



## Report of the Head of Planning and City Regeneration

Planning Committee – 7 November 2017

### **Adoption of Morriston Conservation Area Review as Supplementary Planning Guidance & Proposal to Serve an Article 4(2) Direction**

<b>Purpose:</b>	To report the representations received during the consultation on the Morriston Conservation Area Review; to agree the proposed amendments to the draft guide and adopt it as Supplementary Planning Guidance (SPG).
<b>Policy Framework:</b>	City and County of Swansea Unitary Development Plan (Adopted November 2008).
<b>Reason for Decision:</b>	To approve the final version of the Morriston Conservation Area Review documents and to adopt this as Supplementary Planning Guidance.
<b>Consultation:</b>	Legal, Finance, Access to Services.
<b>Recommendation(s):</b>	<ol style="list-style-type: none"><li>1) Adopt the Morriston Conservation Area Character Appraisal and Management Plan as set out at Appendix A as Supplementary Planning Guidance to UDP policy EV9.</li><li>2) Approval of enlarged Conservation Area Boundary as set out in Appendix C.</li><li>3) Agree to serve draft Article 4 Direction to remove Permitted Development (PD) Rights for selected properties as shown in Appendix D.</li></ol>
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## **1.0 Background**

- 1.1 Conservation Areas are designated by the Local Planning Authority under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The principal considerations are the architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
- 1.2 Designation as a Conservation Area does not mean that no change can occur or that only traditional designs are allowed, rather that there is a greater level of design and development control linked to policy EV9 of the City and County of Swansea Unitary Development Plan and the main consideration is whether any change 'preserves or enhances' the character of the conservation area.
- 1.3 Whilst the legislation sets out a duty to review the Conservation Areas from 'time to time', the only published information available in Swansea are informal notes which comprise boundary plans and a very limited description of the area (often less than a single side of text). As a result there is a lack of up to date information on the character and appearance of the Conservation Areas to guide those preparing and assessing development proposals in these sensitive and historic areas.
- 1.4 The Morriston Conservation Area Review has been prepared to provide an up to date assessment of the character and issues affecting the designated Morriston Conservation Area. It will be used to help assess and determine planning applications in this area as well as to allow for the commencement of the process of introducing Article 4 Directions to provide greater control of various permitted development rights for selected properties.
- 1.5 In order to be effective a Conservation Area Review needs to comprise:
  1. A 'Character Appraisal' which is an up to date record of the character of buildings and spaces including positive and negative features.
  2. A 'Management Plan' which indicates how the character of the area will be preserved and enhanced by a variety of means including Development Control, management of the public realm and spaces, plus possible environmental enhancements.

## **2.0 Morriston Conservation Area Review Supplementary Planning Guidance (SPG)**

- 2.1 Morriston Conservation Area was first designated in 1975. The area has never been reviewed or updated.
- 2.2 The final Morriston Conservation Area Review (attached as Appendix A) seeks to:
  - Define the special interest of the area and identify the issues which threaten its special qualities.
  - Provide guidelines to prevent harm and achieve the enhancement of the area.

- 2.3 The review briefly sets out the historical development of the area. It is important to appreciate that Morriston is the oldest planned town in Wales. It was laid out at the same time as the Royal Crescent in Bath and what we now see is the original layout with 'second generation' Victorian buildings. Only two original Morriston cottages remain and these are identified in the review document.
- 2.4 The review explains the townscape and built form of the conservation area including listed buildings, buildings of local character, key characteristics and detailing. The notable features include:
- The gridiron street plan defined by Edwards and Morris, "an early example of town planning within the Swansea area"
  - The fine views looking eastward, particularly from Slate Street and Morfydd Street, that result from the way the settlement slopes downhill towards valley bottom and the river Tawe
  - The pleasant urban scene, comprised of stone terraces pre-dating 1918, with churches and chapels providing focal points.
- 2.5 A key action is the review of the conservation area boundary and it is suggested that a number of areas are added to the current conservation area designation as set out in section 4 of this report.
- 2.6 The Conservation Area review identifies 7 distinct 'Character Areas' within the existing conservation area:
- Woodfield Street;
  - Upper Morriston;
  - Martin Street;
  - The original grid (Globe Street, Market Street and Morris Street);
  - Lower Morriston (Crown Street, Morfydd Street, Davies Street);
  - Glantawe Street between Morfydd Street and Slate Street; and
  - North east quadrant (northern Glantawe Street, Clase Road, Bedford Street, Slate Street, Green Street and Margam Avenue).
- 2.7 The proposed division into character areas, as shown on page 29 of appendix A, makes it easier to differentiate between distinct sub areas of the conservation area and will make it easier to manage change.
- 2.8 Morriston Conservation Area Character Appraisal briefly sets out the historical development of the area. The review explains the townscape and built form of the conservation area including listed buildings, buildings of local character, key characteristics and detailing.
- 2.9 The Management Plan which forms part of the Conservation Area Review document sets out key issues and opportunities to preserve or enhance the special character.

2.10 The key characteristics of the Morryston Conservation Area, which should be preserved or enhanced by actions, as recommended within the Management Plan document, are considered to be:

- **Interpretation and Celebration.** There is an opportunity to celebrate the wider industrial history of the Swansea Valley with Morryston as the hub. This could benefit not only heritage tourism but also local understanding and appreciation of the significance of the area.
- **Preservation of iconic buildings.** Whilst some key buildings such as the Tabernacle are in good condition and in use, others give rise to very significant concerns. Tabernacle, Danbert House and St John's Church are considered 'iconic' buildings which should be preserved.
- **Commercial premises.** A step change in the quality of alterations and commercial frontages is needed along Woodfield Street. The Council has adopted Shopfront Design Guide SPG to guide proposals.
- **Funding support.** The application of heritage controls alone will not regenerate Woodfield Street, therefore there is a need for an economic regeneration strategy which could include an application for physical regeneration funding from the Heritage Lottery Funding known as a Townscape Heritage Initiative (THI) which is targeted at enhancing conservation areas in need of regeneration. It could encompass certain areas of Woodfield Street, for example the area close to the Tabernacle. It could allow grant funding to be targeted towards such examples:
  - reuse of vacant units
  - reinstatement of traditional architectural details such as shop fronts
  - external repairs
  - gap funding to help bringing important historic buildings back into use for new uses (such as the former Crown pub)
  - public realm enhancements
  - training in traditional building skills
  - community events to raise awareness.
- **Residential alterations.** Further community engagement is needed to raise awareness of Morryston's history, the grid layout, the importance of street character and the contribution that individual residences make to the street. Furthermore, the importance of the 'everyday' homes that make up the majority of the conservation area needs greater appreciation and changes to the handful of houses with good detailing should be controlled through the imposition of an Article 4(2) direction to remove permitted development rights.

- **Public realm management and enhancement opportunities.** Whilst no enhancement funding is allocated, the Management Plan identifies the need for streetscape strategies to initiate public realm improvements such as shared surface improvements, de-cluttering of pedestrian space and improved conservation grade style of street furniture; and
- **Community engagement.** There is scope to further engage the community in caring for the local build environment through voluntary projects. Projects can be developed in partnership with the Council, but might for example include initiatives to create community gardens, clear overgrowth and improve specific areas. Such initiatives can be developed in partnership with existing local community groups.

### **3.0 Public consultation**

- 3.1 On the 26<sup>th</sup> September 2013 the draft Morriston Conservation Area Review was presented to Development Management and Control Committee. Members resolved to endorse the draft document to be issued for public and stakeholder consultation.
- 3.2 The draft Morriston Conservation Area Review was subject to a 6 week consultation exercise which ran from the 25<sup>th</sup> August 2017 until the 8<sup>th</sup> October 2017.
- 3.3 The following consultation methods were used to engage the community with the review of Morriston Conservation Area:
- A Press Release was issued and featured within the South Wales Evening Post on the 25<sup>th</sup> August 2017, 13<sup>th</sup> September 2017 and the 5<sup>th</sup> October 2017.
  - Bilingual notification emails highlighting the consultation on the draft document were sent to local ward councillors as well as specific consultation bodies, planning agents and local action groups on the 25<sup>th</sup> August 2017.
  - Bilingual letters explaining the consultation process and how to view documents and make representations were sent to all households in the expanded conservation area (+200 properties). A map showing the existing and proposed conservation area boundary was also included.
  - Bilingual leaflets were prepared and distributed to all businesses located along Woodfield Street in a 'door to door' exercise undertaken on 11<sup>th</sup> September 2017.
  - A dedicated webpage was established to explain the consultation process and allow electronic documents to be downloaded in pdf format. The webpage included the facility to complete and submit an online comment form.

- Over 20 bilingual posters were erected on lampposts in the local area
- Paper copies of the bilingual draft documents were placed on deposit in Morriston Library and Swansea Central Library.
- Social media updates were made throughout the 6 week consultation process.
- Council officers held a consultation event at Morriston Market on Saturday the 2<sup>nd</sup> September 2017. In total we spoke to around 50 people and captured their views.
- A public event was held on the 14<sup>th</sup> September 2017 between 9am and 7pm in Tabernacle on Woodfield Street. The event was advertised in local press, social media, council website and Cadw website. Presentations were held throughout the day and were followed by group discussions regarding the proposals. At all other times there were more informal-drop-in sessions. In total we spoke to around 60 people and captured their views.
- Council officers met with local traders on the 16<sup>th</sup> October 2017 to discuss the conservation area review process and potential for funding support.

3.4 The consultation on the draft Morriston Conservation Area review engaged with a cross section of the Morriston Community:

- a number of the respondents were older people (many of whom offered to share their memories),
- the consultation event at Morriston street market engaged a typical transect of Morriston's community including families and younger people,
- The Tabernacle event included representatives of the welsh speaking community, and
- The leaflet drop along Woodfield Street engaged with traders, a number of whom are of mixed ethnicity.

3.5 In total, 12 individual respondents provided comments on the conservation area review via the comment form or by letter. In addition to this circa 60 individuals expressed their views at the public event held at Morriston street market and an additional 50 people made comments at the public event at the Tabernacle chapel. The local traders also provided representations. The representations have been grouped into over 50 separate comments which are set out in Appendix B along with the Authority's response.

3.6 The final amended version of the Morriston Conservation Area Review includes all the proposed changes to the guidance following the public and stakeholder consultation exercise. It has also been updated for technical reasons as follows:

- Sections 2.1.1 and 2.1.4 have been updated to reflect the fact that Circular 61/96 Planning and the Historic Environment has been withdrawn and has been replaced by TAN24: The Historic Environment. This does not change the focus of the document.

- Section 8.6.1 has been updated to include the completed development on the Morfydd House site within the character area.
- Section 9 has been reformatted to improve the presentation.

#### 4.0 Boundary Amendment

4.1 A key action set out in the Management Plan is the proposal to review the conservation area boundary and forms part of the public and stakeholder consultation. Following analysis of the areas around the conservation area, it is considered that the following areas have a character and quality equal to the existing conservation area and are therefore proposed for addition:

- **To the North:** Squaring off at north-west corner of Strawberry Place taking in the church and associated hall and extending along Woodfield Street to the north to include the Cross, a short stretch of Pentrepoeth Road and Sway Road as far as the old cinema building and returning down the south side of Clase Road.
- **To the East:** Extend to include the entire area north and south of the Morfydd Bridge using the 'new' road edge to include as much of the former canal route and environs as is evident including Morriston School, boundaries of the canal and walling. To the south of the bridge to include the canal, walling, pathways, green space and Margam Avenue is included.
- **To the South:** Extend full extend of southern public space between Neath Road and Martin Street.
- **To the West:** From the northern squaring off at Strawberry Terrace, includes the old Mill House Inn and outbuilding, properties facing down Slate Street, properties on the west side of Uplands Terrace, properties at the top south side of Morfydd Street and properties at the junction with Martin Street, and the podium residences at the lower end of Martin Street to bring the whole street in.

4.2 In terms of the proposals to increase the size of the conservation area boundary (as shown in Appendix C) the majority of comments were supportive of this approach.

4.3 A number of respondents suggested that the boundary be extended further north to include all of Morriston Cross. These comments have been taken on board and it is considered appropriate to include Morriston Cross and Sway Road up to the old cinema building and the buildings on the northern side of Clase Road to the old Bank building. This provides a logical squaring off to the northern boundary and encompasses the entire Cross.

- 4.4 Further suggestions were made to extend the boundary to the western side of Uplands Terrace, include the entire Aenon Methodist Church site and to the east to include Wychtree Street. The extension to include both sides of Uplands Terrace and incorporating the entire Aenon Methodist Church site is viewed appropriate and the boundary is amended accordingly. In terms of further expansion to the east to include the old Neath Road, early routes over the canal and the rail line to the Wychtree Bridge, and the phase 1 of Morris Town, these have predominately been lost either prior to, or as a result of, the new road construction. Whilst the proposed boundary is not extended to cover the east side of the 'new' road, all merit recognition as setting of the conservation area.
- 4.5 The full extent of areas proposed to be added to the Conservation Area are shown in Appendix C of this report. Furthermore section 6 of the main document as set out in appendix A has been rewritten as a record of the areas added to the conservation area as part of the 2017 review.

## **5.0 Other Representations Received**

- 5.1 The majority of comments were supportive of the content and recommendations set out in the conservation area review document. Appendix B to this report contains the full list of detailed comments and the recommended responses. The main comments and responses are summarised below.
- 5.2 There was general support for the Character Appraisal and identification of specific character areas. Woodfield Street in particular was referenced insofar as the importance of shopfront improvements adhering to certain design criteria in order to preserve and/or enhance the character and appearance of the conservation area. The review acknowledges its special qualities and allows greater control over future development works including alterations to shopfronts and advertisements.
- 5.3 There was support for the recommendations set out in the Management Plan. However, there was concern raised about the additional authority controls placed on householders. The Management Plan is not intended to impose new controls or stop change, but require greater scrutiny of new designs.
- 5.4 A number of comments stressed the importance of the preservation of heritage assets, in particular the iconic Tabernacle. Many respondents stated the role such buildings play in attracting footfall to and generating interest in the area as being significant. One of the key recommendations set out in the management plan is securing the future of the Tabernacle, a Grade I listed building which is an ongoing separate project. This includes a review of potential for the chapel to be used for non-religious income generating community uses and heritage tourism plus exploration of sensitive opportunities to adapt the main hall space to broaden the potential access and use as a venue/ a community building.
- 5.5 Respondents also raised concerns about the lack of maintenance of iconic / heritage buildings such as St John's Church and Danbert House which are both privately owned Grade II listed buildings. The Management Plan notes that it is imperative that St John's Church is maintained and brought



back into beneficial use. In terms of Danbert Hall, this is identified as the most vulnerable of the listed buildings in the conservation area. It is in extremely poor condition and it is a very challenging proposition to establish a viable end use. Sustainable propositions for redevelopment are urgently sought and there have been positive pre-application discussions for a conversion to residential accommodation.

- 5.6 A further issue which was raised by a number of respondents is the general condition of Woodfield Street, in terms of poorly maintained/unsympathetic shopfronts, high vacancy levels, lack of maintenance, lack of variety in shops and general appearance of the public realm. The Management Plan and the council's Shopfront Design Guide SPG (2017) will be used to secure more sympathetically designed shopfronts along Woodfield Street with the aim to improve the general appearance of the public realm and respect the heritage of the area. The Management Plan seeks to preserve the few remaining historic shopfronts and features.
- 5.7 A considerable amount of support was indicated for the potential economic regeneration strategy including an application for a Heritage Lottery Fund Townscape Heritage Initiative (THI) for Woodfield Street in the immediate vicinity of Tabernacle. Support was indicated for the use of any funding for improvements to Woodfield Street in terms of public realm, shopfront upgrades, reducing unit vacancy and there was also considerable support for the interpretation and celebration of the significance of Morrision as the earliest example of a planned industrial town in the British Isles. The Management Plan recognises the need for funding support for local businesses and for meaningful enhancements in the area.
- 5.8 In addition, a number of comments indicated support for community engagement in regeneration projects, with a specific aspiration for the re-use of the site of Nazareth Chapel as a community garden. The Conservation Area review document highlights this site as a green space and Management Plan recognises the need for an awareness raising programme for the community in regeneration projects and such steps would assist in providing the community with a sense of pride and ownership.
- 5.9 The full detailed list of comments made and the consideration of these comments and the recommended action can be found at Appendix B.

## **6.0 The Next Steps**

- 6.1 Following adoption as Supplementary Planning Guidance, the Morrision Conservation Area Review will become a material planning consideration in determining planning applications within the enlarged conservation area.
- 6.2 Prior to final publication some minor grammatical and formatting changes may be necessary and some photographs may need to be altered. This will not affect the approved guidance elements.
- 6.3 Subject to the approval of the Morrision Conservation Area Review the next proposed step is the serving of an Article 4(2) Direction to restrict certain permitted development rights in order to help better protect the character of the conservation area. This will be subject to a further report to Planning Committee and Council.

## **7.0 Article 4(2) Direction**

- 7.1 An Article 4(2) Direction removes permitted development rights for certain changes which do not currently require Planning Permission such as removal of front boundaries, changing windows, chimneys etc. which may undermine the special historic character of the conservation area. An Article 4(2) Direction can be made to remove one, all or a selection of permitted development rights. This allows specific potentially harmful changes to be considered as planning applications on a case by case basis.
- 7.2 It should be noted that commercial properties such as offices, flats and HMOs do not have permitted development rights to make minor changes. Only 'houses' that are not listed buildings benefit from the permitted development rights that allow multiple minor changes that cumulatively can degrade the character of the conservation area.
- 7.3 An assessment of all unlisted houses in the enlarged Morriston Conservation Area has been carried as part of the review to identify those with strong architectural qualities and original details. As a result it is proposed to apply Article 4(2) Directions to a selected group of circa 50 dwellings as shown in the plan at Appendix D as these are considered to be the best preserved of the unlisted dwellings within the proposed conservation area. Each of these dwellings has been assessed to highlight those permitted development rights which if changes were not controlled would lead to the most damaging loss of historical and architectural character as outlined in the table in Appendix D.
- 7.4 The serving of the Article 4(2) Direction on selected properties to protect details is a separate process which starts with an endorsement by the Planning committee. Prior to any such application the issue will be discussed with the Cabinet Members, the Ward Councillors and would be subject to further community and stakeholder consultation.

## **8.0 Financial Implications**

- 8.1 The final adopted document will be provided in electronic form on the planning webpage of the council's public website. Any request for printed copies will incur a fee to cover the costs of printing. Therefore there are no financial implications arising from the publication of this SPG.
- 8.2 The modest increase in the size of Morriston conservation area will result in greater scrutiny of planning applications that currently lie outside the area to ensure that they preserve or enhance the special character of the conservation area. Whilst this will result in an increase in the workload of the development control service and the Design and Conservation Team it is essential to properly manage the area. Any additional workload will be met from the existing team structures and budget.

- 8.3 Any potential economic regeneration strategy including an application to the Heritage Lottery Fund with regard to a Townscape Heritage Fund would require political approval and approval by the External Funding Panel. At this stage there is no budget for match funding identified and any grant funding application would need to be approved by Cabinet Members.
- 8.4 If a Direction is made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995, no fee is payable for a planning application made in respect of what would have been permitted development had there been no Article 4 Direction. However, should consent be refused or granted subject to conditions, an applicant might seek to use the compensation provisions of Section 108 of the Town and Country Planning Act 1990. There is no specific budget for compensation claims and in any case this is expected to be unlikely.
- 8.5 The Article 4 Directions will create additional workload for both Development Control and Design and Conservation Teams of the Planning Department, in terms of the generation of additional planning applications and associated guidance in design and materials. However the proposed approach which targets specific permitted development rights of a small number of dwellings in comparison to a blanket/'catch-all' approach applied indiscriminately across all permitted development categories and to all dwellings will reduce the number of applications received.

Any extra costs incurred through additional workload will be met from the existing budget. These additional planning applications will also require funding in terms of advertising these in the local press. This advertising will need to be met through the advertising budget for such purposes.

## **9.0 Legal Implications**

- 9.1 The designation and proposed enlargement of the Morryston Conservation Area will need to comply with national legislation set out in the Planning (Listed Building and Conservation Areas) Act 1990. The final Morryston Conservation Area Review document will amount to SPG to Policy EV9 (Conservation Areas) of the adopted City and County of Swansea Unitary Development Plan (2008) and will need to be taken into account as a material consideration in evaluating future planning applications.
- 9.2 The weight that can be attributed to the draft SPG for the purpose of determining a planning application increases as the adoption process progresses. Significant weight will be attributed to the final adopted version of the SPG.
- 9.3 As a part of the Morryston Conservation Area review process it is recommended that there is scope to protect the special character of important unlisted buildings identified in the Appraisals by means of an Article 4 Direction under the General Permitted Development Order.
- 9.4 The Article 4(2) Direction is effective immediately after the notice is served or published, however it expires after six months unless it is confirmed. The legal requirement for notification of confirmation of the Direction is the same as for serving it, in this case by letter to the owners/occupiers of the properties covered by the Direction and by publication in the local

newspaper. The notice will specify a period of at least 21 days, stating that the date on which that period begins, within which any representations concerning that direction may be made to the Council. In deciding whether to confirm a direction made under Article 4(2), the Council shall take into account any representations received during the period specified in the notice.

- 9.5 If confirmed, the Article 4(2) Direction will remain valid unless and until it is cancelled. The making of the Direction removes the permitted development rights that property owners/occupiers previously enjoyed in respect of various changes to or removal of architectural features of merit as well as the painting of brick or stone dwelling façades. This will require property owners/occupiers to apply for planning permission to undertake such works which would otherwise not be required and if necessary the Council can refuse planning permission for works and alterations that are considered to be harmful to the character of the area. A further guidance note document to assist the Development Control service in this respect will be produced.

## **10.0 Equality and Engagement Implications:**

- 10.1 An EIA screening has been undertaken with the result that a full EIA is not required. It should be noted that the conservation area review provides a heritage framework for managing change and future projects:
- Where changes are proposed within public areas and commercial buildings these will also be subject to national requirements such as Part M of the Building regulations and the Equality Impact Assessment process.
  - The potential economic regeneration strategy is a separate project that will be subject to a separate EIA screening and will require further consultation and engagement.

## **Background Papers:**

- Development Management and Control Committee report, 26<sup>th</sup> September 2013

## **Appendices:**

- A Final draft of the Morriston Conservation Area Review.
- B Record of Public Comments - Full table of comments and authority responses.
- C Plan showing proposed enlargement of the Morriston Conservation Area boundary.
- D Plan showing selected unlisted houses where Article 4(2) Direction is proposed to be served and table documenting.