1km around the proposed development site, and undesignated sites within an agreed search area of 0.5km. It concludes that given the topography of the area as well as the adjacent housing estates, no Scheduled Ancient Monuments (none within the search area), Listed Buildings (7 within 1km) or their settings would be indirectly (visually) affected by or have any visual relationship with the development. Two local sites of archaeological interest have been identified within the proposed development area, namely a former quarry (HPB01) and farmstead/cottage (HPB02). The general archaeological potential for this proposed development is considered to be low. However, due to the presence of these two identified archaeological sites (HPB01 & HPB02) it is recommended that mitigation may be required to further record their remains during development works on the site. In the first instance it is suggested that more detailed survey and recording of the surviving above-ground remains of Pen-y-Cae be undertaken once tree-cover has been removed from the site.

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Subsequently, it is recommended that an archaeological watching brief, with contingencies, is conducted on any intrusive ground works within the proposed development area in order to record any below-ground archaeological remains that may be disturbed during development of the site.

The Glamorgan Gwent Archaeological Trust agree with the assessment and advise that two conditions should be attached to any grant of consent, one requiring historic building recording and one requiring a watching brief during the course of works. These details have already been discharged for the previous planning permission and therefore a condition would be attached to ensure that the development proceeds in accordance with the approved Written Scheme of Investigation which includes Historic Building Recording.

Drainage/ Flooding

Residents have commented that the site is marshy, the previous scheme stalled due to drainage issues, the development would increase run off whilst reducing natural percolation and a flood assessment should be undertaken. Gorseinon Town Council have also referred to the Drainage Officer's objection.

The flood consequences and drainage assessment states that with the advent of the residential development which took place in the locality during the early 1990's, the adjoining watercourse along the eastern boundary has been culverted to allow development to take place. This runs for the length of the site to a chamber near the head of the Heol Pentre Bach road but located within the site. This culvert is proposed to remain in situ which has necessitated the redesign of the scheme and resulted in this application.

The site is located within Zone A as indicated on the Welsh Government Development Advice Maps. The Flood Consequences Assessment concludes that the site is at little or no risk of fluvial or tidal / coastal flooding. The FCA concludes that there is a low risk of this site flooding considering all the sources required by WG planning guidance on flooding. NRW has no knowledge of flooding on this site.

The existing foul drainage in the locality consists of a separate gravity fed pumping station which pumps via rising mains to Llys Gwynfaen Road from where it eventually ends up at Llannant WWTW. DCWW have confirmed that there is sufficient capacity within the existing drains and pumping station as well as the receiving waste water treatment works at Llannant, which lies some 500-600m north of the site.

The Council's Drainage Officer originally raised concerns with the proposal as discharge rates were higher than previously approved and no indication of attenuation locations was provided. Following amendments to the engineering drawing (including the discharge rate), he has withdrawn the objection subject to the imposition of a condition that full drainage details be agreed prior to the commencement of development and provided run-off to the adjacent watercourse does not exceed 7.5l/s. The Drainage Officer requested that permitted development rights be removed for this development but as it was not included in the previous consent, it is not considered reasonable to include as part of this scheme. Dwr Cymru Welsh Water has not objected to the planning application.

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The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW towards all development that drains into CBEEMs, and carried out the following habitat assessment.

Burry Inlet Habitat Regulations Assessment

Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation and Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European site, or candidate/ proposed European site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and Ramsar site. Before deciding to give permission the LPA must therefore first consider whether this development is likely to have a significant effect on the CBEEMs either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMs features water quality was identified as the only factor that might have an effect as discussed below.

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the statutory advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under Regulation 63 the former Environment Agency (now NRW) undertook a detailed Habitats Regulations Assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMs in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoJ has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary.

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Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources.

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

Other possible effects on CBEEMs features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

On this basis, there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with Regulation 61(1).

The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, confirmed that they are content with the above approach.

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

Conclusion

In conclusion, DCWW have not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2017. The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.

In summary, there are no known hydraulic capacity or new water quality issues to address and there is no justification to refuse this proposal for planning permission on these grounds.

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Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34 and EV35.

Welsh Language

The Welsh Language Impact Assessment indicates that at the time of the 2011 Census, 20.3% of the residents of the Upper Loughor Ward could read, write or speak Welsh and 18.1% of residents in the adjoining ward (Penyrheol) could read, write or speak Welsh. The percentage at a County level is 13.8% (21.31% nationally). Based on the census figures of residents per household, it is anticipated that 101 new residents would be created as a result of this development. Upper Loughor is also identified as a Language Sensitive Area in the LDP. Based on similar developments within the locality, it is apparent that approximately 80% of people moving to the estate would come from the surrounding area (SA4 postcode) which equates to 15 people out of the anticipated 101 new residents that could read, write or speak Welsh which is considered to have a neutral impact.

Information in recent Joint Housing Land Availability Studies points to a substantial reduction in house building in Swansea over the last decade. As a result, rather than encouraging in-migration, this trend may result in Welsh speakers leaving the area. Given that a new development as proposed is likely to draw largely from local first time buyers and those wishing to upgrade but remain in the area, the percentage of 'local buyers' given by previous market research may be a minimum and in fact likely to be greater, which would in turn increase the number of Welsh speaking households on the development and decrease the number of non-Welsh speaking households anticipated. Numerically, based on the findings outlined in this study, the number of Welsh speakers in the area is likely to increase by some 20 residents, due particularly to the volume of buyers/occupiers coming from within the North Swansea area. As a result, the development is unlikely to lead to a loss in Welsh speaking households. The mix of units, which has been based on a local market assessment (and includes 12 affordable units), would ensure that the dwellings do not favour/ discriminate against one particular age group. The housing mix would help cater for people of different ages and economic status, with different lifestyles and levels of independence.

Due to the nature of the scheme (residential), it is not considered that the proposals would lead to greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. The price structure of the houses has been based on an assessment of local market need and are comparable with average 3 and 4 bed houses within Swansea. It is therefore considered unlikely that the development would force the local Welsh speaking community to leave the area. The proposed development would generate 11 children of primary school age, 8 children of secondary school age and 2 students of post-16 age. As a result of the limited number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking and non-Welsh speaking students. The overall assessment equates to 4 positive scores, no negative score and 14 neutral scores which equates to the proposal scoring +4 on the PWL scoring system, and result in a positive impact on the Welsh language. However, mitigation is proposed in the form of promoting the proximity of Welsh speaking schools in advertising literature, strong advertising within the local area and bilingual sales to be made available on request and this would be included as an advice note to any permission granted.

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Other issues

Despite resident concerns, there is no evidence of insufficient utility and local service infrastructure capacity within the area, this issue has not arisen through the LDP candidate site assessment and a contribution would be provided towards education. One resident has commented that the proposals could impact on their Council tax, however there is no evidence of this and the tax is based on property value so this issue is given very limited weight. Permission has also previously been granted for the development of this site for 41 dwellings which is currently extant and all of the pre-commencement conditions have subsequently been discharged.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The proposed residential development of this site falls outside the definition of appropriate development as defined in UDP Policy EV23 and is within the PPW definition of inappropriate development. Paragraph 4.8.14 of PPW states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. It also says that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

In this instance, the applicant argues that the application site is proposed as an allocated site for residential development within the Local Development Plan and the Council do not currently have a 5 year housing land supply, both of which weigh in favour of the application. Further to this, the site benefits from an extant planning permission (granted 30th September 2016 with a condition that the development shall commence within 1 year) that is due to be implemented in due course.

The housing land supply currently stands at 3.2 years (2016 JHLAS), which is less than the 5 years required under national planning policy. The Council has demonstrated its commitment to increasing the available housing land supply through publication of the Developer Guidance - Planning Applications for Non-Householder Residential Development.

This guidance sets out that the Council will take a positive approach to the negotiation and preparation of appropriate planning applications for non-householder residential development on sites recommended for allocation in the emerging LDP. Where such cases represent a departure from the adopted UDP, the Council will prioritise identified strategic sites to ensure the high numbers attributed to them can be delivered and because these sites are most capable of delivering the widest social/economic benefits to contribute towards achievement of the LDP strategy and sustainability. The guidance states that the Council will also prioritise sites identified for the particular purpose of delivering majority proportions of affordable housing. The application site does not fall into either of the aforementioned categories, and is instead a proposed 'non-strategic' housing site.

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However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with full regard to the particular circumstances and planning issues. It states there may be circumstances when a small scale site could provide a contribution to housing numbers that would not otherwise be secured by other strategic sites.

In this instance, it is considered that the proposal is in line with the Deposit LDP, the proposal would provide a meaningful early contribution towards meeting the housing supply before adoption of the LDP (provided a condition to commence development within 1 year is attached) and it would not divert attention/ resources away from a strategic site. It should also be noted that the proposal would provide a contribution towards affordable housing and education and is considered sustainable and viable.

The site is allocated within the Deposit LDP for housing for approximately 40 dwellings. Further to this, it is noted that the Council cannot meet its future housing land supply needs without allocating greenfield sites.

The current proposal complies with many national and development plan policies, particularly many elements of sustainability due to the location of the site just outside the settlement boundary, the availability of public transport nearby and the provision of affordable housing on site and it is considered the need to increase housing supply to warrant considerable weight in the short term.

The planning balance in this respect is therefore finely balanced.

National Planning Policy states that there should be exceptional circumstances to justify a proposal within a green wedge. In this instance, the LDP (whilst of limited weight) acknowledges that greenfield land would be required to meet future housing targets and is it unlikely that this approach would change significantly due to the housing requirements for the plan period. Further to this, the site is located within an allocated site within the Deposit LDP which weighs in the site's favour, along with the consideration that the proposal represents a natural rounding off of this settlement boundary. The Council do not have a 5 year land supply and the applicant has stated that they would be committed to implementing the development prior to the adoption of the LDP (which could be secured via condition) and this issue should be given considerable weight given that this is a meaningful contribution and it is likely increasing pressure would be placed on greenfield sites in the future that are not allocated within the LDP. The proposal would also provide a contribution towards affordable housing on site and there is an extant planning permission for the residential development of this site that is due to be implemented in accordance with the previous permission. There has been little material change in relevant planning policy since the previous permission and this adds more weight to support the proposal.

When assessing all of these issues, it is considered that the clear benefits of the development, with a legitimate fallback position for residential development that could be commenced (given that all pre-commencement conditions have been discharged), outweigh the policy breach of restricting development within a green wedge, and constitute very exceptional circumstances providing that a condition is attached requiring the development to be implemented within one year of permission being granted to ensure the prompt delivery of much needed housing.

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Planning Obligations:

The Planning Obligations associated with this development include:

- * Provision of 12 affordable housing units on site to DQR (29% of the development - of which 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) - all to be disposed of via a RSL)
- * £52,440 contribution towards Education (£31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin)
- * £750 contribution to replace two existing stiles with kissing gates
- * £1,064 contribution towards ongoing management and monitoring fees (2% of obligation)

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure that an adequate sum is provided towards Education, provide affordable housing on site and to improve accessibility for pedestrians to/from the development.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards education, improvements to the local PROWs and the provision of affordable housing).

Whilst the proposals are located outside of the settlement boundary, within a Green Wedge, the development is considered acceptable on balance when considering all material considerations. It is therefore concluded that the application should be approved subject to the following conditions and the completion of a S106 agreement.

RECOMMENDATION

That the application be APPROVED, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following contributions:

- * **Provision of 12 affordable housing units on site to DQR (29% of the development - of which 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) - all to be disposed of via a RSL)**
- * **£52,440 contribution towards Education (£31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin)**

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- * **£750 contribution to replace two existing stiles with kissing gates**
- * **£1,064 contribution towards ongoing management and monitoring fees (2% of obligation)**

1 The development hereby permitted shall begin not later than one year from the date of this decision.

Reason: To ensure the development is commenced in a short timeframe to enable the delivery of dwellings to help meet the identified shortfall and 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:

Location Plan (Drawing No. 1619 101) received on 6th April 2017; Enclosure Details Sheet 1 (1619 175) and Enclosure Details Sheet 2 (1619 176), Enclosure Sheet Details 3 (1619 177) and Garage Details Sheet 4 (1619 174) received on 18th April 2017; Planning Layout (1619 100F), External Works Layout (1619 102A), Materials Layout (1619 103A), Storey Heights Layout (1619 104A), Affordable Housing Layout 1619 105A), Parking Strategy Layout (1619 106A), Adoption Layout (1619 108A), Ennerdale Semi Detached Floorplans (1619 152A), Ennerdale Semi Detached Elevations (1619 153A), Ennerdale Detached Floorplans (1619 154A), Ennerdale Detached Elevations (1619 155A), Hemworth Floorplans (1619 156A), Hemworth Elevations (1619 157A), Hemworth Render Elevations (1619 158A), Kingsley Floorplans (1619 159A), Kingsley Elevations (1619 160A), Hale Floor Plans (1619 161A), Hale Elevations (1619 162A), Alderney Floorplans (1619 163A), Alderney Elevations (1619 164A) and Radleigh Floorplans (1619 165A) received on 25th May 2017; Maidstone Floorplans (1619 150B), Maidstone Elevations (1619 151B), Radleigh Elevations (1619 166A), Fir Floorplans and Elevations (1619 167B), Olive Floorplans and Elevations (1619 168B), Larch Floorplans and Elevations (1619 169B), Cherry Floorplans and Elevations (1619 170B), Garage Details Sheet 1 (1619 171A), Garage Details Sheet 2 (1619 172A), Garage Details Sheet 3 (1619 173A) received on 26th May 2017, Engineering Layout (10162-001F) received on 7th June 2017; and Existing and Proposed Ground Levels (1619 B002A) received on 9th June 2017.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).

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ITEM 3 (CONT'D)

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- 5 The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation dated 1st August 2016, prepared by Archaeology Wales Limited, submitted to discharge condition 6 of planning permission 2015/2506 as confirmed in the letter from Barratt Homes dated 20th June 2017. A copy of the Watching Brief Report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 6 The development hereby permitted shall be undertaken in accordance with the Construction Method and Management Statement dated 20th March 2017, prepared by Barratt Homes, submitted to discharge condition 8 of planning permission 2015/2506 as confirmed in the letter from Barratt Homes dated 20th June 2017.
Reason: To protect residential amenity and the environment during the construction phase.
- 7 Prior to the commencement of development, samples of all external finishes for the development shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall thereafter be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 8 Prior to the commencement of development, and notwithstanding the details submitted to date, a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details, and the development shall not be beneficially occupied before it is served by the approved foul water, surface water, land drainage systems and the systems shall be retained in perpetuity.
Reason: To ensure that effective drainage facilities are provided for the proposed development and that no harm occurs to the environment, public amenity or the existing public sewerage system.
- 9 Prior to the commencement of development, a scheme for the ownership and maintenance of the surface water system shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be maintained in accordance with the approved details.
Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.
- 10 The works hereby approved shall be undertaken in accordance with the recommendations contained within section 5 of the Update Extended Phase 1 Habitat Survey Report prepared by WYG dated February 2017.
Reason: To ensure ecological mitigation is provided in accordance with best practice during the course of the works.

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- 11 The works hereby approved shall be undertaken in accordance with the recommendations contained within Section 5 of the Reptile Presence/ Likely Absence Survey Report prepared by WYG dated December 2015.
Reason: To ensure a precautionary approach is undertaken to protect reptiles during the course of development.
- 12 The works hereby approved shall be undertaken in accordance with the recommendations contained within Section 5 of the Bat Activity Survey Report prepared by WYG dated February 2017.
Reason: To ensure a precautionary approach is undertaken to protect bats during the course of development and in the future.
- 13 Prior to the first beneficial occupation of any dwelling hereby permitted, full engineering details of the highways and footpaths within the residential development and the phasing/ timescales for their construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and timescales.
Reason: In the interests of highway safety and to ensure that all properties have sufficient access arrangements are provided at an appropriate time during the course of development.
- 14 Prior to the first beneficial occupation of any dwelling on the residential site hereby permitted, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.
Reason: In the interests of highway safety and to ensure that the highways within the development are maintained appropriately thereafter.
- 15 The dwellings hereby permitted shall not be brought into beneficial use until such time as speed reduction measures at the junction of Heol Pentre Bach and Frampton Road have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
- 16 Notwithstanding the details submitted to date, full details of a Lighting and Landscape Plan (to include the infill native planting along the western boundary and a timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of any of the dwellings hereby permitted. The landscaping and lighting shall be completed in accordance with the approved details.
Reason: To ensure appropriate landscaping is provided along the site boundary and within the site to mitigate for tree loss, improve connectivity for bats using native species and ensure insensitive lighting does not impact on bats.

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ITEM 3 (CONT'D)

APPLICATION NO:

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- 17 All planting and grass seeding or turfing comprised in the approved details of landscaping for the residential site shall be carried out in the first planting and seeding seasons following the first beneficial occupation of any dwelling or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
Reason: To safeguard landscape and amenity interests.
- 18 Prior to the first beneficial occupation of any of the dwellings hereby permitted, a scheme for improvements to public footpath LC46 between the tarmac path adjacent to the existing pumping station and Pentrebach Farm to include details of surfacing and width along its length, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details prior to the beneficial occupation of the 20th dwelling hereby permitted.
Reason: To ensure access to the surrounding area is improved given increase usage and to encourage walking for residents within the development as a mode of transport.
- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Within 2 months of the written notice being received by the Local Planning Authority, an investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared which sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted on that particular site.
Reason: To ensure that risks from unknown land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
- 20 The development shall not discharge to the local watercourse network at any rate greater than 7.5 litres per second.
Reason: To prevent surface water flooding occurring both onsite and adjacent third parties.
- 21 Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural Report written by WYG referenced A083749 V3 prior to the commencement of development and shall be retained thereafter for the duration of the construction works. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.
Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

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ITEM 3 (CONT'D)

APPLICATION NO:

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- 22 Notwithstanding the details shown on the elevations and floorplans for the Hale Detached dwelling, the window on the side elevation at first floor level serving the 2nd bedroom of plot 20 shall be omitted completely and the window serving the en-suite of plot 20 shall be fitted with obscure glazing, to a minimum level 3 and retained as such thereafter.
Reason: In the interests of residential amenity and for the purposes of clarity as to the details hereby approved.

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, EV22, EV23, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, AS2, AS5 and AS6.

- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

- 4 The Highways Officer has advised that prior to any works commencing on the site, a Construction Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times.

The Developer must contact the Highway Management Group, The City and County of Swansea, The Guildhall, Swansea SA1 4PE before carrying out any work. Please contact the Senior Engineer (Development), e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091.

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ITEM 3 (CONT'D)

APPLICATION NO:

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- 5 The Pollution Control Officer has advised the following:
- 1 Construction Noise
The following restrictions should be applied to all works of demolition/ construction carried out on the development site All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 2 Smoke/ Burning of materials
No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 3 Dust Control:
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 4 Lighting
During construction work the developer shall operate all best practice to minimise nuisance to local's residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations.
- 6 Dwr Cymru Welsh Water have advised that the proposed development site is crossed by a 375mm & 150mm combined sewer overflow pipe with their approximate position being marked on the attached Statutory Public Sewer Record. Their position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.
- 7 GGAT have advised that:
The archaeological work must be undertaken to the Chartered Institute for Archaeologists (ClfA), "Standard and Guidance for Building Recording" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member. The archaeological work must be undertaken to the Chartered Institute for Archaeologists (ClfA), "Standard and Guidance for an Archaeological Watching Brief" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
- 8 The applicant is advised to considered Police Designing Out Crime Officer's comments in full which are available on the planning application page of the Council's website.

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ITEM 3 (CONT'D)

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- 9 The Welsh language mitigation measures proposed in the form of promoting the proximity of Welsh speaking schools in advertising literature, strong advertising within the local area and bilingual sales to be made available on request should be undertaken when advertising this development.
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ITEM 4 (CONT'D)

APPLICATION NO:

2017/0482/S73

UDP - EV23 - Green Wedges

Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC9 - Gypsy and Traveler Caravan Sites

Gypsy and traveler sites will be permitted where an unmet need is proven subject to the requirements of a defined set of criteria being met. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0482/S73	The stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use. Variation of conditions 3 and 4 of planning permission granted on appeal (Appeal Ref: APP/B6855/A/12/2184665. LPA Ref: 2012/0079) to allow for the permanent use of the site by gypsies and travelers	PDE	
99/0161	ERECTION OF A DETACHED DWELLING HOUSE	APP	23.06.1999
2014/0027/DOC	Discharge of conditions 5, 9, 10, 12 of planning permission 2012/0079 granted on appeal 3rd May 2013	NOBJ	30.09.2014
2012/0079	The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standings and utility/ dayrooms	REF	29.03.2012

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ITEM 4 (CONT'D)		APPLICATION NO:	2017/0482/S73
2009/1075	Change of use of garage to office and single storey rear extension to provide storage	APP	18.12.2009
2006/1980	Demolition of existing derelict building and reconstruction to create 4 residential units with associated landscaping and garden restoration, highway alterations and provision of 12 car parking spaces	PDE	
2005/2317	One dwelling and detached garage (variation of condition 03 and 06 of planning permission 99/0161 granted on 23rd June 1999 to allow the consideration of access details, boundary treatment and details and/or samples of all finishes following the commencement of development)	APP	04.05.2006

This application is reported to Committee as it constitutes a departure from the development plan and is recommended for approval.

RESPONSE TO CONSULTATIONS

The application was publicised by a press notice as a departure to the development plan, by site notice and 17 neighbouring properties were consulted. ONE LETTER OF OBJECTION AND ONE LETTER OF COMMENT have been received, which may be summarised as follows:

1. It would not be appropriate for the site to go ahead. It would be better for them to look elsewhere.
2. It does not follow that the existence of the unmet need as it stands today contributes any more weight to the application than it did in 2013, when the Inspector dealt with it as part of his overall considerations. Rather, it should instead be recognised that whilst the unmet need persists, there may be grounds for a temporary extension of the previously granted permission.
3. The previous permission granted is intrinsically linked to the concept of the site being temporary, and effectively an interim permission subject to the conclusion of Swansea's council's work to address the acknowledged short fall in pitch provision across the city.

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ITEM 4 (CONT'D)

APPLICATION NO:

2017/0482/S73

4. A further temporary extension to the existing permission, pending the conclusion of Council action to address the current unmet need, is entirely sufficient to prevent homelessness of the four families.
5. The Inspector's judgement gave specific reference to the circumstances of named individuals in his report. He attributed specific weight, in the process of reaching his conclusion, to the specific circumstances of these individuals. To that end, it is an overreach to vary this condition in such a manner and is again at odds with the Inspector's findings.
6. The present landscaping of the site, as well as the layout on site, does not appear to fully comply with the relevant site plans.
7. Condition 8 within the Inspector's report states "no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land". It is reasonable to interpret this as no vehicle exceeding 3.5 tonnes gross vehicle weight rating, or gross vehicle mass.

APPRAISAL

This is a Section 73 application to vary conditions 3 and 4 of planning permission 2012/0079 (Appeal Ref: APP/B6855/A/12/2184665) granted at appeal for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use on land at Drummau House, Birchgrove Road, Swansea.

Condition 3 restricts the occupation of the site to those named within the condition and reads as follows:

'The occupation of the land hereby permitted shall be carried on by Mervyn Thomas, Lucy Thomas, Stanley Thomas, Lisa Thomas, Mark Thomas, Rebecca Thomas, Nicole Lock, Palio Price and their resident dependants, and shall be for a limited period being the period of four years from the date of this decision or the period during which the land is occupied by them, whichever is the shorter'.

Condition 4 restricts the time period for the development to four years and requires the mobile homes and caravans etc. to be removed within once month of the cessations date. The condition reads as follows:

'When the land ceases to be occupied by Mervyn Thomas, Lucy Thomas, Stanley Thomas, Lisa Thomas, Mark Thomas, Rebecca Thomas, Nicole Lock, Palio Price and their resident dependants or at the end of four years from the date of this decision, whichever shall first occur, the use hereby permitted shall cease and all mobile homes, static and touring caravans, portable structures, materials and equipment brought on to the land, shall be removed from the land within one month of the cessation date'.

This application seeks to vary condition 3 to either allow the permanent occupation of the site for gypsies and travellers as defined in Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' or the permanent occupation of the site by those named within the original condition save for the replacement of 'Louise Thomas' and 'Lisa Thomas' with 'Lucy Thomas' and 'Emma Jones'.

Should the Council allow the permanent occupation of the site condition 4 would no longer be necessary.

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The applicant contends that the Council have identified unmet need for gypsy and traveller accommodation within the city but, to date, no additional sites have been made available to meet the need. Therefore, if this planning permission is refused for the permanent use of the site, the four families on the Drummau House site would be without a home and the Council's gypsy and traveller accommodation needs would increase.

BACKGROUND

Planning permission was refused by the Council in 2012 for the development of the site for four gypsy and traveller pitches with associated works for the following reasons:

- 1 The proposal represents unjustified development in the countryside which would fail to maintain and would detract from the openness and character of the countryside and Birchgrove Green Wedge and would be harmful to the visual amenities of the locality contrary to Policies EV1, EV2, EV22, EV23 and HC9 of the City and County of Swansea Unitary Development Plan 2008.
- 2 The applicant has not demonstrated that adequate access can be derived from the site to the Highway Network and the access as indicated is not of a satisfactory standard to meet the shared drive criteria to serve the proposed development which would result in obstruction on Birchgrove Road to the detriment of highway safety contrary to Policies AS2 and HC9 of the City and County of Swansea Unitary Development Plan 2008.
- 3 The site is crossed by a 48inch diameter public watermain, and it has not been demonstrated that the proposed development would not adversely affect this strategic watermain, contrary to the provisions of UDP Policy EV2 (x) of the City and County of Swansea Unitary Development Plan 2008.

The applicant appealed the decision and a public inquiry was held over three days in February and March 2013. The appeal was allowed and costs were awarded against the Council in relation to the second and third reasons for refusal.

The conclusions of the planning inspector on the original 2012 planning application are material to the consideration of this application. When weighing up whether to grant a permanent planning permission on the site he noted:

'I must attach substantial weight to the harm to the GW (Green Wedge) by reason of the proposal's inappropriateness. I have also found that the proposal would result in moderate harm to the GW in terms of both openness and encroachment, the latter being a reason for including land in the GW.

However, to be weighed against these factors are a number of considerations in favour of the proposal. General considerations are: the need for additional gypsy sites and that the shortage is unlikely to be addressed until at least three and a half to four years' time; the lack of alternative sites; failure of policy; and broad compliance with the Development Plan. The gypsy status of the intended occupiers and their personal circumstances also weigh in favour of the proposal. Here, particular consideration has been given to what would be in the best interests of the children. I have attributed weight to all these factors as per previous paragraphs.

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In my judgement, however, the general material considerations in favour of the proposal, even when added together, would not clearly outweigh the harm caused by the proposal, as mentioned in paragraph 36 above. Even if gypsy status and personal circumstances (after having regard to the best interests of the children) are also taken into account, the harm which would be caused by the proposal would not be clearly outweighed. Very exceptional circumstances to justify the proposal do not therefore exist and the proposal is therefore contrary to guidance contained in PPW'.

When weighting up whether to grant a temporary planning permission on the site he concluded as follows:

'WOC 35/95 states that a temporary permission may be justified when it is expected that the planning circumstances will change in a particular way at the end of the temporary period. WAGC 30/2007 indicates that, where there is an unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, decision makers should give consideration to granting temporary permission where there are no overriding objections on other grounds. Paragraph 14 of WAGC 30/2007 states that such circumstances may arise in a case where a local planning authority is preparing its sites allocation as a part of the LDP, and that in such circumstances, decision makers are expected to take into account the consequences of the unmet need in considering whether a temporary planning permission is justified.

On the basis of the information available to me, I am satisfied that there is unmet need and that the planning circumstances are likely to change in the Council's area within the next four years as work on the LDP progresses and sites are also brought forward following the work undertaken by Task and Finish Group.

The planning merits of the proposal also need to be taken into account. I consider that harm to the GW would be perpetuated and note that WAGC 30/2007 confirms the general presumption against new gypsy and traveller sites as inappropriate development. Nevertheless, after taking all matters into account in this case, I consider that it would be appropriate to grant a personal and temporary permission for four years. The unmet need and likely change in planning circumstances over the next four years have been taken into account by me. However, it is the combination of these points and the personal circumstances of the family, particularly those relating to site conditions at the appellant's mother's house and the varied needs of the children (after recognizing their best interests), which has persuaded me to grant permission, albeit that there would be harm to the GW in the short term.

I choose a period of four years since it would appear that by the end of this time, work on the Council's LDP will be well underway and the sites identified by the Task and Finish Group should start to become available. I emphasize that a temporary planning permission for the site should not be seen as an indication of the acceptability of the site on a permanent basis'.

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MAIN ISSUES

Following on from the planning inspector's conclusions on the original application, the main issues to consider are whether there have been any material changes in circumstances since the appeal was allowed that would justify allowing a permanent planning permission at the site having regard to the impacts of the development on the green wedge, the need for gypsy and traveller sites and the personal circumstances of the occupiers including the need to consider the best interests of the children on the site.

Planning Policy

The original planning application and appeal were considered under the policies of the City and County of Swansea Unitary Development Plan (2008) (UDP) and national planning policy set out in Planning Policy Wales (PPW) and Welsh Assembly Government Circular 30/2007 'Planning For Gypsy and Traveller Caravan sites' (WAGC 30/2007).

The UDP is still the extant development plan for the area and whilst Welsh Government are currently working on a new circular in respect the planning of Gypsy, Traveller and show people sites, the existing 2007 circular remains in place.

PPW (Ed. 9) has been updated since the appeal was allowed to take into account the Wellbeing of Future Generations Act among other changes. The thrust of the Housing chapter remains that there is a need to ensure a wide choice of accommodation is available to meet the needs of all members of the community and requires the provision of suitable Gypsy sites in development plans to meet identified unmet need in the GTAA.

In the Deposit Local Development Plan (LDP), like the UDP, the application site is located within the Green Wedge, however, as the LDP is yet to go through its Examination in Public, this can be afforded little weight in the consideration of this planning application.

Impact on the Green Wedge

UDP Policy EV23 is consistent with the thrust of national planning policy set out in PPW (Ed. 9) which establishes that certain types of development within green wedges are 'inappropriate' and should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm to the green wedge.

In reaching his decision to grant a temporary rather than permanent planning permission at the site the planning inspector attached substantial weight to the harm to the green wedge arising from the development and found that it would result in moderate harm in terms of openness and encroachment.

Since the appeal was allowed the site has been constructed. It lies to the south of the ruins of former Drummau House and to the east of the Dwr Cymru Welsh Water pumping station. The site remains relatively well screened from Birchgrove Road by the pumping station, mature trees and landscaping, however, during the winter months when there is less screening, the elevated position of the site above the road means that it remains partially visible, albeit it is set back from the road by some 60m.

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There have been no material changes in circumstances since the appeal was allowed that would lead to an alternative view of the impact of the development on the green wedge from that reached by the planning inspector in 2013. The development is still considered to be inappropriate within the green wedge and substantial weight must be attached to the harm resulting from the development in this respect.

Need

Since May 2013 the Housing (Wales) Act 2014 has come into effect. It places a legal duty on Local Authorities to ensure the accommodation needs of Gypsies and Travellers are properly assessed through a Gypsy and Traveller Accommodation Assessment (GTAA) and the identified need for pitches is met.

The Council's GTAA (2015) sets out the latest information on accommodation requirements in the County. Overall the GTAA identifies an unmet need for 23 pitches over the next 5 years (2015-20) and 29 over the remaining 10 year LDP period (2015-25) in order to meet the accommodation needs of Gypsies and Travellers as defined under Section 108 of the Housing (Wales) Act 2014.

When the GTAA was undertaken Council officers sent several letters to the occupiers of the Drummau House site to assess their accommodation needs, however, no response was forthcoming from the occupiers and the GTAA has not included the demand generated for pitches by this site. The GTAA has been produced in consultation with, and approved by Welsh Government. Notwithstanding this, the submission of this planning application clearly demonstrates that there is a demonstrable need for at least four pitches to accommodate the families that live at the Drummau House site.

As part of the LDP process a number of sites have been considered to accommodate a new gypsy and traveller site. The site identified within the LDP Deposit Policy H6 is located off Pant Y Blawdd Road, Morryston to allow for future expansion of the existing adjacent Ty Gwyn authorised gypsy and traveller site. The LDP allocation is based on the need and supply identified in the 2015 GTAA. The forthcoming LDP Examination in Public will consider any duly made objections, submitted evidence and/or relevant changes in material circumstances that are considered by the appointed inspector to be appropriate for detailed examination in relation to Policy H6. Matters relating to need are likely to be considered at the LDP examination, having regard to the latest evidence submitted by all relevant parties.

There remains an unmet need for gypsy and traveller pitches within the City and County of Swansea. In this respect the situation remains similar to that when the appeal was determined on the original planning application. The planning inspector reported at the time that there was a material unmet need which would not start to be met for a number of years. This situation remains the same today. Therefore, in accordance with the inspector's decision, significant weight must be given in favour of the proposal on this issue.

Personal Circumstances

At the public inquiry the personal circumstances of the occupiers was examined at length with both the Council and the planning inspector satisfied that the occupiers would meet the definition of gypsy and travellers in Circular WAGC 30/2007.

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Since the appeal was allowed two of the named occupiers at the site namely Lucy Thomas and Lisa Thomas have left the site. Two previously unnamed individuals now occupy the site namely Emma Jones and Louise Thomas who are in relationships with the applicant and his brother respectively. The applicant's agent has confirmed both new occupiers are gypsy travellers conforming to the Circular definition. It is not considered there are any reasons to question this assertion in view of the examination that took place and the conclusions that were reached on gypsy status at the public enquiry.

As reported in the planning inspector's decision, prior to the formation of the site at Drummau House the applicant and his brothers were based on land at their mother's house in Birchgrove. The inspector found conditions at this unauthorised site to be extremely cramped and concluded that the applicant, his brothers and their families were, in effect, homeless.

The inspector also noted that at the time none of the family were suffering from ill health. No details of any specific health requirements have been provided in support of this planning application, however, the planning inspector's decision acknowledged that the stability brought about by the occupation of the site, even on a temporary basis, would mean regular access to health care which would be advantageous to them. This conclusion is accepted.

In relation to the children at the site, at the time of the appeal there were three children proposed to be living at the site one of whom would have been of school age. The applicant, through his agent, has confirmed there are currently ten children living on site and two additional children who visit regularly; three children currently attend local schools and the others will attend when they are old enough. In the appeal decision the planning inspector acknowledges the occupation of the site, if only on a temporary basis, would provide essential continuity and stability. That there are now more children on the site attending local schools than there would have been at the time of the appeal is considered to reinforce the findings of the planning inspector that the occupation of the site albeit on a temporary basis would have a positive impact on the children at the site.

At appeal the planning inspector found that significant weight should be given to the personal circumstances in this case, including the conditions at the applicant's mother's house and taking into account the best interests of the children including educational, health, social and welfare needs. In this instance it is considered the personal circumstances of the applicant and his family as set out above still carry significant weight in the determination of this application.

Permanent Permission

As noted above the applicant has applied for a permanent unrestricted planning permission on the site or a name restricted permanent planning permission, the justification for this being that the Council has not provided an alternative site to meet current unmet need.

It is fully accepted that since the temporary planning permission was allowed on appeal, the Council has not provided gypsy and traveller accommodation to address the unmet need within the City and County. Notwithstanding this the work to provide a site to meet this unmet need is ongoing and will be fully considered at the LDP Examination in Public. Whilst the exact timescales to provide the accommodation to address the unmet need are not yet known it is likely to be brought forward within a time period of four years.

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This will allow for the LDP to be adopted, taking account of any slippage, and the site provision to be constructed and available for use.

The harm to the green wedge arising from the development of this site and the substantial weight that should be attached to that harm was considered by the planning inspector to outweigh the general considerations in favour of the proposal including, but not limited to, the need for gypsy and traveller sites and personal circumstances described above and specifically taking into account the best interests of the children. It is recognised that a permanent planning permission would provide a long term stable base for family life at the site for the occupiers, however, even when taking this into account it is not considered that these matter would outweigh the harm clearly caused by the permanent development of the site within the green wedge. Therefore the considerations arising from this proposal have not materially changed in favour of the application to the extent that they would tip the planning balance in favour of granting a permanent permission on the site. In accordance with the planning inspector's previous decision, therefore, very exceptional circumstances to justify a permanent permission on the site, even a name restricted permission, do not exist and the proposal is accordingly considered to be contrary to UDP Policy EV23 and national planning guidance contained in PPW.

Temporary Permission

The previous planning permission on the site was granted for a temporary period. Since then Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development management' has been issued and states that where planning circumstances will change in a particular way at the end of that period then a temporary permission may be justified. In addition WAGC 30/2007 indicates that consideration should be given to the granting of a temporary permission where there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need and where there are no overriding objections on other grounds.

In reaching his decision to grant a personal temporary permission, the planning inspector was clear that the unmet need and the likely change in circumstances over the four year period in combination with the personal circumstances of the family, specifically the site conditions at the appellant's mother's house and the needs of the children (recognising their best interests) persuaded him to grant permission, whilst still acknowledging the harm to the green wedge in the short term.

Clearly the approval of a further temporary permission would perpetuate the identified harm to the green wedge, however, this must be balanced with the consequences of not allowing a temporary planning permission which would mean the loss of a settled base for the families including the children and would potentially mean the re-occupation of the cramped unauthorised site at the applicant's mothers or another unauthorised site in the area. The question is whether refusing planning permission and the associated consequences of doing this, in terms of enforcement action, would be a proportionate response.

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When considering all the factors in favour of granting a further temporary permission relating, in particular, to the unmet need within the City and County and the personal circumstances of the family, taking into account and having full regard to what would be in the best interests of the children at the site, it is considered that not allowing a further temporary permission would not be proportionate response. Overall, therefore, it is recommended that a further temporary planning permission for a further 4 years should be granted and this should provide sufficient time for the Council to bring forward satisfactory gypsy and traveller accommodation for the families living at the Drummau House site.

It is recognised that a recommendation not to grant a permanent planning permission results in an interference with the rights of the occupiers and their families in respect of private and family life and their home, and that Article 8 of the European Convention on Human Rights is engaged. Where those rights relate to children they must be seen in context of article 3 of the United Nations Convention on the Rights of the Child which requires a child's best interests to be a primary consideration. Moreover the Children's Act 2004 requires the Local Authority to safeguard and promote the welfare and well-being of the children. For the above reasons the recommendation of a temporary planning permission is considered to be a proportionate response after taking into account the conflicting matters of public and private interests so that there is no violation of human rights.

Other Matters

Concerns have been raised that the development as constructed on site may not accord with the approved plans. This matter will be investigated through planning enforcement, however, this matter is afforded little weight in the determination of this planning application, which relates to a variation of an existing planning permission.

In relation to the comment received relating to the vehicle weight referenced in condition 8, whilst the inspector has not referenced the exact terminology relating to how the 3.5 tonne vehicle restriction should be interpreted, it would seem reasonable to interpret this as the maximum authorised mass of the vehicle.

Conclusions

Incorporated into the obligations under Article 8 of the Human Rights Act, where those rights relate to children, they must be seen in context of article 3 of the United Nations Convention on the Rights of the Child which requires a child's best interests to be a primary consideration. Moreover the Children's Act 2004 requires the Local Authority to safeguarding and promote the welfare and well-being of the children.

On the basis of the foregoing it is not considered that there is sufficient justification to allow a permanent planning permission on this site. However, circumstances will likely change in the next four years whereby it is anticipated that the LDP will be adopted and the current unmet need for new gypsy and traveller pitches within the City and County of Swansea will be met. It is therefore recommended that a further temporary planning permission is granted including a change in the names of two of the occupiers named on the original planning permission.

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Conditions relating to the reinstatement of the land, landscaping, drainage and the watermain crossing the site have also been amended to reflect the details previously provided by the applicant. Condition 1 of the original planning permission requiring the development to be commenced within 5 years is also not necessary and has been deleted.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 3 of Welsh Assembly Government Circular 30/2007.
Reason: In order to ensure that the accommodation is occupied solely by Gypsy/Travellers and for no other residential purpose.
- 2 The occupation of the land hereby permitted shall be carried on by Mervyn Thomas, Emma Jones, Stanley Thomas, Louise Thomas, Mark Thomas, Rebecca Thomas, Nicole Lock, Palio Price and their resident dependants, and shall be for a limited period being the period of four years from the date of this decision or the period during which the land is occupied by them, whichever is the shorter.
Reason: In order to ensure that the accommodation is occupied solely by the names gypsy/travellers as their personal circumstances are material to the decision.
- 3 When the land ceases to be occupied by Mervyn Thomas, Emma Jones, Stanley Thomas, Louise Thomas, Mark Thomas, Rebecca Thomas, Nicole Lock, Palio Price and their resident dependants or at the end of four years from the date of this decision, whichever shall first occur, the use hereby permitted shall cease and all mobile homes, static and touring caravans, portable structures, materials and equipment brought on to the land, shall be removed from the land within one month of the cessation date.
Reason: To ensure the openness of the green wedge is maintained upon the cessation of the development.
- 4 The scheme to restore the land to its condition before the development took place as approved under discharge of condition reference no. 2014/0027/DOC shall be carried out after cessation of the use hereby permitted pursuant to condition 3. The restoration works shall be carried out in accordance with the approved details including the approved timescales.
Reason: To ensure the openness of the green wedge is maintained upon the cessation of the development.
- 5 There shall be no more than the four pitches hereby approved on the site and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on each one of the four pitches at any time.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the rural character and appearance of the area.
- 6 No commercial activities shall take place on the land, including the storage of materials.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the rural character and appearance of the area.

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- 7 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the rural character and appearance of the area.
- 8 For the duration of the development, the site shall be landscaped in accordance with the details approved under discharge of condition reference no. 2014/0027/DOC. Any trees or shrubs planted in accordance with this condition which are removed, die, or become seriously diseased during the lifetime of this permission shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the rural character and appearance of the area.
- 9 At all times during the occupation of the development the drainage works approved under discharge of condition reference no. 2014/0027/DOC shall be retained and maintained.
Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
- 10 The development shall be carried out in accordance with the following approved plan: 09_335A_001, received 1st March 2017 and the plans approved at appeal under reference APP/B6855/A/12/2184665 (LPA reference 2012/0079).
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 11 The method of protection of the structural condition of the strategic water main crossing the site as approved under discharge of condition reference no. 2014/0027/DOC shall be retained as approved at all times during the lifetime of this permission.
Reason: To ensure the development does not compromise the structural condition of the strategic water main.
- 12 The northern access to the site (adjacent to New Drummau House) shall not be used as a vehicular access to the gypsy/traveller pitches hereby permitted other than as an emergency access.
Reason: In the interests of highway safety.

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, EV23 and HC9.
-

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ITEM 5 (CONT'D)

APPLICATION NO:

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UDP - EV3 - Accessibility

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

UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV36 - Development and Flood Risk

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

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SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/3319/DOC	Construction of 35 dwellings - Partial Discharge of conditions in respect of Plots 1 - 10 - Conditions 1(commencement), 2 (plans) , 9 (road construction), 15 (contamination precaution) , 16 (Validation Report) of planning permission 2011/0758 granted 8th February 2016	APP	24.03.2017
2016/3542/FUL	To culvert a watercourse and associated works	APP	28.04.2017
2017/0343/NMA	Residential development - Non Material Amendment to planning permission 2011/0758 granted 8th February 2016 to amend the house types for plots 11-23 and 27-30 and re-alignment of road	REF	13.03.2017
2017/0768/S73	Variation of plans condition 2 of planning permission 2011/0758 granted 8th February 2016 to amend the site layout and house types in respect of plots 11 - 23 and 27 - 30	PDE	
2016/0290	Residential Development granted planning permission 8th February 2016 2011/0758 - Discharge of conditions 3 (means of enclosure), 4 (external finishes), 5 (landscaping), 6 (finished floor level), 7 (Japanese knotweed), 8 (road engineering details), 10 (travel plan), 11 (foul drainage), 12 (surface water drainage), 13 (foul water and surface water discharges), 14 (contamination of the site), 17 (construction method statement), 18 (development free buffer strip), 19 (pedestrian link), 20 (SUDS);	APP	23.03.2017

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ITEM 5 (CONT'D)	APPLICATION NO:	2017/0768/S73
2011/0758	Construction of 35 No. two storey dwellings with associated vehicular access, car parking and infrastructure works	S106 08.02.2016

APPRAISAL:

This application is reported to Committee as the proposal exceeds the development threshold.

The residential development was granted planning permission 8th February, 2016 under ref: 2011/0758 for the construction of 35 No. two storey dwellings with associated vehicular access, car parking and infrastructure works and the first phase of the development consisting of Plots 1 - 10 & 31 - 35 have been constructed and several of the plots are occupied. The planning conditions have been substantially discharged under Ref:2016/0290.

An NMA application (Ref: 2017/0343/NMA) relating to amending the house types for plots 11-23 and 27-30 and a re-alignment of the road, was refused 13 March, 2017 and involved:

- o Plot 11 - change the Scott to a Vale
- o Plots 12 - 15 retain Scott house types
- o Plot 17 - change Scott to a Vale
- o Plots 29 / 30 - change Charles to a George
- o Plots 27 /28 - change Charles to a Scott
- o Plots 22 / 23 - change Charles to a George
- o Plots 21 / 20 change Charles to a Vale

Whilst the house types are similar to those already approved, the Vale house type has a wider width (approx. 1 metre) than the Scott which means that plots 11-13, 14 - 16 & 17 - 19 are approx. 1 metre closer to the residential properties in Golwg Y Llanw. Additionally, plots 20 / 21 are proposed to be re-sited approx. 6 - 7 metres in the plot.

By re-siting plots 11 - 13, 14 - 16 & 17 - 19, the dwellings would be approx. 1 metre closer to the residential properties in Golwg y Llanw, resulting in a separation distance of only 10.50 - 11 metres, which is contrary to the guidance with the adopted Places to Live Residential Design Guide SPG - January, 2014 with regard to the separation distance of 'back to side' elevation relationship from habitable room elevation to a pine end in order to avoid an overbearing impact. The proposed alterations would have a greater impact upon the residential amenity of any neighbouring occupants over and above that of the original application and would therefore be disadvantaged in planning terms. It was determined therefore that the proposed amendments were more than just non-material amendments to the originally approved scheme and as such did not satisfy Section 96A of the Town and Country Planning Act 1990. The NMA application was therefore refused.

This current Section 73 application seeks consent to vary the plans condition 2 under planning permission 2011/0758 to amend the site layout and house types in respect of plots 11 - 23 and 27 - 30 as detailed above.

ITEM 5 (CONT'D)

APPLICATION NO:

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RESPONSE TO CONSULTATION:

Highway Authority: No objections subject to conditions relating to 2011/0758 being retained

Neighbours: No responses received following consultation.

Main Issues

The main issues for consideration in this instance relates to the whether the revised layout is an acceptable form of residential development in terms of its visual impact within the street scene and the impact of the proposed development on the residential amenity of the neighbouring occupiers.

There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

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

Development Plan Policy and Land Uses

Within the adopted Unitary Development Plan, Policy HC1 (112) - (Land south of A48, Pontarddulais) allocates the site for residential development as part of a mixed used scheme which has an indicative capacity of 200 units. The proposal therefore accords with UDP Policy HC1 in principle.

Design and Layout

UDP General Development Principle Policies EV1, EV2 and EV3 provide the policy context to ensure new development shall accord with the objectives of good design, be appropriate to the local character and context of the site, not result in a significant detrimental impact on local amenity and have general regard for the development to provide reasonable access.

The residential layout is largely consistent with the approved layout under Ref: 2011/0758 and has been dictated by the road layout and the site constraints. The original submitted scheme related poorly to the internal street and the submitted standard house types made little effort to provide an active street frontage, with the houses presenting blank elevations to the road frontage. This was amended in the approved layout to an extent so that the gable end units on plots 11, 16, and 17 have incorporated a ground floor bay window which was considered would help improve the visual aspect within the street scene and provide an element of natural surveillance. Within this current application, it is now proposed to introduce the Vale end of terrace house type which provides a significantly improved elevation to the street scene and includes a ground floor side entrance directly off the street. This would enhance the visual impact of these terrace units within the street scene.

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In terms of architecture, the Vale, Scott and George house types have previously been approved / similar to the approved house types and the external finishes / palette of materials have already been approved within the development. The car parking arrangements for the proposed development consist predominantly of forecourt car parking. The level of car parking has been reduced on several 2 bedroom plots to provide only 1 car parking space in an attempt to reduce the visual impact.

The eastern boundary of the residential layout abuts the residential properties recently constructed within Phases 1 and 2. In order to reduce the tidal flood risks to the development it is proposed to raise levels in the lower parts of the site and adopt a minimum slab level of 7.6m AOD for the development. The adjacent dwellings within the Phase 2 development to the east of the site in Golwg Y Llanw have been constructed with slab levels adhering to this requirement. The approved levels for Plots 11 - 16 are 8.30m AOD & 17 - 19 8.60m AOD. Consequently, the levels of the proposed dwellings would have an acceptable relationship to the existing dwellings in this respect.

The approved layout highlights that a minimum 12m separation was proposed between the existing residential properties in Golwg Y Llanw and plots 13, 14 & 19. The adopted Places to Live Residential Design Guide SPG - January, 2014 advises in respect of the 'Back to side' relationships to avoid an overbearing impact on habitable rooms and gardens, a 15m minimum distance should be achieved between existing windowed elevations and opposing proposed (windowless walls). Where this relationship exists between two proposed dwellings then the separation can be reduced to 12m. The approved scheme had a separation of distance of 12m

The revised layout would reduce this separation distance to between 11.490 and 11.530 metres. The proposed layout would have more of an effect on the existing properties in Golwg Y Llanw than the approved layout. In mitigation the rear elevation of the dwellings in Golwg Y Llanw are south-west facing which helps to ensure there would be no significant overshadowing. The density of the residential layout is relatively high, which reflects the density and local character of Pontarddulais and also that of the completed Phase 1 and 2 development. On balance, and taking into account the above, it is considered that solely on the facts of this case, the reduced separation distance would not adversely affect the standards of privacy and amenity of the occupiers of the neighbouring properties to an extent that would warrant refusal of the application.

Water Quality Issues within the Burry Inlet and Loughor Estuary Site of Special Scientific Interest (SSSI) and Carmarthen Bay and Estuaries Special Area of Conservation (SAC)

Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation and Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European site, or candidate/ proposed European site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

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In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and Ramsar site. Before deciding to give permission the LPA must therefore first consider whether this development is likely to have a significant effect on the CBEEMs either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMs features water quality was identified as the only factor that might have an effect as discussed below.

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the statutory advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under Regulation 63 the former Environment Agency (now NRW) undertook a detailed Habitats Regulations Assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMs in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoU has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary. Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources.

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

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Other possible effects on CBEEMs features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

On this basis, there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with Regulation 61(1).

The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, confirmed that they are content with the above approach.

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

Conclusion

In conclusion, DCWW have not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2017. The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.

Drainage & Flood Risk

Policy EV33 requires all development to be served by the public mains sewer, whilst Policy EV34 requires that development proposals should only be permitted that do not pose a significant risk to the quality and or quantity of controlled waters. Policy EV35 indicates that additional surface water run-off should not result in flooding or result in a reduction of the quality of surface water run-off. Within flood risk areas, Policy EV36 development will only be allowed where it is justified and the consequences of flooding are acceptable.

Tidal Flood Risk

The FCA submitted under Ref:2011/0758 indicates that the site is relatively flat with a gentle slope to the south west with ground levels varying from 7.5m AOD to the north to approx. 5.70m AOD at the southern boundary of the site. The majority of the site lies within zone C2 on the development advice map under TAN15, which is defined as an area of flood plain without significant flood defences considered to be at risk from a 0.1% (1 in 1000) annual chance event. The C2 zone is based on the EA's extreme flood outline (0.1%) which is estimated to have a level of 6.08m AOD and the FCA indicates that only the southern part of the site is situated below a level of 6.08m AOD and therefore it is only this part of the site which lies within the C2 zone. In order to reduce the tidal flood risks to the development it is proposed to raise levels in the lower parts of the site and adopt a minimum slab level of 7.6m AOD for the development. The approved slab levels indicate range between 7.8m AOD and 8.6m AOD.

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Fluvial Flood Risk

The FCA has also considered the fluvial flood risk from the watercourse to the south of the site which is culverted below the former railway line and is indicated to have sufficient capacity to convey run-off from the stream into the flood plain of the River Loughor. However, in the event of the capacity being exceeded there is the possibility of overland flows entering the site. Raising the site levels will however, provide a natural protection from a flood stage within the watercourse. In order to compensate for any loss of local storage, it is proposed to create a low-lying environmental amenity area adjacent to the south east corner of the site. The proposed earthworks will compensate for the flood storage lost by raising parts of the site. The EA recommends that the compensatory flood storage area forms an integral part of the proposed development and should be maintained over the lifetime of the development.

With regard to the compensatory flood storage area, the EA have indicated a 95%tile figure should be imposed but would not object to a 50% figure on the basis that having regard to the overall volume of the estuary, any rise in level resulting from the loss of storage would be in the region of 0.4mm. Having regard to this negligible difference it has been agreed that the 50%tile figure for flood storage would be acceptable.

Site Drainage

Under the planning permission the Council's Drainage Engineer has accepted the free discharge into the watercourse for the proposed Phase 3 development (Ref:2011/0758) subject to a planning condition requiring the maintenance / management of the surface water drainage scheme. This condition remains to be discharged and will therefore need to be re-imposed.

Site Contamination

The site of the former Cambrian Tin Plate Works and Dulais Tin Plate Works were located within the vicinity of the site and therefore contamination is strongly suspected on the site and there is also the potential for ground contamination to have migrated from outside the site. Conditions were imposed under Ref:2011/0758 requiring site investigation work is carried under a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination at the site.

Highways

The site is to be accessed from the newly constructed access road serving Tesco store and will be in the form of a priority junction just beyond the Tesco roundabout access. The Head of Transportation raises no highway objections subject to the conditions related to 2011/0758 being retained.

Planning Obligations

As indicated above, UDP Policy HC17 indicates that in considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Planning Act. The Council will expect developers to make contributions towards social, economic or environmental investment to address reasonable identified needs. The Council has adopted a Planning Obligations SPG to implement this policy.

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Education Contribution

The Planning Permission under ref:2011/0758 is subject to a Sec 106 Planning Obligation requiring an education contribution (£50,000) to be paid in 2 equal instalments of £25,000 (plus indexation) to be paid on completion of 50% of the dwellings (i.e. 17 units) with the second payment to be paid on completion of the whole development. Under the terms of the Obligation, the Deed will continue to be enforceable under a Planning Permission granted pursuant to a Section 73 application.

Conclusions

The proposed development is in accordance with UDP Policy HC1 and therefore having regard to all the relevant Development Plan Policies and all other material considerations the proposal would represent an acceptable form of development. Approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: [Drg. Nos. 471-1101 Rev B Location Plan; 471 -1100 Rev F - Site Masterplan; 444 - 9202 - 9209 Rev B; 9210 -9211 Rev C; 9216 - 9219 Rev B - plans received 27 April 2017);
Reason: To define the extent of the permission granted.
- 2 The means of enclosing the site boundaries and the individual curtilages of all dwellings, including forecourt enclosures, shall be completed in accordance with the approved details under condition discharge application ref: 2016/0290 prior to beneficial occupation of the dwellings.
Reason: In the interests of visual amenity and general amenity.
- 3 No individual dwelling shall be occupied until the external finishes of that dwelling have been completed in accordance with the approved details under condition discharge application ref: 2016/0290.
Reason: In the interests of visual amenity.
- 4 The development shall be carried out in accordance with the approved landscaping scheme under condition discharge application ref: 2016/0290 and shall be carried out in the first planting and seeding season following occupation of any of the dwellings or completion of the development, whichever is sooner . Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

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- 14 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
Reason: Given the complexity of the previous uses on the site and the areas to where the trial pits and boreholes are limited to, it is considered possible that there may be previously unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 15 Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
Reason: To ensure that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality.
- 16 The development shall be undertaken in accordance with the Construction Method Statement which was approved under condition discharge application ref: 2016/0290.
Reason: For the prevention of pollution.
- 17 A development free buffer strip of a minimum of 5 metres shall be maintained in perpetuity between the development and the top of the bank of any watercourse / surface water feature identified within, or along the boundary of the application site. This buffer strip must be protected from all development including gardens, decking, footpaths and benches.
Reason: To protect the integrity of the riparian corridor and its associated wildlife.
- 18 Before the completion of the last dwelling, the proposed pedestrian link at the north eastern corner of the site shall be completed in accordance with the details approved under condition discharge application ref: 2016/0290.
Reason: In the interests of the amenity of the area.
- 19 The development shall be undertaken in accordance with the approved sustainable drainage measures (SUDS) under condition discharge application ref: 2016/0290.
Reason: In the interests of sustainability and to reduce the risk of flooding within the area.
- 20 The development shall not be occupied until the compensatory flood storage area adjacent to the south eastern corner of the site has been laid out in accordance with details to be submitted to and approved by the Local Planning Authority. The submitted details shall include details of the maintenance and management of the flood storage area for the lifetime of the development.
Reason: To prevent the potential risk of flooding and to ensure the area is maintained and managed for this purpose.

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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: (UDP Policies EV1, EV2, EV3, EV33, EV34, EV35, EV36, HC1 & HC17)
 - 2 The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Penllergaer Offices c/o Civic Centre, Swansea, SA1 3SN (Tel 01792 636091) before carrying out any work.
 - 3
 - i. The applicant is requested to contact the Head of Environmental Services prior to the commencement of any works on site in order to identify any statutory controls which may be required in relation to the specific works being carried out and the hours of working on the site.
 - ii. The applicant's attention is drawn to the requirements of the Highways Act not to cause obstruction to the users of the public highway nor to allow soil, and or other materials to be deposited onto the street, and to obtain consent for the storage of building materials on the public highway. The applicant should contact the Head of Transportation to advise on the requirements of the Act and the penalties for non-compliance.
-