



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Pwyllgor Cynllunio

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mawrth, 3 Medi 2019

Amser: 2.00 pm

Cadeirydd: Cyngorydd Paul Lloyd

Aelodaeth:

Cynghorwyr: C Anderson, P M Black, W Evans, L S Gibbard, S M Jones, M B Lewis, R D Lewis, P B Smith, D W W Thomas, L J Tyler-Lloyd a/ac T M White

Gweddarlledu: Gellir ffilmio'r cyfarfod hwn i'w ddarlledu'n fyw neu'n ddiweddarach drwy wefan y cyngor. Drwy fynd i mewn i Siambr y Cyngor, rydych yn cytuno i gael eich ffilmio ac i'r delweddau a'r recordiadau sain hynny gael eu defnyddio at ddibenion gweddarlledu a/neu hyfforddiant o bosib.

Agenda

Rhif y Dudalen.

- | | | |
|----------|---|------------------|
| 1 | Ymddiheuriadau am Absenoldeb. | |
| 2 | Datgeliadau o Fuddiannau Personol a Rhagfarnol.
https://www.abertawe.gov.uk/DatgeluCysylltiadau | |
| 3 | Cofnodion.
Cymeradwyo a llofnodi fel cofnod cywir gofnodion y cyfarfod(ydd) blaenorol. | 1 - 6 |
| 4 | Eitemau i'w Gohirio/Tynnu'n ôl. | |
| 5 | Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990. | 7 - 87 |
| 6 | Canllawiau Cynllunio Atodol Drafft: Tai Amlbreswyl a Llety Myfyrwyr a Adeiladwyd at y Diben. | 88 - 157 |
| 7 | Cyfeirnod Cais Cynllunio: 2018/1014/FUL Adeiladu 20 annedd ar wahân, garejis, mynedfeydd a gwaith tirlunio cysylltiedig a dymchwel 188 Stryd Teilo Sant, Pontarddulais, tir a adwaenid yn flaenorol fel The Gardens a'r tu ôl i 188 Stryd Teilo Sant, Pontarddulais. | 158 - 160 |

Cyfarfod Nesaf: Dydd Mawrth, 1 Hydref 2019 ar 2.00 pm

Huw Evans

Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Mawrth, 27 Awst 2019

Cyswllt: Gwasanaethau Democrataidd - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber - Guildhall, Swansea

Tuesday, 6 August 2019 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M B Lewis
D W W Thomas

Councillor(s)

W Evans
R D Lewis
L J Tyler-Lloyd

Councillor(s)

S M Jones
P B Smith
T M White

Officer(s)

Gareth Borsden
Matthew Bowyer
Sally-Ann Evans
Chris Healey
Liam Jones
Dave Owen
Amanda Pugh
Steve Smith
Ryan Thomas
Jonathan Wills

Democratic Services Officer
Principal Telematics Engineer
Senior Lawyer
Area Team Leader
Area Team Leader
Principal Planning Officer
Senior Engineer
Urban Design & Conservation Team Leader
Planning Control Manager
Senior Lawyer

Apologies for Absence

Councillor(s): P M Black and L S Gibbard

14 **Disclosures of Personal and Prejudicial Interests.**

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

Councillor C Anderson – Personal – Item 1(2018/2698/FUL) – Part of development is in my ward.

Councillor P Lloyd – Personal - Item 1(2018/2698/FUL) – I know one of the speakers.

Councillors M B Lewis, P Lloyd & T M White – Personal – Item 7(2019/0960/FUL) – Members of the Port Health Authority.

15 **Minutes.**

Resolved that the Minutes of the Planning Committee held on 7 July 2019 be approved and signed as a correct record.

16 Items for Deferral/Withdrawal.

(Item 6) – Planning Application 2016/1356 - Waste Recycling Transfer Station incorporating machinery, conveyors, portable/temporary buildings and material storage bays at Gwyn Yard, 4 St Teilo Street Pontarddulais, Swansea

Application withdrawn by the applicant.

17 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/updates to this schedule were reported and are indicated below by (#)

Resolved that

- (1) the undermentioned planning applications **Be Approved** subject to the conditions in the report and/or indicated below(#):

#(Item 1) – Planning Application 2018/2698/FUL - Hybrid planning application for the redevelopment of the site to form up to 160 no. residential units and 1 no. retail unit (Class A1) comprising of a Full Planning Permission is sought for the demolition of most buildings, apart from the main part of the 1912 building (partial demolition) which is to be converted and extended to create 62 no. apartments with associated access (from Townhill Road Pantycelyn Road) surface and undercroft parking, landscaping works and site wide access, drainage and engineering works to create development platforms; Outline planning permission is sought for the construction of up to 98 no. residential units and 1 no. retail unit (Class A1) with indicative access / layout, scale parameters (2 to 3 storeys), with associated access, car parking and landscaping works - appearance, layout and scale reserved matters at Townhill Campus , Townhill Road, Cockett, Swansea

Georgina Hayman & John Sayce (residents in support) and Phil Baxter (agent) addressed the Committee.

Councillors N J Davies, I E Mann and P N May (Local Members) addressed the Committee and outlined their broad support for the scheme in particular the retention of the 1912 building and the maintaining of the pedestrian/cycle access through the site.

A visual presentation was provided.

Report updated as follows:

Amendment to Page 54:

Removal of the sentence 'prior to beneficial works commencing on site'.

Amendment to Condition 36 on Page 61:
Remove words 'Site Characterisation'

Application approved subject to the completion of a section 106 planning obligation.

#(Item 2) – Planning Application 2019/1373/RES - Approval of revised reserved matters (access, appearance, landscaping, layout and scale) for part of Phase 1 of Swansea Central, including parts of: Development Zones 1a, 3, 4a, 4c and 5 of outline planning permission 2017/0648/OUT as amended (LPA Ref: 2019/0980/S73, pursuant to Condition 3, comprising details of the: servicing areas; Mixed use block extending to 36.5m, comprising multi storey car park, new commercial floorspace (use Class A1/A3/B1/D1) and residential flats (Use Class C3) to the north of Oystermouth Road; and associated ground level public realm improvements; approval of details pursuant to Condition 6 (landscaping strategy), Condition 8 (levels), Condition 9 (external finishes), Condition 11 (wind mitigation), Condition 21 (surface water drainage), and Condition 35 (ecological enhancement measures) at Former St Davids Centre and other Land North And South of Oystermouth Road, Swansea

A visual presentation was provided.

Report updated as follows:

Amendment to Condition 1 on Page 94:

Drawing 'P04' Planning Ga, East West Elevation' should be referred to not drawing 'P034' Planning Ga, East West Elevation.

Amendment to Page 76:

Of the 33 units 14 will be 1 bed 2 person units and 19 will be 2 bed 3 person units
In place of:

Of the 33 units, 15 will be 1 bed 2 person units and 18 will be 2 bed 3 person units'

This mix also aligns with the information submitted for condition 12 of the outline planning permission. It can be confirmed that the residential element of this phase is 100% affordable housing.

#(Item 3) – Planning Application 2019/0500/FUL - Change of use from residential (Class C3) to 4 bed HMO for 3 people (Class C4) at 15 Middleton Street, St Thomas, Swansea

John Rowe (objector) addressed the Committee.

Councillor C E Lloyd (Local Member) addressed the Committee and outlined his objection to the proposal.

A visual presentation was provided.

Report updated as follows:

Description of Proposal on Page 97 is incorrect and should read:

- Change of use from residential (Class C3) to 3 bed HMO for 3 people (Class C4)

2 additional late responses received from one resident making reference to concern that the plans seem to indicate there are 2 properties within the application – 15 & 16 Middleton Street. The responses make reference to 2 application forms and errors on the plans making reference to 16 Middleton Terrace. Concern raised that the application being recommending is not truthful and that the committee should not be misled to accept incorrect documentation.

Officer Response:

This application was originally received in March this year and the supporting application form and site plans proposed a 4 bedroom HMO at No. 16 Middleton Street (defined on a site location plan but referred to as Middleton Terrace on the application forms).

Following consultation of the application a range of objections were received during its early processing in April. During this time it transpired that the applicant's agent had incorrectly referred to No. 16 Middleton Terrace when in fact the applicant's property was No. 15 Middleton Street.

Following concerns raised by officers about the level of accommodation within the property to serve the use the scheme was subsequently amended with a reduction in the number of proposed bedrooms to 3 (from 4).

Amended plans and forms with the correct information were received and a new consultation commenced in June with neighbours having opportunity to comment on the amended scheme. Any remaining reference to 'Middleton Terrace' on the drawings is a typographical error and the former application form has been superseded.

To summarise it is clear that the application property is No. 15 Middleton Street and the application has been processed on this basis.

#(Item 4) – Planning Application 2019/1325/FUL - Change of use from residential (Class C3) into a 4 person 4 bed HMO (Class C4) at 20 Edgeware Road, Uplands, Swansea

Councillors I E Mann & P N May (Local Members) addressed the Committee and outlined their objections to the proposal.

A visual presentation was provided.

Report updated as follows:

2 additional late objections have been received from the below occupiers with issues raised as follows:

4 Edgeware Road

- Poor existing sound proofing between properties.
- Houses left to go into disrepair.

- Introducing further HMOs will devalue area further which will have a negative effect on house prices.
- Would have a massive impact on parking for residents.
- Rubbish is another issue.
- Residents of Uplands want to keep Uplands a family friendly residential area.

19 Maple Crescent

- Property is small and find it unbelievable that this property can house 4 bedrooms and associated rooms safely and with adequate space.
- parking is often very difficult due to the large number of cars in the area, this proposal could mean an extra 4 cars all trying to park on already crowded streets.
- problems of refuse collection in areas that house HMO's.
- Quite possible that this property might be let to students with the resulting problems of waste collection and the accumulation of rubbish building up.
- Obvious effects on house prices, overcrowded roads, extra parking requirements, potential noise problems and rubbish problems.

#(Item 5) – Planning Application 2019/1204/S73 - Variation of condition 2 of planning permission 2016/0086 granted 15th June 2016 to allow for a limited period being 40 years instead of 24 years at Cefn Betingau Farm , Rhydybandy Road, Morriston, Swansea

Richard Mears (agent) addressed the Committee.

A visual presentation was provided.

#(Item 7) – Planning Application 2019/0960/FUL at Extension to scrap metal processing facility at Kings Dock, Swansea

Gareth Price (applicant) addressed the Committee.

A visual presentation was provided.

#(Item 8) – Planning Application 2019/1562/FUL - Front bike store at 18 Knoll Avenue, Uplands, Swansea

A visual presentation was provided.

#(Item 10) – Planning Application 2019/0717/FUL - Two storey extension to provide communal lounge/living area with balconies at Hengoed Park Care Home , Cefn Hengoed Road, Winch Wen, Swansea

Councillors V M Evans & P Lloyd (Local Members) addressed the Committee and outlined the concerns of local residents regarding the continuing development of the

site and its impact on residents, particularly relating to visual impact and traffic issues.

A visual presentation was provided.

(2) the undermentioned planning application **Be Refused** for the reasons indicated in the report:

#(Item 9) – Planning Application 2018/2313/FUL - Construction of 46 apartments, in two blocks, for occupation by people aged 55 and over with associated car parking and facilities at Former Council Depot, 37 Pontardawe Road, Clydach, Swansea

A visual presentation was provided.

Patrick Moss (agent) addressed the Committee.

Councillor P B Smith (Local Member) addressed the Committee and outlined her objections to the proposals in their current form.

18 Planning Application Ref: 2019/1232/106 and 2018/2671/S73 - Construction of 80 no. Residential Units with Associated Access and Landscaping Former Civic Centre Site, Penllergaer.

The Head of Planning & City Regeneration presented a report which sought authorisation to modify the Unilateral Undertaking made pursuant to S106 of the Town and Country Planning act 1990 (as amended) for the development at the former Civic Centre, Penllergaer.

The background to the original application's approval was outlined and detailed in the report.

The main issues relating to the wording of the original section 106 agreement that had been subsequently highlighted relating to registered social landlords/affordable housing/social rented houses were also outlined, particularly around the term "intermediate rented housing".

Resolved that Members authorise the modification of the S106 agreement (planning obligation) to amend the terminology to omit the term "rented" from the definition of "intermediate housing" and update the remainder of the agreement accordingly so that the applicant can utilise other Welsh Government approved intermediate products and provide a Mortgagee in Possession clause for Social Rented units only.

The meeting ended at 4.31 pm

Chair

Agenda Item 5

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: 3rd September 2019

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 Llangyfelach 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, Members 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 page 83 of Part 3 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	2019/1557/FUL	90 Eaton Road, Brynhyfryd, Swansea, SA5 9JH Conversion of dwelling into 2 flats with external alterations	Approve
2	2019/1138/FUL	Land Adjacent To Ysgol Gyfun Gymraeg Bryn Tawe, Heol Gwyrasydd, Penlan, Swansea, SA5 7BU Construction of new 2.5 form entry Welsh medium primary school incorporating Flying Start facility including playing fields, MUGA, car parking/drop-off facilities, and alterations to the existing traffic arrangements and circulation at the wider Ysgol Gyfun Gymraeg Bryn Tawe School and Community Leisure site, Penlan, Swansea, SA5 7BU	Approve
3	2019/1635/FUL	Unit 23 Samlet Road, Swansea Enterprise Park, Swansea, SA7 9AG Change of use from A1 (retail) to motor vehicles sales (Sui Generis) with associated external alterations and modification of Section 106 relating to planning permission 92/0865 dated 12th January 1993 to allow for the sale of motor vehicles and ancillary goods.	Approve
4	2019/0069/FUL	Plot On, Queens Dock, Swansea, SA1 8SB Retention and completion of detached building for aquaculture uses with associated portacabin and enclosure to house generator	Approve
5	2019/1543/S73	Plot B3 Riverside Wharf, Swansea Waterfront, Swansea, SA1 8PP Residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements - Section 73 application to vary condition 1 of planning permission 2006/0499 granted 10th September 2006 in relation to the construction of an additional basement (2 levels), revised parking layout and provision of battery storage units (including access area).	Approve

Planning Committee – 3rd September 2019

Item 1

Application Number:

2019/1557/FUL

Ward:

Cwmbwrla - Area 1

Location: 90 Eaton Road, Brynhyfryd, Swansea, SA5 9JH

Proposal: Conversion of dwelling into 2 flats with external alterations

Applicant: Mr Mark Evans



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

Planning Committee – 3rd September 2019

Item 1 (Cont'd)

Application Number:

2019/1557/FUL

LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Site History

App Number	Proposal	Status	Decision Date
2019/1557/FUL	Conversion of dwelling into 2 flats with external alterations	PDE	

Procedural Issues

This application has been called to Planning Committee for decision at the request of Councillor Peter Black and has been supported with a petition of OBJECTION which meets the criteria specified in the Council Constitution.

Site Location /Description of Development

This application seeks full planning permission for the conversion of the existing dwelling at No. 90 Eaton Road into 2 no. 2 bedroom flats with associated external alterations. The existing property provides 4no bedrooms. The alternations proposed include: a relocated front doorway (to provide internal staircase to serve first floor flat; insertion of additional ground floor window in the side elevation (to serve a shower room) and the insertion of additional first floor window in the side elevation to serve a dining area.

The ground floor flat would be accessed via an existing side doorway and provide a lounge, separate kitchen/dining room, showroom and 2 bedrooms. Upstairs, the second floor flat would gain access via the relocated front door entrance and would provide an open plan lounge/kitchen diner, shower room and 2 bedrooms. One off street parking would be provided on the yard area to the rear. The applicant has indicated that there are currently 2 no. resident parking permits allocated to the property.

No. 90 Eaton Road is an end of terrace dwelling, located in a predominately residential area comprising two storey traditional terraced dwellings. There are on-street resident parking bays in the immediate vicinity. The site is located on a bus route (nearest bus stops approx. 120m away), with local shops accessible a short distance away at Brynhfryd Square and other environs.

Planning Committee – 3rd September 2019

Item 1 (Cont'd)

Application Number:

2019/1557/FUL

RESPONSE TO CONSULTATIONS

The application was advertised on site and ONE neighbouring property was consulted. A PETITION OF OBJECTION was received (34 signatures) on the following grounds:

- There is already a proliferation of rented accommodation within the area;
- Parking in the area is extremely difficult. Overspill from Cross St, Llangyfelach Road and also Penfilia Road, and customers frequenting the numerous businesses within the area has saturated the parking spaces. On match days parking for existing residents is impossible;
- Changing the usage of 90 Eaton Rd to rented accommodation would have negative impact on the value of my property;
- A change of tenure would make dealing with any issues that could arise e.g. waste management, anti-social behaviour or noise nuisance more difficult to address as the responsibility would lie with the landlord;
- The neighbours at No's 92,93,94,95 Eaton Rd are also extremely disappointed that No. 90 is going to be converted into flats.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the use at this location, the impact upon residential amenity, the amenity of adjoining occupiers and highway safety, having regard to Policies PS1, PS2 and T6 of the Local Development Plan. There are in this case considered to be no additional overriding issues for consideration having regard to the provisions of the Human Rights Act.

Planning Guidance

The following Supplementary Planning Guidance (SPG) are also relevant to the proposed development:

- o Places to Live - Residential Design Guide (Adopted January 2014)
- o Parking Standards (Adopted March 2012)
- o Planning for Community Safety (Adopted December 2012)

Visual Amenity

The proposed external alterations are minor in nature and it is not considered that the proposed alterations to the front and side elevation would give rise to any unacceptable visual impacts having regard to the existing established street scene. In light of the above it is not considered that the proposal would detract from the visual amenities of the host property or the wider street scene.

Residential Amenity

The existing dwelling has four bedrooms. The proposed conversion to two x two bedroom flats would not therefore result in an increase in number of bedrooms at the property. It is not considered that the proposed use of the property as two separate flats providing a total of 4 bedrooms would result in any demonstrable significant additional noise, nuisance and/or other disturbance over and above that of the existing use as a single residential unit. It is acknowledged that the proposed use as 2 separate units of accommodation may result in a marginal increase in the comings and goings associated with its use, but levels are unlikely to result in an unacceptable impact upon the levels of amenity currently enjoyed by neighbouring occupiers that would be considered so harmful to warrant a recommendation of refusal.

Planning Committee – 3rd September 2019

Item 1 (Cont'd)

Application Number:

2019/1557/FUL

The alterations to the windows to the side elevation (Ewart Place) would not give rise to any additional overlooking or loss of privacy impacts over and above that currently experienced.

The proposed accommodation provides adequate living accommodation and there is no overall increase in the number of bedrooms proposed from the 4 bedrooms that could be accommodated in the existing house and the overall number of 4 bedrooms proposed in this current scheme. The existing outdoor rear amenity space is relatively small and is being further eroded by the creation of a parking space. However, as set out in the Places to Live Residential Design Guide SPG (January 2014) flats can be afforded lower levels of onsite amenity space than dwellinghouses. It is also noted that both flats would have access to external spaces for bike and bin store. It is therefore considered that the accommodation provides for adequate living/amenity space for future occupiers.

Objections have been raised that a change of tenure would cause issues with dealing with issues that arise. This application is for a change of use from a single dwelling to two flats. There is no indication in the application whether the units would be rented or owner/occupied. However, the key issue is not the tenure of the property but whether the proposed residential use of two flats is acceptable. As indicated above, it is not considered that unacceptable impacts on residential amenity would arise and the proposal is in compliance with Policy PS2 of the Swansea LDP.

Refuse & Cycle Storage

There is adequate space to the rear of the property to provide for the storage of refuse and recycling. Space is also available for cycle storage. Such provision can be secured through an appropriately worded condition to ensure that the bin storage and cycle storage is provided prior to occupation and retained as such in perpetuity.

Access & Highway Safety

In terms of parking, the Parking Standards Supplementary Planning Guidance sets out a requirement for the existing use as a single dwellinghouse of 1 space per bedroom up to a maximum of three spaces. No spaces are currently provided off street so this parking demand is currently met on street. Each of the proposed flats would require a provision of 1 space per bedroom up to a maximum of 3 spaces for residents. The application site therefore attracts a requirement for 4 parking spaces, i.e. two spaces per flat.

The applicant has indicated the provision of a single parking space within the courtyard to the rear of the property. The remaining three spaces would be provided on street, as per the existing situation. There is therefore no net increase in on-street parking demand. There are parking restrictions in place in neighbouring streets and the application property is located within a sustainable location within easy walking distance of local bus stops, local shops at Brynhyfryd Square and other local shopping facilities. On this basis it is not considered that the scheme will introduce harm such that refusal could be recommended on parking and highways grounds.

Planning Committee – 3rd September 2019

Item 1 (Cont'd)

Application Number:

2019/1557/FUL

Neighbours & Petition

The grounds of objection are noted and issues with regard to parking and residential amenity impacts has been addressed above. Devaluation of property is not a material planning consideration and is given little weight in the determination of this application. Issues of anti-social behaviour, refuse etc would be covered by separate environmental legislation and other statutory bodies, as opposed to planning legislation.

Conclusion

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.

Having regard to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered to represent an acceptable form of development, in accordance with Policies PS1, PS2 and T6 of the Local Development Plan. Approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location & Block Plan Proposed Ground Floor Plan; Proposed First Floor Plan; Proposed Front & Rear Elevations; Proposed Side Elevation received on 5th July 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial occupation of any of the flats hereby approved, secure cycle storage for a minimum of 3 cycles and a bin storage area shall be provided to the rear of the property in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The cycle store and bin storage area shall thereafter be retained in perpetuity.
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.

Planning Committee – 3rd September 2019

Item 1 (Cont'd)

Application Number:

2019/1557/FUL

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, T6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

Planning Committee – 3rd September 2019

Item 2

Application Number:

2019/1138/FUL

Ward:

Penderry - Area 1

Location:

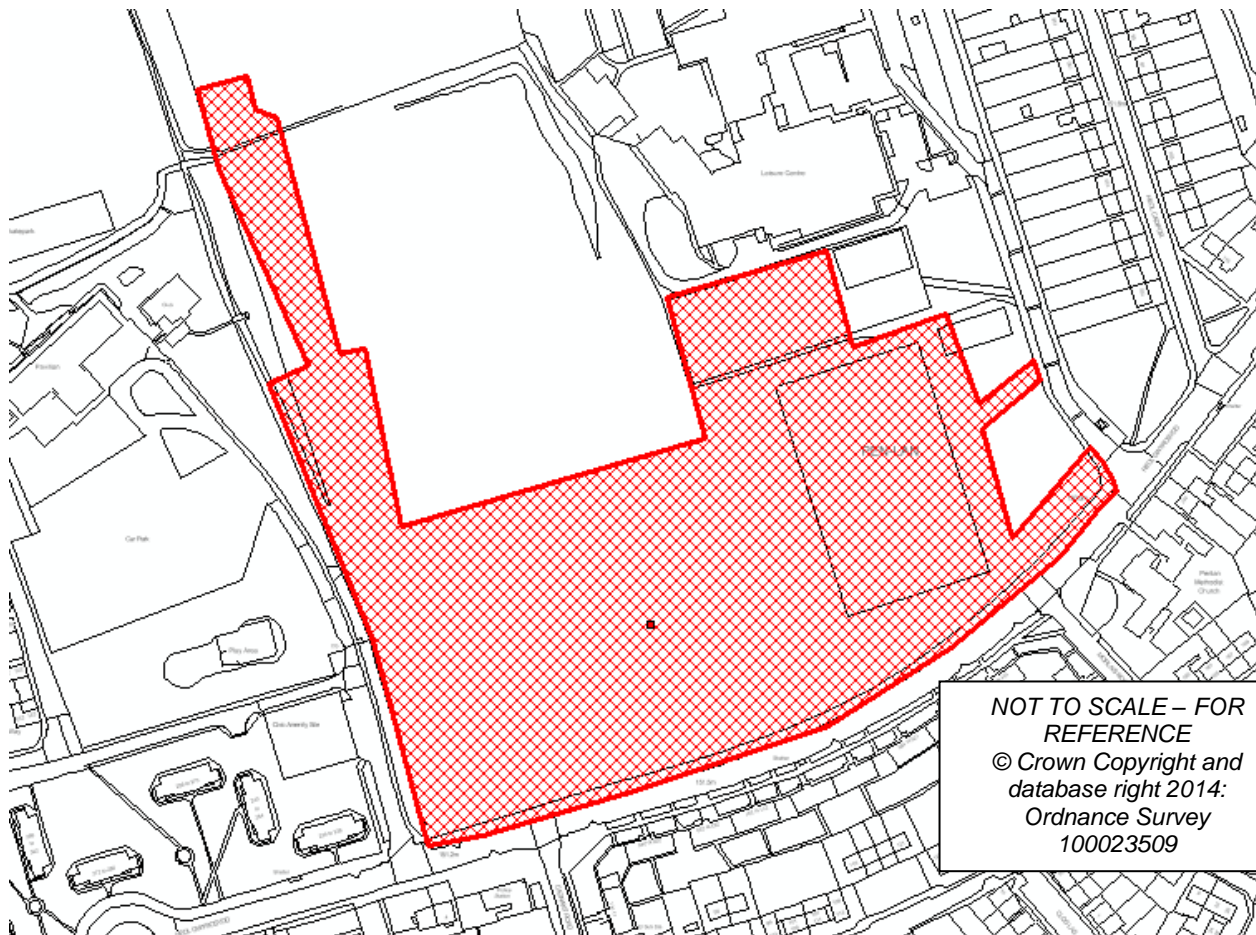
**Land Adjacent To Ysgol Gyfun Gymraeg Bryn Tawe, Heol Gwyrosydd,
Penlan, Swansea, SA5 7BU**

Proposal:

Construction of new 2.5 form entry Welsh medium primary school incorporating Flying Start facility including playing fields, MUGA, car parking/drop-off facilities, and alterations to the existing traffic arrangements and circulation at the wider Ysgol Gyfun Gymraeg Bryn Tawe School and Community Leisure site, Penlan, Swansea, SA5 7BU

Applicant:

City And County Of Swansea Director of Education (Swansea Council)



Background Information

Site History

App Number

Proposal

Status

Decision Date

None

Background

This application is being reported to Planning Committee as the proposed floor area of the building exceeds 2,000m2.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

YGG Tirdeunaw is currently located on the site of the former Daniel James Comprehensive School on Heol Ddu and utilises the western block of the former school as the existing building is in a poor state of repair and has significant maintenance costs. As part of the proposal, the school would be increased from a 2 Form Entry (FE) to a 2.5 FE school.

The application site has an area of approximately 3.78ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Site Location

The site proposed for the school development forms part of Penlan / YGG Bryn Tawe Playing Fields, located off Heol Gwyrosydd in Penlan. The site is enclosed with a low level block wall with railings on top with sporadic trees along the frontage of Heol Gwyrosydd. The site is set back from the road by a wide pavement. The site sits to the east of the access to Penlan Recycling Centre and the car park for the changing rooms and to the east of the access to YGG Bryn Tawe and Penlan Leisure Centre which are located to the rear of the site. The site is currently used for recreation purposes associated with the playing fields but also incorporates some land used by the school / leisure centre. The site itself is relatively flat (circa 1m slope across the site and front to back) and predominantly grassed although there is a red grass all surface pitch located in the eastern half of the site.

Five no. three storey blocks of flats are located on the opposite side of the road to the site which benefit from grass verges and trees along its length. Penlan Methodist Church is located opposite the south eastern corner of the site. Penlan Police Station is located opposite the south western corner of the site with the playing fields extending to the north.

Description of Development

Full planning permission is sought for the construction of a new 2.5FE Welsh-medium two storey primary school, associated landscaping, playing facilities, MUGA, and parking facilities to the north of Heol Gwyrosydd and alterations to the existing traffic arrangements and circulation at the wider Ysgol Gyfun Gymraeg Bryn Tawe School and Community Leisure site on the eastern part of the site.

The proposed building would accommodate a nursery and a Flying Start unit and would have a gross external floor area of 3,115m². The new school would accommodate up to 625 pupils and contain 66 staff. The front of the buildings would be constructed in a buff coloured brick with the single storey flat roof office section finished in coloured render. Coloured spandrel panels (predominantly green) would be included on the front elevation and fibre cement weather boarding would be installed on the end elevations of the pitched roof buildings. The roof would be a metal standing seam roof incorporating PV panels.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The proposal places the school building at the centre of the site, allowing the school to have a presence along Heol Gwyrosydd. The proposed building would comprise of two no. two storey elements linked with a flat roofed building with an adjacent singly storey building to the east. The building would measure 94m in width in total with a depth of 31.5m. The front building would measure 10.5m in height with the rear building measuring 12.5m. The building would be set back approximately 14.5m from the pavement with a landscaped entrance plaza in front. The proposed car park for the school would be located on the eastern side of the building with play area and junior football pitches to the rear. The attenuation basin for the development would be located in the northwest corner of the site. A type 1 MUGA would be located in the northeast corner. In terms of boundary features, a 2.4m high weldmesh boundary would secure the site with a 6m high ball stop fence along the rear between the rugby/ football pitch and the school. A 1.8m high timber hit and miss fence would be located around bin storage area and sprinkler compound with a 3m high fence around the MUGA.

Parking provision is indicated for 64 vehicle spaces (including 3 visitor and 2 commercial vehicle spaces) and provision is made for 40 cycle spaces along with 24 bays on the street.

The proposed bus facility would be located to the east of the school and would provide a drop-off and collection parking facility for the new school and also provide local benefit for YGG Bryn Tawe and Penlan Community Leisure Centre (PCLC). The current arrangements for YGG Bryn Tawe and PCLC are a shared access from Heol Gwyrosydd. The parking area would measure 60m in width by 105m in length and provide space for 20 buses along with a turning area so the vehicles can leave the site in a forward gear.

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

PS1: Sustainable Places – the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

PS2: Placemaking and Place Management – development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

PS4: Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 14,700 additional jobs over the Plan period, including within Strategic Development Areas.

IO1: Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

SI1: Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI3: Education facilities – development should be appropriately located, provide appropriate facilities for parking and drop-off, include provision for other community facilities and be phased appropriately.

SI5: Protection of Open Space – development will not be permitted on areas of open space unless it complies with specific criteria.

SI8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER1: Climate Change – Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

ER2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER9: Ecological Networks and Features of Importance for Biodiversity – development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

ER11: Trees and Development - development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T5: Design Principles for Transport Measures and Infrastructure – provides design criteria that all transport measures/ infrastructure must adhere to.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

EU2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

EU4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP2: Noise Pollution - where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP3: Air or Light Pollution - where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP4: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

RP5: Avoidance of Flood Risk – new development will be expected to be located away from unnecessary risk.

RP6: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP8: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, 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.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

Neighbour comments:

The development was advertised on site with five site notices and the application was also advertised in the Press on the 10th June 2019.

One objection has been received although no address is provided. The correspondent has raised the following concerns:

- * Health and environmental impact of the proposed development
- * Increased traffic on already congested roads and bus pick up / drop off would create a health risk to school children
- * Traffic backs up from Caersalem lights/ crossroads along the length of Heol Gwyrosydd
- * Coaches contractors use will often be at the end of their productive economic hire so they are put on school runs. These vehicles will not have modern efficient engines, they will not have DPF filters which capture the carcinogenic soot particles that are responsible for killing our children, they may have adblue to reduce the NOx emissions but this will make little difference to the cancerous gases they pump out both when they are moving also when they are idling in the traffic jam. Polluting vehicles of this type will not be allowed into any Ultra Low Emission zone in the country.
- * Swansea already has one of the most polluted roads in Europe (M4) which you have acted to rectify yet you now want to dangerously increase pollution in the local roads of Penlan increasing both cancer and asthma in our vulnerable children who also use these roads to walk to and from other local schools.
- * These proposals should not be considered until the current congestion is addressed.

Consultations:

Placemaking and Heritage:

Comments provided initially raised concerns about the layout in terms of lack of planting along the frontage to break up on-street parking, concerns over the shallow pitch of the roof on the single storey element and the blank gables on the western end elevation. The application has subsequently been amended to address these concerns.

Further Comments

"The most recent revisions to the scheme address all of the previously raised concerns and therefore the scheme is considered acceptable in design terms."

Highways:

No objections.

1. Background

1.1 This Proposal is for the construction of a 2.5 form entry Welsh medium primary school on land adjacent to Ysgol Gyfun Gymraeg Bryn Tawe, Heol Gwyrosydd and Penlan Leisure Centre, Penlan Swansea. The existing YGG Tirdeunaw is intended to relocate to this site (currently located within the former Daniel James site, 1.6km to the north).

1.2 The school will accommodate up to 600 (expected by 2028) pupils plus 66 members of staff.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

1.3 The school development includes 63 car parking spaces and limited cycle spaces, to cover staff, pupils and visitors.

1.4 The site sits on a section of Heol Gwyrosydd which is currently (and will remain) an adopted highway providing a heavily trafficked part of the highway network. The current access to the community leisure centre and school is to be retained.

1.5 Access is directly off Heol Gwyrosydd. There are two distinct elements to this application, the new school with its parking and associated infrastructure accessed by one point; and a separate school bus facility to serve the existing school, new school and leisure centre accessed off another. Layby facilities along the main road are also included for parents drop off.

1.6 The purpose of the bus drop off facility is to provide enhanced facilities for the existing Ysgol Gyfun Gymraeg Bryn Tawe school and the leisure centre which are currently overstretched. The bus drop off will also be available for the proposed new school. Currently all access is via a shared drive which serves both the school and the leisure centre which is heavily trafficked particularly at school drop off and pick up times. A parking management strategy will be requested by condition to cover access and circulation in the staff car parking and also the coach drop off area including details of how pupil movements are to be managed.

1.7 The Application was accompanied by a full Traffic Assessment and Travel Plan.

1.8 A Road Safety Audit (RSA) was subsequently submitted in August 2019 and this response includes comments made in relation to that document.

1.9 The planning application was supported by a Transport Assessment that CCS Education commissioned AECOM to undertake.

2 Sustainable Travel

2.1 The site is located within the existing residential settlement of Penlan, roads in the vicinity have segregated (wide) footway provision on both sides of the carriageway, with dropped kerbs at crossing points. The site is well served by public transport provision and a number of bus stops are already in place. The existing plans show that the footways are proposed to be set back to allow the installation of elements of layby parking but a preferred option is to maintain a minimum of 4m footway to allow for shared cycle/pedestrian use (this is referenced in the TA (under section 8.4.4)) and instead narrow the carriageway. This will slow speeds which will support the proposed implementation of a 20mph zone outside the school.

2.2 Proposals are indicated for the provision of pedestrian crossing facilities (details tbc) on Heol Gwyrosydd immediately outside the school. There is an existing signalised pedestrian crossing near the junction with Morlais Road and it has been identified that to tie in with the works proposed to maintain adequate footways then amendments will be required to this crossing point. All these works can be undertaken under the same Section 278 Agreement with the Highway Authority. These will further enhance the prioritisation given to the walking/cycling environment.

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

2.3 Cycling routes in the area are currently on street, however given the aim to retain wide footways then there is the option to provide shared usage footways across the site frontage.

2.4 There are a number of bus stops in the vicinity of the site, bus frequencies from the surrounding area are approximately 2 per hour.

2.5 The site is thought to be located in a sustainable location and has the ability to maximise the use of sustainable travel options as an alternative to the private car.

3 Trip Generation

3.1 This was based on a first principles analysis of pupils and staff at the existing school site, and assigned based on pupil home postcode as supplied by CCS.

3.2 This results in maximum vehicle trips of 340 for pupils and 66 for staff in 2028 (in the peak hours).

3.3 It is considered that the assumptions and methods employed are valid and results robust.

4 Analysis

4.1 Junction assessments have been carried out at the Mynydd Newydd Road/Heol Gwyrosydd/the crescent crossroads and the Heol Gwyrosydd/Conway Road Roundabout. The extent of the TA was agreed in advance with Highways Officers.

4.2 Following detailed trip distribution analysis Highways Officers also requested capacity testing of the Llangyfelach Road / Heol Gwyrosydd mini roundabout.

4.3 Analysis has been undertaken using TrL junctions 9 software, which is industry standard for analysing roundabouts and priority junctions.

4.4 Scenario modelling has been undertaken for 2018 (base year), 2021 (existing school relocation) and 2028 (new school at full capacity). The existing traffic flows have had growth factors applied based on the National Trip End Model using the Temprow database.

4.5 The analysis has been checked and has been undertaken correctly, this shows that the modelled junctions are predicted to remain well within practical capacity under all modelled scenarios.

4.6 The main area of traffic impact is on the Mynydd Newydd Road/Pentregethin Road/Ravenhill Road junction (where there are existing capacity constraints). The increase in traffic however is in the region of 1%, as such it is not considered that any measures need to be taken with regard to the infrastructure.

4.7 A Road Safety Audit was also submitted in July 2019, the recommendations of which were in line with the DC comments, as such the suggested conditions are considered to cover all possible issues identified

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

5 Site Layout

5.1 The main vehicular entrance to the site (staff car park) will accommodate 2 way flow, turning within the car park is also provided area has also been provided. Spaces are indicated to accommodate all staff plus visitor spaces, an area for deliveries and access to the bin stores.

5.2 The secondary access to the coach park is designed to accommodate school buses and thus is wider than the primary access (to allow to coaches to pass). The level of provision is intended to serve the existing YGG Bryn Tawe in addition to the new school. Turning is also available within the site to enable access/egress in a forward gear thus minimizing the impact on Heol Gwyrasydd.

5.3 The main pedestrian access is separate from either of the vehicle accesses. The site is well served by public footways provided pedestrian access. In addition pedestrian footways are shown leading from the coach area, thus segregation of pedestrians from vehicles is maintained at all time. It is unclear how the coach area intends to operate with regard to supervision but this can be covered within the parking management document that is being added as a condition.

5.4 In terms of car parking the provision is considered appropriate to ensure that overspill parking does not impact on the existing residents.

5.5 Cycle parking is shown at a number of locations conveniently located with access to the main building and being overlooked by the premises.

6 General Highway Safety

6.1 The TA has considered the accident records in the area. Detailed analysis of the recorded accidents, locations and causation factors indicate no common factors and no issues with the highway layout.

6.2 However the provision of a 20mph zone, widened footways, layby parking, additional formal crossing facilities and alterations to the existing pedestrian crossing facilities would further protect vulnerable road users, improve accessibility for non-car modes, and improve road safety in the area

7 School Travel Plan

7.1 All new schools are required to produce a travel plan. A framework travel plan has been submitted which covers initial surveys of pupils travel habits at the new location, action to increase sustainable travel and monitoring of achieved results on a regular basis.

7.2 The existing school already supports a healthy level of sustainable travel. The travel plan will seek to increase these proportions which will have a corresponding reduction in car usage.

7.3 A Travel Plan Coordinator will be appointed to oversee the sustainable transport initiatives, and monitor the implementation of the plan. This is a positive approach replicated at a number of schools within the city.

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

8 Conclusions

8.1 The relocation of YGG Tirdeunaw will result in some traffic reassignment, however the effect on the main junctions in the area has been demonstrated to be acceptable. The TA produced is robust and assumes a worst case scenario.

8.2 The location and catchment is such that the school is able to maximise the benefit of sustainable travel.

8.3 Local congestion occurs at all school sites at start and finish times, and will likely be the case here, however the identified improvements will help minimise this and accommodate as much of the demand as possible, particularly with regard to the coach/bus drop off area for YYG Bryn Tawe and YGG Tirdeunaw. Proposed safety enhancements will also provide benefit to the wider community.

9 Recommendation

9.1 I recommend no highway objection subject to the following:

i. Prior to any works commencing on the site a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The approved CTMP shall be adhered to at all times unless agreed by the LPA.

ii. The submission of a parking management plan to cover all parking areas (staff car park and coach parking area). This needs to ensure that only authorised vehicles park (in the absence of any physical barriers preventing access)

iii. The coach park boundaries need to be such that the segregation of pedestrians is maintained and pupils are prevented from entering into area where the coaches access/egress.

iv. Prior to any works commencing on site, full details of all local highway access works and improvements to Heol Gwyrosydd. Such improvements shall be implemented prior to the site being brought into beneficial use. Including:

- a) Heol Gwyrosydd access works.(x2)
- b) Heol Gwyrosydd alternations to speed limits
- c) New Heol Gwyrosydd Pedestrian crossing (the tree location is not appropriate)
- d) Amendments to Heol Gwyrosydd Pedestrian crossing (to assist with the works to narrow the carriageway and act as a traffic calming feature)
- e) The implementation of parking laybys on Heol Gwyrosydd for parent drop-off/pick-ups.
- f) Formation of a 4m wide shared use path along the site frontage together with associated carriageway narrowing (in line with Active Travel recommendations)
- g) TRO'S to the existing on street parking bays to restrict them to limited waiting /permit holders exempt

Note: The Applicant must contact the Highway Management Group , Swansea Council , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

Pollution Control:

No objection subject to conditions.

The Geo-Environmental Report submitted with the application includes a desk-top study and site investigation. Given the outcome of the submitted report, no works should commence on site until a remediation strategy has been submitted and approved.

Phase 3: Remediation Options Appraisal

this shall:

Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

In addition, a condition requiring that green screening is installed along the south boundary line (Heol Gwyrosydd) in order to enhance mitigation of air pollutants from the main road on the hard social (playground) areas of the school should be attached.

Ecology:

“Bats

There is potential for commuting and foraging bats around the site.

Therefore, please include the standard Bat informative.

Condition:

Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition or trees destined for felling must be undertaken by a suitably qualified ecologist/Ecological Clerk or Works.

Breeding/nesting birds

As there are records for nesting birds such as house sparrow, swallow, dunnock and starling within 150m of the site, and the potential for breeding birds on-site, please include the standard Birds informative.

Condition:

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to September inclusive.

Reptiles

The survey established that suitable habitat exists for reptile species eg common lizard and slow worm on the development site.

Please include the following informative: Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended.

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

Conditions with regards to reptiles:

- Pre-construction checks for any species are required.
- Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).
- To mitigate for loss of reptile habitats, new habitats should be created within buffer strips. These linear features can provide corridors to link other patches of reptile habitat together.

Hedgehog

Records show that there is the potential for hedgehogs to be present in the area with several records from within 150 metres of the site. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.

Condition:

All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

Condition:

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Fencing

I note that Page 34 of the Design and Access Statement states that 'Fences are to be screened by hedges in key areas'. However, there is no further detail of this regarding location of the key areas or methodology for planting hedges, species, ongoing monitoring and management of hedgerows. This information is required to be submitted to the LPA for approval, prior to determination.

Landscaping

It is advised that as many trees as possible should be retained, in particular the western boundary trees to maintain a dark corridor and habitat connectivity, and dry ditch area, as per the PEA.

Native trees, shrubs and wildflowers should be planted as part of the landscape scheme. There are opportunities for planting trees within the proposed car park and around the attenuation basin.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

Condition:

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, prior to determination, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and aftercare. The use of native species or species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for to enhance the habitat for local birds and invertebrates.

Invasive Non-native species (INNS)

Condition:

A method statement for removal of any INNS pre-construction is required to be submitted, together with an updated pre-construction INNS survey, for approval by the LPA.

SUDS

The submitted drainage strategy is noted. However, this should also incorporate biodiversity gains as per:

SUDS Standard S5 Biodiversity

Standard S5 addresses the design of SuDS to ensure that, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by lining networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Therefore, details of proposals regarding the above are required to be submitted to the LPA for approval, prior to determination.

Lighting strategy

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be submitted to the LPA and agreed with the LPA Planning Ecologist.

Condition:

The lighting strategy must be placed as a condition on any planning permission granted.

Green Infrastructure

LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The LDP policy requires that compensatory measures should maintain and enhance the green infrastructure network.

No comprehensive survey of the sites' green infrastructure provision has been provided. In order to effectively implement draft LDP Policy ER 2, a green infrastructure assessment is required.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

CEMP

A detailed Construction Environmental Management Plan (CEMP) is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding any nearby water bodies) with due regard to the nearby Mynydd Cadle SINC and Penlan Slopes SINC, for the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

Reason

Prevent pollution of controlled waters and the wider environment.

Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable, together with hedgehog friendly fencing.

Condition:

Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement.”

Drainage:

No comments other than to advise SAB approval would be required for the proposal.

Landscaping Officer (Trees):

“None of the trees present on the site are protected by TPO or conservation area status. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA’s duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

A tree survey has been provided and identifies the trees and categorises them in accordance with BS5837:2012. There are a few category B trees on and adjacent to the site; those outside of the red line can be retained whilst those inside the red line are close to the entrance / car parking. It may be possible to retain these although mitigation of their loss, if required can be easily achieved. The retained trees will require protection during construction, this can be secured by a suitable tree protection condition. The redevelopment of the site is an opportunity to increase tree numbers in an area that has a low canopy cover. Integration within and around the attenuation basin is one area that can be utilised. The plans show indicative tree planting, ideally the numbers should be increased. Tree species should be suitable for school grounds.

The proposed car park would benefit from tree planting and there appears to be space available to achieve this. Planting in hard surfaced areas will need suitable tree pits. Ideally, the carpark should be redesigned to accommodate tree planting. In the event of approval please could you condition a tree protection plan / arboricultural methods statement and a landscape plan to be submitted.”

Parks Officer:

No comments.

Waste Services:

“To access the wheel bin storage area would necessitate a collection vehicle entering the car park which is contrary to the recommended operating method. Swansea Council operate a kerbside collection to minimise vehicle movements off the highway. The preferred plan would be to locate the wheel bin store in the area marked as car park spaces 23-25. A facility to allow the collection vehicle to stop safely and legally as close to the school car park area to minimise the distance from wheel bin store to the rear of the collection vehicle is preferred.”

Natural Resources Wales (NRW):

No comments.

Dwy Cymru Welsh Water (DCWW):

“In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) have been previously informed of the proposed development and consulted, as a ‘Specialist Consultee’, in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

By response to consultation, we advised that foul flows from this proposed development can be accommodated within the public sewerage system and recommended a point of connection at manhole reference SS64964102 which has been confirmed as part of the foul drainage proposals within the submitted ‘Drainage Strategy’ (Ref: TIR-HYD-XX-XX-RP-C-0001). Alternatively, as proposed within this report, we offer no objection in principle to a proposed point of connection to the east of the site at manhole reference SS64966303 albeit would request a condition to confirm the identified point of connection.

As part of this application, we also acknowledge receipt of a ‘Sustainable Drainage Concept Plan’ (Drawing No. TIR-HYD-XX-XX-DR-C-2101 Rev. P02) which indicates proposals to dispose of surface water flows via SuDS, including attenuation basin, into an off-site watercourse and in principle offer no objection.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

However, as per our pre-application consultation response, we would advise that the proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore strongly recommended that the developer engage in pre-application consultation with the determining SuDS Approval Body (SAB). The SAB is responsible for any forthcoming applications which seeks approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, whereas DCWW is a statutory consultee to this application process.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall commence until a foul water 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 water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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.

Advisory Notes

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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 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.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

WATER SUPPLY

The proposed development is crossed by a trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site."

Sport Wales:

Sport Wales originally objected to the application on the basis that the proposal involves the development of a large area of playing field. PPW and Policy SI 5 of the LDP seek to protect open space unless specific criteria is met and Sport Wales did not consider that the criteria had been met. Their concerns relate to the assessment on an electoral ward basis in terms of causing / exacerbating a deficiency. Secondly, a large part of the playing field would be developed for the school itself, playgrounds and car and bus parks. They also questioned whether the pitches would be shared with the community and whether there is space of alternate community benefit. The applicant has provided further information and clarification on pitch usage.

Further Comments

"Sport Wales was concerned that although the application site is underused and of poor quality this did not indicate an absence of need and development would have reduced the potential to upgrade the site and increase usage.

However, the local authority's Leisure Department clearly has no objection and appears satisfied the remaining facilities are sufficient to cater for needs. As stated, Sport Wales would prefer to see details of a playing pitch strategy which shows that provision is sufficient to meet demand but it is apparent they do not feel the application site is needed and also, as there are only six pitches marked out at the adjacent Mynydd Newydd site when there is room for eight would indicate there are sufficient pitches. It is of course desirable to have room for pitch rotation to maintain quality but it is expected that additional pitches would be marked out if demand was such.

It is acknowledged that the new 3G pitch has yet to receive planning permission but it is likely to take place and this will of course add greatly to the site's sporting capacity helping in particular to meet the training needs of local clubs which will relieve pressure on the existing grass pitches.

Sport Wales remains concerned about the ability of the two new pitches to accommodate community use but the intention to allow such use is noted and YGG Bryn Tawe and the new school at least will have access to new pitches. The new MUGA for the school and community is also noted.

In light of the above, particularly with regard to sufficiency of provision, although we would prefer to have clear evidence rather than anecdotal statements, Sport Wales removes its objection."

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

Glamorgan Gwent Archaeological Trust (GGAT):

“Information in the Historic Environment Record shows no recorded designated historic assets, and no non-designated historic assets in the area of the proposed development. There are no indications from historic mapping that any archaeological features are within the development boundary.

Given our current information, it is unlikely that previously unknown archaeological remains of significance would be encountered during the development. We therefore do not make any recommendation for mitigation in this case, and have no objection to the determination of the application.

However the HER is not definitive, and should previously unknown archaeological material be encountered during the development, please contact us as archaeological mitigation may be necessary.”

Police Designing Out Crime Officer:

“The whole of the school site must be protected by a security fence (as per drawings) that meets the standards and specifications of Secured by Design (SBD).

The fence must be at least 2.4 metres high, weld mesh, expanded metal or similar and be of a design that is difficult to climb over. Fencing should be ground on a hard surface or embedded in the ground. There must be nothing adjacent to the fencing to assist criminals in climbing over it and therefore gaining access into the school grounds.

Gates must be of the same height and specification as the fencing and must be kept locked when the school is unoccupied. Gates, other than the main entrance, must also be kept locked during school time. The gap under the school gates must be minimal to prevent persons from crawling under.

If padlocks and chains are used to secure the gates they must meet appropriate security standards e.g. Sold Secure.

The main vehicle entrance onto the school site must have a barrier fitted, with a voice entry system linked to the reception area, to control vehicle access onto site.”

Additional design advice made regarding the following: CCTV; lighting; landscaping; signage; vehicle access and parking; bike stores; refuse and recycling centres; external furniture; access to drainage and service areas; building shell security; access control; school entrances and visitor control; drainpipes; windows; doors; computers; secure areas; and intruder alarm system. See full comments on application page.

APPRAISAL

Full planning permission is sought for the construction of a new 2.5FE Welsh-medium two storey primary school, associated landscaping, playing facilities, MUGA, and parking facilities to the north of Heol Gwyrosydd and alterations to the existing traffic arrangements and circulation at the wider Ysgol Gyfun Gymraeg Bryn Tawe School and Community Leisure site on the eastern part of the site. The proposed building would accommodate a nursery and a Flying Start unit and would have a gross external floor area of 3,115m².

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The new school would accommodate up to 625 pupils and contain 66 staff. The site is white land in the Adopted Swansea Local Development Plan.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the use, the design/ visual impact, drainage and impact on highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The site is white land in the Adopted Local Development Plan and the principle of development is therefore considered acceptable subject to meeting the criteria of the relevant planning policies.

Policy SI 2 states that new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria. Policy SI 3 relates to new education facilities and states that new school developments should be appropriately located, provide appropriate drop-off and parking facilities, include provision for other community uses and phase school provision. Policies PS 1 requires that development should be directed to the most sustainable locations. Policy SI 5 seeks to protect open space subject to certain criteria.

At the current time, the site comprises playing fields for the school and has previously been used for community use in association with the adjacent playing fields although the Parks department indicate this is not currently the case. Planning Policy Wales (4.5.4) states that “All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- * facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- * alternative provision of equivalent community benefit is made available locally, avoiding any temporary loss of provision; or
- * there is an excess of such provision in the area.

Similarly, Policy SI 5 of the Local Development Plan states that “Development will not be permitted on areas of open space unless:

- i. It would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or
- ii. The substantive majority of existing open space provision on the site is to be retained and enhanced as part of the development of a small part of the site and the functional use of the facility would be unaffected; or
- iii. The development can provide appropriate alternative open space provision, of equivalent that delivers a wider community benefit and is provided in a suitable alternative location is made available; or

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

iv. A satisfactory financial contribution to the developers make satisfactory compensatory provision is provided towards an acceptable alternative facility.”

Sport Wales originally raised concerns at PAC stage and reiterated these concerns when objecting to the application. Whilst Sport Wales raised concerns about the use of electoral wards in the assessment, the LDP refers to the most up-to-date Open Space Assessment which is calculated on a ward by ward basis as this is considered an appropriate starting point and also looks at deficiencies within a ward.

The site is located in the ward of Penderry and forms part of the Outdoor Sports Facilities for the ward. There is a total of 2.8 ha per 1000 head of population of FIT provision within the Ward which equates to 0.4 ha over the recommended target. With a population of 12,000 residents, this equates to 4.8Ha. The site area equates to 3.78Ha so in terms of overall provision, the Ward would still exceed FIT standards for outdoor sport and recreation. It is acknowledged that the majority of provision is provided on education sites as is the case of the application site so the loss of this area of land would not significantly impact on this as it is used for education purposes. The proposals would therefore comply with PPW in that there is an excess of such provision in the area.

However, there would be a marginal increased deficiency of access (300m from nearest entrance) for two areas to the south of the site as the majority of the site would be lost for recreational use resulting in increased distance to the nearest sports facility (criterion I of LDP policy SI 5). It should be noted that the proposals would not retain the substantive majority of pitches on site (criterion ii) nor seek to provide a financial contribution to provide compensatory provision elsewhere (criterion iv).

The applicant has advised that the existing playing field on the site, being within the grounds of YGG Bryntawe, is of a poor quality and underused and does not significantly contribute towards the school's usage. Indeed, the Sport and Health Manager has confirmed that the Parks Manager for this part of the city has confirmed with him that the pitch in question is not used by their lettings service and thus there is no community club or league use at all (no organised sport). This has been the case for the last 3 seasons, the only organised usage of any sort is by Bryntawe School and this is very limited. They have also confirmed that the area has not been involved in pitch rotation as the size of the adjacent fields at Mynydd Newydd (Local Authority owned non-Education playing pitches) means this is not required by the Parks Operations service. Mynydd Newydd has 6 football pitches available for booking between September and April (there is room for 8, but they rotate to protect the area generally) and 3 cricket pitches May to August. There are 18 changing rooms, 2 are leased to Penlan RFC, who also have a licence to use one of the 2 rugby pitches on the school side of the lane leading to Mynydd Newydd.

In this instance an under-used full sized playing field and red gras pitch would be replaced by two junior size pitches, built to modern standards in terms of surfacing and improved drainage, and which would encourage regular and active use by junior users. These facilities are proposed to be made available for wider community use outside of school hours, during weekends and daylight hours, subject to demand.

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

When this is considered alongside the overprovision of outdoor recreational space provision within the Ward, even after considering the loss of the whole site from the calculation, it is considered that the development could provide appropriate equivalent alternative open space provision that provides a wider community benefit to residents of the area and would comply with Criterion iii of policy SI 5, provided a condition is attached to any grant of consent requiring the pitches to be available for community use.

It should also be noted that the Parks department has not objected to the application and Sport Wales no longer object following the clarification provided by the applicant and noting that the Parks department has no objected to the application and appear satisfied the remaining facilities are sufficient to cater for needs.

The applicant has indicated that a new 3G pitch is also proposed at YGG Bryntawe. This would be subject of a separate application (no application has been submitted at the present time) and as a result, no weight has been given to this issue in the determination of this application as the proposal may never come to fruition.

The proposals are therefore considered acceptable in terms of the loss of open space and comply with Policy SI 5 and Planning Policy Wales. The principle of the development in this location is therefore considered acceptable.

Design/ Visual Impact/ Layout

Policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this.

Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

The school has been subject to discussions regarding the proposed layout, form, character and appearance at pre-application stage. The proposed layout is considered to have a good relationship with the frontage along Heol Gwyrosydd as it faces onto it with only the pedestrian area in front and provides a presence and welcoming environment for pedestrians. The proposals are considered acceptable to meet the needs of the new purpose built use as well as providing a building with a clear and bold architectural identity. The proposed character and appearance of the proposals overall present simple and appropriately scaled forms as well as a suitably cohesive and appropriate materiality. Further to this, the proposed pattern of fenestration introduces colour and visual interest and helps break up the overall mass of most of the façades. The two storey nature of the building is considered acceptable given that there are three storey flats located on the opposite side of the road, YGG Bryn Tawe to the rear of the site is three storey and there are other four storey flats nearby. PV panels are proposed on the roof which are considered acceptable.

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The car parking area is located at the side of the school where there would be natural surveillance from the road/ frontage but in a location that does not detract from the overall aesthetic of the building or its relationship to Heol Gwysydd, given that there is landscaping along the site frontage.

The Police Designing Out Crime Officer has provided general advice with regards to site security and the site would be fenced with weldmesh fencing and gates as suggested to a height of 2.4m. The applicant is recommended to review the more specific advice in full as this goes beyond the scope of any planning permission granted.

With regards to the bus parking area, the layout is largely functional in nature as provision would be made for 20 buses to park and turn within the site and enable safe disembarkation of passengers. Landscaping is proposed along the frontage in terms of the provision of new trees and there are also further options for additional landscaping to further screen the area given its prominence on the frontage. Similarly, the additional parking bays along the frontage can be broken up with more planting to break up the expanse of concrete.

The proposed layout and design is therefore considered acceptable.

Neighbouring/ Residential Amenity

Policy PS2 seeks to avoid conflict due to unacceptable juxtaposition of residential and non-residential uses. RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively.

A Noise Assessment was undertaken which indicated that road traffic along Heol Gwysydd was found to be the dominant noise source with some additional noise contribution from Plant at Penlan Community Leisure Centre. Noise mapping has shown that the majority of spaces would be suitable for natural ventilation with openable windows, depending on the internal layout. Plant noise limits have been set at 5dB below the existing background noise levels, meaning plant noise contributions should not exceed 39dB and 20dB LAeq,T at daytime and night time respectively at the nearest noise sensitive receiver. A condition to this effect would be attached to any grant of consent.

In general terms, it is considered that a school in a residential area is acceptable in principle subject to ensuring sufficient buffers are provided from the building and outdoor amenity areas. It must also be acknowledged that the existing site is used for recreational purposes and it is not considered that the proposed educational use would have a detrimental impact on neighbouring amenity. The building has been set back approximately 14.5 metres from the pavement edge and the properties opposite would be located approximately 40m away on the opposite side of the road which is indicated to be the main noise source in the area. The play facilities are located at the rear of the site with no floodlights proposed, and within this context, it is not considered that the proposals would have a detrimental impact on neighbouring amenity.

A Phase 1 and Phase 2 Ground Investigation Report has been submitted along with the planning application. This indicates elevated arsenic and lead recorded within the sub-base which would be an unacceptable risk without remediation.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

Various mitigation options have been recommended within the report and the Pollution Control Officer has advised that the proposals are acceptable subject to a condition regarding a remediation options appraisal and a subsequent validation report to indicate that the appropriate measures have been undertaken and are acceptable.

One letter has raised a concern about the environmental and health implications of the proposal, given that it would result in increased traffic flow and buses attending the site on an already congested road network. The resident has stated that coaches coming to the school would be at the end of their life and would not have modern, efficient engines fitted with appropriate filters. The resident has also commented that Swansea already has one of the most polluted roads in Europe (the M4) but this isn't directly relevant to the application.

It should be noted that this application could not control the vehicles used to transport children to school in terms of their age/ fuel type etc. However, in terms of the bus park itself, this would be used to reduce congestion at the entrance to the existing school and would reduce conflict and any unnecessary idling. Additional vehicles would be inevitable with a new school use on site (including buses) but the application site is not located within a designated Air Quality Management Zone. The Pollution Control Officer has requested that a condition is attached to any grant of consent requiring a green screen along the frontage of Heol Gwyrosydd in order to enhance mitigation of air pollutants on the playground areas of the school specifically. It should be noted that the site layout originally included landscaping along the school frontage element and amendments submitted have also provide further planting both within the school car park and along the road frontage itself to further soften the environment and provide other benefits. As such, a condition would be attached to any grant of consent requiring landscaping details to be submitted with air quality being included in the reason to ensure Pollution Control Officer have the opportunity to comment once submitted. Given the proximity to dwellings and the existing school, it is also considered appropriate to require a CEMP to be provided for the construction phase of the development.

In light of the above, the proposals are considered acceptable in terms of their impact on the amenity of the environment, residents and future school children.

Highway Safety/ Parking/ Active Travel

Policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking. Concerns have been raised about parking provision, increased traffic (including construction traffic and buses) on a narrow street and the resultant impact this would have on safety, especially for children.

The application has been supported by a Transport Assessment which has considered the existing traffic situation at Mynydd Newydd Road/ Heol Gwyrosydd/ The Crescent crossroads; and Heol Gwyrosydd/ Conway Road roundabout (survey on a Tuesday in November) at 8-9am (school drop off/ am peak), 3-4pm (school pick up) and 4.15-5.15pm (pm peak). 15 Personal Injury Collisions noted over a 5 year period, 13 of which were slight and 2 were serious (no fatal accidents) indicating no existing highway safety issues.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The proposed level of car and cycle parking shows some deviation from the adopted parking standards in terms of total provision but has been reduced (7 spaces removed) following concerns raised by Officers that over provision would result in reliance on private transport and would not encourage more sustainable modes of transport. The applicant considers the overprovision of car parking (compared with standards) to be reasonable so as to avoid the potential for staff parking either on the public highway or within the YGG Tirdeunaw/PCLC car park. It should be noted that the Car Parking Standards SPG make allowance for ancillary staff within secondary schools but does not make a similar allowance for primary schools despite there being a similar need. The LDP (T6) refers to maximum parking standards, which is reiterated in Planning Policy Wales to encourage other modes of transport. The applicant has also submitted an indicative School Travel Plan to encourage alternate modes of transport going forward which is an additional reason why car parking provision needed to be reduced.

Notwithstanding this, it is considered reasonable to include an allowance for ancillary staff (over and above teachers) in line with secondary school provision standards included within the SPG i.e. 52 (1 per teaching staff + 7 (for 14 ancillary staff) + 3 (visitor) + 1 (commercial) = 63 parking spaces in total. This provides for 7 additional parking spaces but a commercial vehicle area is also indicated. The removal of parking spaces within the site has allowed additional landscaping/ planting to be installed to soften the appearance of the development and provide additional screening within the car park as requested by the Placemaking and Heritage Officer and Tree Officer. It should also be noted that space for 16 vehicles has also been provided along the school frontage to cater for pick up/drop offs on an area that is already hard surfaced and would not impact on the pedestrian footpath or the adjacent carriageway.

The applicant has also indicated that 40 cycle parking spaces would be provided on site which is a shortfall of 10 spaces over and above that which should be provided for a school of this scale. There appears to be sufficient room within the site to cater for parking for an additional 10 spaces and a condition requiring these would also be attached to any grant of consent to encourage sustainable modes of transportation.

Planning Policy Wales (4.1.39) seeks to encourage the use of Ultra Low Emission Vehicles and where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. A condition requiring details of ULEV charging would be attached to any grant of consent.

The third party comments on the proposals has stated that there is significant congestion within the area already but the concerns appear to relate more to the resultant health and environmental impacts of the congestion which are addressed above rather than its impact on highway safety and traffic movements.

The Highways Authority has not objected to the proposals subject to conditions. It is not considered necessary to require a parking management scheme for the development as this would be left to the management of the school and is not necessary in planning terms. Important elements of a construction traffic plan could also be incorporated into the CEMP and some of the details requested are already indicated on the plans (in terms of boundary enclosures and accesses etc) and the ones adjoining the highway would also be subject to a separate S278 agreement. Some local highway improvements would be required, such as a crossing point and speed reduction measures and these would be included as conditions of any consent.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

WG Highways raised no issues at PAC stage but this is to be expected given the proposal is unlikely to impact on the trunk road network (being further away than the existing school).

Traffic associated with YGG Bryn Tawe passes through the PCLC area and car park both on arrival and departure. This current situation is not ideal with long delays and internal congestion of pupils, visitors and staff of both facilities. The constrained layout and multi-function creates potential implications for driver delay, frustration, poor operational performance and driver and pupil safety. It is proposed to remove school bus traffic from this route and provide a higher quality facility at the new bus facility. The proposed bus facility would have a separate access onto Heol Gwyrosydd and would provide a purposefully designed facility for buses to drop-off, park and collect pupils for both the primary and secondary school facilities. This would improve local highway conditions, reducing the potential for collisions or impact upon operation. The bus facility would also provide suitable waiting areas and safe access to each school, improving the safeguarding of pupil travel to school.

The Highways Authority has not objected to the proposals and the proposals are therefore considered acceptable in terms of access, highway safety and parking provision in relation to LDP policy subject to conditions which would address the concerns raised.

Ecology/ Trees/ Landscape

Policy PS 2 references the strategic green infrastructure network which is supplemented by Policy ER 2 which seeks to protect and enhance green infrastructure. Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site.

An Arboricultural Survey has been submitted with the application which indicates that there are no category A trees located within the site. 8 individual B category trees are located on site along with 2 groups of trees, there are 21 individual Category C trees, 15 groups of trees and 2 areas of trees. The survey concludes that the site has potential to accommodate development whilst retaining the trees of value. 3 individual trees and 2 groups of trees are proposed to be felled (C and U categories) along with other works to improve the health of the trees.

The Council's Tree Officer has advised that none of the trees present on the site are protected by TPO or conservation area status. There are a few category B trees on and adjacent to the site. It may be possible to retain these although mitigation of their loss, if required, can be easily achieved. The retained trees would require protection during construction which could be secured by condition. In addition, the redevelopment of the site provides an opportunity to increase tree numbers in an area that has a low canopy cover. Integration within and around the attenuation basin is one area that can be utilised. The Tree Officer has stated that whilst indicative tree planting is shown on the plans, ideally the numbers should be increased with tree species which should be suitable for school grounds. Planting in hard surfaced areas would need suitable tree pits. The officer has requested a tree protection plan/ arboricultural method statement and a detailed landscaping plan which would be attached as a condition of any consent.

In terms of ecology, the site does not contain any local/ statutory designations and the application has been supported by a Preliminary Ecological Appraisal/ Extended Phase 1 Habitat Survey which was undertaken in November 2018.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The Council's Ecologist has advised that there is the potential for commuting and foraging bats around the site. As such, a condition has been requested regarding an external lighting plan to ensure there is no adverse impact on bats which is considered reasonable and necessary. The Ecologist has requested conditions regarding pre-commencement surveys in buildings proposed for demolition but there are none on site. Similarly, a condition regarding site clearance (which is not development) is not considered necessary or reasonable in this instance and would be included as an informative along with a requirement to cover trenches during construction works. Whilst the site could support reptiles, none were found on site and no additional checks are considered to be required in this regard. The addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable, together with hedgehog friendly fencing. A condition requiring the precise details of the ecological enhancements would be attached to any grant of consent.

The Ecologist has also requested a condition requiring an updated Invasive Non Native Species (INNS) survey prior to the commencement of development but no INNS plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 were recorded on Site during the Phase 1 Habitat Survey and this would be controlled by separate legislation in any event were any to be found on site. Whilst the Ecologist has requested details of the biodiversity measures to be incorporated into the SuDS on site, this would be covered by separate legislation and controlled by the SuDS Approval Body.

A detailed Construction Environmental Management Plan (CEMP) is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding any nearby water bodies) with due regard to the nearby Mynydd Cadle SINC and Penlan Slopes SINC, for the construction and operational phase of the development. NRW raised this as an issue in their comments at PAC stage.

The proposals are therefore considered to be acceptable in terms of their impact on ecology, trees and the landscape subject to the conditions referenced above.

Green Infrastructure

Policy ER 2 states that Green Infrastructure should be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall Green Infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional Green Infrastructure network.

It is clear that policy SI 5 allows for the loss of open space but this policy requires consideration of the impact of development on Green Infrastructure. The Council's Ecologist has also requested that a Green Infrastructure Assessment is provided by the applicant. There is no policy requirement for an assessment however, and it is considered that whilst amenity grassland would be lost, there is significant scope to provide and create interconnected areas of green infrastructure and fill gaps in the existing infrastructure.

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The inclusion of features within the landscape strategy would provide various benefits that could include improving grassland diversity, a sensory garden to encourage pollinators and a kitchen garden. Added to this, the proposals would introduce opportunities for contact with nature by the school children, improve health and wellbeing of children and encourage active and passive recreation which are positive aspects of the development. An attenuation feature would also be included as part of the development within the site. Therefore, it is considered that the loss of green infrastructure on site would be mitigated acceptably with a range of different options to be incorporated into the development.

Climate Change and Renewable/ Low Carbon Technology

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 seeks to avoid flood risk. Policy EU 2 requires consideration of renewable and low carbon technologies.

Whilst there is no fluvial flood risk to the site, there is a small area of between high and low risk of flooding along the southern boundary of the site. This is only a small area with levels approximately 200mm below surrounding ground. This area is proposed to be paved as part of the development, therefore this small area of surface water flooding would be removed. The Drainage Officer has also raised no objections to the proposal in terms of flooding.

A Low and Zero Carbon Study was carried out to assess the feasibility of renewable technology options at the YGG Tirdeunaw site indicating that solar PV was the most viable option and solar PV panels would be installed on the south facing roof. Natural ventilation has been applied where possible throughout the building. The large amount of natural ventilation is achieved with the provision of actuated windows at high and low level. Mechanically ventilated spaces would be provided with supply and extract air from local mechanical heat recovery units (MVHRs) located at high level within the spaces with air intake and exhaust ducted from the building facade. The aim of the proposal is to achieve BREEAM “Excellent” and the design of the building has adopted several initiatives including the above to meet this ambitious target. The proposals are therefore considered acceptable in terms of climate change resilience.

Drainage

Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

The drainage strategy proposes a series of swales/ filter strips to take surface water from the parking area and pitches to an attenuation basin at the rear of the site. In addition, the car parking area for the school would utilise permeable paving. The maximum water depth in the basin during the modelled 1 in 100 storm event with a 40% allowance for climate change is 1.21m but would be dry until after rainfall events. During the average year's rainfall event, the maximum water depth would be 296mm. The basin would be fenced off with 2.4m high fencing. The swale is to be designed to have a 500mm wide bed, be 500-800mm high and have 1 in 2 bankings and a fence is proposed to ensure pupils and the public are kept out of the swale. The basin would discharge flows to a swales which would convey surface water to an outfall at the existing ditch along the western boundary and would require SAB approval. Therefore a surface water drainage condition is not considered necessary for this development and the Council's Drainage Officer has raised no concerns with the proposals.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

DCWW has advised that foul flows from this proposed development can be accommodated within the public sewerage system and recommended a point of connection at manhole reference SS64964102 which has been confirmed as part of the foul drainage proposals within the submitted 'Drainage Strategy'. Alternatively, DCWW offer no objection in principle to a proposed point of connection to the east of the site at manhole reference SS64966303 albeit they have requested a condition to confirm the identified point of connection which would be attached to any grant of consent.

Heritage

GGAT has advised that information in the Historic Environment Record shows that there are no designated or non-designated historic assets within the proposed development area. No features are noted on historic mapping sequences. On this basis, it is unlikely that archaeological remains would be encountered during the development and GGAT has no objections to the proposal. CADW has advised at PAC stage that there are unlikely to be any effect on setting of designated historic assets as proposal would not be inter-visible.

Employment and Training Opportunities

Policy IO 2 seeks to provide training opportunities to maximise added benefits in line with the Council's Beyond Bricks and Mortar (BBM) policy. The Education department has confirmed that part of the terms and conditions for 21 century schools funding with Welsh Government is that certain community benefits are met. The Education department would liaise with BBM to help set the targets for each project and work with them more specifically on the work placements for projects. As this is a Council scheme and the requirements are included as part of the funding for the project, it is not considered necessary in this instance to provide for this in a S106 agreement as it is suitably controlled by other means.

Other Issues

At PAC stage, the Coal Authority stated that the site is outside identified High Risk Area therefore there is no requirement for a Coal Mining Risk Assessment. The Health and Safety executive advised they have no interest in the development. The Canal and River Trust has no comments to make. The Waste department does not object to the proposals and any arrangements for the collection of waste on site would be a separate management issue.

Conclusion

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In conclusion, and having regards to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered an acceptable form of development at this location that would not unduly impact upon the visual amenities of the area, the residential amenities of surrounding properties, ecology or highway safety.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

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:
Proposed Ground Floor Plan (Drawing No. (05) 100 Rev O), Proposed First Floor Plan (Drawing No. (05) 101 Rev M), Proposed Roof Plan (Drawing No. (05) 102 Rev E), Proposed Sections (05) 104 Rev A), Boundary Fence Types (Drawing No. 18047-PDA-(05)-203 Rev A) received on 16th May 2019; Site Location Plan (Drawing No. 18047 (05) 200 Rev. A) received on 22nd May 2019; Proposed Elevations (Drawing No. (05) 103 Rev G) received on 19th July 2019) and Proposed Site Plan (Drawing No. 18047 (05) 202 Rev I).

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

3 No development shall commence, including any works of demolition, until a Construction Environment 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;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- viii) outline all necessary pollution prevention measures (including reference to any nearby water bodies) to ensure no detrimental impact to nearby Sites of Importance for Nature Conservation including Mynydd Cadle SINC, Portmead Common SINC and Penyfodau Fawr to Llewitha SINC or other environmental interests.

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.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

- 4 Notwithstanding the details submitted to date, no development shall commence until details of a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development
Reason: To protect the integrity of the Public Sewerage System and 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.

- 5 Notwithstanding the details submitted to date, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) on the land, identify those to be retained and set out measures for their protection throughout the course of development. The approved tree protection measures shall be implemented prior to the commencement of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) 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: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to enhance air quality for future users of the school, maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

- 6 Prior to the commencement of development, full details of the Ecological Enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancements shall be implemented prior to the first beneficial use of the building hereby permitted and retained for the lifetime of the development.

Reason: To ensure ecological enhancements are incorporated in the development hereby proposed to ensure policy compliance.

- 7 Prior to the first beneficial occupation of the new school hereby approved, the car parking spaces shall be clearly demarcated on the ground as indicated on the Proposed Site Plan (Drawing No. 18047 (05) 200 Rev D), with the exception of Space No. 23 which shall be utilised for additional landscaping, and retained as such thereafter for the lifetime of the development for the parking of vehicles.

Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

- 8 Notwithstanding the details submitted to date, a scheme for cycle parking to provide a minimum of 50 cycle spaces shall be implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the school hereby permitted. The approved cycle parking shall be retained as such thereafter for the lifetime of the development for their intended purpose.
Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.
- 9 Prior to the first beneficial occupation of the bus parking area, bus parking spaces shall be clearly demarcated on the ground as indicated on the Proposed Site Plan (Drawing No. 18047 (05) 200 Rev D), and retained as such thereafter for the lifetime of the development for the parking of buses, coaches and minibuses only.
Reason: To ensure that adequate parking provision is provided on site for buses and to ensure the area is not used as a general parking area for cars.
- 10 Prior to any superstructure works on site, details and/ or samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details. For the purpose of this condition, superstructure works are defined as any building construction works above ground level.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 11 Prior to the first beneficial use of the school hereby permitted, and notwithstanding the details submitted to date, full details of a School Travel Plan to include measures to reduce reliance on private vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented, monitored and updated as required in accordance with the approved details once approved.
Reason: To promote sustainable means of transport to the school for the lifetime of the development.
- 12 Noise from any plant/ equipment installed on site shall not exceed 39dB and 20dB LAeq,T at daytime and night time respectively, at the nearest noise sensitive receptor and shall not exceed 48 dB LAeq,T at the nearest openable window of a teaching space.
Reason: To ensure the development does not result in noise pollution at nearby sensitive receptors and ensure BB93 indoor ambient noise level targets are not compromised.
- 13 Prior to the first beneficial use of the development hereby permitted, full details of an Ultra Low Emission Vehicle (ULEV) Strategy to cover a minimum of 10% of the car parking provision on site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first beneficial use of the school hereby permitted and retained for the lifetime of the development.
Reason: To ensure Ultra Low Emission Vehicle charging points are provided in accordance with Planning Policy Wales.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

- 14 Prior to the commencement of development on site, a Remediation Options Appraisal shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Options Appraisal shall indicate all measures to be taken to reduce the environmental and human health risks identified in the submitted Combined Phase 1 and Phase 2 Ground Investigation Report to an acceptable level, in a managed and documented manner, to best practice and current technical guidance. The development shall thereafter be undertaken in accordance with the approved Remediation Options Appraisal.

Prior to occupation of the school hereby permitted, a validation/ verification report demonstrating completion of the works set out in the approved Remediation Options Appraisal and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority

Reason: The Ground Investigation has identified potential contamination issues/ pollution linkages that need to be considered further and remediated on site to ensure the site does not pose a health risk to future users.

- 15 Prior to the first beneficial use of the development hereby permitted, full details of a Community Use Agreement for the Junior Football Pitches and the Multi Use Games Area (MUGA) hereby approved indicating full details of how and when they shall be made available for general community use shall be submitted to and approved in writing by the Local Planning Authority. The Junior Football Pitches and MUGA shall thereafter be made available in accordance with the approved details.

Reason: To ensure that the junior pitches and the Multi Use Games Area are available for wider community use outside of school hours.

- 16 Prior to the first beneficial occupation of the school hereby permitted, full details of the off-site local highway improvement works to reduce vehicle speeds, improve pedestrian crossing along Heol Gwyrasydd and improve highway safety shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site works shall be provided in accordance with the approved details prior to the first beneficial use of the school hereby permitted.

Reason: In the interests of highway safety to ensure the highways improvements within the vicinity of the site are provided in a timely manner.

- 17 Prior to the first beneficial occupation of the school hereby permitted, confirmation that a Traffic Regulation Order has been issued/ made to Heol Gwyrasydd to include a reduction in speed limit, limited waiting/ permit holders exempt parking and associated signage shall be submitted in writing to the Local Planning Authority.

Reason: In the interests of highway safety to ensure the necessary highway improvements are undertaken.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS4, IO1 , IO2, HC1, SI1, SI2, SI3, SI5, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, EU2, EU4, RP1, RP2, RP3, RP4, RP5 RP6, RP8.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

- 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 2017. 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 whether a bat is present at the time or not. 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 (0300 065 3000).

- 3 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 is in use or being built
 - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

4 **Informative Note**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

- 5 The applicant is advised to consider the detailed advice contained in the Ecologist's comments on this application which are included in full in the Officer's Report.
- 6 Dwy Cymru Welsh Water has advised the following:

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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 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.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The proposed development is crossed by a trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

- 7 The applicant is advised to review the full comments of the Police Designing Out Crime Officer which are available on the planning application website:
www.swansea.gov.uk/planningsearch
-

Planning Committee – 3rd September 2019

Item 3

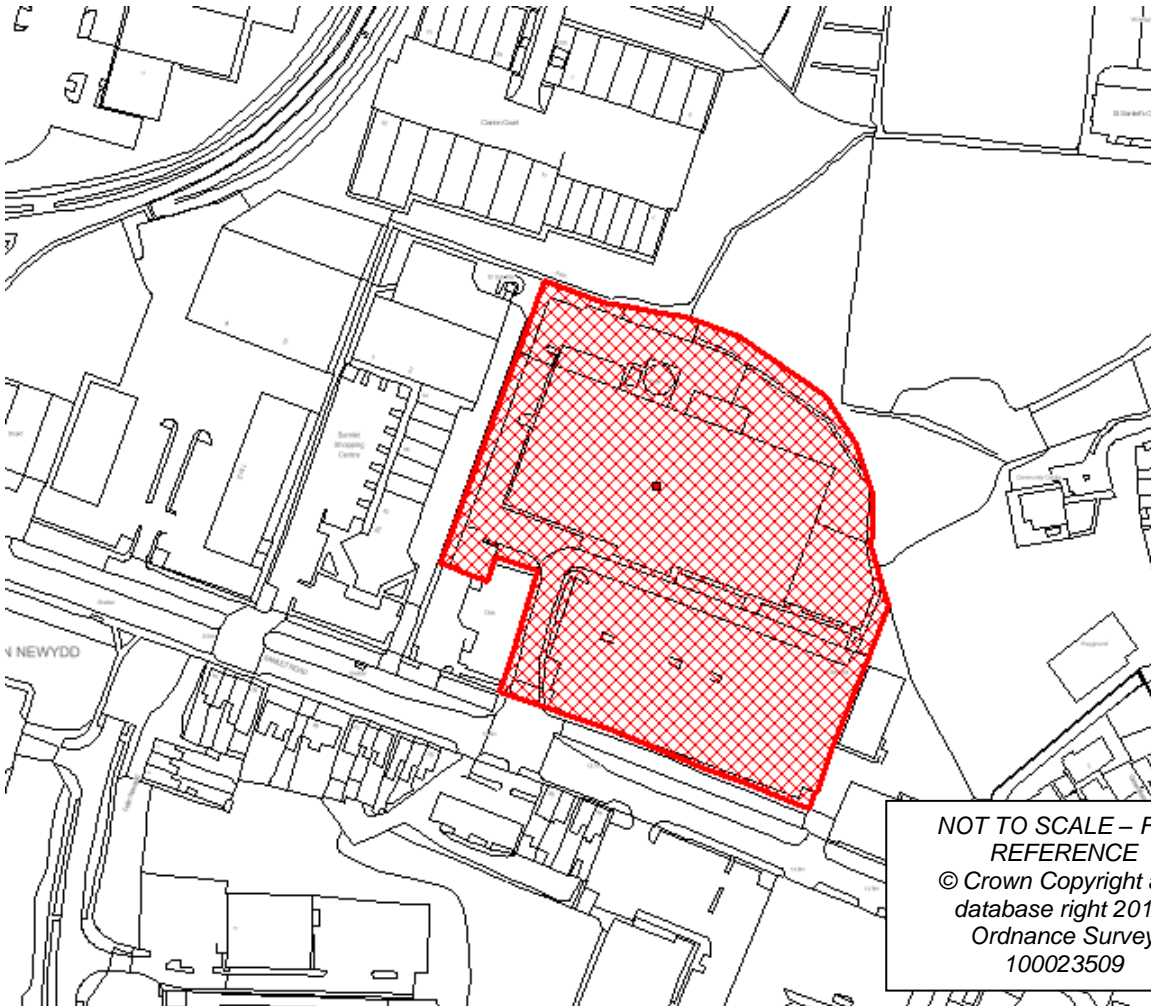
Application Number: 2019/1635/FUL

Ward: Llansamlet - Area 1

Location: Unit 23 Samlet Road, Swansea Enterprise Park, Swansea, SA7 9AG

Proposal: Change of use from A1 (retail) to motor vehicles sales (Sui Generis) with associated external alterations and modification of Section 106 relating to planning permission 92/0865 dated 12th January 1993 to allow for the sale of motor vehicles and ancillary goods.

Applicant: Ms Majit Virk Motorpoint Limited



Site History
App Number
A00/6065

Proposal
ERECTION
OF
INTERNALLY
ILLUMINATED
FREESTANDING
FORECOURT SIGN

Status
APP

Decision Date
21.11.2000

Planning Committee – 3rd September 2019

Item 3 (Cont'd)	Application Number:	2019/1635/FUL
A00/6053	4 NO. INTERNALLY ILLUMINATED INDIVIDUAL BOX LETTER SIGNS AND 2 NO. INTERNALLY ILLUMINATED FASCIA SIGNS	APP 28.07.2000
A00/1713	ALTERATIONS TO EXIT FROM CAR PARK AND ERECTION OF A PRE- FABRICATED SUB STATION	APP 03.01.2001
A00/0965	CONSTRUCTION OF NEW SPRINKLER TANKS AND PUMP HOUSE	APP 01.09.2000
A00/0626	EXTENSION TO EXISTING EXTERNAL SALES AREA, NEW OFF LOADING ENCLOSURE AND ALTERATIONS TO FENCING ON SIDE (WESTERN) AND REAR (NORTHERN) BOUNDARIES OF SITE TOGETHER WITH NEW CANOPY OVER PART OF EXISTING EXTERNAL BUILDERS YARD	APP 27.06.2000
2016/0485	Modification of Section 106 agreement relating to planning permission 92/0865 dated 12th January 1993 to allow for the sale of DIY materials and ancillary goods, outdoor leisure goods, toys and stationary, clothing and footwear, pets and equestrian goods.	APP 02.12.2016
2015/0677	Discharge of condition 3 of Planning Permission 2014/0275 granted 27th January 2015	NOBJ 01.05.2015

Planning Committee – 3rd September 2019

Item 3 (Cont'd)	Application Number:	2019/1635/FUL
2014/1860	Modification of the Section 106 agreement attached to planning permission 92/0865 granted 12th January 1993 to allow for the sale of bulky goods, food and drink, clothing and footwear and domestic electrical goods	PCO
2006/1611	Five non illuminated shop signs and one internally illuminated box sign on southern elevation and one freestanding internally illuminated totem sign	APP 07.09.2006
2006/1573	External alterations, including new entrance and exit doorways and 3 metre wide gates on front elevation, new fire exit doors on rear and side elevations and provision of vehicle access to external covered yard	APP 19.12.2006
2005/1132	Modification of the Section 106 Agreement attached to planning permission 92/0865 dated on 29th August 1993 for the temporary non-compliance with paragraph 1 of the 4th Schedule to allow the unrestricted retail use of the store for a period of 12 months to coincide with the closure of the existing Tesco Store at Nantyffin Road	WDN 30.09.2005

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

2003/2263	Modification of Section 106 agreement relating to planning permission 92/0865 signed on the 29th August 1993 to state that the goods sold from the premises shall be restricted to the following: Do it yourself, home improvement products, hardware, plants, garden supplies and garden equipment with or without a garden centre; furniture and furnishings; electrical goods; office supplies; camping and leisure goods; with or without ancillary coffee shop/snack bar and other ancillary uses	PDE	
2001/1700	Siting of mobile catering unit	APP	14.12.2001

Procedural Matters

This application is reported to Planning Committee for decision as the site area exceeds the development threshold set out within the Council's Constitution.

Site Location

The application site is the former B&Q store on Samlet Road, most recently occupied by 'Buyology'. The application building is a large single storey structure located at the rear (north) end of the site with a surface car park at the front (southern) end of the site fronting onto Samlet Road.

To the north and west are commercial premises on Clarion Close and Samlet Road respectively. Also to the north beyond the service yard of the premises is an area of woodland with the graveyard of Samlet Church beyond. To the east are other commercial premises on Samlet Road with part of the eastern boundary also bordering an area of public open space.

Site History

The application premises was constructed as a retail unit under planning application 92/0865. The application was approved subject to a Section 106 Agreement restricting the goods sold from the premises to DIY materials and ancillary goods.

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

Since then there have been various applications to extend the range of goods to be sold, most recently in 2016 to include outdoor leisure goods, toys and stationary, clothing and footwear, pets and equestrian goods (Ref: 2016/0485).

Description of Development

The proposal is to convert and change the use of the building to motor vehicle sales with associated external alterations.

In terms of the external alterations, these comprise of relatively minor alterations to the building frontage to include additional glazing, an open display frontage and part repainting of the elevations. Fencing is proposed to be installed around the perimeter. The car park would remain as existing with additional landscaping.

The estimated number of cars for sale would be circa 4000 per annum with annual customers estimated to be circa 5000. In terms of operating practices, 80% would be sales with the remaining 20% for light valeting and mechanical preparation. A small café is proposed that would be ancillary to the main use of the premises for motor vehicle sales.

Planning Policy

The Swansea Local Development Plan (LDP) is the extant development plan for the area and the following Policies are material to the consideration of this application:

PS2 (Placemaking and Place Management) - Development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

EU4 (Public Utilities and New Development) - Development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

ER8 (Habitats and Species) - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

RC2 (Retail and Leisure Development) - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

RP1 (Safeguarding and Public Health and Natural Resources) - Development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

RP2 (Noise Pollution) - Development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP4 (Avoidance of Flood Risk) - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP3 (Water Pollution and the Protection of Water Resources) - Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

T5 (Design Principles for Transport Measures and Infrastructure) - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T6 (Parking) - Proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Consultations:

The application was advertised in the press and on site in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended). No public responses have been received.

Highway Authority

The Highways Authority have been involved with the development of this scheme from an early stage (and through the PAC) regarding the planning application and documents for submission. It was considered that the traffic was likely to be less with the proposed use than with the current A1 use. As such there was no requirement for any Section 106 contributions.

Access/egress to the site is as existing hence there are no highway safety issues arising from its continued use. The recorded accidents in the vicinity are not related to the use of that access.

The proposed layout shows swept paths for the entry/exit of a car transporter which would be the main mode of transport for deliveries to the site.

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

The proposed plans indicate that adequate parking for staff, customers, display and servicing/delivery purposes is available.

I recommend that no highway objections are raised to the proposal subject to the site layout (as approved) being laid out and maintained as such thereafter.

Natural Resources Wales (NRW)

The drawing entitled; 'Site Plan as Proposed (No. 1922 - P08)', dated June 2019, by BHA Limited, indicates the presence of a hand wash bay.

As your Authority will be aware, effluent and run-off from vehicle washing and cleaning activities can damage the environment. Therefore, it is important that appropriate drainage arrangements are installed on site.

We advise that any effluent generated from vehicle washing should be directed to the mains sewerage system. No detergents or vehicle washings, including steam cleaning, should be allowed to discharge into any surface water drainage system.

This is to ensure that any effluent generated is directed to the appropriate drainage system, and that the infrastructure of the vehicle washing area is suitably designed.

As the washing of cars will likely generate effluent from a trade, it may require a Trade Effluent Discharge Consent, to discharge to the main sewer. Therefore, the applicant should contact Dwr Cymru/Welsh Water to apply for trade effluent consent, or to received confirmation as to whether one is required.

Protection of the water environment is a material planning consideration and therefore your Authority must be satisfied that the proposed drainage arrangements on site will not cause any detriment to water quality.

Should your Authority be minded to grant planning permission; then your Authority may wish to contact Dwr Cymru/Welsh Water (DCWW), prior to determination, in order to confirm that they are satisfied with the proposals and that a Trade Effluent Discharge Consent and connection to the public foul sewer can be secured, if required.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the development in this location, its impact upon the character and appearance of the area, its impact upon residential amenity, its impact upon access and highway safety and its impact upon drainage, flooding and ecology having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The proposal is for the conversion of an existing A1 restricted retail premises in an out of centre location to a motor vehicle sales use. Policy RC2 provides guidance on the consideration of proposals for retail and leisure development and requires new developments to demonstrate that they have applied a sequential approach to site selection by following centres of the retail hierarchy.

Policy RC2 criterion c. acknowledges that in exceptional circumstances retail proposals will be permitted at out of centre locations outside "Retail Parks" where developments require a particular type of unit with an extensive floor area, and/or a bespoke designed premises, that are not normally available within Centres or Retail Parks, in order to accommodate the range of goods to be sold. It is clear that the proposed car sales use would fall within this category and the amplification of Policy RC2 specifically states that criterion c. includes vehicle show rooms.

With reference to the requirements under Policy RC2 for a sequential assessment and retail impact assessment, on the basis that the site is currently in retail use, albeit restricted, and the proposal is for motor vehicle sales, which is not the type of use that could be accommodated within the city centre or district centres due to the large area requirement, it was not considered necessary for this planning application to be accompanied by a sequential assessment or retail impact assessment.

In principle, therefore, it is considered the proposed change of use from a restricted A1 retail use to a car sales use would be acceptable and would not conflict with the provisions of RC2 as the proposal is effectively a replacement retail use selling goods that cannot practically or viably be accommodated in a more sequentially preferable location and could not be accommodated within an established retail park. Moreover, it is also relevant that the proposed development, if approved, would effectively reduce the critical mass of A1 comparison retail floorspace outside of the city centres or district centres, which could potentially have a positive impact upon such areas. This also weighs in favour of the proposal which, in principle, is considered to be acceptable and in accordance with Policy RC2.

Visual Amenity

The site and its surrounding, for the most part, are characterised by large commercial units and the busy Samlet Road which provides access to the site. There are residential properties within the area, notably two pairs of semi-detached properties on the opposite side of Samlet Road, however, these properties are already surrounded by established commercial uses.

The proposed alterations to the existing building would be cosmetic in nature and would not result in an increase in covered retail floor area at the site. A glazed curtain wall system would be introduced to the front elevation to provide natural light to the internal sales area. The front walls of the building on the eastern side of the main building are proposed to be removed to create an open, but covered, outside sales area.

The surface car park would broadly be retained as existing with the main alteration being the provision of a 2.4m paladin fence around the southern boundary.

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

This is considered to be acceptable on the basis that there is a mature landscape strip along the site frontage which will serve to screen and soften the development to the extent that there would be no significant visual impact.

On this basis it is considered that the proposed development would not result in any significant adverse impacts upon the character and appearance of the area. Indeed, it would be reasonable to conclude that a new permanent occupier at the premises may result in an improvement to the site, which appears to have suffered from neglect in recent years. The proposal would not therefore conflict with LDP Policy PS2.

Residential Amenity

The nearest residential properties are located on the opposite side of Samlet Road within a busy commercial area. It is not considered the noise associated with the comings and goings of customers and vehicles would be materially different to those associated with the lawful use of the premises as an A1 retail store. The proposal would not therefore conflict LDP Policies RP1 or RP2.

Access and Highway Safety

The Highway Authority considers the traffic associated with the proposed development is likely to be less than the existing lawful restricted retail use. On this basis the Highway Authority has not requested any Section 106 financial contributions in relation to highway safety in the area.

Access to the site would be as existing off Samlet Road as such the Highway Authority consider there are no highway safety issues arising from its continued use. The recorded accidents in the vicinity are not related to the use of that access.

The application has been supported by swept path drawings for the entry/exit of a car transporter which would be the main mode of transport for deliveries to the site. The drawings indicate that adequate parking for staff, customers, display and servicing/delivery purposes is available. On this basis the Highway Authority have offered no highway safety objection to this planning application subject to the site layout (as indicated) being laid out and maintained as such thereafter. This is considered to be both reasonable and necessary in the interests of highway safety and, subject to a condition to secure this requirement, it is considered that the proposed development would not conflict with LDP Policies T5 or T6.

Flooding and Drainage

Reference to the TAN 15: Development and Flood Risk Development Advice Map (DAM maps) indicates that the site lies outside of the C1 and C2 flood zones as such the proposed development would not conflict with the provisions of RP4.

In relation to drainage at the site, no extensions are proposed, as such it is not considered necessary in this instance to consider surface water drainage details.

In relation to foul water, NRW have noted the proposed use will include a hand car wash area at the rear of the building and have advised that any effluent generated from vehicle washing should be directed to the mains sewerage system.

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

NRW have further advised that as the washing of cars will likely generate effluent from a trade then a Trade Effluent Discharge Consent to discharge to the mains sewer may be required from Dwr Cymru Welsh Water.

The area is clearly served by mains sewers as such the principle of discharging car wash down water to the mains sewer is considered to be acceptable in principle, however, in the absence of any details to confirm such arrangement a condition is recommended to control the discharge of car wash down water at the site. Subject to such a condition it is not considered that the proposed development would conflict with LDP Policies EU4 or RP6.

Other Matters

On the basis that the proposed development would not result in any significant alterations to the roof of the building, and in view of its age and its modern construction, it is not considered that the proposed development would result in any impacts upon protected species and would not conflict with LDP Policy ER6.

The Council's Legal department have advised that a deed of variation will be required to modify and/or discharge the S106 attached to the original planning permission (REF: 92/0865) which restricts the sale of goods at the site. Therefore, if the resolution to approve the application is accepted by the Planning Committee, it will be necessary for the resolution to require a modification and/or discharge of the existing legal agreement to allow for motor vehicle sales.

The Town and Country Planning (General Permitted Development) Order 1995 permits the change of use from a sui generis motor vehicle sales to an A1 use. As this permitted change could potentially allow for an unrestricted A1 retail use at the premises, which would run counter to the thrust of LDP Policies to tightly restrict new A1 retail uses in out of centre locations, it will be necessary to impose a condition to prevent the change of use of the premises from motor vehicle sales to an A1 retail use.

Conclusion

The proposal would replace a restricted A1 retail use with a motor vehicle sales use. In view of the fall back position afforded by the existing use and that a car sales use of this scale could not be accommodated within a more sequentially preferable location, the proposed development is considered to comply with LDP Policies which seek to protect the established retail hierarchy within Swansea. The proposed development would not result in any significant visual or residential amenity impacts and would not result in any significant impacts upon highway safety. Matters relating to flooding, drainage and ecology have been given full consideration as detailed above. In light of the foregoing it is considered that the proposed development would accord with the above referenced LDP Policies.

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").

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

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

That the application be approved, subject to the modification and/or discharge of the legal agreement attached to planning permission 92/0865 to allow for motor vehicle sales:

- 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 received 2nd August 2019:
 - 1922 P06 Rev B (Proposed Floor Plans)
 - 1922 P07 Rev A (Proposed Elevations)
 - 1922 P08 Rev B (Site Plan as Proposed)
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of the use hereby approved, details of the disposal of the effluent from the car wash shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be retained as approved for the lifetime of the development.
Reason: To ensure foul water is disposed of in a sustainable manner in accordance with Policies RP3 and EU4 of the Swansea Local Development Plan (2019)
- 4 The materials for the external surfaces of the development shall be in accordance with the details indicated on drawing no. 1922 P07 Rev A.
Reason: In the interests of ensuring the design and materials of the development are satisfactory in accordance with Policy PS2 of the Swansea Local Development Plan (2019).
- 5 The parking areas as indicated on drawing no. 1922 P08 Rev B shall be retained for parking purposes only in association with the development hereby approved and shall be used for no other purpose.
Reason: In the interests of ensuring satisfactory parking provision for the development in the interests of highway safety in accordance with Policies T5 and T6 of the Swansea Local Development Plan (2019).

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

- 6 Notwithstanding the provisions of Schedule 2 Part 3 Class A Paragraph A of the Town and Country Planning General Permitted Development Order (1995), this planning permission hereby approved prohibits the change of use of the premises from a motor vehicle sales use to any use falling within Part A Class A1 (shops) within the Schedule attached to the Town and Country Planning (Use Classes Order) 1987.
Reason: To prevent an unrestricted A1 retail use at the site that would be contrary to Policy RC2 of the Swansea Local Development Plan (2019)

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, EU4, ER8, RC2, R13, RP1, RP2, RP4, RP3, T5 and T6.
- 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 2017. 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 whether a bat is present at the time or not. 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 (0300 065 3000).
- 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
- No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
- 4 The developer is advised that as the washing of cars will likely generate effluent from a trade then a Trade Effluent Discharge Consent to discharge to the mains sewer may be required from Dwr Cymru Welsh Water.
-

Planning Committee – 3rd September 2019

Item 4

Application Number:

2019/0069/FUL

Ward:

St. Thomas - Bay Area

Location:

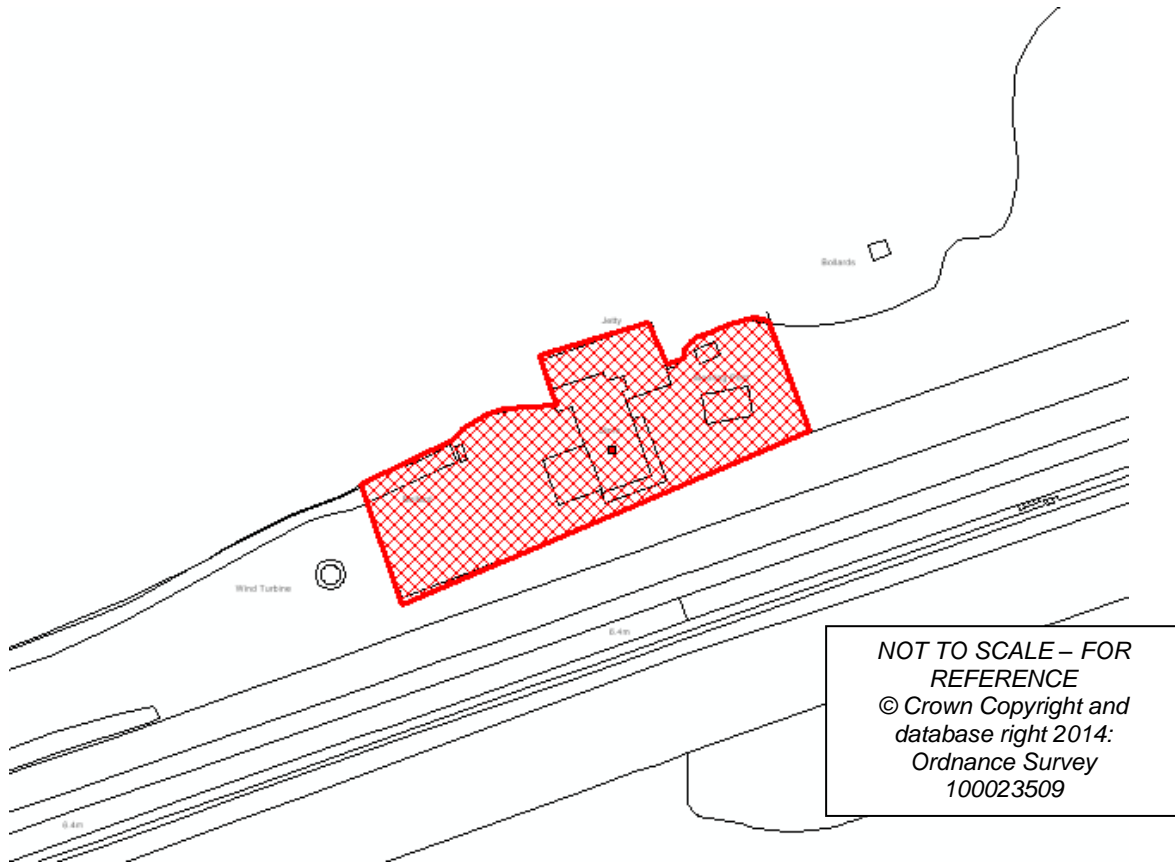
Plot On, Queens Dock, Swansea, SA1 8SB

Proposal:

Retention and completion of detached building for aquaculture uses with associated portacabin and enclosure to house generator

Applicant:

Fowey Shellfish Co



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

LDP - RP1 - Safeguarding and Public Health and Natural Resources

Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

LDP - RP5 - Avoidance of Flood Risk

Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

LDP - T9 - Port and Docks

Port and Docks - Development and transport proposals that enhance the viability of the port and docks, and increase appropriate employment and business opportunities, will be permitted provided that such proposals are compatible and/or complementary with surrounding uses and have no significant adverse impact on seascape and natural heritage.

LDP - RP8 - Sustainable Waste Management

Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

Site History

App Number

Proposal

Status

Decision Date

None

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

Procedural Matters

This application is reported to Planning Committee for decision as it meets the 'Major' threshold set out in the Council's Constitution, by virtue of its floor area.

Description

Full planning permission is sought for the retention and completion of a purpose-designed building to house an aquaculture/fishery unit at Jetty No 3, Queens Dock, Swansea. Any former buildings/plant/equipment on the site have historically been removed and the previous slab was broken up as hard-core for the new extended slab and new drainage facilities have been constructed. The building is designed to provide a facility to 'grow' fish on two stages at the site, from hatched eggs to small fry, then on to larger young fish; before being sold-on to commercial salmon fish farms in Scotland to be matured for food markets. It is envisaged that the facility will process/yield some 15-16 tonnes of fish per year.

The building comprises a 60m long x 19m wide steel frame building, clad in grey metal sheets and insulation panels, with a metal clad pitched roof to a height of 7.2m incorporating translucent panels for provision of natural light. Roller shutter doors in anthracite grey provide vehicular access at the eastern and western ends, while pedestrian traffic will be serviced by anthracite grey metal doors on all elevations.

Internally, the facility provides an enclosed 'nursery' facility building, which is separately insulated and roofed inside the main building, including Pit #2 indicated on the site plan; with the necessary pumping equipment and larger holding tanks located separately within the main building. Pit #1 is a larger concrete enclosure within the main part of the facility, with the larger tanks to the east within the facility for this purpose.

The facility is located adjacent to the Queens Dock waters, to allow for water to be pumped in to the facility and utilised in the fish holding tanks, before being filtered and returned to the dock waters. The applicant company also operates a separate mussel line enterprise within these dock waters, by virtue of planning permission 2011/0810; and an additional two-storey 'Portacabin'-type block is to be situated to the west of the main building to provide welfare and office facilities to be utilised by both enterprises. A further compound within the site area (to the north of the main building and between it and the dock waters) will be given over to house a generator to provide power to the facility.

The entire site is to be encompassed by chain lock fencing, reusing/repositioning the previous fencing where possible, with main vehicular access being provided towards the western end of the site for deliveries/collections and staff/visitor parking.

Planning Policy

Adopted Swansea Local Development Plan (2010 - 2025)

The most relevant policies contained within the Adopted Local Development Plan are as follows:

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

PS1: Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which: directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS3) and Sustainable Employment Strategy (PS4); safeguards Green Wedges; and resists development in the open Countryside.

PS2: Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP5: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

T1: Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

T 9 Ports and Docks - Development and transport proposals that enhance the viability of the port and docks, and increase appropriate employment and business opportunities, will be permitted provided that such proposals are compatible and/or complementary with surrounding uses and have no significant adverse impact on seascape and natural heritage.

Planning Policy Wales (10th Edition) 2018 - "Development should not normally be proposed in coastal locations unless it needs to be on the coast. In particular, undeveloped coastal areas will rarely be the most appropriate location for development. Where new development requires a coastal location, developed coastal areas will normally provide the best option, provided that issues associated with coastal change have been taken into account. Such issues include the risks of erosion, flooding, land instability, and the preferred approaches to address such risks, and impacts on biodiversity and ecological resilience".

Also of relevance to the current proposal is **Technical Advice Note (Wales) 15, Development and Flood Risk, Welsh Assembly Government, July 2004** - paragraph 5.3 of the document acknowledges that certain developments, by their nature, require to be sited in areas which are at risk of flooding and states that "*... There are uses which are considered to be exceptions to the general rule, and have not been classified above, because they are required in a fluvial, tidal or coastal location by virtue of their nature. These include boatyards, marinas, essential works required at mooring basins, and development associated with canals. They will not be subject to the first part of the justification test in section 6 but will be subject to the acceptability of consequences part of the test as outlined in section 7 and the requirements of appendix 1*" (of TAN15).

"The susceptibility of land to flooding will be a material consideration in deciding a planning application. For proposals located in zone C developers will need to demonstrate, to the satisfaction of the planning authority, that the development can be justified in that location and that the consequences associated with flooding are acceptable" (TAN15, p 11.1).

Consultations

Council's Drainage Officer

Initial comments received - 24th June 2019

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approving Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m² will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers. The SAB is established to:

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

Evaluate and approve drainage applications for new developments where construction work has drainage implications, and

Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).

The SAB also has powers of inspection and enforcement

And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m² or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

Further comments received 19th July 2019

Following receipt of an additional Drainage plan on 17th July 2019, the Drainage Officer commented thus:

"Following internal discussions and the detailed descriptions of the works and previous site conditions and taking a risk-based approach, we can confirm that, in this instance, SAB consent will not be required for this proposal".

Associated British Ports (ABP) - ABP is the owner of the land subject to the application and is supportive of the proposal in principle as it is considered to be an appropriate use for this location within the Port of Swansea and we have granted a lease of the land to the applicant for the intended development. We therefore do not wish to raise any objections on the application but thank you for giving us the opportunity to comment.

Natural Resources Wales ('NRW') Initial Response dated 4th July 2019 - NRW does not object to this application, however we have the following comments to make.

We note that a Pre-Application Consultation (PAC), dated May 2019, by ateb Consult Ltd, has been submitted in support of the above proposal. While the document includes responses from a number of different consultees (including NRW), it does not acknowledge or directly address several of the matters raised by NRW in our pre-application consultation response, dated 25 April 2019. However, a separate Flood Risk Consequences Assessment (FCA), has been carried out and submitted as part of this application, which we will comment on below:

Flood Risk

We note the submission of the document entitled; 'Proposed Fin Fish Aquaculture Development at Queens Dock, Swansea: Flood Consequences Assessment', dated June 2019, by ateb Consult Ltd.

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

Whilst there are a number of technical inaccuracies within the FCA, these do not materially affect the accepted flood risk to the site based on current and future predicted sea levels. The commercial nature of the proposed development would generally be classed as less vulnerable development according to the definitions in TAN15. However, your Authority may wish to consider that the proposal could be regarded as a use, that by its nature, needs to be in a marine location, as described in Section 5.3 of TAN15.

The FCA states that the site is located in Zone C2 on the Development Advice Map (DAM), but a detailed appraisal of the current flood map indicates that the site is primarily located within Zone A, with only a small area adjoining Queen's Dock in Zone C2.

The FCA confirms existing site levels range between approximately: 5.45m & 6.35m AOD and that the finished floor level of the new building will be set at 6.4m AOD. The current 0.5% & 0.1% tide levels are: 6.16 & 6.41m AOD. These will increase by approximately: 770mm over a recommended lifetime of development of 75-years resulting in approximate future levels of 6.93m & 7.18m AOD.

Based on the predicted sea level figures over a 75-year lifetime of development, the proposed development will not comply with the flood free threshold outlined in Table A1.14, or the tolerable limit of flood depth in Table A1.15 of TAN15. However, we note the FCA suggests that a more realistic design life for the proposed development is 20-30 years, which would result in a reduced predicted sea level over its lifetime.

In conclusion, the FCA confirms that the proposed development cannot fully comply with the requirements and guidance in TAN15. Therefore, we recommend that if your Authority are minded to grant permission for the proposed development, then the information within the FCA should be refined and used to inform a Flood Risk Management Plan (FMP), which ensures the safety of people on the site, resilient design on the site and measures to minimise any harmful effects to the environment as a result of flooding. It would be for your Authority to determine, in liaison with other risk management partners, that the Flood Management Plan (FMP) is appropriate and that the safety of people on the site can be assured during a flood event.

Please note that we would not comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals and would therefore suggest that you consult other professional advisors with expertise in this area.

Environmental Permit

We note from the application form that foul water from the proposed development are to be dealt with via a package treatment plant (PTP), due the absence of a mains sewer, in the vicinity of the site. However, as far as we are aware, NRW have not yet received an application for a permit for the package plant discharge, or an exemption registration.

Nevertheless, members of our Natural Resources Management (NRM) Team, have spoken to the applicants with regards to the package plant and the need for a suitable drainage field, because at the moment the land does not appear to be suitable.

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

The applicants may not wish, or be able to discharge directly to the docks, as it is a Shellfish Water and the applicants will have a vested interest in protecting these waters from bacteriological contamination. Should the land not be suitable for a drainage field, then it may be necessary to construct a drainage mound or install a cesspit as a last resort. Further advice is available on our website at: <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/?lang=en>

Therefore, prior to determination of the application, your Authority may wish to request further clarification in terms of the method of foul water disposal, along with confirmation that a permit for the package plant discharge, or an exemption registration, has been approved. The applicant should be aware that the granting of planning permission does not guarantee the granting of an environmental permit or an exemption. NRW is unable to pre-empt any decision in relation to this matter.

Geoscience

Given the location of the site, it is likely that there is historic contamination linked to past site use. Despite this matter being highlighted in our pre-application response, no consideration or further information appears to have been submitted in relation to this, as part of the planning application. However, with respect to groundwater the site has low environmental sensitivity, and as such we would make the following comments:

Natural Resources Wales considers that the groundwaters 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. However, we do have reason to strongly suspect that contamination is present, and a preliminary risk assessment has not been submitted.

Therefore, in line with the advice given in Planning Policy Wales, the Local Authority must decide whether to obtain such information prior to determining the application, or as a condition of the permission. Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice on www.gov.uk

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

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.

Main Issues

The main issues in the determination of this application relate to the acceptability of the proposed use at this location, while considering the principle of development, visual impact, residential amenity, ecology, flood risk and highway safety impacts and having regard to Policies PS1, PS2, RP1, RP5, T1, T6 and T9 of the Swansea Local Development Plan (2010-2025) (Adopted February 2019). There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

In terms of the principle of development, the application site itself has historically been used for industrial/commercial dock-type uses, and the previous structures/building at the site have been removed and the hardstanding incorporated into the slab for the current building. The emphasis of Policy within the LDP is to direct uses to appropriate locations and to re-use previously developed sites and, given the context of the site adjacent to the dock waters and on land previously used for industrial type uses, the application site is considered to be appropriate in principle subject to consideration of other potential impacts.

Visual Amenity

It is proposed to retain and complete the metal clad building (as described above) to provide a facility to 'grow' fish for eventual sale to Scottish fisheries on a commercial basis; and includes ancillary office/welfare facilities in the form of an additional two storey 'Portacabin' building. Given the nature of surrounding land uses and the commercial dock nature of this part of the overall dock area, it is not considered that the siting of such facilities results in an unacceptable visual impact either upon the application site or on the wider dockland area. In fact, the proposal is of a scale and design that sits comfortably within the surrounding environment and is considered acceptable in terms of its visual impact.

Residential Amenity

The proposal is situated within the long-established industrial and working area of the Docks and, specifically, lies a minimum of 900m to the nearest residential properties at Langdon Road to the north and over 1000m to those properties in the Marina to the north-west. Given this siting and due to the nature of the proposal, it will not have an adverse impact upon the residents of those nearby properties/dwellings by virtue of noise and disturbance or air or other pollution, nor in terms of any residential amenity impact.

The site also lies adjacent to the consultation zone for the Notified Hazard of the BP Chemicals site within the Queens Dock area. Notwithstanding its proximity, however, it is not considered that the current proposal would result in significant risk to life or health when combined with that Notified Hazard, so that its siting in the area proposed does not exacerbate such hazards. It is not considered that the use of this site for the purposes indicated would have any impact upon the residential amenity of any nearby properties over and above that associated with the previous use of the site

Ecology

As discussed in the NRW response, the proposed facility is to be utilised by the Fowey Shellfish organisation, who have a vested interest in maintaining water quality within the Queens Dock waters, due to the existence of their mussel lines within that water. In addition, based on the information before us, and no protected species having been identified, the proposal is not considered likely to give rise to any adverse impact upon the ecology of the immediate or wider surrounding area.

Drainage, Flooding and Environmental Management

With regard to foul water drainage, the application form proposes that this be by means of Package Treatment plant, although no details have been provided in this respect. As such, a condition is required to ensure that a suitable scheme of foul water drainage can be provided for the facility. Such details will also, of course, be subject to licencing (or exemption) by NRW.

With regard to surface water drainage, the Drainage plan submitted on 17th July 2019 has been sufficient for our Drainage and Coastal Management Team to confirm that SAB consent will not be required for this proposal.

In respect of flooding, the nature of the development is such that it is not considered to increase risks of flooding within the Docklands area, as it comprises a previously developed area of the former docklands. The specification of the building and its internal components are such that they do not increase the risks of flooding in the immediate environs. In addition, the submitted Flood Consequences Assessment report explains the actual AOD's of the building and the components within it. Based on these figures, NRW confirmed that the proposed development could not fully comply with the requirements and guidance in TAN15. Notwithstanding this, and despite the site being located within a Zone A/C2 area (as identified on the Development Advice Map (DAM)) where tide levels could rise and impact upon any developments at the AOD's indicated, the anticipated development lifetime of only 20-30 years results in far less likelihood that predicted sea levels would adversely impact upon the development. NRW did not, therefore, object to the proposal on those grounds, subject to the submission and agreement of a suitable Flood Risk Management Plan (FRMP). Such a document was received on 22nd July 2019 and "which ensures the safety of people on the site, resilient design on the site and measures to minimise any harmful effects to the environment as a result of flooding". The contents thereof are considered acceptable in terms of mitigation measures relating to the reduction of impact resulting from flooding occurrences.

Highway Safety

The modest scale of the development and its siting within the existing Dock lands (controlled entry/exit procedures in place) is considered unlikely to adversely impact upon highway safety within the area. A metalled roadway provides direct access to the site from the main entrance to the Docks from Fabian Way (A483) and deliveries/collections along that route, controlled by the operators, would likely be limited in number based upon the nature of the proposal. In addition, car parking for staff and visitors is being made available within the compound and this is considered sufficient to ensure that no adverse impact would result to the free flow of any other, already restricted commercial traffic within the controlled Docks area.

Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development. The proposal will not have an adverse impact upon the visual amenity of the area or upon the amenities of the occupiers of any nearby residential properties, nor will it impact upon highway safety, flood risk, drainage or the availability/quality or character of natural resources in the area. The proposal therefore accords with Policies PS1, PS2, RP1, RP5, T1, T6 and T9 of the Swansea Local Development Plan.

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. Approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development shall be completed in accordance with the following approved plans and documents: 100 - Site Location Plan, 101 - Existing Site Plan, 102 Rev B - Proposed Site Plan, received 28th March 2019; 201 - Steel Frame Plan, 202 Rev A - Steel Portal Frame Elevation, 301 - Proposed Floor Plans, 302-1 Rev C - Proposed Elevations, 303 - Proposed Roof Plan, received 29th March 2019; Link For Generator Details, received 12th April 2019; Flood Consequence Assessment, Pre-Application Consultation Report, 313 A - Proposed Section A-A & B-B, 701 - External Works Porta Cabin/Slab Detail, received 10th June 2019; 601 Rev H - Drainage Plan, received 17th July 2019; Flood Risk Management Plan, received 22nd July 2019 and in accordance with any other details required by the conditions below, to be approved prior to the beneficial occupation of the development.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Within 2 months of the date of this decision, details of a scheme for the disposal of foul water shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and shall be retained thereafter for the lifetime of the development.
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.
- 3 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

Reason: Given the history of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 4 Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 to 1800 Monday to Friday, 0800 to 1700 on Saturdays, Sundays and Bank Holidays, subject also to the operating hours of ABP/Swansea Dock.

Reason: To protect the amenities of nearby users and residents.

- 5 The development shall be carried out in accordance with the approved Flood Management and Evacuation Plan ('FRMP') (Received on 22 July 2019) and full details of the approved FRMP shall be prominently displayed at a suitable location at the site for the lifetime of the approved development.

Reason: To ensure the safety of employees and visitors to the site, in the event of a flooding event.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS1, PS2, RP1, RP5, T1, T6 and T9 of the Swansea Local Development Plan.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development, including (but not exclusively):

Building Regulations approvals for the structure/construction works

Natural Resources Wales approval or exemption of foul water drainage details

Natural Resources Wales approval or exemption of Bio-security measures and Geo-science information

Drainage Section approval of foul water drainage details

Planning Committee – 3rd September 2019

Item 5

Application Number:

2019/1543/S73

Ward:

St. Thomas - Bay Area

Location:

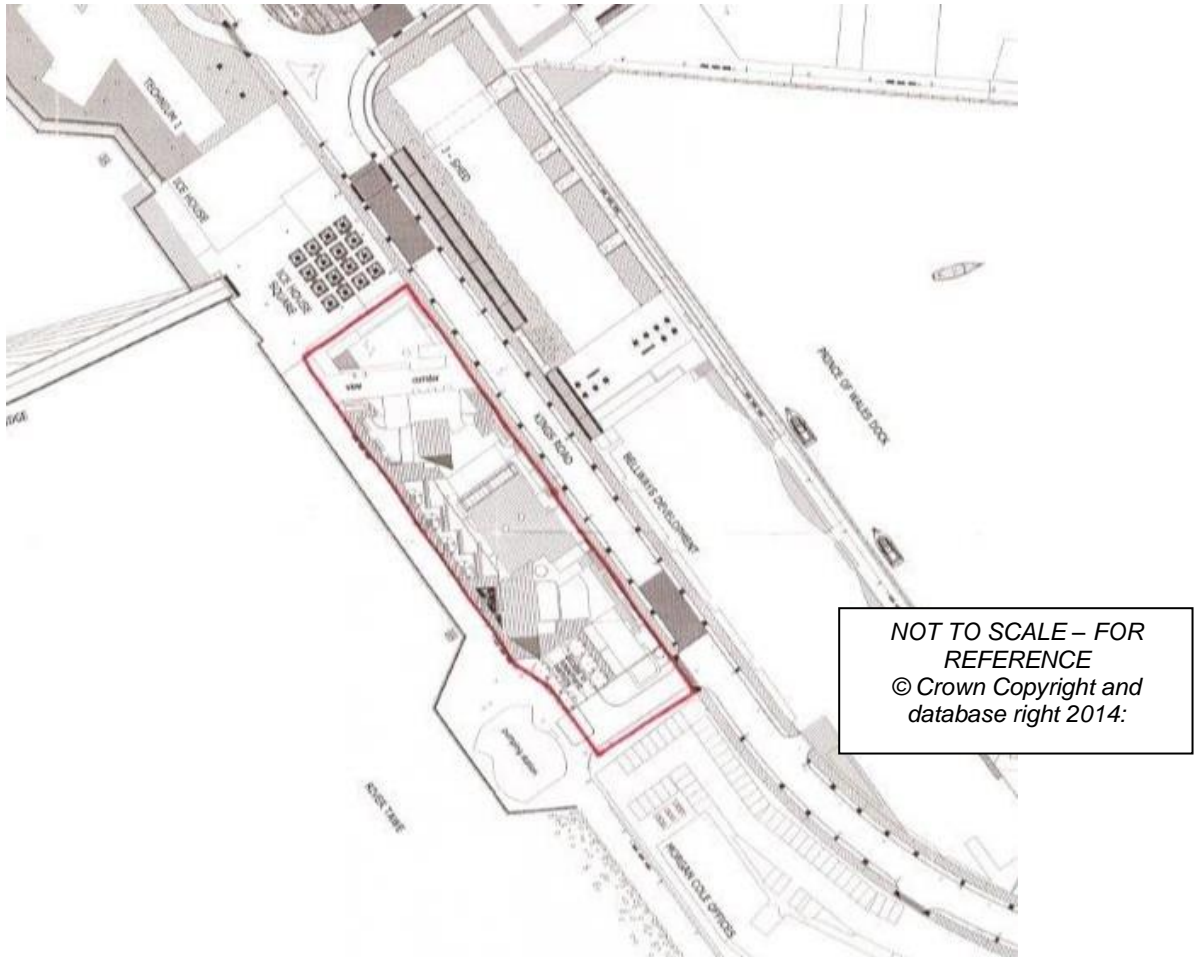
Plot B3 Riverside Wharf, Swansea Waterfront, Swansea, SA1 8PP

Proposal:

Residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements - Section 73 application to vary condition 1 of planning permission 2006/0499 granted 10th September 2006 in relation to the construction of an additional basement (2 levels), revised parking layout and provision of battery storage units (including access area).

Applicant:

Mr Darren Broadbent Acquirex Ltd



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - PS3 -Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

LDP - SD1 - Strategic Development Areas

Strategic Development Areas - the Plan allocates 12 locations to provide new homes and opportunities for job creation and commercial investment at a strategic scale. Residential led SDA's are capable of accommodating a minimum of 400 homes. Mixed use SDA's will provide new homes as part of wider mixed-use proposals to also deliver significant investment and economic benefit from commercial, community and/or cultural regeneration projects. The SDA's are capable of delivering a greater number of homes beyond the Plan period.

LDP - SD2 - Masterplanning Principles

Masterplanning Principles - On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that must comply with relevant masterplanning principles. Strategic Development Areas must also accord with additional relevant masterplanning principles. Design and Access statements are required to support the strategic placemaking approach.

LDP - SDK - Site specific policy Fabian Way Corridor

Site specific policy for Strategic Development site Fabian Way Corridor setting out placemaking principles and development requirements.

LDP - IO1 - Supporting Infrastructure

Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

LDP - H2 - Affordable Housing Strategy

Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

LDP - H3 - Affordable Housing

Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

LDP - T2 - Active Travel

Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

LDP - T5 - Design Principles for Transport Measures and Infrastructure

Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Site History

App Number	Proposal	Status	Decision Date
2018/0415/FUL	Retention of external cellar & refuse store	APP	16.04.2018
A00/0020	CONVERSION OF DISUSED WAREHOUSE (CLASS B8) TO A CENTRE OF EXCELLENCE AND INNOVATION FOR CHILDREN, YOUNG PEOPLE AND ADULTS (CLASS D1), ERECTION OF A SINGLE STOREY CONSERVATORY AND PAVILION AND PROVISION OF CAR PARK AND	APP	22.02.2000

Planning Committee – 3rd September 2019

Item 5 (Cont'd)	Application Number:	2019/1543/S73
2006/2079	Use of premises to mixed use coffee shop (Class A3) and newsagent (Class A1)	APP 07.11.2006
2006/0499	Residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements	APP 21.09.2006
2004/1209	Variation of condition 09 of planning permission 2003/2413 to read :- Prior to the beneficial use of either the coffee shop or cafe bar, details of any hot food takeaway element must be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the above, this consent does not allow for general Class A3 'hot food' use of either of the units	APP 02.07.2004
2003/2413	Construction of part 4 storey, part 5 storey, part 6 storey, part 7 storey, part 9 storey flat development with lower ground floor car parking and associated cafe/bars and ancillary areas	APP 05.02.2004

Procedural Matters

This application is reported to Planning Committee for decision as the development subject of the proposed amendment meets the 'Major' threshold set out in the Council's Constitution.

Application Site and Surroundings

The application site is known as plot B3 within the SA1 Swansea Waterfront development and is a prominent site overlooking the River Tawe.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

It comprises of a roughly rectangular parcel of land to the West of Kings Road and bounded by the River Tawe and the promenade riverside walkway.

Background

Planning permission for the construction of a residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements was granted planning permission on 10th September, 2006 (Ref: 2006/0499). This permission was implemented in 2008 with the installation of the metal sheet piling works to the basement area but work ceased and therefore the development has never been completed, but as such benefits from the extant permission. The approved scheme would have accommodated a single basement area accommodating 93 car parking spaces.

Current Section 73 Proposal

This current application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 of planning permission 2006/0499 granted 10th September 2006 in relation to the construction of an additional basement (2 levels), revised parking layout (still accommodating 93 spaces) and provision of a national grid battery installation (battery storage units (including access area)). The proposed changes relate to alterations below ground level and there would be no changes to the external appearance of the approved building. The battery storage units would store electricity generated through the grid with the capacity to store renewable energy which would be released back into the grid when demand requires it.

The Local Planning Authority is currently in pre-application discussions with the applicant with a view to submitting a revised proposal (which would accommodate the two basement levels / battery storage units) and which would be reported to the Planning Committee in due course.

Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of site notices on 15 July, 2019. No public responses were received.

Natural Resources Wales -

Flood Risk

Part of the site within the red-line boundary is located in Zone C2 on the Development Advice Map (DAM) published in support of TAN15, and Flood Risk (July 2004), as well as being partially within Flood Zones 2 & 3 of the NRW Flood Map. We note that the site benefits from an extant planning permission for 91 residential units (2006/0499), which was granted on 10th September 2006 and that although some minor groundworks were carried out, these ceased in 2008, meaning that the building works were never completed.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

In light of the additional information provided by your Authority, that a pre-application enquiry has been submitted by the applicants/developers for a revised and enlarged development on this site, we would advise that a new Flood Consequences Assessment (FCA), based on the latest information, will be required in support of any application.

Council's Drainage Engineer - do not wish to comment on this application.

Glamorgan Gwent Archaeological Trust Ltd - The application area has no recorded designated or non-designated historic assets. We have made no recommendation for archaeological mitigation concerning the original application; the area is within the raised and made ground created when the docks were formed at Fabian's Bay. As noted from the supporting documentation, the development has commenced and it is therefore our opinion that it is unlikely that archaeological deposits would be encountered.

As the archaeological advisors to your Members, we have no objection to this application and do not make any recommendation for mitigation. The Record is not definitive, however, and should archaeological deposits be encountered, please contact us.

Highway Authority - We are not in support of an additional layer of car parking being proposed with no increase in residential units. We are not supportive of over provision in principle and as the scheme has been supported with 91 car parking spaces for 91 units then there is no justification for the substantial increase in car parking provision which would result in an over-reliance of car travel and a reduction in pedestrian cycle and public transport movements.

Amended Plans Received 5 August 2019 - Following the concerns raised by the Highway Authority the applicant has amended the two basement level plans to remove the additional parking spaces that were contained on the initial scheme. The revised plans indicate a total of 93 car parking spaces which is consistent with the original scheme.

Material Planning Considerations

As a Section 73 application, the only matter which can be considered are the conditions which the application relates to and the permission itself is not a matter for consideration. The approval of a Section 73 effectively grants a new permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission.

Compliance with prevailing Development Plan policy and Supplementary Planning Guidance including established planning history

As detailed above, planning permission was originally granted in August 2003 for a mixed-use development of SA1 Swansea Waterfront, including residential Class C3 use (Planning application 2002/1000 refers). The general land use principle within SA1 has therefore been established and further support is given to the principle of a major redevelopment area at SA1 for mixed employment and residential development through the Strategic Development Policy SD K of the Local Development Plan.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

SD area Site K is allocated for mixed commercial, residential and employment development with 12 hectares of potential development areas that could accommodate appropriate B1, B2 and B8 uses to complement the role of the Swansea Central Area as the City Region economic driver, facilitating an Innovation Corridor to support University expansion and includes the SA1 Swansea Waterfront area which has a masterplan linked to the existing SA1 planning consent that sets out uses for specific plots and capacities for various land uses. Development proposals will be required to accord with the outlined Placemaking Principles and Development Requirements.

An application submitted under Section 73 of the 1990 Act to vary the outline planning permission 2002/1000 was approved on the 11th October 2010 (planning application 2008/0996 refers). The application was made principally to allow changes to the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the outline planning permission as varied requires development to accord with the SA1 Swansea Point Masterplan (April 2010). Within the SA1 Swansea Waterfront Masterplan - Figure A2.1 under ref: 2008/0996, Plot B3 has a ground floor land use allocation for an ancillary retail unit (A1 / A3) at the northern end with a primary residential use with indicative building heights of 3 stories adjacent to Ice House Square extending to a maximum 11 stories.

The SA1 Masterplan was further amended under the recent approved Section 73 application under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred around the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan sought only to change those parts of the 2010 masterplan that have been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996. In this respect, Plot B3 still has an ancillary retail / primary residential use allocation with indicative building heights of 3 stories extending to 11 stories.

This current Section 73 does not seek to amend the approved superstructure of the development application and relates only to the construction of an additional level of basement car parking with a revised parking layout retaining 93 spaces together with the incorporation of the national grid battery installation. The proposed changes relate to alterations below ground level and as such there would be no changes to the external appearance of the approved building.

It should be noted that whilst the Highway Authority raised concerns within the original scheme this has since been amended to reflect the number of parking spaces set out on the approved scheme. Thus there will be no adverse highway safety issue arising from the provision of the additional basement level.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where 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 approved scheme remains compliant to the Strategic Development Policy SD:K and the SA1 Design and Development Framework and Masterplan. This Section 73 variation to planning permission 2006/0499 results in an acceptable form of development in this instance that complies with the requirements of policies set out in the City and County of Swansea Unitary Development Plan (Adopted 2008).

As indicated above, the approval of a Section 73 effectively grants a new permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission. In this respect the conditions have been largely re-imposed and amended to reflect the new permission. Approval is therefore 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 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. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: Proposed Basement Parking Sections - received 4 July, 2019; Proposed Ground Floor Plan Rev 1 & Tesvolt Battery Technical Specification - received 9 July, 2019; 1688 - 1 Basement Plans 1 & 2 Rev 2 - amended plans received 5 August, 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Notwithstanding the details shown on any approved plans, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site. The scheme shall be carried out within 12 months from the completion of the development. 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.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

- 3 Notwithstanding the details shown on any approved plan, no superstructure works shall commence until the following samples have been erected on site and all materials subsequently approved in writing by the Local Planning Authority.
- Sample panels of render (all colours proposed) of at least 1 metre square showing textures, joints and colours;
 - Sample panels of pre-patinated copper cladding of at least 1 metre square showing joints, textures and colour;
 - Sample details of all roof materials of at least 1 metre square showing textures, joints and colours;
 - Sample of eaves soffits panelling of at least 1 metre square showing textures, joints and colours;
 - Sample panel of underside of balconies of at least 1 metre square showing textures, joints and colours.
- Unless otherwise agreed with the Local Planning Authority, all approved sample panels shall be retained on site until the completion of the works. All works shall accord with approved details.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of super structure works, details at a scale of 1:10 (unless otherwise agreed by the Local Planning Authority) of the following shall be submitted to and agreed in writing by the Local Planning Authority:
- Typical window unit within its opening;
 - Typical external door within its opening;
 - Typical entrance feature;
 - Typical glazed screen;
 - Typical balcony detail including underside, railings/upstand;
 - Typical roof plane and underside and support;
 - Fin Wall;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

- 5 Details of the rainwater system shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The system shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 6 Notwithstanding the details shown on any approved plan, the precise design and finish of the external face of the development podium 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.

Reason: In the interests of visual amenity.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

- 7 Notwithstanding the details shown on any approved plan, the access ramp enclosure located in the north west corner of the main building shall be in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
- 8 Notwithstanding the details shown on any approved plan, a scheme for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Refuse associated with the Class A3 commercial unit shall not be stored outside the building.
Reason: In the interests of visual amenity.
- 9 The mechanical ventilation of the car park shall be in accordance with full details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual and residential amenity.
- 10 Notwithstanding the details shown on any approved plan, all means of enclosure shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
- 11 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, E, F, G, H, of Part 1 and Classes A and C of Part 2 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 13 Notwithstanding the details shown on any approved plan, the precise treatment of the south eastern element of the scheme (i.e. that part of the development between the boundary of the site and the proposed townhouses) shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the levels within the site and their relationship with the riverside walkway, Kings Road and the interface with the Plot B7 site.
Reason: In the interests of visual amenity.
- 14 The Class A3 unit shall not be used as a hot food takeaway.
Reason: In the interests of residential amenity.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

- 15 Prior to the beneficial occupation of any apartments, a method of ventilation and fume extraction shall be agreed for the A3 unit. The scheme as approved shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring apartments.
- 16 The food and drink (Class A3) premises shall not be used by customers before 08.00hrs nor after 23.30hrs on any day.
Reason: In the interests of residential amenity.
- 17 All highway works shall be implemented prior to beneficial occupation of the site in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: In the interests of highway safety.
- 18 Motorcycle and cycle parking provision with associated facilities shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority prior to the beneficial occupation of the site.
Reason: To help prevent unacceptable highway congestion.
- 19 The parking shall be allocated and shall remain connected to the residential development. The parking spaces shall not be sublet.
Reason: To ensure adequate on site car parking in the interests of highway safety and residential and visual amenity.
- 20 A management scheme be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the site for traffic flow on the ramp to the undercroft parking area.
Reason: To ensure a safe form of development.
- 21 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority within 12 months of prior to the beneficial use commencing.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 22 Notwithstanding the details shown on any approved plan, all car park spaces shall be laid out to minimum dimensions of 4.8m long by 2.6m wide.
Reason: To ensure a satisfactory form of development.
- 23 A phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas and vapour related risks, shall be submitted to and approved in writing by the Local Planning Authority.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour, subsequent reports shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/remediation is required.

Phase 1 report: Desk Top Study

this should :

Provide information as to site history, setting, current and proposed use.

Include a conceptual model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment. Identify if further investigation or remediation is required. In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this should :

Provide detailed site-specific information on substances in or on the ground, geology and groundwater. Provide for a more detailed investigation of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1. In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy/Validation Report

this should:

Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance. Give an undertaking that a validation report will be submitted on completion of the remediation works that will demonstrate that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure the site is thoroughly, properly and safely remediated from the effects of its previous uses to enable the development to proceed.

- 24 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
Reason: To prevent pollution of the water environment.
- 25 During construction work the developer shall operate best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. No burning of wood or any other material shall take place on site.
Reason: To avoid nuisance from dust.
- 26 The applicant shall to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development on the surrounding local area for the approval of the Local Planning Authority prior to the beneficial occupation of the development.

Planning Committee – 3rd September 2019

Item 5 (Cont'd)

Application Number:

2019/1543/S73

i) The assessment shall consider the seven key pollutants within the National Air Quality Strategy and the Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002 and should pay particular attention to the 1 hour NO₂ objective and NO₂ annual mean objective.

ii) In addition the assessment should also pay particular attention to the PM₁₀ objectives set in regulation (24 hour mean objective of 50ug/m³ - 35 exceedences and the annual mean objective of 40ug/m³ to be achieved by the 31/12/2004) and also those objectives that are not as yet set in regulation for PM₁₀ (24 hour mean objective of 50ug/m³ - 7 exceedences and annual mean objective of 20ug/m³). These objectives have a compliance date of 31st Dec 2010.

iii) The assessment should also pay particular attention to the Quay Parade bridges junction and the impact of the development on these junctions and nearby receptor locations i.e. nearest dwelling. Also, the assessment should consider the impact on traffic flows from Quay Parade.

Reason: To prevent unacceptable levels of pollution.

27 All foul drainage shall be connected to the public sewerage system.

Reason: Septic tanks/private sewage disposal works are an unacceptable method of drainage within a sewered area.

28 . Details of measures to reduce the risk of flooding to the basement, including pumping system, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To reduce the impact on the development following an extreme 0.1% flood event.

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [PS1, PS2, PS3, SD1, SD2, SD:K, IO1. H2. H3. T1. T2. T5 & T6].

Agenda Item 6

Report of the Head of Planning and City Regeneration to

Planning Committee – 3rd September 2019

Draft Supplementary Planning Guidance: Houses in Multiple Occupation and Purpose Built Student Accommodation

Purpose:	To provide Members with an overview of draft Supplementary Planning Guidance relating to Houses in Multiple Occupation and Purpose Built Student Accommodation, and seek authorisation to undertake public consultation on the draft document
Policy Framework:	Planning and Compulsory Purchase Act 2004; City & County of Swansea Local Development Plan (Adopted February 2019); Well-being of Future Generations (Wales) Act 2015; Planning (Wales) Act 2015; Planning Policy Wales (2018) and related Guidance; Use Classes Amendment Order 2016.
Reason for Decision:	To approve the draft SPG as a basis for public and stakeholder consultation.
Consultation:	Legal, Finance, Access to Services, Housing & Public Health.
Recommendation(s):	Approve the draft SPG (as attached at Appendix A) for the purpose of consultation.
Report Author:	Tom Evans
Finance Officer:	Paul Roach
Legal Officer:	Jonathan Wills
Access to Services:	Rhian Millar
Housing & Public Health:	Mark Wade

1.0 Overview

- 1.1 This report seeks authority to undertake a 6 week public and stakeholder consultation exercise on a draft version of Supplementary Planning Guidance (SPG) relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA). A copy of the document (herein referred to as 'the draft SPG') is attached as Appendix A to this report.
- 1.2 The Council undertook a consultation exercise in 2017 on a previously produced draft SPG relating to HMO development, which was prepared in support of the

now superseded Unitary Development Plan (UDP). Following that consultation exercise, it was subsequently resolved by the Planning Committee that the previous version of the SPG should not be adopted.

- 1.3 In February 2018, a Ministerial Letter was sent to all Councils in Wales to emphasise that Local Development Plans (LDPs) are the appropriate document to set out robust, evidenced based policies relating to HMOs, against which HMO planning applications should be assessed. The letter also highlighted that the appropriate role for SPGs is to augment LDP policies rather than stipulate policy itself. Having regard to the Ministerial Letter, the policy relating to HMOs in the Deposit (i.e. draft) Swansea LDP was proposed to be amended. These amendments significantly increased the degree of prescriptive detail in the LDP by bringing in elements that were previously contained within the abovementioned draft SPG. The new LDP policy was formulated on the basis of a significant amount of evidence accumulated, and included details on 'maximum thresholds' for the proportions of HMOs permissible within defined areas. The policy was subject to independent review by the Planning Inspectors appointed by Welsh Ministers to undertake the Examination in Public of the LDP.
- 1.4 The Swansea LDP (available at www.swansea.gov.uk/ldp) was adopted in February 2019 as the Council's new statutory development plan. The LDP highlights that there remains an intention to produce SPG to augment LDP policies, in order to provide appropriate clarifications, definitions and working examples to assist the interpretation of the LDP policies.
- 1.5 The draft SPG is primarily supplemental to the following topic specific policies in the adopted Swansea LDP:
- H9 'Houses in Multiple Occupation'; and
 - H11 'Purpose Built Student Accommodation'

The draft SPG also provides supporting guidance to the following adopted policies:

- Policy PS 2 'Placemaking and Place Management'
- Policy T2 'Active Travel'
- Policy T6 'Parking'
- Policy SI 8 'Community Safety'
- Policy RP 10 'Sustainable Waste Management for New Development'

2.0 Planning Context

- 2.1 The draft SPG has been formulated having regard to Planning Policy Wales (PPW, December 2018), which provides the national policy context for making planning decisions. PPW states that planning decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. It states this should be done by addressing seven 'well-being goals', one of which is to foster cohesive communities, with an emphasis on the promotion of accessible, well connected development and appropriate combinations of land uses. PPW states that good placemaking should consider the context, function and relationships between a development site and its surroundings, including the need to consider: the amenity impact of development

on neighbouring properties and people; the balance and distribution of land uses and densities; and the need to create places where people want to be and can happily interact with others.

- 2.2 Under national legislation, the requirement to obtain planning permission covers not only new building work but also the change of use of buildings. Planning uses are categorised into 'Use Classes' and HMOs come under two, dependent on their size:
- (i) Small HMOs - 'C4' Use Class: shared dwelling houses that can accommodate between 3-6 unrelated persons who share basic amenities; and
 - (ii) Large HMOs - 'Unique' Use' Class (formerly known as Sui Generis Use): shared dwelling houses with more than 6 unrelated persons sharing basic amenities.
- 2.3 Following the most recent changes to the Use Class Order in Wales, changing the use of a property to either a 'C4' or 'Unique Use' HMO requires planning permission. This includes the intensification of an existing C4 HMO to an Unique Use HMO, and any proposal to increase the number of occupants that are consented to live in an Unique Use HMO.
- 2.4 Swansea LDP Policy H 9 'Houses in Multiple Occupation' provides a detailed, evidenced based policy that will be used to manage the anticipated future demand for new HMO development over the Plan period. A key policy aim is to control the future provision of HMOs in a sustainable manner, thereby helping to foster cohesive communities and avoid instances of over-concentration that can be to the detriment of residential amenity and community balance. Any proposal for the conversion of a dwelling or non-residential property to a HMO, or the intensification of use of a C4 property to an Unique Use HMO, will be determined against Policy H 9. The key requirements of Policy H 9 are that:
- A 2-tier 'maximum threshold' approach will be applied to defined geographical areas, above which further HMO concentrations in those areas will be deemed harmful based on a calculation of the proportion of HMOs within a 50m radius of a proposal
 - 'No sandwiching' of Class C3 residential properties between HMOs will be permitted
 - Specific protection will be afforded to 'small streets' that are characteristic of certain residential areas of Swansea
 - Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will not result in unacceptable adverse impacts caused by noise and general disturbance
 - Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh concerns regarding harmful concentration or intensification.
- 2.5 PBSA developments have increasingly become a key feature of University cities across the UK, including Swansea. Such development can be described as large-scale residential accommodation that is specifically designed for occupation by students attending higher or further education institutions. This may include new build development or the conversion of existing premises such

as office blocks. It includes accommodation developed by education institutions and also by others for the use of students. PBSA generally does not fall within any specific use class, and so such development is categorised as an Unique Use. Internal layouts of PBSA developments can take varying forms, including dormitory, cluster or individual room arrangements.

- 2.6 Swansea LDP Policy H 11 'Purpose Built Student Accommodation', states that proposals for PBSA should be located within the defined Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:
- The site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; or
 - 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; or
 - The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

3.0 Summary of Draft SPG – HMO Proposals

- 3.1 The following paragraphs briefly summarise the content of the SPG in so far as it relates to proposals for HMOs.

Radius Test

- 3.2 Guidance and worked examples are provided to assist in the undertaking of the 50 metre radius concentration calculation. This includes guidance on how to draw the radius, such as confirming it should be scribed from the centre-point of the proposed HMO property's frontage where it meets the street. It also states the centre point will always be defined in relation to the property's principal elevation, regardless of where the front entrance to the property is located¹.
- 3.3 Clarification is provided that in the case of flats and/or residential units on upper floors, these will be counted as separate units if the majority of the street fronting principal elevation of the building within which the unit is located is contained within the radius. That is, a building containing four flats will be counted as four residential units.

Small Streets Test

- 3.4 Guidance is provided to assist in the undertaking of the small streets test, including clarification that 'small streets' will sometimes be created where they are subsections of a longer street in terms of street name. A number of examples of scenarios are provided that would, and would not, be classed as small streets, including an example of a scenario where a long street is sub-divided by intersecting streets forming a 'small street'.

¹ *Principal elevation* is defined in Welsh Government Technical Guidance.

Data Sources

- 3.5 Clarification is provided on the information that the Council will consider when calculating HMO concentrations as a percentage/proportion of all residential units under the radius and small streets tests.
- 3.6 To determine the total number of residential properties to be considered as part of any calculations, the draft SPG states that the Council will use the most up to date Local Land and Property Gazetteer (LLPG)² information that is available to the LPA at the time of determination of the planning application.
- 3.7 To determine the number of HMOs, the draft SPG refers to the use of the Council's Register of Licensed HMOs (the 'Licensing Database') as a primary data source. This register is regularly updated to provide an up to date record of the latest licensed properties. The SPG notes that due to differences in Licensing (Housing Act) and Planning legislation, not all small HMOs in Swansea will be licensed outside of the Council's Additional Licensing Areas³. Outside these Wards, Mandatory Licensing requires only large HMOs (of three or more storeys with five or more occupiers) to be licensed. Therefore, reference to the Licensing Database will not always identify the full number of HMOs located within the defined radius. The draft SPG therefore confirms that decision makers should refer to any records of properties that have obtained planning permission to become HMOs since the C4 Use Class came into operation (February 2016).
- 3.8 The draft SPG states that properties with a lawful use as a HMO will be counted as such, irrespective of whether a relevant planning consent has actually been implemented at the time of determination. Some properties have become lawful for use as a HMO by virtue of the time they have been in operation for such a use, even though there is no planning permission or Lawful Development Certificate (LDC) for HMO use on record. This is reflective of the previous provisions of the Planning Act and Use Class Order, which did not require the use of residential properties as small HMOs to be subject to any planning control. Where the LPA considers there is substantive evidence available to demonstrate that a property within the area was being used as a HMO prior to the implementation of the new C4 Use Class in February 2016 and has not reverted to other uses, notwithstanding the lack of any relevant planning permission or LDC, such a property will be considered lawful for such a use i.e. it will be counted as a HMO property in the appraisal.
- 3.9 The draft SPG confirms that regularly updated information on licensed HMOs, and the records of planning consents issued by the Planning Authority for HMOs, will be a public register available for use (at www.swansea.gov.uk/hmos) by potential applicants and any other interested party.
- 3.10 The draft SPG also states that where information is available to indicate a property may be a HMO but is not recorded as such on the records that are highlighted above, the LPA will carry out all reasonable checks using publically available information and/or any submitted evidence. These checks can sometimes help ascertain whether such a property should be considered a HMO

² The *Local Land and Property Gazetteer (LLPG)* is a comprehensive address database maintained by the Council.

³ The current Additional Licensing Area for HMOs comprises the Castle and Uplands wards

for the purpose of the calculation. It is important that the SPG emphasises that the LPA will be required to act within the requirements of the General Data Protection Regulation (GDPR) relating to maintaining the privacy of personal data, when seeking to access information.

Non-sandwiching test

- 3.11 Guidance is provided in the draft SPG to illustrate how Policy H 9 should be applied in terms of the non-sandwiching test, including worked examples of the circumstances where sandwiching will be deemed to occur, and conversely to highlight that where properties do not share the same frontage (e.g. the properties are separated by an intersecting road or where properties have a back to back relationship on different streets) then sandwiching does not apply.
- 3.12 Consistent with the principle of preventing sandwiching to safeguard amenity, the draft SPG also states that proposals for 'family homes' that are already 'sandwiched' between two existing HMOs to become HMOs will potentially be considered as an exceptional circumstance to consider favourably, even where this would lead to the threshold being exceeded.

Property Suitability for HMO Use

- 3.13 Guidance is provided in the draft SPG on what will be expected to satisfy the requirements of LDP Policies H9 and PS2 in respect of providing satisfactory design, layouts, private amenity space and appropriate room sizes. This includes requiring scale plans (defined as existing and proposed site plan, block plan and floor plans) to be submitted with the planning application to demonstrate that satisfactory provision will be made.
- 3.14 The draft SPG clarifies that all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy⁴, regarding minimum floor areas for bedrooms and kitchens, regardless of whether the property is located within the Additional or Mandatory Licensing Area and whether the property requires a Licence under the Housing Act. These standards offer an appropriate and consistent benchmark for the determination of planning applications and represent the minimum room sizes that will be expected. They are set out below:
- Single bedroom - 6.5 m²
 - Double bedroom – 10.2 m²
 - Kitchen (used by 1-5 persons) – minimum 7 m²
 - Kitchen (used by 6-10 persons) – minimum 10.5 m²
- 3.15 In planning terms, a lounge area for occupiers to congregate is considered an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions. The lack of any communal lounge can lead to occupants being reliant entirely on a bedroom for relaxation and leisure time, which is not conducive to the objective of promoting good health and wellbeing. The size of the lounge provision must be appropriate for the number of occupants proposed within the HMO, and should be capable of

⁴ HMO Amenity Standards – A Guide for Landlords of Bedsits, Shared Housing, and Other Housing in Multiple Occupation. Appendix A, HMO Licensing Policy 2016, City & County of Swansea. January 2016.

accommodating sufficient areas for seating and socialising, and must not give rise to cramped living conditions.

- 3.16 As part of satisfactory private amenity space, the draft SPG clarifies that occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions. The requirement can be met through the provision of a communal area (such as a rear garden or roof terrace), so long as it is of sufficient size and layout to provide for every occupant of the property that it serves. It can also include a private balcony, or a combination of these. Areas to the front of a building that are not private will not be considered to fulfil the requirement. Extensions to existing HMOs to increase accommodation will not be permitted if this would result in an inadequate amount of outdoor private amenity space

Other Technical Areas

- 3.17 The draft SPG also provides information that confirms what the Local Planning Authority will consider in respect of:
- Safeguarding satisfactory living conditions;
 - The need for planning conditions to be applied to any permission and/or for 'Permitted Development' Rights to be removed;
 - Safeguarding against disturbance, including from noise;
 - Ensuring appropriate refuse storage areas are available; and
 - Requiring Vehicle Parking and Bicycle Storage

Exceptional Circumstances and Material Considerations

- 3.18 The draft SPG provides examples of what are regarded as instances when certain material considerations and/or exceptional circumstances demonstrably outweigh the outcome of the concentration 'tests' in the planning balance. It is important for the SPG to cover this aspect, since compliance with the 50m radius threshold test will not on every single occasion be the final determining factor as to whether planning permission for a HMO should be approved or refused. In some instances a **HMO proposal may be considered by the LPA to be unacceptable development at variance with LDP Policy, even if it would not give rise to the defined threshold limit being exceeded.** 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.
- 3.19 The draft SPG states that within the HMO Management Area, whilst the LPA will normally seek to resist HMO proposals that would breach the harmful concentration and intensification thresholds, 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.

- 3.20 The draft SPG emphasises that where there is a very high concentration of HMOs within a 50m radius of a proposed HMO (well in excess of the threshold), any further HMO proposals must be accompanied by a comprehensive assessment that must consider all relevant criteria to assess whether any exceptional circumstances justify a departure from the threshold test.
- 3.21 The draft SPG sets out another potential exceptional circumstance where there are properties in C3 residential use that are already ‘sandwiched’ between two HMOs. It states that exceeding the threshold in an area may be considered permissible if the applicant of a ‘family home’ is experiencing adverse amenity impacts from such a scenario. This is considered a logical extension of the policy objective to safeguard against the amenity impacts of ‘sandwiching’ between HMOs. The SPG states that sufficient information must be submitted with the planning application in order for the LPA to determine whether, on balance, a proposal for an additional HMO is acceptable even though the proposal would self-evidently further breach the threshold. In such cases the proposal must otherwise accord with Policy H 9 and other LDP policy.

4.0 Summary of SPG – PBSA Development

- 4.1 The following paragraphs briefly summarise the content of the draft SPG in so far as it relates to proposals for PBSA.

General

- 4.2 The draft SPG clarifies that, for the purposes of LDP Policy H 11, a proposal will be considered to fall under the definition of PBSA if it is more than 20 units. This applies to proposals for both new build and the conversion of existing properties.

Assessing Sites in the Central Area

- 4.3 Guidance is provided on how the availability and suitability of sites within the Swansea Central Area should be assessed as the priority location for PBSA, having regard to its excellent access to services, facilities and public transport and to the University buildings. PBSA development in this area accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability. The draft SPG emphasises that the Council wishes to avoid development of student accommodation that is unsustainable (including in terms of access to services, facilities and public transport) or to the detriment of the regeneration aims for the Central Area.
- 4.4 The LDP policy requires applicants proposing PBSA to in the first instance assess potential sites and premises in the Central Area, unless the proposed site is within a Higher Education Campus and in accordance with the exception

criteria (i), (ii) and (iii). The draft SPG provides guidance on what information will be necessary to demonstrate a robust assessment has been undertaken into site/premises availability and sets out some of the considerations which should be drawn upon to demonstrate a robust assessment has been undertaken into the suitability of sites/premises for PBSA.

Design and Amenity

- 4.5 Guidance on placemaking and design in relation to PBSA development is provided further to the requirements of Policy PS 2 Placemaking and Place Management. Specifically all new PBSA development should be designed so it responds to its local context and wherever possible seeks to improve the built environment. PBSA proposals, by their nature, are usually high-density developments. The draft SPG states that the LPA supports the principle of high density living and energy efficient design provided it is carefully designed and integrated with surrounding areas, but 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. 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.
- 4.6 Although provision of PBSA will be encouraged within the Central Area, the draft SPG emphasises that careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses. 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. All habitable rooms should benefit from natural light, a means of outlook, ventilation, and a level of privacy. The Council may apply a condition to restrict occupation of the development to students.
- 4.7 The guidance sets out how landscaping plays an important part in helping to integrate new development into the surroundings and PBSA developments will be expected to include appropriate levels of landscaping for aesthetic and functional purposes. PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting in-line with Policy SI 8 and the Council's adopted 'Planning for Community Safety' SPG. 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.

Refuse and Recycling Storage

- 4.8 The draft SPG emphasises that 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-line with Policy RP 10: Sustainable Waste Management for New Development.

4.9 The draft SPG sets out that the following information should be provided as part of the planning application, to demonstrate how waste will be managed:

- Scale plans demonstrating an adequate footprint for the internal and external on-site waste, recycling, composting, separation and storage facilities; and
- 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.

Parking Standards – Cars and Cycles

4.10 The draft SPG clarifies that parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council's SPG relating to Parking Standards. The current maximum standards for PBSA, as stated in those Standards, are as follows:

Figure 1: Current Maximum Parking Standards for PBSA

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

4.11 It is clarified that the notes 1-8 included on page 17 of the Parking Standards SPG will still be applied. It sets out maximum standards and confirms flexibility can be justified in appropriate circumstances in accordance with the 'sustainability matrix' (Appendix 5 of the Car Parking Standards SPG). Other than for Zone 1 locations in the Central Area, 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.

4.12 In terms of cycle parking, the following standards will be required for PBSA as set out in the Parking Standards SPG.

Figure 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

- 4.13 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.

Planning Controls

- 4.14 The draft SPG clarifies that a management plan will be required to be submitted as part of any PBSA planning application detailing how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. It sets out the issues that the management plan should include.
- 4.15 The draft SPG also states that the Council may apply a condition to restrict occupation of the development to students so that the development continues to be occupied in a manner that is in accordance with the approved details.

5.0 Consultation Process and Next Steps

- 5.1 The draft SPG document will be subject to a 6 week period of consultation, which is an integral part of the process towards its adoption as formal planning guidance to inform decisions. It is anticipated that the consultation will be carried out from September to November 2019. The consultation will allow Councillors, the public, stakeholders and other interested parties to make their views public, and contribute to the final version of the guidance. The aim is to ensure that there is a broad consensus of support for its objectives. It will be important to emphasise during the consultation that planning legislation precludes SPG from introducing new policy, but is instead an opportunity to augment what is already contained in adopted LDP policies.
- 5.2 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: articles in the local media; a public drop-in consultation afternoon/evening event at the Civic Centre for the public and stakeholders to attend (where Officers will be available to explain the draft document and invite feedback); and a targeted e-consultation that will be made available to known stakeholders, including representatives of residents groups and local planning agents. All information will also be readily available in hard copy at the Civic Centre and libraries serving the Sketty, Uplands, Castle and St Thomas Wards. The consultation will be hosted on a Council web page where consultation forms will be available for those who wish to comment.
- 5.3 All comments received will be recorded, evaluated and, where appropriate, will feed into the revised final version of the SPG document. A full detailed schedule of representations will be published. A report setting out the public consultation comments received, and any amendments made to the SPG as a result of these, will be presented to Members as soon as possible after the consultation period ends, at which time Members will be asked to approve the final amended version as adopted SPG.

6.0 Financial Implications

- 6.1 There are no significant financial implications arising from the publication of this SPG, with the cost of the public consultation process and document production being accommodated within existing budgets and staff resources. The consultation will, as far as possible, utilise electronic communication (email and Internet). The final adopted document will be made available electronically, so there are no anticipated printing costs.

7.0 Legal Implications

- 7.1 The SPG will provide planning guidance to the adopted Swansea LDP and will be a material consideration in evaluating future planning applications.
- 7.2 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.

8.0 Equality & Engagement Implications

- 8.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

- 8.2 Section 5 of this report outlines equalities considerations in respect of consultation activity. 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: Consultation Draft SPG - Houses in Multiple Occupation and Purpose Built Student Accommodation

Appendix B: Equality Impact Assessment (EIA) Screening Form

supplementary planning guidance

Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea

Consultation Draft

September 2019



Cyngor **Abertawe**
Swansea Council



Contents

1. Introduction	5
2. Legislation and Policy Context	5
2.1 National.....	5
2.2 Local.....	7
3. Guidance on HMO Development.....	10
3.1. Overview	10
3.2 Radius Test.....	11
3.3 Small Streets Test	15
3.4 Non-sandwiching Test	17
3.5 Property Suitability for HMO Use	18
3.6 Vehicle Parking and Bicycle Storage	24
3.7 Exceptional Circumstances and Material Considerations.....	25
4. Guidance on PBSA Development.....	30
4.1. Definitions	30
4.2 Assessing the Availability and Suitability of Potential Sites	30
4.3 Design and Amenity	32
4.4 Refuse and Recycling Storage.....	34
4.5 Car and Bicycle Parking.....	34

Appendix 1a - LDP Policy H9	38
Appendix 1b - LDP Policy H11.....	43
Appendix 2 - Worked Examples	45
Appendix 3 - Glossary	53

If you would like this document in a different format, please contact:

Swansea Council
Planning and City Regeneration
Ground Floor, Civic Centre, Oystermouth Road, SA1 3SN
Email: ldp@swansea.gov.uk Tel: 01792 636000

Preface

Comments are invited on this consultation draft *Supplementary Planning Guidance* (SPG). Details on how comments can be submitted for consideration are available on the Council's website at

www.swansea.gov.uk/spg

This SPG provides information and guidance notes to complement policies in the Swansea *Local Development Plan* (LDP), including Policy H 9: Houses in Multiple Occupation (HMO) and Policy H 11: Purpose Built Student Accommodation (PBSA).

1. Introduction

- 1.1 This Supplementary Planning Guidance (SPG) will be taken into account as a material consideration in the determination of planning applications relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA). The purpose of the SPG is to augment policies of the Swansea Local Development Plan (LDP). It provides information that will assist decision makers in determining whether or not a proposed development is acceptable in planning terms.
- 1.2 The SPG sets out guidance separately for HMO development (in Section 3) and PBSA development

(in Section 4). Preceding this, Section 2 below provides a summary of relevant underpinning national planning guidance and legislation, and also highlights the key LDP policies that this document supplements.

2. Legislation and Policy Context

2.1 National

- 2.1.1 Planning Policy Wales¹ (PPW) sets out the overarching national principles relating to planning and placemaking. These principles underpin the formation of local planning policies and inform individual decisions on development proposals. PPW states that planning decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. It requires that this be done by addressing seven well-being goals, one of which is to Foster Cohesive Communities, with the emphasis on promoting accessible, well connected development and appropriate combinations of land uses.
- 2.1.2 PPW makes clear that placemaking and sustainable development principles are essential to development at all scales. They are therefore pertinent to proposals for HMO and PBSA development. This national guidance also highlights that good placemaking should consider the context, function and relationships between a development site and its surroundings, including the need to consider: the

¹ Planning Policy Wales Edition 10. Welsh Government. December 2018.

amenity impact of development on neighbouring properties and people; the balance and distribution of land uses and densities; and the need to create places where people want to be and can happily interact with others.

2.1.3 No specific reference is made in PPW as to how planning decisions should be made in relation to HMOs or PBSA development. A Ministerial letter (dated February 2018) was sent to all Welsh Local Planning Authorities (LPAs) however, which made clear the need to put in place robust local evidenced based policies in LDPs against which planning applications for HMOs can be assessed. The Letter also highlighted the appropriate role that SPG should play to augment such policies. Swansea Council has set out its evidenced based policies relating to HMO development in the Swansea LDP –available at www.swansea.gov.uk/ldp.

2.1.4 Under planning legislation the requirement to obtain planning permission covers not only new building work but also changes in use of buildings or land. The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories known as ‘*Use Classes*’.

2.1.5 **HMOs** come under two *Use Classes*, dependent on their size. These are:

(i) Small HMOs – ‘C4’ class: a shared dwelling house that can accommodate between 3-6

unrelated persons who share basic amenities. It should be noted that, under the terms of the Order, the following are excluded from the C4 Use Class:

- Social rented housing
- Care homes
- Children’s homes
- Bail hostels
- Properties occupied by students managed by an education establishment; and
- Properties occupied by a religious community whose main occupation is prayer, contemplation, education and the relief of suffering; and

(ii) Large HMOs – ‘Unique Use’ class (formerly known as Sui Generis): **a shared dwelling house with more than 6 unrelated persons sharing basic amenities.**

2.1.6 Changing the Use Class of a property to either a C4 or Unique Use HMO requires planning permission. This includes the intensification of an existing C4 HMO to an Unique Use HMO, and to increase the number of occupants consented to live in an Unique Use HMO. More detailed information on the HMO planning *use classes* can be found in Welsh Government guidance².

2.1.7 **PBSA** developments have in recent years become an increasingly common feature in University cities across the UK, including Swansea. Such development is defined as large-scale residential

² Welsh Government 2017. Houses in Multiple Occupation: Practice Guidance.

accommodation, specifically designed for occupation by students that attend higher or further education institutions. This may include new build development or the conversion of existing premises, such as office space. It includes accommodation developed by education institutions, as well as the private sector and any other organisation. The key factor in such proposals are that the accommodation is designed for use specifically by students.

- 2.1.8 PBSA generally does not fall within any specific use class and so is regarded as an Unique Use in terms of the Use Class Order. Internal layouts of PBSA developments can take varying forms, including dormitory, cluster or individual room arrangements.
- 2.1.9 National Guidance states that, in order for planning applications to be duly submitted they must contain sufficient information to be considered 'valid' applications. Technical guidance on what is required to submit a valid planning application is provided nationally by the Welsh Government in an annex to the Development Management Manual, Section 7 Planning Applications - Lists of Validation Requirements. The annex provides information listing what is required for each application type and reflects the legal requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and the other listed statutory instruments.

2.2 Local

- 2.2.1 The adopted Swansea LDP sets the policy framework against which all planning applications are determined. It provides a detailed, evidence based framework for making effective and consistent planning decisions in the public interest. This includes policies to manage the location and concentration of HMOs and direct the location of PBSA to the most appropriate, sustainable areas. The LDP policies are set against a context that recognises the important role that HMOs and PBSA play in providing a flexible, relatively affordable housing choice for a growing population, whilst also acknowledging the negative impacts that can arise without appropriate sustainable planning.

HMOs

- 2.2.2 **LDP Policy H 9 'Houses in Multiple Occupation'**, provides a prescriptive, evidenced based approach to managing the future demand for new HMOs. The key policy aim is to control the future provision of HMOs in a sustainable manner, thereby helping to foster *cohesive communities* and avoid instances of over-concentration that can be to the detriment of residential amenity and community balance.
- 2.2.3 LDP Policy H 9 will be used to determine any proposal for the conversion of a dwelling or non-residential property to a HMO, or the intensification of use of a C4 property to an Unique Use HMO.
- 2.2.4 The key provisions of LDP Policy H 9 are that:

- A 2-tier 'maximum threshold' is defined within designated geographical areas, above which further HMO concentrations will typically be resisted
- Proportions of HMOs will be defined by calculating the number of HMOs as a % of all residential units within a 50m radius of a proposal
- The 'sandwiching' of Class C3 residential properties between HMOs will be resisted
- Specific protection will be afforded to 'small streets' that are characteristic of certain residential areas of Swansea
- Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will not result in unacceptable adverse impacts caused by noise and general disturbance
- Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding *material considerations*, where these demonstrably outweigh concerns regarding harmful concentration or intensification.

2.2.5 A copy of LDP Policy H 9 and its supporting text is set out in Appendix 1a.

PBSA

2.2.6 PBSA developments are increasingly coming forward as a proposed means of providing bespoke accommodation that meets the needs of students. Whilst these developments may offer the potential to reduce the demand for HMO accommodation, there is currently no conclusive evidence to this end.

2.2.7 The LDP contains **Policy H 11 'Purpose Built Student Accommodation'**, which states proposals for PBSA 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:

- The site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; or
- 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; or
- The development would give rise to an overall benefit to the vitality and viability of the *Swansea Central Area*.

2.2.8 A copy of LDP Policy H 11 and its supporting text is set out in Appendix 1b.

Other Development Plan Policies

2.2.9 The LDP includes a number of other policies that this SPG provides supporting guidance for, including:

- **Policy PS 2** 'Placemaking and Place Management'
- **Policy T2** 'Active Travel'
- **Policy T6** 'Parking'
- **Policy SI 8** 'Community Safety'
- **Policy EU 2** 'Renewable and Low Carbon Energy'
- **Policy RP 10** 'Sustainable Waste Management'



3. Guidance on HMO Development

3.1. Overview

- 3.1.1 LDP Policy H 9 sets out a number of criteria that HMO proposals should address. Full consideration should be given to all the relevant criteria to ascertain whether a proposal is considered acceptable.
- 3.1.2 A number of criteria in Policy H9 relate to preventing unacceptable concentrations of HMOs. These set out certain ‘tests’ that will inform the decision making process and help ascertain whether a proposal would lead to a potentially harmful concentration or not. These tests are summarised in Figure 1. Further detailed advice and guidance on how each of these tests are to be applied is provided in Sections 3.2 – 3.4 of this SPG.
- 3.1.3 It should be noted that where proposals for HMO development pertain to a property that is already a lawful HMO (in land use planning terms - see Section 2 for Use Class categories), the concentration ‘tests’ set out in Figure 1 will not be applied. This is due to the property in question having already become established as a HMO within the area. It would be illogical in such circumstances to maintain that a proposal would give rise to any numerical increase in the concentration of HMO properties. Notwithstanding this, HMO planning applications relating to existing HMO properties will still be assessed against the

other relevant criteria in Policy H 9 and other LDP policies as appropriate.

- 3.1.4 For clarity, the references in this SPG and the LDP to ‘small HMOs’ relates to Class C4 properties. Reference to ‘Large HMOs’ are those defined as an Unique Use (formerly Sui Generis).

Figure 1: HMO Concentration Tests

Test 1 – ‘Radius Test’

- Within the HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs.
- Outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

Test 2 – ‘Small Streets Test’

HMO proposals within ‘small streets’ that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street

Test 3 – ‘Non-sandwiching Test’

The development would not result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties.

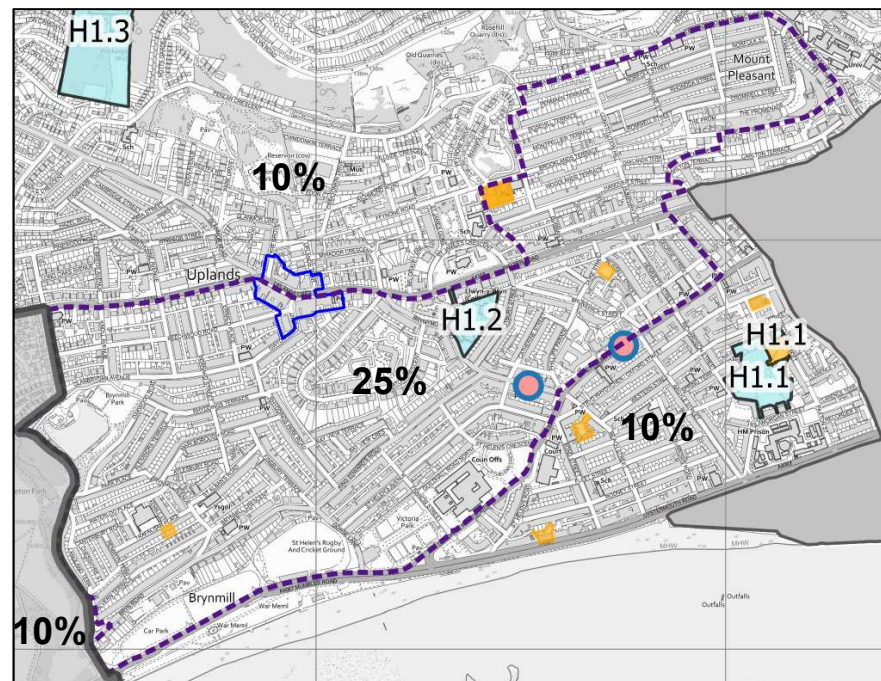
3.2 Radius Test

Thresholds

- 3.2.1 All proposals submitted for a change of use to establish a new HMO will be subject to the 'radius test' as described in LDP Policy H 9 (criteria i. and ii). The radius test will be used to define the proportion of HMOs within a specific area surrounding a proposal.
- 3.2.2 **The threshold level that applies depends on whether the planning application is located within the defined HMO Management Area (where a 25% HMO limit applies) or outside of this HMO Management Area (where a 10% HMO limit applies).** The boundary of the HMO Management Area is designated on the *LDP Proposals Map*, and is also illustrated in Figure 2 of this SPG.
- 3.2.3 **The concentration of HMOs should be ascertained by calculating the proportion of HMOs as a percentage of all residential units within a 50 metre (m) radius of the application property.** Where the proportion exceeds the defined threshold, the concentration arising will be deemed unacceptable, unless there are exceptional circumstances or overriding *material considerations*³ that demonstrably outweigh concentration concerns.

³ Guidance on potential 'exceptional circumstances' and/or 'overriding material considerations' is provided in Section 3.7 of this SPG.

Figure 2: HMO Management Area (within the Purple Hatched Line)



Methodology and Data Sources

- 3.2.4 Policy H 9 sets out the methodological approach that should be followed to undertake the radius test. The basic formula for ascertaining the concentration of HMOs is as shown below in Figure 3.

Figure 3: Radius Test Formula

$$\text{HMO Concentration \%} = \frac{\text{No. of HMOs (Numerator)}}{\text{No. of residential units (Denominator)}} \times 100$$

3.2.5 For the purpose of the radius test, the concentration of HMOs should only consider the relevant properties within a 50 m radius of the planning application. Further guidance on which properties are relevant in this regard is set out below.

3.2.6 The radius should be drawn from the centre-point of the application property frontage, where the curtilage meets the street. The centre point will always be defined in relation to the property's *principal elevation*, regardless of where the front entrance to the property is located⁴. There may be instances when the radius cuts through residential properties, i.e. not all of the property is contained within the radius drawn. In such cases, the properties that will be counted in the analysis will be those where the majority of the street facing entrance is contained within the radius. This is defined as more than 50% of the width of the street facing, *principal elevation* of a property.

⁴ *Principal elevation* is defined in Welsh Government Technical Guidance.

3.2.7 To determine the appropriate *denominator* for the Radius Test Formula (see Figure 3), all individual residential units that fall within the 50m radius that are categorised as either *Use Class C3, C4 or Unique Use* HMO will be counted. The most up to date *Local Land and Property Gazetteer (LLPG)*⁵ information should be referenced in order to ascertain the number and location of residential units to be applied.

3.2.8 For the avoidance of doubt, a residential unit includes *social rented homes*, individual flats and other units that are situated on upper floors. These homes will be counted as part of the *denominator* to ensure all residential units within the radius are counted.

3.2.9 In the case of flats and/or residential units on upper floors, these will be counted where the majority of the *principal elevation* of the building within which the unit is located (i.e. over 50% of this elevation) is contained within the radius. Each multiple unit within the building will be counted as an individual residential unit for the purpose of the calculation e.g. a building containing four flats will be counted as four residential units.

3.2.10 Care homes, children's homes, hostels, hotels, student halls of residence, and commercial properties will not be counted.

⁵ The *Local Land and Property Gazetteer (LLPG)* is a comprehensive address database maintained by the Council.

3.2.11 To determine the appropriate *numerator* for the Radius Test Formula, the Council's Register of Licensed HMOs (the 'Licensing Database') should be referenced, which is a publically available data source that can be viewed online at www.swansea.gov.uk/hmos. This register is regularly updated to provide an up to date record of the latest licensed properties.

3.2.12 Due to differences in the Licensing (Housing Act) and Planning legislation, not all small HMOs in Swansea will be licensed, in particular those that are located outside of the Council's *Additional Licensing Areas*⁶. Outside these Wards, *Mandatory Licensing* requires that only large HMOs (i.e. properties of three or more storeys with 5 or more people) are licensed. As such, reference to the Licensing Database will not always identify the full number of HMOs located within the defined radius. Reference should therefore also be made to records of properties that have obtained planning permission to become HMOs since the C4 Use Class came into operation in February 2016. These records are also available online at www.swansea.gov.uk/hmos. In addition, planning record searches can also be used to highlight larger HMOs that became established prior to February

2016, given that such uses required planning permission prior to the C4 Use Class change.

3.2.13 The information on licensed HMOs and the records of planning consents for HMOs issued by the Planning Authority (www.swansea.gov.uk/hmos) are regularly updated data sources that can be viewed by potential applicants and any other interested party, as well as the LPA.

3.2.14 Properties with a lawful use as a HMO will be counted as such, irrespective of whether a relevant planning consent has actually been implemented at the time of determination of a planning application. Some properties have become lawful for use as a HMO by virtue of the time they have been in operation for such a use, even though there is no planning permission or Lawful Development Certificate (LDC) for HMO use on record. This is reflective of the previous provisions of the Planning Act and the Use Class Order, which did not require the use of residential properties as small HMOs to be subject to any planning control. Where the LPA considers there is substantive evidence available to demonstrate that a property was being used as a HMO prior to the implementation of the new C4 Use Class category (in February 2016), and is satisfied that it has not reverted to any other uses in the meantime, such a property will be

⁶ The current Additional Licensing Area for HMOs encompasses the Castle and Uplands wards. It is anticipated that the Council will undertake a

public consultation in 2019 on a new HMO licensing policy that could expand the Additional Licensing Area to include the St Thomas Ward.

considered a lawful HMO notwithstanding the lack of any relevant planning permission or LDC for HMO use. The LPA will need to be satisfied that such a property would be considered appropriate to be issued with a LDC if such an application was made, however it is not within the scope of the Planning Act to require a third party to submit an LDC application to formalise the use class of a property.

- 3.2.15 The calculation of the HMO concentration that applies at the time of determining a planning application is clearly influenced by accurately ascertaining, as far as is possible, the lawful existing use of all properties situated within the defined radius at that time. Where information is available to indicate a property may be a HMO but is not recorded as such on the records available at www.swansea.gov.uk/hmos, the LPA will carry out all reasonable checks using any other publically available information and/or any submitted evidence in order to ascertain whether such a property should be considered a HMO for the purpose of the calculation. In this regard the LPA is required to act within the requirements of the *General Data Protection Regulation (GDPR)* relating to maintaining the privacy of personal data.
- 3.2.16 The Council's planning officers undertake site visits as part of the standard procedure for considering planning applications, and consider all material planning matters in the determination of proposals. This includes the observations of Officers within other

Council departments such as Highways and the Housing and Public Health Service. Members of the public will also be consulted on every planning application. This process provides the opportunity for the LPA to be made aware of any properties they consider might be a HMO which do not appear on the Licensing and planning consent lists. Properties will only be considered a HMO for the purpose of the calculation where they meet the descriptions of such in the Planning Use Class Order.

- 3.2.17 Set out in Appendix 2 are a number of worked examples. These are intended to help demonstrate how the assessment methodology works in practice and further illustrate how the radius test will be implemented.

Breaching the Threshold

- 3.2.18 The threshold is considered to be breached if granting planning permission would take the percentage of residential properties that are HMOs **above** the specified threshold limit. For example, granting planning consent for a HMO within a 50m radius that currently contains 20 residential properties and only 1 other HMO would yield a concentration of exactly 10% (i.e. 2 out of 20 properties), which would not breach the threshold outside the HMO Management Area.
- 3.2.19 The two tier approach set out above in respect of different threshold levels is specifically intended to

impose a restrictive regime for any further concentration or intensification of HMOs within the defined HMO Management Area to the existing general limit of 25% HMOs that has become established. This approach will serve to restrict HMO growth within the areas where there are already existing high concentrations of HMOs, such as parts of Brynmill and Uplands. There may be small pockets within these areas where further HMOs will not breach the threshold when applying the radius approach, but these opportunities are likely to be limited. This containment approach is based on evidence available, which indicates that significant further HMO growth is likely to exacerbate amenity impacts in these areas and any negative effects on community cohesion. This approach also recognises that these areas already have an established mixed character, in comparison to other residential areas of Swansea, with an existing average concentration of around 25% HMOs.

- 3.2.20 LDP Policy H 9 states that HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh any concerns regarding harmful concentration or intensification. Examples of exceptional circumstances or overriding *material considerations* are provided in Section 3.7 of this SPG.

3.3 Small Streets Test

Defining Small Streets

- 3.3.1 In certain parts of Swansea there are street layouts where applying just the radius test in order to ascertain HMO concentration could fail to adequately safeguard against unacceptable intensifications of HMO uses. Specifically, this can occur in instances of 'small streets' that fall within the defined 50m radius, where there is potential for a disproportionate concentration of HMOs to sometimes arise. This can occur where there are few or no HMOs on other streets within a drawn radius, and the incidence of HMOs are concentrated within a single small street. In this scenario a proposal may comply with the radius threshold test but would still be considered to create a harmful concentration of HMOs in the small street.
- 3.3.2 LDP policy H 9 states that, **in the case of small streets, if the radius threshold is not exceeded by the proposed HMO, consideration should nonetheless be given as to whether the proposal would create a disproportionate concentration in that small street. The small streets test only needs to be applied if the proposal passes the radius test.**
- 3.3.3 A 'small street' is one that has between 11 and 34 properties inclusive. Streets of 35 properties or more are not defined as small streets. This upper limit is

based on the street sizes and configurations that are characteristic of various residential communities in Swansea, including the Sandfields and St Thomas areas, where a grid street pattern prevails.

- 3.3.4 Under this definition, in certain instances ‘small streets’ are created where they are created by being intersected by other streets. In such instances they become subsections of a longer street, even though they have the same street name.
- 3.3.5 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be implemented, which includes an example of a scenario where a long street is sub-divided by intersecting streets forming a ‘small street’.
- 3.3.6 For the avoidance of doubt, for the purpose of LDP Policy H 9 and this SPG, the intersection of a longer street to become a small street occurs where both sides of the street with the same name are dissected by another street, resulting in between 11 and 34 properties on the dissected street. Appendix 2 provides a number of examples of scenarios that would, and would not, be classed as small streets.

Defining a Disproportionate Concentration

- 3.3.7 Defining the concentration of HMOs in a small street will be examined using the same data sources as set out for the radius test (see Section 3.2 of this SPG).

- 3.3.8 The consideration of whether or not a disproportionate concentration would arise **involves a judgement to be made having regard to both the number of properties on a street (both HMOs and non-HMOs) and also the relative location of such properties.**

The LDP at paragraph 2.5.94 provides a general guide that applications for HMOs that breach (i.e. are less than) a 1:8 ratio within small streets will normally be resisted. This ratio guide will be used as the starting point to judge whether a disproportionate concentration would arise. It is recognised however that there could feasibly be a scenario where a ratio less than 1:8 could not reasonably be judged to give rise to any significant degree of concentration, having regard for example to the relative location of HMOs and the size of the street. As such, a sensible and pragmatic approach will be taken to determine whether the specific ratio that would arise is considered appropriate having regard to all *material considerations*.

- 3.3.9 A further analysis of the range of potential exceptional circumstances or overriding *material considerations* that could demonstrably outweigh concentration concerns are provided in Section 3.7.
- 3.3.10 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be implemented. These examples include an illustrated case where the proposal would lead to an unacceptable disproportionate over-concentration of

HMOs in the small street. An example is also provided of a scenario where although the 1 in 8 ratio is exceeded in the small street, the street is quite long, there are only properties on one side of the majority of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application, and so the proposal would be less likely to result in a harmful HMO concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

Streets of Fewer than 11 Properties

- 3.3.11 Where streets are even smaller than the above definition of 'small streets' (i.e. they comprise of fewer than 11 properties), the following caps to the number of HMOs permissible will be strictly applied as a measure of disproportionate concentration of HMOs in that street (as described in the LDP para 2.5.95):
- Within the HMO Management Area, a maximum of two HMO property will be permitted within streets of fewer than 11 properties.
 - Outside the HMO Management Area, a maximum of one HMO properties will be permitted within streets of fewer than 11 properties.
- 3.3.12 Whilst the numbers of HMOs on streets of fewer than 11 will be capped at these levels, it will not always follow that a HMO proposal that does not exceed the capped number will always be permitted. The decision

maker must always consider all other *material considerations* that apply, such as potential 'sandwiching' of properties between HMOs, which could be a deciding factor in deciding whether a proposal is considered acceptable.

3.4 Non-sandwiching Test

- 3.4.1 LDP Policy H 9 (criterion iii) seeks to preclude an existing C3 dwelling from being 'sandwiched' between adjoining HMO properties in order to avoid potential negative amenity impacts upon a residential property that can arise from having HMO properties as neighbours on both sides. This can include instances of increased likelihood of disturbance and exacerbated wider impacts such as waste management issues.
- 3.4.2 Planning applications for HMOs that would result in a C3 dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage will be refused, unless there are exceptional *material considerations* that demonstrably outweigh the identified concerns. Examples of exceptional circumstances or overriding *material considerations* are provided in Section 3.7.
- 3.4.3 Consistent with the principle of preventing sandwiching to safeguard amenity, proposals for non-HMO properties that are already 'sandwiched' between two existing HMOs to become HMOs may be

considered favourably, even where this would lead to the threshold in the area being exceeded. Such a scenario is an example of an exceptional circumstance that can justify a HMO threshold being exceeded (as described in Section 3.7 of this SPG).

- 3.4.4 LDP policy H 9 (para 2.5.101) clarifies that 'sandwiching' will only be deemed to occur where the properties share the same street frontage. This will include where adjacent properties on the same street frontage are separated by a pedestrian alleyway, since in such cases there is still not sufficient separation between the properties.
- 3.4.5 Sandwiching will not be deemed to occur however where the properties are separated by an intersecting classified road, or where properties have a back to back relationship on different streets.
- 3.4.6 Set out in Appendix 2 are a number of worked examples to demonstrate when sandwiching will be deemed to have occurred or not.

3.5 Property Suitability for HMO Use

Overview

- 3.5.1 LDP Policy H 9 makes clear that the property being proposed for use as an HMO needs to be suited for such a HMO in terms of its size, layout and ability to safeguard the amenity of residents affected.

Specifically, proposals must demonstrate that the property is suitable for occupation as a HMO by the specific number of occupiers stipulated in the application.

- 3.5.2 To be considered suitable for HMO use, the property should provide satisfactory private amenity space and appropriate room sizes. Further guidance on what will be expected to be provided, is set out below. Sufficient details, including scale plans should be submitted with the planning application to demonstrate that satisfactory provision will be made. Scale plans should include existing and proposed site plan, block plan and floor plans.
- 3.5.3 LDP Policy H 9 also requires HMOs to have no unacceptable adverse impacts caused by noise or general disturbance.
- 3.5.4 A wide range of issues that fall under the banner of 'property suitability' are described under the sub headings that follow.

Room Sizes

- 3.5.5 LDP Policy H 9 is clear that HMO properties will need to have appropriate room sizes to be considered acceptable. It states (LDP para 2.5.102) proposals that would give rise to cramped living conditions for future occupiers will be resisted.

3.5.6 LDP Policy PS 2 'Placemaking and Place Management' similarly states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. The supporting text to Policy PS2 states that internal floor dimensions of living spaces are considered an important element of maintaining appropriate amenity standards and providing for healthy and attractive environments. This applies to both new buildings and conversions. For example, the conversion of existing buildings for residential use must not result in an over-intensive use of that building, such as giving rise to cramped living conditions and/or rooms with insufficient windows.

3.5.7 In order to provide clarity to developers on what the Authority considers to be appropriate room size standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy⁷ regarding minimum floor areas for bedrooms and kitchens in licensed HMOs regardless of whether the property is located within the *Additional* or *Mandatory Licensing Area* and whether the property requires a Licence under the Housing Act. These standards are set out below:

- Single bedroom - 6.5 m²
- Double bedroom – 10.2 m²
- Kitchen (used by 1-5 persons) – minimum 7 m²
- Kitchen (used by 6-10 persons) – minimum 10.5 m²

3.5.8 These are the minimum room sizes that are accepted for the purpose of licensing. They offer an appropriate and consistent benchmark for the determination of planning applications and represent the minimum room sizes that will be expected.

3.5.9 When considering whether room sizes are appropriate, account should be taken of what is the habitable floor space, including consideration of ceiling heights and headroom.

Communal Lounge

3.5.10 In planning terms, a lounge area for occupiers to congregate is considered an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions. The lack of any communal lounge can lead to occupants being reliant entirely on a bedroom for relaxation and

⁷ HMO Amenity Standards – A Guide for Landlords of Bedsits, Shared Housing, and Other Housing in Multiple Occupation. Appendix A HMO Licensing Policy 2016. City & County of Swansea. January 2016.

leisure time, which is not conducive to the objective of promoting good health and wellbeing.

- 3.5.11 The size of the lounge provision must be appropriate for the number of occupants proposed within the HMO, and should be capable of accommodating sufficient areas for seating and socialising, and must not give rise to cramped living conditions.

Securing Satisfactory Living Conditions

- 3.5.12 When granting planning permission, the Council may apply a planning condition that requires the HMO use of the property to be limited to a maximum number of persons having regard to the appropriate number of bedrooms, and that no more occupants shall be at any one time occupying the property, in accordance with the internal layout indicated on the approved floor plans. This approach can help to prevent an increase in the numbers of occupiers of a property without scrutiny of a planning application, and thereby safeguard against detrimental amenity impacts associated with cramped living conditions and reduced shared spaces.
- 3.5.13 Additional occupiers of a dwelling (in excess of the number specified on a planning application as the total to share a HMO) would likely result in the need for extra bedrooms within the property. This could only be achieved by amending the layout of the

approved HMO by means of either creating smaller bedrooms through sub-division or removing the shared living room. This could result in bedrooms that are cramped and/or without windows, and can result in a lack of communal space, all of which would be unacceptable to both amenity and the future well-being of the occupiers. Whilst planning conditions are not typically used to control internal spaces, the LPA will consider the need for any such planning conditions in the case of HMO proposals, if it is considered they are necessary to secure satisfactory future living conditions having regard to the nature of the property and the potential impact upon neighbouring occupiers should such alterations be likely to lead to further intensification of the use.

- 3.5.14 The Council may also grant planning permission subject to a condition that removes permitted development rights to extend the property without the benefit of planning permission. The LPA will consider the need for such a planning condition having regard to whether the specific nature of the dwelling, and its relationship with adjoining properties, gives rise to particular concerns that future permitted development extensions could lead to unacceptable intensification.

Satisfactory Outdoor Private Amenity Space

- 3.5.15 Occupants should have access to usable, private outdoor amenity space, which includes 'functional'

areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions. The range of functions that such spaces provide include children's play areas, gardening areas, a place for drying clothes, and areas for sitting out and relaxing in a private setting.

- 3.5.16 The requirement to provide outdoor private amenity space can be met through the provision of a communal area (such as a rear garden or roof terrace), so long as it is of sufficient size and layout to provide for every occupant of the property that it serves. It can also include a private balcony, or a combination of these.
- 3.5.17 Areas to the front of a building visible to the public highway will not be considered to fulfil the requirement for satisfactory outdoor private amenity space.
- 3.5.18 Access for occupants of the property to the outdoor private amenity space must be from a communal part of the dwelling, and not from a private bedroom (except in the case of private balconies). The amenity space should not result in inappropriate overlooking of bedroom windows within the HMO or result in significant adverse impacts on the amenity of neighbours.
- 3.5.19 Where part of a non-residential building being converted into a HMO remains in use for commercial purposes, or where there are adjoining commercial

premises, it must be possible to provide outdoor space without adversely impacting upon the servicing and security of neighbouring business properties, as well as safeguarding the amenity of the occupants of the residential property.

- 3.5.20 Extensions to existing HMOs to increase accommodation must not unacceptably compromise the ability of existing areas of outdoor private amenity space to provide satisfactory levels of amenity space for residents.

Noise, General Disturbance and Privacy

- 3.5.21 LDP Policy H 9 requires that HMO proposals do not give rise to unacceptable adverse impacts as a result of noise or general disturbance. It states (LDP para 2.5.98) that consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this matter is primarily the preserve of Building Regulations, the LPA may deem it necessary to attach planning conditions to require the installation of sound insulation to properties that are proposed for HMO use, such as soft closing fire doors and/or soundproofing measures.
- 3.5.22 Policy PS 2 states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All

proposals should ensure that no significant adverse impacts would be caused to people's amenity. The supporting text (para 2.2.11) states that poor design not only detracts from the character and appearance of an area, but can harm neighbours' quality of life. Potential impacts on people's amenity will be assessed by considering elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements.

- 3.5.23 HMOs are likely to be used by people less connected to each other than a dwelling house. This can result in a greater number of movements and disturbance to those living within, and nearby a HMO.
- 3.5.24 Rooms should be arranged and designed in a manner that minimises the potential for noise and general disturbance.
- 3.5.25 Conversion schemes should reduce the transmission of sound (e.g. from music and televisions) between floors, ceilings and adjoining rooms or properties by means of acoustic insulation. Where such measures are considered necessary to make the proposed change of use to a HMO acceptable, the Council may use planning conditions to require that insulation be installed in the interests of providing and safeguarding reasonable living standards.
- 3.5.26 HMOs that are above other premises such as shops or offices should have their own separate access to the street frontage, and not share an entrance, to

avoid conflict with the commercial properties on the lower floor(s).

- 3.5.27 Rear or side access will only be acceptable as the primary access if it is well lit and already extensively used for this purpose. External staircases at the back of the property, for example from a back alley, will not be acceptable as the main access as they result in a loss of privacy for neighbouring properties.
- 3.5.28 LDP supporting text 2.5.98 sets out that the principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.
- 3.5.29 All habitable rooms will be required to have windows as a means of outlook, light and ventilation. As an example, a living room or bedroom reliant on roof lights or having an immediate outlook at a high wall is likely to result in a sense of enclosure and is not acceptable. Lounges, kitchens and bedrooms should have sufficient outlook without compromising the privacy of occupants' bedrooms or neighbouring properties. It will not be acceptable to obscure glaze a habitable room in order to avoid overlooking issues.
- 3.5.30 In cases where it may be appropriate to split larger rooms into smaller rooms, it is not appropriate in terms of design for bedrooms to share an existing window.

Refuse Storage

- 3.5.31 LDP Policy H 9 requires HMOs to have dedicated areas for refuse storage. It states (para. 2.5.81) that 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. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. 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. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local street scene will not be permitted.
- 3.5.32 Where refuse storage is not practical at the rear of the property, the applicant should provide justification and demonstrate that all refuse storage areas visible from the public realm will be well integrated into the street scene.
- 3.5.33 It will be expected that the dedicated refuse storage area is a covered facility capable of storing the number of bins required for the number of occupants applied for, based on an assessment of refuse emerging.
- 3.5.34 External refuse storage areas must not have an adverse impact on the availability of outdoor private amenity space.
- 3.5.35 For the avoidance of doubt, sufficient information should be submitted to accompany the planning application in order that the LPA is able to determine the design, siting and capacity of the proposed refuse storage arrangements. The LPA will consult where necessary with the Council's Waste Management Service and Housing and Public Health Service to ascertain whether the refuse storage arrangements, including the size of the storage area, are considered sufficient for the size of the property.
- 3.5.36 The Council is likely to impose a planning condition that the approved details should be implemented prior to the beneficial use of the development and thereafter be retained in perpetuity and not used for any other purpose.
- 3.5.37 Planning applications that cannot demonstrate suitable dedicated areas for refuse storage will not be permitted.

3.6 Vehicle Parking and Bicycle Storage

3.6.1 LDP policies T 2 and T 6 require the provision of appropriate vehicle and cycle parking. A requirement for development to create and enhance opportunities for *Active Travel* is set out under Policy PS 2: Placemaking and Place Management.

3.6.2 The Council has adopted SPG relating to Parking Standards, which is also material to decisions on HMO planning applications. Having regard to the SPG, the LPA will adopt a two tier approach for parking requirements for HMOs:

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 (Unique Use Class):

a. If the proposal is for a conversion to an Unique Use HMO, 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 large 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.

3.6.3 Evidence regarding the particular parking and highway safety 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.

3.6.4 Applications that propose a level of parking less than the standard requirements, will need to justify such proposals having regard to the Sustainability Matrix set out in the Council’s SPG for Parking Standards.

3.6.5 Where there is evidence that there is a parking issue in the area, the LPA may seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.

3.6.6 Covered and 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.

- 3.6.7 Cycle parking and storage provision should be integrated into the design of a HMO from the outset. Cycle storage in habitable rooms and internal communal or circulation areas is not an acceptable solution. To encourage this sustainable mode of travel, and safeguard the visual amenity of the locality and the residential amenity of future occupiers, cycle storage should be provided in a secure, dedicated undercover cycle storage area which is able to accommodate the maximum number of cycles required. Where rear access arrangements allow, cycle storage should be provided to the rear of properties, rather than in front gardens. All cycle storage areas visible from the public realm should be well integrated into the street scene and visually unobtrusive. Further information is provided in 'Places to Live: Residential Design Guide SPG' (Adopted January 2014).
- 3.6.8 Sufficient information in order to determine the design, siting and capacity of the cycle storage proposed should be submitted with the planning application. The Council is likely to impose a planning condition that the approved details should be implemented prior to the beneficial use of the development and thereafter be retained in perpetuity and not used for any other purpose.

3.7 Exceptional Circumstances and Material Considerations

- 3.7.1 Policy H 9 highlights that there may be certain instances when specific *material considerations* and/or exceptional circumstances demonstrably outweigh the outcome of the concentration 'tests' in the planning balance. 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.
- 3.7.2 In some instances a **HMO proposal may be considered by the LPA to be unacceptable development at variance with Policy H 9 (or other relevant LDP policy), even though it 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.
- 3.7.3 *Material considerations* refer to matters that should 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 guidance. It is not possible to produce an exhaustive list of every possible *material consideration* that could affect the outcome of a decision. *Material considerations* are varied and the relevance of the issue will depend on the individual circumstances of each application. By way of examples however they include matters 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.

3.7.4 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
- Loss of property value
- The identity/characteristics of potential future occupiers of a HMO property.

3.7.5 HMO properties can sometimes generate 'To Let' advertising boards, which collectively can detract from

the appearance of the streetscene. The potential for a proposed HMO to give rise to a To Let board is not in itself a material consideration in determining the planning merits of the proposal. The control of the display of 'To Let' boards is, however, covered by national regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) and the Council has a voluntary code for advertisers regarding such signage.

3.7.6 Whilst the LPA will normally seek to resist HMO proposals that would breach the harmful concentration and intensification thresholds, the LPA will consider on a case by case basis whether exceptional circumstances apply. This includes instances of HMO proposals within areas already subject to 'very high' existing concentrations of HMOs. The LPA will carefully consider whether any specific supporting evidence and information submitted to accompany the planning application sufficiently demonstrates that exceptional circumstances justify a departure from the threshold test. This approach recognises that, for example, there can be specific 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.

3.7.7 In this context, where there is a very high concentration of HMOs (well in excess of the threshold), proposals that would introduce further HMOs must be accompanied by a comprehensive assessment that must consider all of the following criteria, in order to enable the Council to fully assess whether there are exceptional circumstances that justify a departure from the threshold test.

3.7.8 The assessment to justify why a departure from the threshold tests is necessary should include:

a) 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. It will need to be evidenced that the marketing has been undertaken through recognised estate/lettings agents. Evidence of the advertising particulars, including the asking price, and proof of the marketing dates should be provided along with information on the numbers of viewings and offers received regarding the property. The Council will test the appropriateness of the asking price compared to other similar properties in the area.

b) Reasons why, and evidence to justify, that the property is unviable for C3 use (e.g. financial viability of any renovations needed). This information should be submitted with the planning application including evidence of quotes received for required renovation works

c) Any particular characteristics of the property (e.g. its large scale or specific layout) which make it suited to HMO use and unsuitable for other uses such as C3. This information should be submitted with the planning application and may relate to the evidence regarding the level of interest received when marketing the property.

d) Any other evidence considered by the applicant to justify why a HMO use is more appropriate than a C3 residential use. This could include for example, that the property is located in a mixed use area in close proximity to commercial uses already subject to noise disturbance.

3.7.9 Another potential exceptional circumstance includes HMO proposals relating to properties in C3 residential use that are already 'sandwiched' between two HMOs. Exceeding the threshold in the area may be considered permissible in such circumstances, if the applicant is experiencing adverse amenity impacts from such a scenario. Such circumstances can reasonably be considered the 'flipside' of the objective of Policy H9 to avoid sandwiching. That is, given the

purpose of this element of the policy is to safeguard the amenity of C3 property occupants by precluding new HMOs that would lead to sandwiching, it follows that planning decisions should also consider the amenity concerns of occupants that are already sandwiched.

- 3.7.10 It is imperative that sufficient information is submitted as part of any planning application for the LPA to be in a position to fully consider whether, on balance, a proposal for an additional HMO is acceptable even though the proposal would self-evidently further breach the threshold. In such cases the proposal must otherwise accord with Policy H 9 and other LDP policy.



4. Guidance on PBSA Development

4.1. Definitions

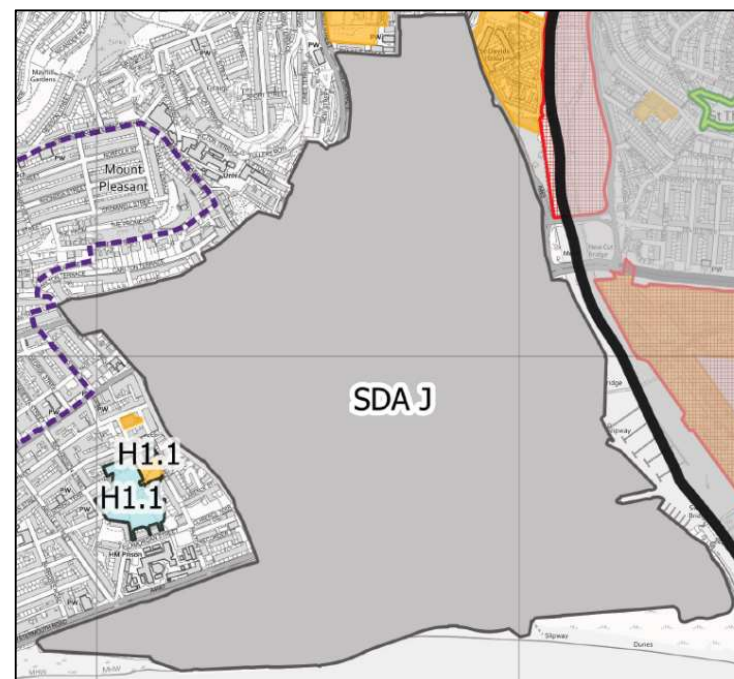
- 4.1.1 For the purposes of LDP Policy H11 and this SPG, a proposal will be considered to fall under the definition of a PBSA if the accommodation is designed for students at higher or further education institutions, and provides rooms arranged in the form of dormitories or clusters with shared kitchen and potentially other living spaces/amenities. This could include a communal lounge/common room, bathroom, laundry room, and/or other facilities. PBSA schemes can comprise new build development or the conversion of existing premises, such as office space.
- 4.1.2 Whilst there is no specific size at which a development falls to be considered a PBSA, these developments will be larger than HMOs and would not therefore contain fewer than 10 individual bedrooms. PBSA proposals are capable of providing accommodation into the many hundreds of units, and in many instances are large scale, dense developments.

4.2 Assessing the Availability and Suitability of Potential Sites

- 4.2.1 LDP Policy H 11 emphasises that proposals for PBSA should normally be located within the *Swansea*

Central Area or within a Higher Education campus. The extent of the *Swansea Central Area* is defined on the LDP Proposals Map and also illustrated in Figure 4 below.

Figure 4: SD J – Swansea Central Area



- 4.2.2 *Swansea Central Area* has good access to services, facilities and public transport to the University buildings, and PBSA development in this area accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability. The

Council wishes to avoid development of student accommodation that is unsustainable (including in terms of access to services, facilities and public transport) or to the detriment of the regeneration aims for the *Central Area*.

- 4.2.3 Applicants proposing PBSA must in the first instance assess the availability and suitability of potential sites and premises in the *Central Area*, unless the proposed site is within a Higher Education Campus and in accordance with the exception criteria (i), (ii) and (iii). To assess the availability of potential sites and premises within the *Central Area*, the assessment should include information on site availability and suitability. Under each of these two themes are set out guidance on what information will be necessary to demonstrate a robust assessment has been undertaken into site/premises availability.

Site Availability

- 4.2.4 Site Ownership and Land Assembly:
- What is the land ownership / land assembly arrangement of the site/premises and why would this have the potential to constrain the future development of the site?
 - Is the site/premises within single or multiple ownership?

- Are there any ransom strips, covenants and/or public rights of way which would restrict its availability?

4.2.5 Marketing:

- Is the site or premises vacant?
- Is the site or premises being advertised for sale on the open market?
- Are there any known marketing issues that would constrain the future development of the site in terms of its availability to purchase?

- 4.2.6 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.

Site Suitability

- 4.2.7 To assess the suitability of potential sites and premises within the *Central Area*, the assessment must include adequately detailed information on the following five themes. Under each theme are set out some of the considerations which should be drawn upon to demonstrate a robust assessment has been undertaken into the suitability of sites/premises for PBSA.

1. Site size and capacity:

- Is the site or premises a sufficient size to accommodate the proposed development?

2. Policy merits / constraints:

- What site-specific policies contained within the LDP are relevant to the site or premises and do these make it unsuitable for PBSA development?
- What is the current use and condition of the potential site or premises?
- 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:

- 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.
- Is the site or premises subject to an extant planning permission for another form of development? If so, what is the likelihood/timescale of permission being implemented?
- Does the planning history/status represent a potential constraint to the future development of the site or premises?

4. Accessibility:

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

5. Any other constraints:

- Are there any other constraints that would restrict the future development of the site or premises e.g. drainage capacity, or land contamination?

4.2.8 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.

4.3 Design and Amenity

4.3.1 In accordance with the requirements of LDP Policy PS 2 Placemaking and Place Management, all new PBSA development should be designed so it responds to its local context and should seek to improve overall standard of the built environment.

4.3.2 PBSA proposals, by their nature, are usually high-density developments. The LPA supports the principle of high density living and energy efficient design

provided it is carefully designed and would suitably integrate with surrounding areas. 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, depending on the location of the site and surrounding characteristics. Proposals for new development should have regard to the desirability of preserving the setting of any *listed building*, as the setting of such structures are often a key part of its character.

- 4.3.3 Although provision of PBSA will be encouraged within the *Central Area*, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses. 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. This is particularly relevant for a tall building proposal. Proposed buildings should be designed to maximise the living conditions of its inhabitants. All habitable rooms should benefit from natural light, a means of outlook, ventilation, and a level of privacy. The Council may apply a condition to restrict occupation of the development to students to ensure that planning permission would be required if it was proposed that

the accommodation would become a C3 residential use. PBSA developments are typically not considered to provide appropriate accommodation or facilities for 'open market' residential use. Works would likely be required to change the size, layouts and configuration of the residential units within a PBSA building for such an alternative use to be considered. A residential C3 use of a PBSA building is also likely to generate additional parking requirements, which may not be capable of being provided. The need for applying such a condition will be considered on a case by case basis.

- 4.3.4 Landscaping plays an important part in helping to integrate new development into the 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.
- 4.3.5 PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting in-line with LDP Policy SI 8. 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 SPG relating to 'Planning for Community Safety' 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.

- 4.3.6 Proposals for tall PBSA developments 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 guidance identifies zones within the *Central Area* 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 guidance also sets out guidelines for the design of such tall buildings. 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.

4.4 Refuse and Recycling Storage

- 4.4.1 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-line with LDP Policy RP 10: Sustainable Waste Management for New Development.

- 4.4.2 The following information should be provided as part of the planning application, to demonstrate how waste will be managed:

- Scale plans demonstrating an adequate footprint for the internal and external on-site waste, recycling, composting, separation and storage facilities; and
- 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.

4.5 Car and Bicycle Parking

Parking Standards – Cars

- 4.5.1 Parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council's SPG relating to Parking Standards. These parking standards will be material to decisions on individual planning applications. The current maximum standards for PBSA are as follows:

Figure 5: Current Maximum Parking Standards for PBSA

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

- 4.5.2 Notes 1-8 of the current SPG Parking Standards will still be applied.
- 4.5.3 The guidance figures given are maximum standards and flexibility can be justified in appropriate circumstances in accordance with the sustainability matrix (as set out in Appendix 5 of the Car Parking Standards SPG). Furthermore, the supporting text to LDP Policy T 6 (para 2.12.35) states that a degree of flexibility in the operation of existing guidelines may be appropriate where *Swansea Central Area* developments have been vacant for long periods of time and a relaxation of the parking requirements would contribute to the wider regeneration strategy for the City Centre.
- 4.5.4 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.

- 4.5.5 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.
- 4.5.6 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.

Parking Standards - Bicycles

- 4.5.7 In terms of bicycle parking the following standards will be required for PBSA as set out in the Parking Standards SPG.

Figure 6: 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

- 4.5.8 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 detail on motorcycle parking is outlined in the Parking Standards SPG, which states the amount of motorcycle parking provision should be based on 5% of total car parking provision.

4.6 Management Plan

- 4.6.1 A management plan will be required to be submitted as part of any PBSA planning application detailing how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. The management plan will need to include information on how the development is intended to be managed to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents.
- 4.6.2 The management plan should, at a minimum, include the following:

1. Information on the general maintenance and management of the site, including external amenity / landscape space
2. The arrangements in place in terms of servicing – deliveries and waste/recycling storage and collection
3. 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
4. Details on the management of traffic particularly at the beginning and end of term
5. 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
6. 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.
7. Details of the tenancy agreement

Appendices

Appendix 1a - LDP Policy H9

H 9: Houses in Multiple Occupation

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- i. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;
- ii. Outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;
- iii. The development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;
- iv. The property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and
- v. There would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.

HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

2.5.68 It is likely that there will continue to be a need for new *Houses in Multiple Occupation (HMOs)* over the lifetime of the Plan to meet both an occupier demand and a societal need, including need arising from the effects of welfare reforms and the increase in student numbers associated with Swansea's expanding universities. It is important however that future HMO provision is managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance.

2.5.69 The policy defines specific thresholds, above which further concentrations of HMOs will normally be deemed a harmful concentration. The thresholds have been identified based on an understanding of current HMO concentrations, likely future demand, current HMO supply, and other available evidence including the findings of national research undertaken by the Welsh Government.³²

2.5.70 The policy sets out a two tier approach to defining thresholds beyond which further HMO uses will be considered to have a harmful effect. This approach is reflective of the established uneven concentrations of HMOs across Swansea and the particular demand within certain urban areas that have key facilities. Within the HMO Management Area, as defined on the Proposals Map, there are existing community sustainability and cohesion issues that have resulted from concentrations of HMOs. The Management Area incorporates part, but not all, of Uplands and Castle wards where there are significant existing concentrations of licensed HMOs. The 25% maximum HMO threshold to be applied is broadly comparable with the average concentration of HMOs across the Management Area, however there are some pockets of much higher concentrations such as parts of Brynmill closest to the Swansea University Singleton Campus.

³² Welsh Government 2015. Houses in Multiple Occupation Evidence Gathering. Report of Findings.

Applying the 25% threshold in the HMO Management Area will therefore serve to significantly restrict opportunities for additional HMOs within existing areas of high concentration, where further intensification of HMOs is not favoured. This approach strikes an appropriate balance between recognising the established character of different streets and areas, whilst also supporting sustainable communities.

2.5.71 The Management Area approach will effectively encourage future HMO provision to be more dispersed to areas outside existing concentrations in a suitably managed way. Outside the defined HMO Management Area, a threshold of 10% of all residential properties being HMOs will be used as the maximum limit. The proportions of HMOs in most of these areas are substantially less than 10% and as such the threshold will allow for an appropriate small level of growth in such accommodation. National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse 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, towards a demographic that is noticeably more mixed in terms of shared and family households. This is an evidence based approach that provides a robust rationale for applying a 10% threshold for all areas outside the HMO Management Area.

2.5.72 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 property that is subject to the HMO planning application. The radius will be measured from the centre-point of the proposed property's street frontage. All residential properties falling into Planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis, if the majority of its street facing entrance is contained within the radius.

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. In some areas, 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.



- 2.5.73 In order to understand the full extent of HMOs within the 50m radius, the LPA will draw upon all available records within the public domain to inform the calculation. In addition, the Council's public register of licensed HMOs will be used as the basis for the calculation for any proposals in the Uplands and Castle wards, since these areas are within a designated 'Additional Licensing Area' which requires all HMO properties to be officially licensed. In addition, when calculating the proportion of HMOs, the LPA will consider representations received as part of the consultation process on planning applications in order to establish the use of properties. The Council is reviewing the need for further Licensing Areas within other parts of the County under the provisions of the Housing Act, which if designated will provide a further register of HMOs to assess concentrations.
- 2.5.74 Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO by increasing the number of occupiers. In such instances however, the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, would not be assessed as numerically leading to further concentration of HMOs and the balance and mix of households in the local community. These types of planning application will be assessed on their individual merits on a case by case basis against the criteria in this policy and other policies in the Plan, including impact on the character of the area, residential amenity and parking.
- 2.5.75 The policy recognises that there are some street patterns and layouts that are characteristic of particular areas of Swansea, including areas of Sandfields and St Thomas, where applying the 50m radius test would not sufficiently protect against harmful concentration of HMOs. In particular this applies to 'small streets' where a relatively low number of HMOs concentrated within that street can have a disproportionate adverse impact. For the purpose of this policy, small streets are those that have between 11 and 34 properties inclusive. This includes small streets formed by the sub-division of larger streets from intersecting roads.

In the case of these small streets, the LPA will consider whether a HMO proposal will lead to an over concentration having regard to the number of HMOs that would be created on that particular small street, as well as considering compliance with the 50m radius threshold test. A ratio of more than 1 in 8 within a small street will normally be considered a disproportionate over concentration of HMOs.

- 2.5.76 In the case of streets of 10 or fewer properties, within the HMO Management Area a maximum of 2 HMO properties will be permitted within the street. In the case of streets of 10 or fewer properties outside the HMO Management Area, a maximum of 1 HMO property will be permitted within the street.
- 2.5.77 Further details on the implementation of the threshold approach, and the exceptional circumstances that may apply, will be set out in a document that provides SPG on HMO developments. This will provide worked examples of compliance and non-compliance with the policy.
- 2.5.78 During the lifetime of the Plan it is recognised that there may be specific material considerations and/or exceptional circumstances that apply to a particular proposal, which could demonstrably outweigh the outcome of the 50m radius 'threshold test' as the overriding factor(s) in deciding whether a HMO proposal is appropriate. Given this, whether a proposal is found to comply or not with the 50m radius threshold test will not in every circumstance be the final determining factor as to whether planning permission for a HMO is approved or refused. In such exceptional circumstances, the applicant must submit supporting evidence and information to sufficiently demonstrate that the specific circumstances justify a departure from the threshold test. An exceptional circumstance may arise in the case of a HMO proposal within a street that has a very high existing HMO concentration, for a property that is shown through evidence to be significantly less attractive for a non-shared use. It is appropriate to apply a degree of flexibility in such circumstances, in order to respect the fact that certain C3 residential properties can be inherently more suited to a HMO use.

This is particularly so in the case of certain larger dwellings or properties that have multiple kitchens and bathrooms that will require significant works to be remodelled to provide a family house. 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. In such instances, HMO proposals must be accompanied by a comprehensive assessment that will need to adequately justify a departure from the threshold test, including:

- a. 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.
- b. Reasons why, and evidence to justify, 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).
- c. 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.
- d. Any other evidence considered relevant by the applicant to justify why a HMO use is more appropriate than a C3 residential use.

2.5.79 Due to the nature of higher density living in HMOs, in some instances this can lead to noise and general disturbance issues. In order to avoid unacceptable adverse impacts arising from such issues, consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. 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, such as soft closing fire doors and/or soundproofing measures. The principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.

2.5.80 In-line with the City & County of Swansea Parking Standards, lower levels of off-street car parking may be permitted for HMO proposals in the Swansea Central Area, particularly where there is good public transport accessibility and where the use of the private car is to be discouraged. Secure cycle parking should be provided on the basis of 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. Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required. Where rear access arrangements allow, cycles should be stored to the rear of properties, rather than in front gardens. The Council's Parking Standards SPG contains further information on this standard.

2.5.81 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. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. 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. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local streetscene will not be permitted.

2.5.82 The policy resists proposals to create a new HMO use adjoining a C3 residential property where that property already adjoins a HMO property on its other side, in order to prevent 'sandwiching' of a C3 use between HMOs. This approach will only apply where the properties share the same street frontage i.e. it would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets.

Chapter 2 Policies and Proposals

The approach aims to prevent the potential for negative amenity impacts upon residents as a result of C3 dwellings being isolated between two HMOs, including the potential for increased levels of disturbance associated with multiple households within a property, and the negative effects of transient households on both sides. The majority of HMOs in the Uplands area are, for example, occupied by students and as such it is often the case that such properties are vacated during summer months. This approach will also serve to prevent clustering of HMOs and avoid over concentrations at a very localised level.

- 2.5.83 Not all proposals that comply with the 50m radius threshold test will be considered suitable for change of use to a HMO, and applications will be considered against all policy criteria. For example the policy requires that properties must be of a sufficient size to permit the creation of individual dwelling units with satisfactory private amenity space and appropriate room sizes. Proposals that would give rise to cramped living conditions for future occupiers will be resisted. All bedrooms and shared living spaces within the property will be required to have windows that provide sufficient light and outlook. In order to provide clarity to developers on what the Authority considers to be appropriate standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy, regardless of whether the property is located within or outside the HMO Management Area. Proposals must not give rise to a Category 1 hazard under Part 1 of the Housing Act 2004 using the Housing Health and Safety Rating System or conflict with the requirements of Part X of the Housing Act 1985. Further details of amenity standards, including minimum room sizes, will be set out in a document that provides SPG on HMO developments.

Appendix 1b - LDP Policy H11

H 11: Purpose Built Student Accommodation

Proposals for purpose built student 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.

2.5.88 Higher Education makes an important contribution to the local economy with in the region of 16,500 full time students³³ living in the area. Many live in former family homes converted to HMOs and as a consequence parts of the County experience significant community cohesion issues resulting from harmful concentrations of such dwellings.

³³ Higher Education Statistics Agency (HESA) Student Record and LLWR (Lifelong Learning Wales Record), published by HESA / Welsh Government, 2015



It is preferable that student needs are met as far as possible by modern purpose built and managed schemes with the space and facilities more suited to students' needs in appropriate Swansea Central Area locations where there is good access to services, facilities and public transport to the University buildings. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability. It may also lead to a reduction in HMOs and promote the reinstatement of dwellings to family use.

2.5.89 The Swansea Central Area boundary is defined in Policy RC 1. The Council wishes to avoid development of student accommodation that is unsustainable (including in terms of access to services, facilities and public transport) or to the detriment of the regeneration aims for the Central Area. Therefore proposals for student accommodation will not be supported outside of the Swansea Central Area unless the exception criteria are met. Although provision of such purpose built student accommodation will be encouraged within the Central Area, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses.

2.5.90 There is a development opportunity to expand the Swansea University Bay Campus to the west of the existing Bay Campus site currently located within the boundary of NPT. Development proposals for education facilities to support the continued growth of the University will be supported at this location. Proposals for student accommodation will only be permitted within the expansion area where the total quantum of bedrooms does not exceed the number approved by the outline planning permission for the Bay Campus scheme, consented by NPT. This approach is enshrined within the cross boundary masterplan produced by the Swansea and NPT Councils. Any such proposals for student accommodation within the expansion area must be supported by evidence that the quantum of unbuilt student accommodation on the existing Bay Campus has been, or will be, reduced by the corresponding number of units.

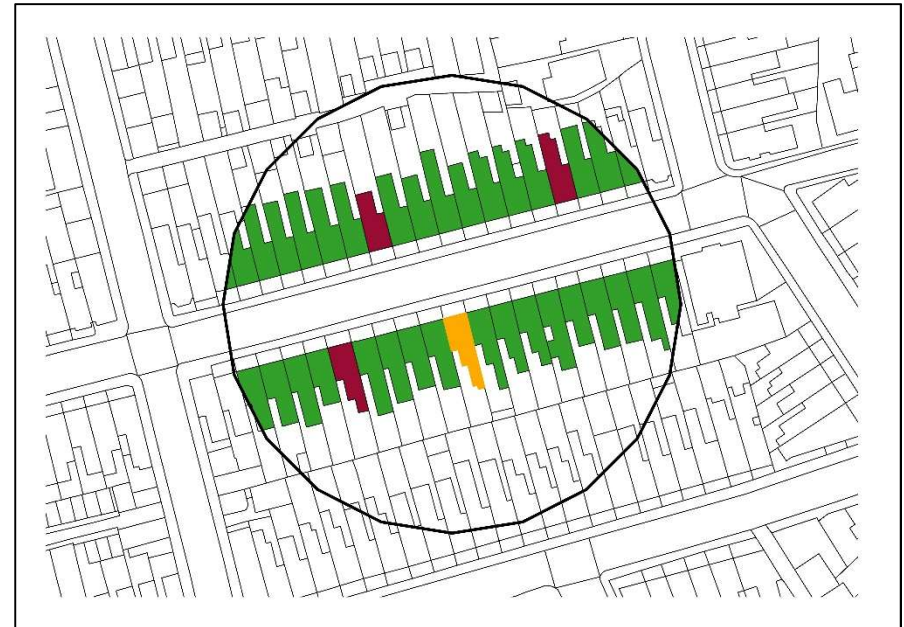
2.5.91 The Council may apply a condition to restrict occupation of the development to students. Where proposals are to convert an existing property (such as above shop development), applicants should also refer to Policy H 9 Houses in Multiple Occupation and Policy PS 2 Placemaking and Place Management.

Appendix 2 – Worked Examples

Worked Example 1 – Radius Test

- A.1 Example 1 below shows a simple example of a 50m radius calculation for a HMO proposal located outside of the HMO Management Area.
- A.2 The 50m radius has been drawn from the centre point of the street frontage of the proposed HMO property's *principal elevation* (shaded yellow). The radius cuts through residential properties and so only those properties where the majority (over 50%) of the width of the street facing, *principal elevation* of the property is within the radius, are counted. This has been applied in the example and the properties to be counted are shaded.
- A.3 34 residential units are identified from the *LLPG* as being within the 50m radius (shaded green). There are 3 properties with an existing lawful use as a HMO identified from the Licensing Database and public list of C4 Use Class planning consents (shaded maroon) along with the proposed HMO (yellow) located within the radius. Therefore, post implementation, HMOs would comprise 11.8% of all residential units within the 50m radius of the application property, and at this location outside of the HMO Management Area, the proposal would fail the radius test by exceeding the threshold, and be deemed to cause a harmful

concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.



© Crown copyright and database rights 2018 Ordnance Survey 100023509

Worked Example 2 – Radius Test

- A.4 In some parts 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 residential properties (LDP para 2.5.91) by selecting the nearest properties from the same side of the street as the proposed HMO.



© Crown copyright and database rights 2018 Ordnance Survey 100023509

- A.5 To clarify how this would work in practice, in the worked example above, due to the large size of the residential curtilages on this street, only 7 residential properties (shaded dark green) are captured by the 50m radius drawn from the proposed HMO property street frontage (shaded yellow). Therefore, to ensure 10 properties are included, 3 further residential properties are selected for the calculation (shaded light green), by selecting the nearest properties from the same side of the street as the proposed HMO.

Worked Example 3 – Radius Test

- A.6 Worked example 3 below illustrates that if the planning application property is located inside the HMO Management Area but the geographic area of the 50m radius extends into the 10% threshold area, the 25% threshold will be applied within the radius (as noted in the Policy supporting text (LDP para 2.5.91)).



© Crown copyright and database rights 2018 Ordnance Survey 100023509

- A.7 In Worked Example 3, 23 residential units are identified from the *LLPG* as being within the 50m radius (shaded green). There are 6 properties with an existing lawful use as a HMO identified from the Licensing Database and public list of C4 Use Class planning consents (shaded maroon) along with the proposed HMO (yellow) located within the radius. Therefore, post implementation, HMOs would comprise 30.4% of all residential units within the 50m

radius of the application property. At this location, the radius extends into the area outside of the HMO Management Area, but the 25% threshold would apply. The proposal would fail the radius test by exceeding the threshold, and be deemed to cause a harmful concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.

Worked Examples 4 – Small Streets Test (11-34 Properties)

- A.8 Worked Example 4 illustrates a scenario where a proposal on a small street has not exceeded the radius threshold test (shown in the first diagram below) since in addition to the proposed HMO, there is only 1 other existing lawful HMO in the radius out of a total of 28 residential properties. If the planning application was approved it would only yield a 7.1% concentration and would not exceed the 10% threshold that applies at this location outside of the HMO Management Area.



© Crown copyright and database rights 2018
Ordnance Survey 100023509

- A.9 In the other example shown below, this proposal is located on a small street of between 11 and 34 properties that has been created by intersecting roads. In this case there are 3 existing lawful HMOs and so the proposed HMO would result in 4 of the 28 residential properties in the small street becoming HMOs (a 1 in 7 ratio) which is in excess of the 1 in 8 ratio stated in the LDP for small streets. The proposal would fail the small streets test by exceeding the threshold, and be deemed to cause a harmful

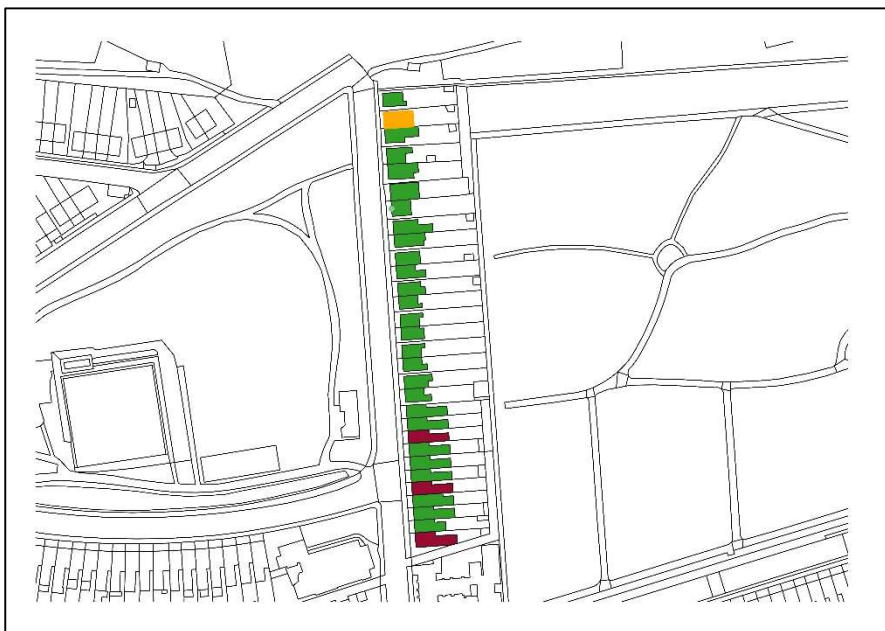
concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.



© Crown copyright and database rights 2018 Ordnance
Survey 100023509

Worked Example 5 - Small Streets Test (11-34 Properties)

- A.10 In worked example 5, the HMO proposal is located on a small street of between 11 and 34 properties created by an intersecting road.



© Crown copyright and database rights 2018 Ordnance Survey 100023509

- A.11 Analysis of the Licensing Database and list of C4 planning consents has shown that there are 3 other

properties in the street with a lawful HMO use and 27 residential properties in total. Therefore, post implementation, HMOs would comprise a ratio of less than 1 in 8, the threshold level stated in the LDP that will normally be applied. However, the small street is relatively long, there are generally only properties on one side of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application. As such the individual circumstances would indicate the proposal could not reasonably be considered to give rise to an over-concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

Worked Example 6 – Streets of Fewer than 11 Properties

- A.12 Worked example 6 below illustrates (LDP para 2.5.91) a scenario where the proposed HMO (shaded yellow) is located on a street even smaller than the defined 'small streets' (i.e. it comprises of fewer than 11 properties) and located inside of the HMO Management Area.

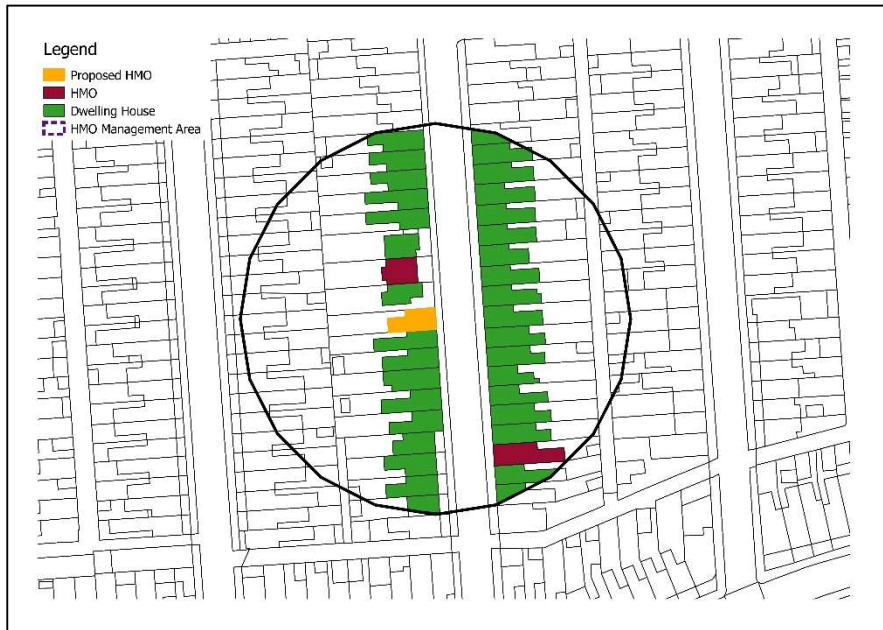


© Crown copyright and database rights 2018 Ordnance
Survey 100023509

- A.13 Analysis of the Licensing Database and list of C4 planning consents has shown that there are no other properties in the street with a lawful HMO use. Therefore, post implementation, HMOs would comprise 1 out of the 7 residential units within the street. This would be within the defined maximum levels (as described in the LDP para 2.5.95 - inside the HMO Management Area, a maximum of 2 HMO properties will be permitted within streets of fewer than 11 properties).
- A.14 It should be noted that the supporting text to Policy H9 refers to these as maximum levels. That is, whilst they are capped at this level, in some instances other *material considerations* may justify a lesser number of HMOs be maintained in a particular street.

Worked Example 7 – Non-sandwiching

- A.15 Worked example 7 shows a simple example of a HMO proposal adjacent to a C3 dwelling which is adjoined by a lawful HMO use on the other side and where the properties share the same street frontage.



© Crown copyright and database rights 2018 Ordnance Survey 100023509

- A.16 The planning application for a HMO would result in a C3 dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage, and so would fail the sandwiching test unless there are *material*

considerations that demonstrably outweigh the identified concerns.

Worked Example 8 – Non-sandwiching

- A.17 Worked example 8 illustrates a planning application for a HMO adjacent to a C3 use located on the corner of a street and where there is an existing lawful HMO located in the property immediately across that street. The proposal would not be determined to cause sandwiching since the properties are separated by an intersecting road.



© Crown copyright and database rights 2018 Ordnance Survey 100023509

Worked Example 9 – Non-sandwiching

- A.18 Worked example 9 illustrates a planning application for a HMO use in a property separated from an adjacent C3 dwelling by a pedestrian alleyway and where the C3 property is adjoined by a lawful HMO use on its other side.
- A.19 A pedestrian alleyway does not provide sufficient separation between the properties as it is not wide enough to prevent the amenity impacts therefore sandwiching will be deemed to occur.



© Crown copyright and database rights 2018 Ordnance Survey 100023509

Appendix 3 – Glossary

Active Travel	Active Travel means using walking or cycling as an alternative to motorised transport (cars, buses, etc.) for the purpose of making every-day journeys. The term "walking" includes all non-motorised users, i.e. wheelchairs, electric wheelchairs, mobility scooters and other mobility aids.
Additional Licensing Area	Additional Licensing applies in the Castle and Uplands wards in the centre of Swansea. All HMOs, irrespective of size, with only a few legal exemptions, have to be licensed in these two wards. This includes HMOs that are exempt from the <i>mandatory licensing</i> scheme.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. There are currently 31 conservation areas in the County. They vary greatly in character, due to the diverse mix of settlements found in the area, from small villages like Penrice and Cheriton, to towns such as Morriston, to urban areas such as Wind Street and Mumbles.
Denominator	The number below the line in a fraction.
General Data Protection Regulation (GDPR)	The basic objective of the GDPR is to enforce stronger data security and privacy rules among organisations when it comes to protecting personal data.
Listed Building	Buildings are 'Listed' because they are considered to be of special architectural or historic interest and as a result require special protection. Listing protects the whole building both inside and out and possibly also adjacent buildings if they were erected before 1st July 1948. The prime purpose is to protect the building and its surroundings from changes which will materially alter the special historic or architectural importance of the building or its setting. There are 500+ <i>listed buildings</i> within the boundaries of the County ranging from telephone boxes, domestic residences and commercial premises.
Local Development Plan	The required statutory development plan for each local planning authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004, which sets out the policies and proposals for the use of land and buildings within that area.
Local Land and Property Gazetteer	The Local Land and Property Gazetteer is a comprehensive address database maintained by the Council.
Mandatory Licensing	This applies to HMOs which are three or more storeys high with five or more occupiers. The number of storeys includes habitable basements and attics. Mandatory licensing applies across the whole of Swansea.

Material Considerations	Material considerations refer to matters that should 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 guidance. It is not possible to produce an exhaustive list of every possible material consideration that could affect the outcome of a decision. Material considerations are varied and the relevance of the issue will depend on the individual circumstances of each application. Examples are listed under paragraph 3.7.3 of this SPG document.
Numerator	The number above the line in a fraction.
Placemaking	Is both a process and a tool to collectively design and manage the public realm to create quality places that people want to live and work in, that are appealing, accessible, safe and support social interaction and amenities.
Principal Elevation	The elevation of a dwelling house which by virtue of its design or setting, or both, is the main or “principal” elevation. Principal elevation is defined further in Welsh Government Technical Guidance.
Supplementary Planning Guidance	Guidance written by the authority to supplement, elucidate and exemplify the policies within a <i>Development Plan</i> . It sets out more detailed thematic or site specific guidance on how certain policies will be applied.
Swansea Central Area	Swansea Central Area is defined in the Swansea LDP. The regeneration of Swansea Central Area is a corporate priority of the Council, and the area has the potential to create extensive economic growth, and be a key driver of economic prosperity in the Swansea Bay City Region.
Use Classes	The Town and Country Planning (Use Classes) Order 1987 establishes groups of uses with similar planning impacts and describes these as classes. Changes of use within classes do not require planning permission but changes to uses in different classes or to uses not in a specified class do require permission if there is a ‘material change of use’.

Appendix B: Equality Impact Assessment (EIA) Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: Planning and City Regeneration

Directorate: Place

Q1 (a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe here:

Name: A draft for public consultation of Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation

Description: The SPG provides supplementary planning guidance to support the implementation of policies in the adopted Swansea Local Development Plan (LDP) on Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA).

The SPG is a draft for public consultation. Following the public consultation, the document will be reviewed and amended where appropriate (in-line with Welsh Government planning guidance) before being presented to Planning Committee for approval to be adopted as planning guidance.

It should be noted that the SPG does not introduce new policy, it provides worked examples and detailed clarification on the relevant policies set out in the LDP, which have been subject to EIA and Examination by the Planning Inspectorate.

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an internal basis i.e. Staff
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact	Medium Impact	Low Impact	Don't know
	(H)	(M)	(L)	(H)
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*The aim of the document is to improve community cohesion by supporting the implementation of LDP policies on managing the concentration of HMOs in different parts of Swansea, and guiding PBSA to sustainable locations.

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

Please provide details below – either of your planned activities or your reasons for not undertaking engagement

The draft SPG document will be subject to a 6 week period of consultation, which is an integral part of the process towards adoption as formal planning guidance to inform decisions (as set out by Welsh Government planning guidance for preparing SPG). It is anticipated that the consultation will be carried out during September and October 2019.

The consultation will allow Councillors, the public, stakeholders and other interested parties to make their views and contribute to the final version of the guidance. The aim is to ensure that there is a broad consensus of support for its objectives. It will be important to emphasise during the consultation that the SPG document cannot, under planning legislation, introduce new policy but is instead an opportunity to augment what is already contained in the adopted LDP policies.

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:

- articles in the local media
- a public drop-in consultation afternoon/evening event at the Civic Centre for the public and stakeholders to attend (where Officers will be available to explain the draft document and invite feedback)

- targeted email consultation of local planning agents
- All information will be readily available at the Civic Centre and libraries serving the Sketty, Uplands, Castle and St Thomas Wards.
- The consultation will be hosted on a Council web page where consultation forms will be available for those who wish to comment.

All comments received will be recorded, evaluated and where appropriate fed into the revised final version of the SPG document. A full detailed schedule of representations will be published.

A report setting out the public consultation comments received, and any amendments made to the SPG as a result of these, will be presented to Members as soon as possible after the consultation period ends, at which time Members will be asked to approve the final amended version as adopted SPG.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility <input checked="" type="checkbox"/> (L)
---	---	---

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?
(Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
---	---	---

Q6 Will this initiative have an impact (however minor) on any other Council service?

☐ Yes ☒ No If yes, please provide details below

Q7 HOW DID YOU SCORE?

Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → ☐ EIA to be completed
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → ☒ Do not complete EIA
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

An Equality Impact Assessment Screening has been undertaken and it has identified mostly low impacts. The SPG seeks to facilitate community cohesion by assisting the implementation of the relevant LDP policies. The LDP policies have already been subject to EIA and are based on a comprehensive, and up to date evidence base,

which has been found sound by the Planning Inspectorate. The SPG balances the need for providing affordable, flexible housing for people in housing need with managing growth in a sustainable manner. A significant amount of engagement has already been completed in the formulation of the policies with the public; and key stakeholders, including Swansea University and University of Wales Trinity St David, local private landlords, Registered Social Landlords, The Wallich, Swansea Student Liaison Forum, Council Officers and Local Councillors.

The SPG is a draft for public consultation. Following the public consultation, the document will be reviewed and amended where appropriate (in-line with Welsh Government planning guidance) before being presented to Planning Committee for approval to be adopted as planning guidance. Public consultation and engagement is a central element of producing planning guidance.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:
Name: David Rees
Job title: Senior Planning Officer
Date: 16/08/2019
Approval by Head of Service:
Name: Phil Holmes
Position: Head of Service
Date: 16/08/2019

Please return the completed form to accesstoservices@swansea.gov.uk

Agenda Item 7

Report of the Head of Planning & City Regeneration

Planning Committee – 3rd September 2019

Planning Application Ref: 2018/1014/FUL

Construction of 20 no. detached dwellings, garages and associated access and landscaping works and demolition of 188 St. Teilo Street, Pontarddulais

Land formerly known as The Gardens and rear of 188 St. Teilo Street, Pontarddulais.

1.0 Purpose of the Report

- 1.1 To seek authorisation to amend the proposed requirements of Section 106 agreement of the Town and Country Planning Act 1990 (as amended) to remove the affordable housing contribution.

2.0 Background

- 2.1 An application for the residential development of the land formerly known as The Garden and 188 St. Teilo Street was submitted in May 2018, prior to the adoption of the Local Development Plan (Ref: 2018/1014/FUL). At the time of the submission, the Adopted Unitary Development Plan was time expired, but was still the development plan for S38(6) purposes.
- 2.2 Under the UDP, there was no requirement for an affordable housing contribution at this location as the scheme was for less than 25 units.
- 2.3 The report prepared for committee required the following Section 106 contributions:
 - a. An education contribution of £41,488 plus indexation for the English medium primary school (Pontarddulais), £20,744.00 plus indexation for the Welsh medium primary school (YGG Bryniago) and £47,544 plus indexation for the English medium Secondary school (Pontarddulais).
 - b. A highways contribution of £15,000 to add a new pedestrian crossing phase across Alltiao Road at the nearby traffic signal junction.
- 2.4 The Local Development Plan was adopted on the 28th February 2019. Consequently, there was a material change in circumstance between the preparation of the report on the application and the Planning Committee meeting held on the 5th March 2019. Policy H3 of the LDP seeks a contribution to affordable housing where the proposal would provide 5 or more dwellings. As a result, prior to Committee the Council sought the provision of 3 affordable housing units on this site. The applicant agreed to this request.
- 2.5 In terms of the Affordable Housing contribution, the minutes of the Committee Agenda on 5th March 2019 stated:

“This proposal did not meet the Affordable Housing threshold of 25 dwellings within the UDP. However, the Adopted LDP has lowered this threshold to 5 units or more in this location and has set a threshold of 15% provision of Affordable Housing to be provided on site which would equate to 3 units. The applicant has been advised of this requirement, and agreed that the resolution be amended to include this provision within the S106 agreement. The Housing

Enabling Team has indicated that the AH units need to be DQR compliant, and ask for 3 x 3 bedroom houses, to be transferred to the Council/Registered Social Landlord (to be determined/negotiated), social rented tenure. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.”

- 2.6 It was resolved at Committee that planning permission should be granted for the development subject to a S106 contribution requiring the provision of affordable housing, a contribution towards education facilities and a contribution towards highway improvements.

3.0 Current Situation

- 3.1 Following discussions with MyTy Homes following the Committee decision, the applicant has stated that the very late addition of the Affordable Housing requirements reduced the viability of the overall scheme. Consequently, the S106 agreement has not been signed and the planning permission has not been issued.
- 3.2 The applicant has requested the terms of the proposed S106 agreement be amended to remove the requirement to provide the 3 affordable housing units. In order to support this request, an independent third party viability appraisal has been undertaken. The conclusion of the viability appraisal is that the amount of overall contributions required is excessive for the site and that if the Affordable Housing contribution was to be provided, then the other Education and Highways contribution should be reduced or removed.
- 3.3 To this end, the Local Planning Authority opines that given these findings, and following a further internal consultation with housing colleagues, the affordable housing contribution should not be requested and should be removed from the legal agreement. This also takes into account the unusual set of events whereby the land price was agreed, and legal agreements progressed, under the previous Unitary Development Plan regime where Affordable Housing would not have been a requirement.
- 3.4 It is considered that in view of the findings of the viability appraisal and taking into account the circumstances of the case, the requirement to provide affordable housing should be removed from the proposed legal agreement, and that planning permission should be granted subject to the applicant providing contributions towards education facilities and highway improvements within the area. To expedite matters, the applicant has proposed that a Unilateral Undertaking (UU) be submitted under S106 of the Town and Country Planning Act 1990 (as amended), whereby the applicant would agree to provide the contributions towards education and highway improvements. Such an approach is acceptable. However, the applicant has yet to provide a suitable UU wording. It is considered therefore that it would be appropriate to pursue a Section 106 agreement unless the applicant submits an acceptable UU.
- 3.5 A copy of the original report to Planning Committee is available to view via the link below

4.0 Recommendation

4.1 It is recommended that the planning application be **APPROVED subject to the conditions outlined in the previous report and either:**

- The applicant entering into a S106 agreement (planning obligation) to provide the combined Highways and Education contributions of £124,776 only in the following timescales:
Sale of 6th unit - £45,000
Sale of 12th Unit - £45,000
Sale of 18th unit - £34,776; or
- The applicant submitting an Unilateral Undertaking to secure these contributions.