

ANNEX B

1. Planning Application: 2017/1429/FUL

Location: Former Cape Horner Public House, Miers Street, St Thomas Swansea. SA1 8BZ

Proposal: Demolition of existing structure and construction of a 3 storey building to provide 72 bedroom student accommodation units (studios & cluster flats), access from Miers Street, landscaping and car & cycle parking

Appeal Decision: Appeal Allowed

Summary:

The main issues to consider in the determination of this application related to the acceptability of the residential development at this site in terms of its impacts on visual and residential amenity, highway safety, and pollution (Air Quality & Noise)

On 6th March 2018, Planning Committee refused the application, contrary to officer recommendation for the following reasons:

1. The proposed development, in an out of City Centre location, by reason of its scale, form and relationship with existing residential dwellings, will introduce a harmful concentration of student accommodation into the area which will have a negative impact upon the residential amenities and social cohesion of the local community contrary to the requirements of Policies EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9 November 2016) of creating sustainable and inclusive mixed communities.
2. The proposed development, by reason of its scale, design and nature, will have an unacceptable impact upon the character and appearance of the residential area having regard to the local context of terraced residential housing, which will have a detrimental visual impact within the street scene contrary to the requirements of Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted November 2008).

An appeal was submitted against the decision to refuse the application. In the Inspector's view, the main considerations in the appeal were the effect of the proposed development on the character and appearance of the area and whether the development conflicts with local policy designed to secure and maintain safe and sustainable communities.

The inspector considered that the proposed building would be in keeping with the character and appearance of the area, which has a blend of different scaled development, due to its design, height, mass and scale, and did not consider that the building would be incongruous and dominant. As such, the Inspector considered that the proposal would complement the character and appearance of the area and would not conflict with the design quality aims of UDP Policies EV1 and EV2.

In terms of safe and sustainable communities, the Inspector considered that the proposal clearly serves to meet a particular housing need, and the surrounding area offers a broad mix of uses. Furthermore, PBSA could reduce the pressure on surrounding family homes to be converted for student use. The Inspector recognised that the release of such housing is not within the control of the appellant. However in this locality, within a short walking distance of the University campus it was reasonable to consider that the provision of PBSA, on a secure site with integral facilities would be an attractive proposition for students. For these reasons the Inspector did not consider that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.

The appeal was allowed.

2. Planning Application: 2017/2606/FUL

Location: Land North Of Jockey Street, Swansea. SA1 1NS.

Proposal: Demolition of existing building and construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms - a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces)

Appeal Decision: Appeal Dismissed

Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location, townscape and visual impact; impact on residential amenity including noise impact; highways, traffic, car parking, access and pedestrian movements; impact on archaeology and cultural heritage; flood risk and drainage; pollution and ground contamination; impact on ecology; the resultant impact of the use and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety

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

1. *The proposed development by reason of its design including height, scale and massing on a constrained development site will impact to an unacceptable degree upon the character and appearance of the area and be contrary to the requirements of Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted 2008).contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008).*
2. The proposed development will provide 4 car parking spaces to serve 414 students and ground floor uses. The level of proposed parking is considered to be inadequate to serve the Student Accommodation which as a result will place pressure on the surrounding streets, result in indiscriminate parking arising and result in harm to highway safety in the area contrary to the requirements of policies EV1 and AS6 of the City and County of Swansea Unitary Development Plan and Supplementary Planning Guidance 'Parking Standards' (Adopted March 2012).

In considering the appeal, the Inspector considered the main issues to be the effect of the development on the character and appearance of the area; and the effect of the development on highway safety with particular regard to parking provision.

The Inspector considered that the proposal for student accommodation is acceptable in principle and that it would have the associated benefit of assisting in regenerating this part of the city. However, she considered that the massing and scale of the proposed building would be overly intrusive and harmful in the townscape. The development would therefore be harmful to the character and appearance of the area.

In terms of highway safety, the Inspector was satisfied that the sustainable location of the development would have the potential to reduce the demand for car use. Notwithstanding this, the Inspector concluded that the demands of the development, even with the proposed measures to reduce car parking demand, would mean that there would not be a sufficient level of parking to ensure that there would not be additional pressure on nearby streets to accommodate such parking. Consequently the Inspector concluded that the proposal would cause an unacceptable risk to highway safety as a result of a lack of parking provision.

The appeal was dismissed.

3. Planning Application: 2018/0659/FUL

Location: 40A And 40B Bryn Road, Brynmill, Swansea. SA2 0AP

Proposal: Change of use of 2 residential units from dwelling (Class C3) into 2 separate HMO - comprising 1 no. 5 bed HMO for 5 occupants and 1 no. 6 bed HMO for 6 occupants (Class C4)

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of neighbouring occupants and highway safety.

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

1. The proposal, in combination with the existing high number of Houses in Multiple Occupation (HMOs) within Bryn Road (77 HMOs) will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact, both in terms of the number of occupiers within the road and the nature of the use for up to 11 individual occupants will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to the wider community not being balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the City and County of Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9, November 2016) of creating sustainable and inclusive mixed communities.

The Inspector considered the main issue to be whether the development conflicts with local policy designed to secure and maintain safe and sustainable communities. The Inspector, having considered the evidence, concluded that whilst approval of the application would result in the addition of further HMOs in an area that already comprises a high concentration of HMOs, there has been no evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general.

The appeal was allowed.

4. Planning Application: 2018/0954/FUL

Location: 30 St Albans Road, Brynmill, Swansea. SA2 0BP

Proposal: Change of use from a 4 bed residential (Class C3) to a 5 bedroom HMO for 5 people (Class C4)

Appeal Decision: Appeal Allowed

Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements. The application was recommended for approval.

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

1. The proposal, in combination with the existing high number and percentage of Houses in Multiple Occupation (HMOs) within St Albans Road (27 properties out of 46 amounting to 59%) will result in a harmful concentration and intensification of HMOs in the street and wider area (28 out of 46 properties amounting to 61%). This cumulative impact, both in terms of the number of occupiers within the road and the nature of the use for upto 6 occupants as a C4 use will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to the wider community not being balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the City and County of Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9, November 2016) of creating sustainable and inclusive mixed communities.

In considering the appeal, the Inspector considered the main issue to be whether the development conflicts with local policy designed to secure and maintain safe and sustainable communities.

The Inspector considered that the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons it was not considered that the appeal proposal would run counter to the objectives of securing a sustainable mixed use community.

The appeal was allowed.

5. Planning Application: 2018/1386/FUL

Location: 6 Lewis Street, St Thomas, Swansea. SA1 8BP

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

Appeal Decision: Appeal Allowed

The main issues for consideration with this application related to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety. This application was reported to Committee with a recommendation of approval.

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

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Lewis Street will result in a harmful concentration and intensification of HMOs in the small street (15% being HMOs which is above the 10% threshold suggested in research by Welsh Government in 'Houses in Multiple Occupation: Review and Evidence Gathering – Report of Findings (April 2015)'. Such impact will result in damage to the character of the street and to social cohesion with higher levels of transient residents and fewer long term households and established families which will lead in the long term to the wider community not being balanced and self-sustaining. As a result, the proposal is contrary to Policy HC5 criterion (ii) of the City and County of Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9, November 2016) of creating sustainable and inclusive mixed communities.
2. The proposed HMO, by virtue of its siting in Lewis Street will result in the sandwiching of an existing dwellinghouse (No. 7) between two HMOs (No. 8 and the application property No. 6). This will lead to a significant adverse effect upon the residential amenities of the occupiers of No. 7 Lewis Street by virtue of isolation between two non-family units and increased comings and goings from two adjoining HMOs which will lead to increased noise and disturbance and is contrary to Policy HC5 criterion (i) of the City and County of Swansea Unitary Development Plan (2008).

The Inspector considered the main issues to be whether the development conflicts with local policy designed to secure and maintain safe and sustainable communities.

The Inspector acknowledged that the appeal property could be suitable for family use. However, the proposed HMO use would be a residential one and it would not significantly affect the character of the area nor have any significant effect on the number of family homes in the area given that HMOs are a responsive and flexible part of the range of housing provision necessary to meet the needs of individuals.

The Inspector concluded that, although the Council's objectives of maintaining a balanced community and a range of housing choice are sound, there is no cogent evidence that the appeal proposal would unacceptably harm the living conditions of local residents or the sustainability of the wider community.

Furthermore, the Inspector did not consider that the level of activity generated by a five person HMO would be so significantly different from a large family so as to cause significant harm to residential amenity.

The appeal was allowed.