



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

## Pwyllgor Cynllunio

**Lleoliad:** O bell drwy Microsoft Teams

**Dyddiad:** Dydd Mawrth, 11 Ionawr 2022

**Amser:** 2.00 pm

**Cadeirydd:** Y Cyngorydd Paul Lloyd

**Aelodaeth:**

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

**Gwyllo ar-lein:** <https://bit.ly/3dRHJkY>

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### Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.  
[www.abertawe.gov.uk/DatgeluCysylltiadau](http://www.abertawe.gov.uk/DatgeluCysylltiadau)
- 3 Cofnodion. 1 - 3  
  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.
- 4 Eitemau i'w gohirio/tynnu'n ôl.
- 5 Penderfynu ar geisiadau cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990. 4 - 116

**Cyfarfod nesaf:** Dydd Mawrth, 1 Chwefror 2022 ar 2.00 pm

Huw Evans  
Pennaeth Gwasanaethau Democraidd  
Dydd Mawrth, 4 Ionawr 2022

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Cyswllt: Gwasanaethau Democraidd - 636923

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 7 December 2021 at 2.00 pm

**Present:** Councillor P Lloyd (Chair) Presided

### **Councillor(s)**

C Anderson  
M H Jones  
R D Lewis  
T M White

### **Councillor(s)**

P M Black  
W Evans  
P B Smith  
L J Tyler-Lloyd

### **Councillor(s)**

P Downing  
M B Lewis  
D W W Thomas

### **Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Sally-Ann Evans  
Tom Evans  
Andrew Ferguson  
Liam Jones  
Jonathan Wills

Democratic Services Officer  
Principal Telematics Engineer  
Development Manager  
Lead Lawyer  
Strategic Planning Team Leader  
Area Team Leader  
Area Team Leader  
Lead Lawyer

### **Apologies for Absence**

None.

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#### **43 Disclosures of Personal and Prejudicial Interests.**

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

#### **44 Minutes.**

**Resolved** that the Minutes of the Planning Committees held on 22 October & 2 November 2021 be approved and signed as a correct records.

#### **45 Items for deferral/withdrawal.**

None.

#### **46 Commons Registration - Application to Correct the Register of Common Land. (Application No. 002/19)**

The Lead Lawyer on behalf of Head of Planning and City Regeneration presented a report which detailed that an application had been received to amend the Register of

Common Land to correct an alleged error whereby the rights associated with Tyle Coch Farm are exercisable over register unit CL74 but have been recorded as exercisable over CL45.

The background details and history to the matter were outlined and detailed in the report by Officers.

The list of bodies consulted regarding the application were outlined and detailed in the report, as well as the responses received.

The Chair reported that Councillor B J Rowlands (Local Member) was unable to be present at the meeting but had submitted an e mail supporting the application.

**Resolved** that the application be accepted and the necessary amendments are made to the Register of Common Land to record the rights as being exercisable over register unit CL74.

#### **47 Update on TAN 15.**

The Development Manager updated Members of the committee on the recent decision of the Welsh Government for an 18-month deferral of TAN 15 until June 2023.

He outlined that any applications received during that period, would be dealt with under existing TAN procedures. Further updates will be provided to committee when received from Welsh Government.

Following questions from Members, copies of the proposed new TAN flood maps and their implications on the local development sites and strategic sites in particular would be circulated to committee members following the meeting.

#### **48 Determination of Planning Applications under the Town and Country Planning Act 1990.**

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

**Resolved** that the undermentioned planning applications Be Approved subject to the conditions in the report and/or indicated below:

**(Item 1) – Planning Application 2021/0787/FUL - Demolition of existing retail unit and construction of supermarket, car parking, landscaping and associated works at Poundstretcher , Gorseinon Road, Penllergaer, Swansea**

A visual presentation was given.

Councillor Wendy Fitzgerald (Local Member) spoke in support of the application.

Application approved subject to a Section 106 agreement.

**(Item 2) – Planning Application 2021/2490/RES - Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (Details of landscaping pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 3 (73 dwellings) and 4 (36 dwellings) at Parc Ceirw, Great Western Terrace, Cwmrhydyceirw, Swansea**

A visual presentation was given.

**49 Land at New Cut Road / Morfa Road, Swansea - 2007/2826.**

The Head of Planning & City Regeneration presented a sought which sought consideration of the variation of the Section 106 Planning Obligation for the “Children’s Play Area Contribution” to be used towards the provision or improvement of existing off-site facilities elsewhere in the locality.

The background and context to the report were outlined, as well as the detailed planning history on the site, the responses to consultation undertaken and the relevant planning policies applicable to this matter.

Councillor Bev Hopkins (Local Member) spoke in support of the proposals.

**Resolved** the Section 106 Planning Obligation be amended through a Deed of Variation to state that the contribution be used towards the provision or improvement of existing off-site facilities elsewhere in the locality in accordance with Policy SI 6 of the Swansea Local Development Plan 2010- 2025.

The meeting ended at 3.02 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: 11<sup>th</sup> January 2022

<b>Bay Area</b> Team Leader: Liam Jones - 635735	<b>Area 1</b> Team Leader Andrew Ferguson - 633947	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cockett Cwmbwrla Landore Llangyfelach Llansamlet Mawr Morrison Mynyddbach Penderry Penllergaer Pontarddulais Townhill	Bishopston Dunvant Fairwood Gorseinon Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Penyrheol 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	2021/1790/FUL	Land to the rear of 68-94 Lone Road and rear of 3-21 Waungron Road, Clydach, Swansea, SA6 5HU <b>Construction of 3 detached dwellings and associated access works</b>	Approve
2	2021/2001/FUL	Former Tree Tops Day Nursery, Clyne Common, Swansea, SA3 3JB <b>Change of use from former children's day care nursery (D1) to residential dwelling (C3) together with two storey front/side extensions, single storey side extension, replacement of rear fire escape with spiral staircase, creation of two new entrance doors with steps and porches (front and rhs elevations), replacement of rear balcony with fire escape route above first floor flat roof at rear and associated fenestration and roof alterations</b>	Approve
3	2021/2770/FUL	18-20 Princess Way, Swansea, SA1 3LW <b>Conversion, external refurbishment (including glazed curtain walling) and two storey extension of existing building at 2nd / 3rd floors creating 4 no. ground floor retail / commercial units (Class A1 / A3) with 3 storeys of office accommodation above (Class B1) including roof terrace, 3 no. rooftop meeting pods and green infrastructure</b>	Approve
4	2021/2996/FUL	277-278 Oxford Street, Swansea, SA1 5HF <b>Conversion of ground, first and second floors (Class A1 / A3) to create Community Hub providing library, archives, cafe, community services, staff office and flexible co-working space (Unique Use) with external alterations incorporating glazed / rainscreen curtain walling, green infrastructure and roof top photovoltaics.</b>	Approve

**Planning Committee – 11<sup>th</sup> January 2022**

**Item 1**

**Application Number:**

2021/1790/FUL

**Ward:**

Clydach - Area 1

**Location:**

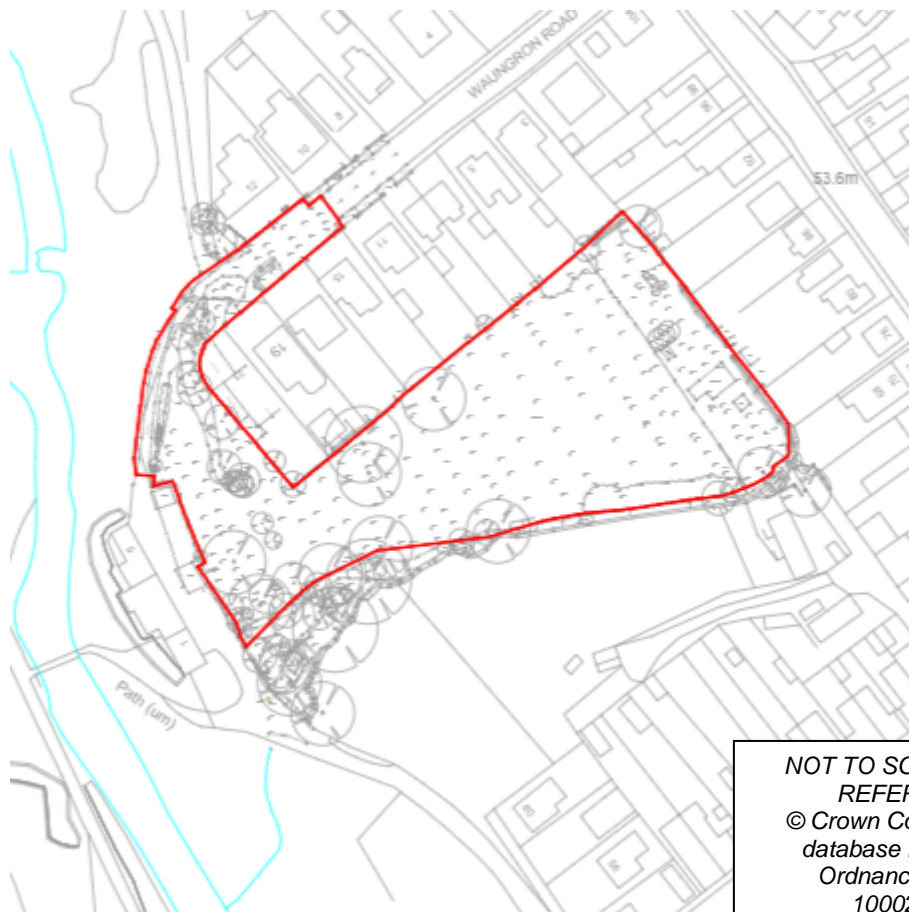
**Land to the rear of 68-94 Lone Road and rear of 3-21 Waungron Road, Clydach, Swansea, SA6 5HU**

**Proposal:**

**Construction of 3 detached dwellings and associated access works**

**Applicant:**

**Mr Nigel Clifford NAAMEC Ltd**



*NOT TO SCALE – FOR  
REFERENCE  
© Crown Copyright and  
database right 2014:  
Ordnance Survey  
100023509*



Item 1 (Cont'd)

Application Number:

2021/1790/FUL

## Background

**This application is being reported to Planning Committee for decision because it has been called in by the Local Councillor, has reached the threshold of objections within the appropriate timescale and a petition of objection with 52 names has also been submitted.**

Planning permission for 3 dwellings was refused on the site in May 2021 (Ref: 2020/0255/FUL) for the following reasons:

- 1) The applicant has failed to demonstrate that the site can be served by a sufficient and safe access into the site from Waungron Road and internal access provision, for both vehicles and pedestrians, to the detriment of pedestrian and highway safety. The proposal is therefore considered to be contrary to the provision of Policies PS2 and T1 of Swansea's Local Development Plan 2010-2025.
- 2) The proposal would result in the loss of a minimum of one significant Oak tree protected under TPO 670 and it has not been demonstrated that the proposal would not have a detrimental impact on other protected trees within the site of significant amenity value. The proposal is therefore considered to be contrary to the provisions of Policies PS2 and ER11 of Swansea's Local Development Plan 2010-2025.

The current application has been submitted to overcome the previous reasons for refusal. During the course of the previous application, the Council's Tree Officer placed a Tree Preservation Order on 11 trees within the site.

## Site Location

The site is an area of relatively flat land located at the rear of existing dwellings, approximately 0.71ha surrounded by the rear of properties on Bryn Road, Lone Road and Waungron Road and was previously used to graze horses. A further area to the south would remain open. The site was an urban greenspace site within the former UDP but is shown as white land within the Local Development Plan.

## Description of Development

The proposal is for the construction of 3 detached dwellings with access off an unmade lane from Waungron Road.

The 4 bedroomed detached house on Plot 1 would have an attached garage and a single storey side addition to the main body of the house. The main body of the house would measure (approximately) 14.08m in width, 9.5m in depth, have an eaves height of 4.9m and an overall height of 7.5m. The attached garage/utility room would measure 6.5m in width, 9.5m in depth with an overall pitched roof height of 4.9m. The side addition would measure 5.1m in width x 6.6m in depth with an overall pitched roof height of 4.5m.

The 5 bedroomed house on Plot 2 would measure approximately 26.7m in total width, 16.6m for the main body and 10.3m for the single storey side wing, between 6.6m and 13.9 in depth, have an eaves height of between 2.7m and 5.1m and an overall height of 8.6m.

**Item 1 (Cont'd)**

**Application Number:**

2021/1790/FUL

The 6 bedroomed house on plot 3 forms a loose “L” shape and would measure 20m in depth (including the single storey front and rear projection), 21.7m in width, (including the side addition), have an eaves height of between 2.9m and 5.1m and have an overall height of 7.9m.

External materials would be the same for the 3 dwellings and would comprise of red brick walls with sandstone corners, blue/black composite slate roofs, white upvc windows and composite upvc doors. The Oak tree to be removed (T239) is considered to be a low quality tree (Category C).

## **Planning Policy**

### **The National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

### **Planning Policy Wales (11th Edition – February 2021)**

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government.

It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

Paragraph 1.2 explains that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

Paragraph 3.3 states that Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

Paragraph 3.4 notes that meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Item 1 (Cont'd)

Application Number:

2021/1790/FUL

**Local Development Plan 2010-2025**

PS 2 Placemaking and Place Management – development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

T 1 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.

T 6 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.

RP 4 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.

RP 5 Avoidance of Flood Risk – In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

ER 2 Strategic Green Infrastructure Network – Green infrastructure will 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 in accordance with the green infrastructure principles set out in the policy.

ER 8 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.

ER 9 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. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

ER 11 Trees, Hedgerows 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.

**Item 1 (Cont'd)**

**Application Number:**

2021/1790/FUL

Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

**Supplementary Planning Guidance:**

The supplementary planning guidance documents: 'Placemaking Guidance for Infill and Backland Developments' (2021) and 'City and County of Swansea Parking Standards' (2012) are also relevant to the determination of this application.

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The latter SPG was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted

The Council has also adopted SPG entitled “Biodiversity and Development” which sets out how the Local Planning Authority (LPA) will apply the Planning Policy Wales 11 required ‘Stepwise approach’ at the local level (see extract of SPG relating to stepwise process at Annex B). It is necessary for the applicant to set out whether the stepwise process has been followed, and confirm whether appropriate enhancement is proposed to deliver biodiversity net benefit, ecosystem resilience and an integrated network of GI. This will enable the Council to demonstrate appropriate compliance with the relevant legislation and policy.

**Consultations:**

**Dwr Cymru Welsh Water:**

Dwr Cymru Welsh Water (DCWW) were previously consulted on a similar planning application (Ref: 2020/0255/FUL) for 3 no. residential units and by response (Ref: PLA0048013 & PLA0054904) offered no objection; we acknowledge the application was later refused on grounds of impact to trees, access and highway safety.

As part of this latest application (Ref: 2021/1790/FUL) we acknowledge receipt of a ‘Drainage Strategy Plan’ (Drawing No. C-SK05) which indicates proposals to discharge foul and surface water flows to a public sewer and infiltration system respectively and in principle we offer no objection. Accordingly, if you are minded to grant planning permission 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:

Item 1 (Cont'd)

Application Number:

2021/1790/FUL

**Condition**

No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

**Knotweed Officer:**

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area.

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant.

**Rights of Way Officer:**

From a countryside access point of view, there is a public footpath running down to the river below this development, (RN29). We'd like to highlight the fact that no additional water should be deposited on the right of way, endanger the right of way or destroy its surface.

**CADW:**

The proposed development will see the erection of three dwellings of two storeys with pitched roofs. Views of the development from the scheduled monument are blocked or heavily screened by existing vegetation and there are no known features associated with Clydach Upper Forge in the application area. Consequently, in our opinion the proposed development will not have any impact on the setting of scheduled monument GM497.

**Drainage Officer:**

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

**Tree Officer:**

The AIA supplied shows some of the conflicts with the retained protected trees. There is no objection to the removal of tree 239; however the pruning shown to clear the oak trees from the road is only shown to the edge of the road and is likely to require more pruning as any growth would be over the road once more. The AIA has not identified the impacts of the proposed drainage layout which would affect the trees. For these reasons the proposed is contrary to Policy ER11.

**Further comments**

The report now addresses my concerns. If you are minded to approve please condition the tree protection plan attached and full details of the no dig construction required to be provided.

Item 1 (Cont'd)

Application Number:

2021/1790/FUL

**Ecology:**

Relevant documents reviewed:

- Preliminary Ecological Appraisal, Acer Ecology July 2019; and
- Bat Activity Survey and Reptile Survey, Acer Ecology October 2019.

Bats:

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- \* Deliberately take, injure or kill a bat;
- \* Intentionally or recklessly disturb a bat in its roost;
- \* Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- \* Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (01792 634960 / 0300 065 3000).

Breeding/nesting birds:

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

- \* 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; and
- \* Take or destroy an egg of any wild bird.

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- \* Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- \* Disturbance to dependent young of such a bird.

Condition:

No clearance/pruning of trees, shrubs or scrub shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Badgers:

Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- \* Kill, injure or take a badger;
- \* Damage, destroy or obstruct access to a badger sett; and
- \* Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (01792 634960 / 0300 065 3000).

**Item 1 (Cont'd)**

**Application Number:**

2021/1790/FUL

**Condition:**

All trenches and excavations must be fenced off or covered overnight to prevent any animals 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.

**Hedgehog:**

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

**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/>

**Reptiles & Amphibians:**

Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure reptiles.

**Condition:**

Sensitive two-stage vegetation clearance methods as detailed in Section 6.2.1 of the Bat Activity Survey and Reptile Survey Report shall be adhered to throughout site clearance.

**Lighting Strategy**

**Condition:**

A sensitive lighting strategy for the site must be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species and adjacent habitats. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the guidance in Section 6.3.1 of the Bat Activity Survey and Reptile Survey Report and the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

**Construction Environmental Management Plan (CEMP)**

**Condition:**

A CEMP for the site must be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats on and adjacent to the site.

**Item 1 (Cont'd)**

**Application Number:**

2021/1790/FUL

Landscape and Ecological Management Plan (LEMP)

Condition:

A LEMP for the site must be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. This site-specific document must outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site. In particular, the methods regarding the following species shall be detailed: bats, nesting birds, badger, hedgehog, reptiles & amphibians. The document must also detail measures to protect the adjacent SINC and watercourse and the protection and enhancement of retained habitats on site. Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species on site, the mitigation measures in place and the procedures to follow should any be discovered.

Invasive Non-native species (INNS)

It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

Condition:

As Japanese knotweed and Himalayan balsam were recorded, an INNS Management Plan will need to be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed.

Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

As per the recommendations in Sections 6.3.2 and 6.3.3 of the Bat Activity Survey and Reptile Survey Report, the enhancements should comprise the following: native species planting within the landscaping scheme, 2no. Schwegler 2F bat box (or similar) on retained trees, 2no. bird boxes (preferably WoodStone) on retained trees and 1no. swift brick or swift box per new dwelling.

Condition:

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11 and Technical Advice Note 5.

The proposed specification and location of the enhancements shall we shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.



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**Local Highway Authority:**

The site was previously the subject of a pre-application enquiry 2018/1009/PRE which proposed a higher number of residential dwellings, and also an application under this reference number for 5 dwellings accessed from Lone Road. More recently an application was made under reference 2020/0255/FUL for 3 residential units to be accessed instead from Waungron Road.

The consultation responses from previously submitted schemes, and the continued dialogue and exchanges with the applicant team, have been used to inform the audit of this submission and consultation response.

The site extent plan provided illustrates a green field which is bound on three sides, the north, east and south, by residential properties. The western extent is open fields, the Lower Clydach River and trees.

As set out in the past, in general highways and transport terms, a development of this site for residential use is likely to be in keeping with the existing surroundings. However, as also stated, this would be subject to safe and appropriate access and adequate design of an internal layout.

In the past access options of Lone Road were considered. Lone Road is residential in character which acts as a distributor road for the local settlement. In the immediate local vicinity of the site, Lone Road provides access to day to day facilities and bus stops are located around 100 metre walking distance from the site near the junction of Lone Road and Carlton Road.

**Access:**

There were concerns raised on the layouts that showed the removal of a property to create an access onto Lone Road. There were issues with demonstration of an adequate and safe proposed access with appropriate visibility splays. The current proposals seek to promote an access off Waungron Road at a point beyond the establish residential character where it becomes more rural serving a small number of dwellings.

It was set out that the access onto Waungron Road should include demonstration of junction visibility splays within land in the control of the applicant. The discussions which have taken place during the consultation periods have included submission of visibility splays. These were iterations of layouts set at 11 metres in either direction of a 2.4 metre set back for (10 mph speeds) and 2.4 metres by 24 metres to the north or looking right on exit and 2.4 metres by 16 metres to the south, looking left on exit. The second iteration was not central to the junction and instead sat between lanes, with the site entry lane being significantly narrower than the exit.

The applicant has submitted a revised plan within this application that demonstrates a visibility splay central to the junction mouth and at the geometry of 2.4 metres set back and 25 metres in either direction. This is appropriate for speeds of 20 mph and it is considered that this could be appropriate for the section of Waungron Road under consideration.

It has also been requested that vertical visibility is considered given the level difference from the site turning right onto Waungron Road. It was previously set out that this should include the clearance of all vertical constraints, as required, such as soil, trees and vegetation. The Arboricultural Report has been reviewed in conjunction with the site plans provided.

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The report contains a tree protection plan which confirms that the two trees within the footway and visibility splay will be removed and the area within the visibility envelope is highlighted for excavation work. The site masterplan confirms that the footway and the area required for the junction splay will be dedicated and the protection plan will need to match with this, this also applies to the treatment of the eastern edge of the forward visibility on the internal bend, at present the green and purple shading are not joined at the required line. This is a matter of detail and can be conditioned with the principle of what is shown with regards to visibility, deemed acceptable.

The proposed junction layout is to be formalised as a priority junction, with the site forming the minor arm. The revisions received have overcome concerns over narrow width and swept paths overrunning lane markings. The minor overrun on entry of a refuse vehicle is accepted on the basis of adequate forward visibility being available and sufficient room at the junction for vehicles to see and be seen and to avoid conflict. The junction swept paths are now acceptable.

Swept path assessments were requested to demonstrate the access and internal layout are adequate. The requirements were for a refuse vehicle, emergency vehicle, box luton home delivery vehicle and private car, given the length of the access route. These have been completed and are have been audited to inform this response. The appropriate manoeuvres and demonstration of adequacy have been submitted.

Forward visibility was requested to be considered along Waungron Road in the vicinity of the site. The extent of footway being provided and the clear visibility splay to and from the junction is adequate.

Internal route:

As set out in the above commentary, the appropriate information has been provided within the swept path assessments and this is sufficient to confirm that the layout and turning area has been improved to accommodate daily requirements.

Forward visibility is shown on the internal bend and will need to be kept clear through selective treatment in terms of planting (see comment in access section).

Footway provision, whilst not continuous has been provided to connect the site to the wider highway network. This includes a 2.0 metre footway internally on the side appropriate for the dwellings, this connects to the north of the junction with a crossing route, through a wider footway section (for visibility purposes) and a further crossing introduced to join with the eastern side of Waungron Road as part of the wider local improvements. The footway on Waungron Road is proposed to be provided at 1.5 metres and whilst not a full 2.0 metre width, it has been considered on balance to the existing level of provision and the junction operation and improvement works as a whole. The proposals are considered to be acceptable on this basis.

Consideration has been given to the highway gradients internally and onto Waungron Road and these are in accordance with the current guidance. The initial section of 15 metres length is proposed at 1 in 25 and 1 in 10 thereafter.

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Parking:

General parking requirements have been set and the layout has demonstrated that there is sufficient space for compliant parking provision included for visitors. Swept paths of driveways also confirm that these can be accessed and egressed.

The size of proposed garages has been requested, the applicant has confirmed that garages will be to an appropriate standard and also demonstrated that sufficient parking exists on driveways outside of garage provision.

Potential Contribution to Local Improvements:

It was advised previously that the improvements which are being proposed, such as resurfacing and widening works, including footway provision to the areas shown on the junction layout plan, is likely satisfy the extent of any request. This is confirmed and concluded.

Highway Authority View:

There were previous concerns on access and internal circulation and how these were not demonstrated as being safe and appropriate onto Waungron Road. The additional plans submitted and the exchanges that have taken place have resulted in the issues being overcome sufficiently in order for the Highway Authority to make a positive response.

It is therefore concluded that the Highway Authority does not object to the proposals, based on the most recent layout submissions.

The recommended conditions which should be attached to any planning consent are:

i. Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team under a Section 278 Agreement.

All access works, relating to the connection of the proposed improvements to the adopted extent of Waungron Road, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

Note: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

ii. None of the dwellings hereby approved shall be brought into beneficial use until the highway works have been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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In the interests of highway safety

iii. Prior to any of the dwellings hereby approved being brought into beneficial use, the proposed footways, along the site frontage, at 2.0 metre width, and the adjoining network of footway provision that will tie into the existing highway footway provision, shall be completed in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

In the interests of highway safety

iv. No dwelling shall be occupied until the access, turning area and parking works have been completed and made ready for use, in accordance with the approved drawings hereby. The parking areas shall be made available for vehicular parking at all times thereafter.

In the interests of highway safety and general amenity

v. Notwithstanding the submitted details set out on Site Plan C1504 C-SK08 Rev H the visibility envelopes set out are to be kept free of enclosures or trapping, with any proposed treatment to have a mature vegetation height of 600mm, in perpetuity.

Reason: In the interests of highway safety.

vi. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

1. The parking of vehicles of site operatives and visitors.
2. Loading and unloading of plant and materials.
3. Storage of plant and materials used in constructing the development.
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
5. Wheel washing facilities.
6. Measures to control the emission of dust and dirt during demolition and construction and
7. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

**Neighbour comments:**

The application was advertised on site by way of site notice and 25 individual neighbouring properties were consulted.

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A 52 signature petition has been submitted and FOURTEEN LETTERS OF OBJECTION have been received, which are summarised as follows:

1. The applicant has submitted the wrong certificate.
2. The red line boundary includes areas that are outside of the applicant's ownership.
3. The current road is narrow and only suitable for 1 car. The plans do not show the extent that the existing road will be widened. The footway is poorly designed.
4. The changes in level in the site will mean it is highly likely that people will not walk but use their cars.
5. The footway to the steps on Waungron Road will not be DDA compliant.
6. No enough details on impact upon services in the area and what will happen to the power lines?
7. Drainage and Knotweed concerns.
8. The lane was not specified for vehicular use.
9. The council and developer do not own the lane so how can they make changes to it.
10. Tarmac on the road would increase flooding.
11. There is a drop to the river and widening the access road would exacerbate the risk.
12. A TPO is on the site and an ecology report should be undertaken.
13. We have a legal interest in the patch of road.
14. The delivery and works vehicles will cause more damage to the road.
15. Concerns over conflict with pedestrians.
16. Why should the protected tree be allowed to be felled?
17. Removal of the trees will destabilise the bank.
18. Loss of privacy.
19. Concerns over noise and disturbance.

**Clydach Community Council:**

Clydach Community Council objected to previous planning applications for this site and although the access is an improvement our objections are still valid and Council wishes to reconfirm them and support the neighbours objections to the proposal. Council is concerned about the increased risk of flooding, the additional strain on the infrastructure and drainage, the overdevelopment of the area and the negative effect on local wildlife. The houses overlook cottages which have enjoyed privacy for almost 300 years and there is no doubt that the development will remove that privacy. For these reasons Clydach Community Council continues to object to this amended proposal.

**APPRAISAL**

**Main Issues**

The main issues to consider in the determination of this application relate to the impact of the proposal on the visual and residential amenity of the area, the protected trees on site, ecology and 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.

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### **Visual Amenity**

The proposed dwellings are large but are of a similar design to those that have been built in Clydach previously. Whilst the designs have limited architectural merit, and don't relate particularly well to each other, they would not be sited in a prominent location at the rear of other dwellings and in a private cul-de-sac and it is not considered that there would be significant harm within this context.

The plot is of an ample size to accommodate three dwelling without appearing as a cramped form of development or an overdevelopment of the plot. The land is surrounding by established dwellings and would not be visible from the surrounding area to appear as an incongruous or discordant feature. It must also be noted that the principle of the development or visual impact was not raised as an issue in the previous refusal.

In addition, the site will retain many of the current trees and vegetation within the site and as such, the overall character of this green site will be maintained in the wider area. The proposal complies with Policy PS2 in this regard.

### **Residential Amenity**

The siting of the dwellings in relation to the surrounding properties and each other would not result in loss of light or overbearing physical impact on any existing property. Given the set off distances (12m from the front elevation to the nearest property boundary) and orientation of the dwellings, no concerns are raised in terms of a reduction in privacy for existing residents.

In addition, each plot would also provide a sufficient amount of private amenity space although Plot 1 would have an amount of overshadowing from the protected trees at the rear. Notwithstanding this, there is scope for sufficient amenity space at the side of the property and as such does not warrant a recommendation of refusal on this issue alone. Noise and disturbance during the construction process would be controlled via other legislation if it arose as an issue.

The proposal therefore complies with Policy PS2 in this regard.

### **Access and Highways Issues**

The original refused planning application attracted a refusal from the Local Highway Authority as there were concerns regarding access and internal circulation and how these were not demonstrated as being safe and appropriate.

However, the Local Highway Authority has been in discussions with the applicant during the application process and now raises no objection to the proposal as submitted as they have included submission of visibility splays, visibility has been improved at the entrance to the site and is sufficient to confirm that the layout and turning area has been improved to accommodate daily requirements.

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Footway provision has also been provided to connect the site to the wider highway network. This includes a 2.0 metre footway internally which connects to the north of the junction with a crossing route, through a wider footway section (for visibility purposes) and then a further crossing introduced to join with the eastern side of Waungron Road as part of the wider local improvements. The footway on Waungron Road is proposed to be provided at 1.5 metres and whilst not a full 2.0 metre width, it has been considered on balance to be acceptable due to the existing level of provision and the junction operation and improvement works as a whole.

The submitted layout demonstrates that there is sufficient space for parking provision included for visitors. Swept paths of driveways also confirm that these can be accessed and egressed.

In addition, the road improvements that are being proposed, such as resurfacing and widening works, including footway provision to the areas shown on the junction layout plan are likely to satisfy the extent of any request for a highway contribution.

Therefore the previous concerns on access and internal circulation and how these were not demonstrated as being safe and appropriate onto Waungron Road are considered to be overcome by the additional plans submitted and exchanges that have taken place and as such, the Local Highway Authority have no objection to make subject to the imposition of the conditions and informative indicated above in the consultation responses section. However, as S278 is covered by separate legislation, it is not considered necessary or reasonable to condition this and similarly, a Construction Method Statement would also be required as part of that process.

## Trees

The original application ref:2020/0255/FUL was submitted and that resulted in several trees on the site being protected with a Tree Preservation Order.

The proposal will involve the felling of one tree covered by TPO 670 to facilitate the internal access Road along with other C and U category trees that aren't protected. The previous refused application 2020/0255/FUL also proposed to fell this tree but the lack of information within that application dictated that the Council's Tree Officer did not support the application amid concerns of the impact on trees in general.

However, the current proposal has included an Arboricultural Impact Assessment which shows in more detail the impact of the development on the protected trees within the site and as such, the Tree Officer does not now object to the felling of the one protected tree (Tree 239 Common Oak) within the internal road as sufficient information has been provided to indicate the impact on trees as a result of the development. Tree protection measures have also been incorporated. The Tree Officer has requested that conditions be imposed relating to further details being provided about the no-dig construction method and that the works are undertaken in accordance with the Tree Protection Plan submitted on 6th September 2021 is adhered to.

The original Arboricultural report has now been updated to take into account the impact of the development on the protected trees, and as such, it is considered that even though the proposal would result in the loss of one protected tree, the other trees subject to the Tree Preservation Order would be sufficiently protected and as such the proposal is considered to comply with the requirements of Policies ER11 and PS2. In addition, mitigation would be provided within a landscaping scheme as no details have been provided to date.

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## Ecology

The applicant has submitted a Preliminary Ecological Appraisal (PEA) indicating that no statutory designated sites are anticipated to be affected by the works. However, the development could impact (to a varying degree) on bats, common reptiles and nesting birds. The PEA provides recommendations for the development.

Council's Ecologist has reviewed the survey information submitted and is satisfied that the proposal would have no undue impact upon protected species. Therefore no objection is raised to the scheme but it requested that conditions and informatives are added to any permission given to ensure the protection of species on site before, prior to, during and after construction. Whilst several conditions have been suggested, it is not considered necessary or reasonable to require them all in this instance or little justification has been provided. Requiring the development to be undertaken in accordance with the recommendations set out in the PEA and subsequent Bat/ reptile Survey would cover the majority of issues and would suffice given the scale of the development. An Invasive Non-Native Species (INNS) management plan, sensitive external lighting plan and ecological enhancements would be secured via condition.

## Other Issues

The Drainage Officer has objected as the site is subject to SAB and no drainage scheme has been submitted. However, as this is a permission that would need to be granted separately from planning permission, then this is not considered to warrant a recommendation of refusal for this reason. DCWW has not objected to the application subject to conditions.

No objections have been received from CADW, an Invasive Non-Native Species condition will be attached to any grant of consent and as the application is only for 3 dwellings, it would fall under the threshold required for affordable housing to be provided.

The material issues raised by the objectors are noted and addressed above in the consultation responses received and in the main body of the report.

The concern over land ownership is also noted but the applicant has provided the correct Certificate to allow the application to be valid in planning terms. Planning permission does not override the rights of any other third party in relation to land ownership.

## 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 decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this 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.



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In conclusion and having regard to all material considerations, the changes and additional information submitted as part of this application are considered to have overcome the previous reasons for refusal and as such, and on balance, the proposal is considered to be an acceptable form of development at this location. The proposal therefore complies with the provisions of Policies PS2, T1, T6, ER2, ER8, ER9 and ER11 of Swansea's Local Development Plan 2010-2025 and 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: PLOT 1 ELEVATIONS AND FLOOR PLANS, PLOT 2 ELEVATIONS AND FLOOR PLANS, TOPOGRAPHICAL SURVEY, SITE PLAN, SITE LOCATION PLAN RECEIVED 2ND JULY 2021, PLOT 3 ELEVATIONS AND FLOOR PLANS RECEIVED 12TH JULY 2021, PROPOSED HIGHWAY LAYOUT, TREE REPORT, VEHICLE TRACKING, VEHICLE TRACKING SHEET RECEIVED 6TH SEPTEMBER 2021.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The foul drainage shall be fully implemented in accordance with the 'Drainage Strategy Plan' (Drawing No. C-SK05) prior to the first beneficial occupation of any dwelling hereby approved 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.
- 4 Prior to the commencement of development, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected (incorporating hedgehog gaps as espoused in the submitted Preliminary Ecological Appraisal) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the dwellings hereby approved are occupied and shall thereafter be retained as such.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 5 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) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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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 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 No development shall commence until full details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 7 No development shall commence until full details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 8 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

- 9 A detailed Invasive Non-Native Species (INNS) Management Plan shall be submitted to the Local Planning Authority for approval prior to the commencement of development (including site clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed.

Reason: In the interests of the ecology and amenity of the area.

- 10 A detailed sensitive external lighting strategy (to include construction and operation) for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The lighting plan should reflect the guidance in Section 6.3.1 of the Bat Activity Survey and Reptile Survey Report and the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

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The development shall thereafter be undertaken in accordance with the approved details.

Reason: To protect bats and other nocturnal species and adjacent habitats in the interests of the ecology and amenity of the area.

- 11 Notwithstanding the submitted details set out on Site Plan C1504 C-SK08 Rev H the visibility envelopes set out are to be kept free of any development, enclosures, or planting that exceeds 600mm in height above adjacent road level and retained as such thereafter at all times.

Reason: In the interests of highway safety to ensure adequate visibility is maintained at the entrance to the site.

- 12 No dwelling shall be occupied until the access, turning area and parking works have been completed and made ready for use, in accordance with the approved drawings. The access, turning and parking areas shall be made available for their primary use at all times thereafter.

Reason: In the interests of highway safety and general amenity.

- 13 Prior to the first beneficial occupation of any of the dwellings hereby approved, the re-surfacing / widening works and the footpath shall be provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the first beneficial occupation of any dwelling hereby approved and retained as such thereafter.

Reason: In the interests of highway safety.

- 14 The development hereby permitted shall be undertaken in accordance with the recommendations set out in Sections 5.2 and 5.3 of the Preliminary Ecological Appraisal prepared by Acer Ecology dated July 2019 and Sections 6.2 and 6.3 of the Bat Activity Survey and Reptile Survey Report prepared by Acer Ecology dated October 2019 shall be adhered to throughout the course of development, as appropriate.

Reason: In the interests of ecology and biodiversity to ensure the development is undertaken in a sensitive manner.

- 15 The development hereby approved shall be undertaken in accordance with the Tree Protection Plan and Arboricultural Method Statement contained within the Arboricultural Report prepared by ArbTS - Arboricultural Technician Services Ltd (dated 1st September 2021) received on 6th September 2021.

Reason: For the avoidance of doubt.

- 16 Notwithstanding the details on the plans hereby approved, and prior to the commencement of development, full details of the no dig construction as indicated in the Arboricultural Report prepared by ArbTS - Arboricultural Technician Services Ltd (dated 1st September 2021) received on 6th September 2021, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the trees on the site during construction.

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### Informatives

1 The development plan covering the City and County of Swansea comprises Future Wales: The National Plan 2040 and the Swansea Local Development Plan (LDP) (2010-2025). The following policies were relevant to the consideration of the application:  
Policies 1, 2, 9, 28 of Future Wales  
Policies PS2, T1, T6, ER2, ER8, ER9 and ER11 of the LDP.

2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

3 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](http://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.

4 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).

5 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

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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.

6 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- o Kill, injure or take a badger;
- o Damage, destroy or obstruct access to a badger sett; and
- o Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work

All trenches and excavations must be fenced off or covered overnight to prevent any animals 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.

7 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: [www.hedgehogstreet.org/hedgehog-friendly-fencing/](http://www.hedgehogstreet.org/hedgehog-friendly-fencing/)

8 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure reptiles.

Sensitive two-stage vegetation clearance methods as detailed in Section 6.2.1 of the Bat Activity Survey and Reptile Survey Report (dated October 2019) received on 2nd July 2021 shall be adhered to throughout site clearance.

9 As per the recommendations in Sections 6.3.2 and 6.3.3 of the Bat Activity Survey and Reptile Survey Report (dated October 2019) received on 2nd July 2021, the enhancements should comprise the following: native species planting within the landscaping scheme, 2no. Schwegler 2F bat box or similar on retained trees, 2no. bird boxes preferably WoodStone on retained trees and 1no. swift brick or swift box per new dwelling.

10 Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team under a Section 278 Agreement.

All access works, relating to the connection of the proposed improvements to the adopted extent of Waugron Road, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

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All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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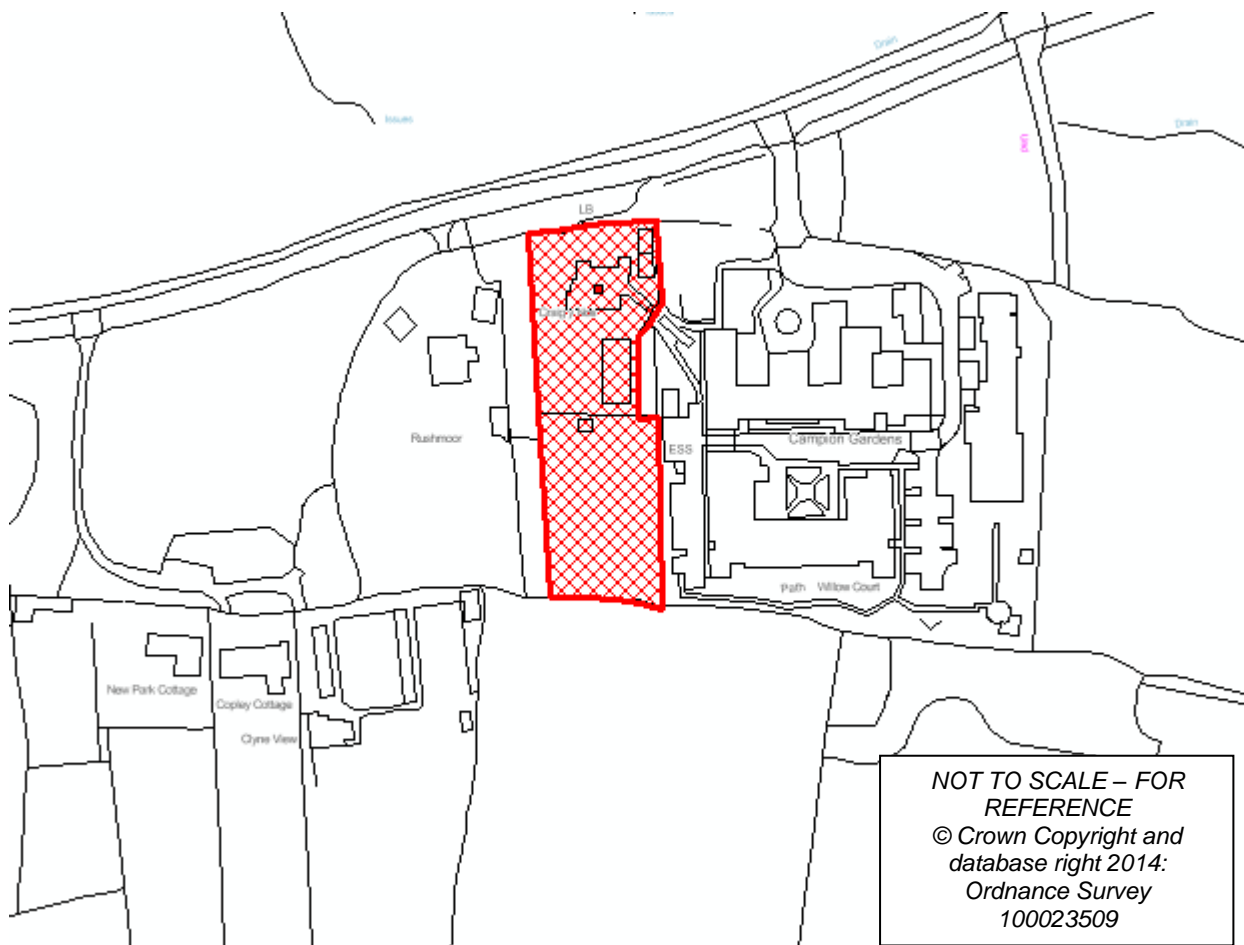
Ward:

Bishopston - Area 2

**Location:** Former Tree Tops Day Nursery, Clyne Common, Swansea, SA3 3JB

**Proposal:** Change of use from former children's day care nursery (D1) to residential dwelling (C3) together with two storey front/side extensions, single storey side extension, replacement of rear fire escape with spiral staircase, creation of two new entrance doors with steps and porches (front and rhs elevations), replacement of rear balcony with fire escape route above first floor flat roof at rear and associated fenestration and roof alterations

**Applicant:** A Latif



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**Background Information**

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2020/1478/FUL	Change of use from nursery (Class D1) to dwelling (Class C3), together with two storey front/side extensions, single storey side extension, replacement of rear fire escape with spiral staircase, creation of two new entrance doors with steps and porches (front and rhs elevations), replacement of rear balcony with fire escape route above first floor flat roof at rear and associated fenestration and roof alterations	REF	06.11.2020
A00/0056	ERECTION OF LINK CORRIDOR BETWEEN SPORTS HALL AND MAIN SCHOOL BUILDING (AMENDMENT TO PLANNING PERMISSION 95/0900 GRANTED ON 29TH SEPTEMBER 1995)	APP	18.02.2000
99/0108	VARIATION OF CONDITION 2 OF PLANNING PERMISSION 95/0900 GRANTED ON 29TH SEPTEMBER 1995 TO ALLOW FOR THE USE OF THE PROPOSED SPORTS HALL OUTSIDE NORMAL SCHOOL HOURS.	APP	09.03.1999
98/1131	CONSTRUCTION OF NEW VEHICULAR ACCESS AND AMENDED CAR PARKING AND INTERNAL TRAFFIC CIRCULATION LAYOUT	APP	06.10.1998



## Planning Committee – 11<sup>th</sup> January 2022

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95/0900	ERECTION OF SPORTS HALL AND ARTS AND SCIENCE BLOCK	APP 29.09.1995
92/1252	RETENTION OF PITCHED ROOF DEMOUNTABLE CLASSROOM (AMENDMENT TO PREVIOUS APPLICATION 90/0492/03)	APP 05.01.1993
84/0453/03	USE OF SECOND FLOOR FLAT FOR HEADMASTER'S RESIDENCE.	APP 21.05.1984
83/1197/03	CHANGE OF USE FROM CHILDREN'S HOME (CLASS XIV) TO PREPARATORY SCHOOL (NON- RESIDENTIAL)	APP 27.10.1983
81/1704/11	CHANGE OF USE TO A PRIVATE DWELLING HOUSE	APP 28.01.1982
2016/1670	Retention of climbing frame	TEM 10.02.2017

### Procedural Matters and Background

In accordance with the Council Constitution, this application is reported to Planning Committee as a Departure to the Development Plan and is being recommended for approval by the Head of Planning & City Regeneration.

The application seeks the change of use and renovation of a redundant building from its previous use as a children's nursery to a residential dwelling.

Planning permission for the change of use of this building to a dwelling together with associated extensions and alterations was refused under planning ref 2020/1478/FUL on the 6th November 2020 for the following reason;

1. The proposed conversion of the existing building to an open market dwelling, constitutes the create of an unjustified new dwelling in the open countryside (which is not an affordable dwelling, or agricultural, forestry or rural enterprise dwelling), to the detriment of the character and appearance of the area, contrary to Policies CV2, CV4 and PS3 of the Swansea Local Development Plan.

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This current application represents a re-submission of that scheme (with some minor fenestration alterations), seeking to address the points raised by the local planning authority in its determination.

### Site Location

The application site lies south of Clyne Common, off the B4436 between Mayals and Murton. The application site lies outside of defined development limits and so falls within an area defined as countryside in the Local Development Plan. It is sited in between the Campion Gardens retirement village located due east of the site and a residential property (Rushmoor) which is located due west. Access is derived via the existing vehicular access off the B4436. This is a gated entrance set back off the highway.

The site is located approx. 500m from the village of Murton due west of the site, and the greater urban area of West Cross and Mayals is located approx. 1km due east. There are also bus stops located just due east of the property, close to the Campion Gardens entrance, which serve Swansea City Centre, Pennard and Mumbles via routes 113 and 14 respectively providing access to local services and facilities in the wider area.

### Description of Development

Full planning permission is sought for the change of use of the former children's day nursery (Class D1) to a residential dwelling (Class C3). As part of the proposal, the scheme also proposes two storey front/side extensions, single storey side extension, replacement of rear fire escape with spiral staircase, creation of two new entrance doors with steps, replacement of rear balcony with fire escape route above first floor flat roof at rear and associated fenestration and roof alterations.

The proposal will result in the remodelling of the structure of the building to form the creation of a 10 bedroom dwelling. The ground floor layout will provide the living accommodation, including a downstairs guest bedroom; the first floor layout will contain bedrooms some with en-suites and the second floor will also be converted to further bedroom space.

The detached building, which was originally constructed as a dwelling sometime in the late 19th century prior to its subsequent conversion to an independent school (Craig Y Nos) and then subsequently a children's day nursery (Tree Tops), has previously been extended a number of times since its first construction. Externally the building has a painted roughcast finish with red tile roofing. Window styles and sizes, which comprise of white uPVC, are varied throughout the building.

The property sits in substantial grounds; the grounds consists of hard surfaces directly to the front and rear of the property, which then leads to a large single storey outbuilding (formerly in use as an indoor children's play area - Gower Play) and a grassed area to the rear of the property. Parking provision (which was formally used by staff and visitors to the property) is available on the extensive area of hard surfacing that surrounds the property.

Both internally and externally the building is showing signs of a poor state of repair due to lack of maintenance and neglect following the cessation of the previous nursery use; a considerable amount of work is therefore required to bring the building into any reasonable use.

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Boundaries to the site comprise a mix of treatment's, including a red brick wall with gated entrance to the front; remaining boundaries comprises a mix of established planting, hedgerows and fencing which delineate the site from neighbouring properties.

## Planning Policy

### **National Development Framework: Future Wales - the National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

### **Planning Policy Wales (11th Edition) 2021**

PPW (Edition 11) was published by Welsh Government in February 2021 and is the complete land use planning policy document for Wales, providing the foundation for all national, regional and local planning policies. Whilst not part of the Development Plan it has substantial weight in the planning process. The Welsh Government also published in July 2020 Building Better Places which pinpoints the most relevant policy priorities and actions to aid in the recovery. Building Better Places recognises the pivotal role that planners play in shaping our society for the future. They must plan for our priorities around placemaking, decarbonisation and well-being.

The following key sections and extracts from PPW are of particular relevance:

The concept of placemaking is central to PPW and highlighted as key to delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through development management decisions. PPW (p 14) defines placemaking as a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

PPW (pg 16) states the 6 placemaking principles of the Wales Placemaking Charter (to which the Council is a signatory) that should be referenced in decision making as: people and community; location; movement; mix of uses; public realm; and identity.

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PPW states (para 2.17): In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver developments that address the national sustainable placemaking outcomes.

The Covid-19 Pandemic and Building Better Places: In July 2020 the Welsh Government published Building Better Places which pinpoints the most relevant policy priorities and actions to aid in the recovery. Building Better Places recognises the pivotal role that planners play in shaping our society for the future. They must plan for our priorities around placemaking, decarbonisation and well-being. Building Better Places starts to identify action to achieve this and upon which we must build; future reviews of Planning Policy Wales will enable us to further integrate this work.

Everyone has a part to play to ensure that the communities of tomorrow benefit from the foresight of today. (2.18)

Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area (para 3.3).

Sustainable location (para 3.43 and 4.2.16) - PPW states that in terms of the search sequence for identifying sites for development LPAs should consider allocating previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage.

Development in the countryside (para 3.60) should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Biodiversity and Resilience of Ecosystems (S6 Duty) (paras 6.4.1 to 6.4.9) - In accordance with s6 of the Environment Act 2016, the Council has a duty to maintain and enhance biodiversity. [NB: In Swansea, the section 6 duty is embedded as one of the 4 Well Being Objectives in the Public Service Board's Well Being Plan - "Working With Nature". It is also included as Objective 6 of the Council's Corporate Plan "maintaining and enhancing Swansea's Natural Resources."] The s6 duty means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

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In doing so, the LPA must take account of and promote the resilience of ecosystems, in particular the following aspects: diversity, connectivity, scale, condition and adaptability. In fulfilling this duty the LPA must have regard to S.7 list of habitats and species important for Wales and the SoNaRR and any up to date ecological survey information provided.

Protection and Management of Designated Sites: (paras 6.4.15- 21) - Protection for Non-statutory biodiversity designations can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Assessments should consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

Green infrastructure (para 6.2.1 - 6.2.5) - is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. The delivery of multi-functional green infrastructure can make a significant contribution to the sustainable management of natural resources, in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of diversity, extent, condition, connectivity and adaptability. This means that development of Green Infrastructure is an important way for local authorities to deliver their Section 6 Duty.

Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

### **Adopted Swansea Local Development Plan (2010-2025)**

LDP - 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 (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

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

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LDP - PS3 - LDP - Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities. In all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development.

LDP - CV2 -Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

Proposals to increase residential chalets on 4 existing chalet sites will not be permitted.

ER 8 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.

ER 9 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. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

T 6 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.

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

RP 4 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.

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### Supplementary Planning Guidance (SPG)

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

- o Development and Biodiversity (February 2021)

### Consultation

The application was advertised on site by display of a site notice. It was also advertised in the Local Press as a Departure to the Development Plan. Three neighbouring properties were also consulted by way of neighbour notification letters.

ONE letter of OBJECTION was received which is summarised as follows:

- The applicant has failed to satisfy Policy SI2 which seeks to retain community facilities, through insufficient evidence of marketing. Even if the applicant can adequately evidence this, this policy only allows for the building to be considered for an appropriate alternative use. It does not allow for change of use to a market residential dwelling.
- LDP Policy CV2 is relevant and controls development in the open countryside where the application site is located. This policy is very specific and does not allow for a change of use to a market dwelling in any circumstances.
- Policy PS1 (i) requires development to be directed to the most sustainable locations, within the defined settlement boundaries of the urban area and key villages. As the application site lies outside of these areas in the open countryside criterion (i) of this Policy cannot be complied with. Furthermore, the location of the site scores lowly on the sustainability matrix (Swansea Parking Standards - Appendix 5);
- Question the relevance of LDP Policy CV4 as the existing building is not a traditional rural building and the site does not have a rural planning use. Notwithstanding this, this policy does not allow under any circumstance for a market residential dwelling.
- An identical application (2020/1478/FUL was recently refused by Swansea Council under the very same policies and guidance.
- Whilst each application is based on its individual merits, approval of this application could set a precedent for unjustified development in the open countryside.
- On the basis that the proposal would form an unjustified form of development within the open countryside, contrary to the requirements of Swansea LDP Policies CV2, PS1 and SI2, it is respectfully requested that this application be refused.

### Planning Ecologist -

Relevant documents reviewed:

- Preliminary Roost Assessment for Bats, ExCAL, November 2021.

Bats:

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

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- Deliberately take, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

Breeding/nesting birds:

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

- 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; and
- Take or destroy an egg of any wild bird.

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

Condition:

No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Badgers:

Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

Condition:

All trenches and excavations must be fenced off or covered overnight to prevent any animals 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.



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**Hedgehog:**

Please include the following informative:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

**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/>

**Reptiles & Amphibians:**

Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

**Lighting Strategy**

**Condition:**

A sensitive lighting strategy for the site must be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

**Construction Environmental Management Plan (CEMP)**

**Condition:**

A CEMP for the site must be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site.

**Ecological Enhancements:**

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

**Condition:**

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site.

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This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

### **Strategic Planning & Placemaking Section –**

#### Overview:

The application site lies south of Clyne Common, off the B4436 between West Cross and Bishopston. The proposals seek the renovation and subsequent change of use of a redundant building from its previous use as a children's nursery to a residential dwelling. The application site lies outside of defined development limits and so falls within an area defined as countryside in the development plan.

#### Principle of Development:

A previous proposal for a change of use of the current building to a dwelling was refused (App 2020/1478/FUL refers) for the following reason:

'The proposed conversion of the existing building to an open market dwelling, constitutes the creation of an unjustified new dwelling in the open countryside (which is not an affordable dwelling or agricultural, forestry or rural enterprise dwelling), to the detriment of the character and appearance of the area, contrary to Policies CV2, CV4, PS2 and PS3 of the Swansea Local Development Plan.'

The Officer's report for the previous application set out the following as the policy framework relating to development in the countryside and the conversion of rural buildings:

'LDP policies and national guidance emphasise that areas of countryside are a finite resource that must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. In this regard, Policy CV2 protects the countryside from inappropriate development and generally only permits development requiring a countryside location and providing such development ensures that the integrity of the countryside is conserved and enhanced.

In specific circumstances, existing buildings in the countryside can be converted for a different use. LDP Policy CV 4 provides the framework for the consideration of such proposals. Policy CV4 only supports the conversion of 'traditional rural buildings' and defines such buildings as including 'stonebuilt barns, stables, churches, chapels and schools which create locally distinctive development, contribute to the County's attractive countryside scene and merit safeguarding.'

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The Officer's report for the previous application stated: As a former school with a distinctive character, this building is considered important in the rural locality and merits safeguarding. It can therefore be regarded as a traditional rural building and Policy CV 4 can be applied. Policy CV 4 only supports rural building residential conversions if such proposals would provide affordable housing for local need. Policy CV 4 also supports conversions for business uses such as for tourism.

Having regard to the above policy framework, the previous application was ultimately refused on the basis that the proposed use of the building was for market housing, rather than affordable housing or a rural enterprise dwelling, at variance with Policy CV 4. Also that it would represent a new dwelling in the open countryside for which no rural justification or need was demonstrated, contrary to LDP Policy CV2.

Having regard to the details of the new application, the LPA now needs to consider against the policy framework the current prevailing circumstances, and the new evidence and information that has been submitted with the proposal. This will inform whether material circumstances have been highlighted in this case that justify allowing the use of the building as an open market dwelling, whilst acknowledging such a development may not comply with all aspects of the relevant LDP Policies.

If, on the basis of all the information before them for this new application, the Case Officer considers that the existing premises is a 'traditional rural building', then Policy CV 4 would apply otherwise the main policy for determining the principle of this development proposal is CV 2.

Having regard to both Policy CV 2 and CV 4, a key issue for the Authority in assessing the new application is, having regard to the latest evidence, whether it remains reasonable to require that the building should in future only be used for a commercial use, community facility or for an affordable housing conversion scheme. Clearly it is important that a viable future is secured for the current building, and the likelihood of the building continuing to be vacant and falling into a state of further disrepair and detracting from the landscape is a material consideration.

Having reflected on the site specific circumstances in this case and the supporting documents submitted with the application, I do consider that there are some exceptional/extenuating circumstances that apply in this instance:

- The property has the outward appearance of a dwelling and has at some point in the past been used for this purpose.
- The building is in a poor state of repair and appears to be deteriorating, which has a related effect on the visual appeal of the landscape. It also exhibits some unattractive features and materials that are not befitting of the inherent, underlying quality of the building, which redevelopment for a viable use can address
- The auction process that has been followed provided an opportunity to identify a viable/appropriate commercial or community use. The applicant's agent has provided information on the bids and auction process demonstrating that there were no bids made with the intention of pursuing these types of uses.
- Evidence has been provided to set out significant economic viability problems and constraints associated with the layout of the building that limit the likelihood of finding a viable/appropriate commercial or community use

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- The suitability/viability of the building for conversion to an affordable home (or homes) is highly questionable, including the likelihood of an RSL acquiring the site/buildings for that purpose, given the costs involved in redeveloping/remodelling, and the inherent potential unsuitability of the location for affordable housing
- There is a fall-back position, given that the site is brownfield (albeit in the countryside) where appropriate sustainable (re)development proposals would be reasonable to consider in principle
- A well-designed conversion scheme could significantly enhance the existing building and benefit the wider countryside setting
- Evidence has been provided as to why a private market residential use is considered the only reasonable option.

Finally, in relation to the principle of the development, it is certainly the case that proposals for open market dwellings do not form part of the list of developments presumed acceptable in principle within the countryside in Policy CV 2 or CV 4. That said, the proposal would result in the re-use of a redundant and deteriorating building in the countryside which aligns with one key aspect of that policy. Fundamentally, Policy CV 2 is concerned with ensuring development will conserve and enhance the integrity of the countryside, and so the details of the proposals should be assessed against this overarching policy aim.

Final Comments:

In terms of the principle of the proposed development, Policy CV 2 is key to considering the conversion proposals, and to determining whether the integrity of the countryside will be conserved and enhanced by the development. It is certainly the case that proposals for open market dwellings do not form part of the list of developments presumed acceptable in principle within the countryside under Policy CV 2. It would however result in the re-use of a redundant and deteriorating building in the countryside which aligns with that aspect of Policy CV 2.

If the Case Officer considers that the existing premises is a 'traditional rural building', then Policy CV 4 would also apply to the conversion proposals. That policy highlights there is a presumption against converting traditional rural buildings to new open market dwellings.

The applicant has sought to address why alternative developments/uses, which are presumed in policy as more acceptable in countryside locations (such as affordable housing, business/commercial uses or community facilities) would not be reasonable or viable to be brought forward for this particular property.

The above appraisal has highlighted some exceptional/extenuating circumstances that apply in this case, based on the evidence submitted with the planning application, which can potentially justify allowing a proposal for the use of the building as an open market dwelling, whilst acknowledging such a development would not comply fully with the aforementioned policy.

Whilst the proposal represents a technical departure to the adopted LDP, it is important to consider the full range of material considerations that apply in this particular instance to ensure that a viable future is secured for the current building, and that it does not continue to be vacant and fall into a state of further disrepair, detracting from the landscape.

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**Local Highway Authority** - A previous planning application 2020/1478/FUL was refused in November 2020 for change of use from a Nursery (D1) to a residential dwelling (C3). The current application represents a re-submission of that scheme, seeking to address the points raised by the Authority in its determination. Highway comments submitted for that application still apply:

Access to the site is well established, adequate parking and on site turning facilities are provided for the proposal and the removal of the former school/nursery use would result in a considerable reduction in traffic levels. There are no highway objections to the change of use.

**Dwr Cymru Welsh Water** - The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory note:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage system or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.

## APPRAISAL

### Main Issues

In view of the recent planning history of the site the main issues for consideration in this instance are: the principle of the conversion of the former Tree Tops Day Nursery to a dwelling; whether the proposed extensions and external works have an acceptable impact upon the character and appearance of the area; the impact of the proposal on the residential amenities of neighbouring properties, highway safety, and ecological impact; having specific regard to aforementioned policies of the Swansea Local Development Plan 2010-2025.

### Principle of Development

The application site comprises a former nursery and its grounds that occupy a reasonably large parcel of land outside the settlements of Murton/Bishopston and Mayals/West Cross. For the purposes of the LDP, it lies outside defined settlement boundaries, within an area of open countryside where LDP Policy CV2 is applicable and which seeks to protect the countryside from inappropriate development and generally only permits development requiring a countryside location and providing such development ensures that the integrity of the countryside is conserved and enhanced.

The Officer's report for the previous application at this site (2020/1478/FUL) set out the following as the policy framework relating to development in the countryside and the conversion of rural buildings:

'LDP policies and national guidance emphasise that areas of countryside are a finite resource that must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.

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In this regard, Policy CV2 protects the countryside from inappropriate development and generally only permits development requiring a countryside location and providing such development ensures that the integrity of the countryside is conserved and enhanced.

In specific circumstances, existing buildings in the countryside can be converted for a different use. LDP Policy CV4 provides the framework for the consideration of such proposals. Policy CV4 only supports the conversion of 'traditional rural buildings' and defines such buildings as including 'stonebuilt barns, stables, churches, chapels and schools which create locally distinctive development, contribute to the County's attractive countryside scene and merit safeguarding.'

The Officer's report for the previous application stated: As a former school with a distinctive character, this building is considered important in the rural locality and merits safeguarding. It can therefore be regarded as a traditional rural building and Policy CV 4 can be applied. Policy CV 4 only supports rural building residential conversions if such proposals would provide affordable housing for local need. Policy CV 4 also supports conversions for business uses such as for tourism.

Having regard to the above policy framework, the previous application was ultimately refused on the basis that the proposed use of the building was for market housing, rather than affordable housing or a rural enterprise dwelling, at variance with Policy CV4. Also that it would represent a new dwelling in the open countryside for which no rural justification or need was demonstrated, contrary to LDP Policy CV2.

Having regard to the details of this current planning application, the local planning authority now needs to consider against the policy framework the current prevailing circumstances, and any new evidence and information that has been submitted with the proposal. This will inform whether material circumstances have been highlighted in this case that justify allowing the use of the building as an open market dwelling, whilst acknowledging such a development may not comply with all aspects of the relevant LDP Policies.

Following a review of the application and LDP Policies and specifically Policy CV4, paragraph 2.10.35 of the amplification to Policy CV4 defines traditional rural buildings as including stone built barns, stables, churches, chapels and schools'. However, upon further review of the application, it is considered this policy was applied incorrectly in the first instance. The building was originally built as and continues to resemble a dwelling, not a school. It is therefore considered the proposal does not resemble a traditional rural building which Policy CV4 pertains to and thus this Policy is not considered of relevance to the determination of this application. Notwithstanding this, the applicant has sought to provide some additional information (in the context of this Policy) which is considered further below.

As Policy CV4 is now not considered the appropriate planning framework against which to consider the application, it therefore falls to be considered against Policy CV2.

In line with the LDP's sustainable settlement strategy, LDP Policy PS1 directs development to the most sustainable locations within defined settlement boundaries and LDP Policy PS3 further presumes against inappropriate housing development in the open countryside.

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In the countryside LDP Policy CV2 restricts development to certain categories none of which apply to the application proposal. The proposal would technically therefore be at odds with the settlement strategy and housing strategy of the LDP.

The LDP is consistent with Planning Policy Wales Edition 11 (PPW) which stipulates that new building in the open countryside must continue to be strictly controlled. However, the site has been previously developed albeit the building is in a deteriorating state. It must therefore be recognised that the proposal would seek to reuse an existing building, one that is already sited in between existing built form - care home and residential dwelling. It would not therefore fundamentally change the existing scope of built form. It also would fall within the definition of previously developed land, and as such already has infrastructure in place.

In this regard, national planning policy in Planning Policy Wales (PPW) whilst recognising that not all previously developed land may be suitable for development, for example because of its unsustainable location, gives preference to the re-use of such sites over greenfield sites. The relatively isolated nature of the site is recognised, however it is also well served by bus stops, located in close proximity to the site which provide regular access to local services and community facilities serving the wider area. The previously developed nature of the site (albeit in the countryside) clearly weighs in its favour for re-development.

To support the application the applicant has provided a planning statement, which provides additional information to justify the proposal. Having given due consideration to the site specific circumstance in this particular case, together with the supporting information submitted with the application, it is considered that there are some exceptional/extenuating circumstances that apply in this instance:

- The property was originally built and occupied as a dwelling, and continues to have the outward appearance of a dwelling;
- The building is in a poor state of repair due to a lack of maintenance and appears to be deteriorating - which has an associated related effect on the visual appearance of the landscape, being located on one of the principle routes into the Gower AONB. It has also been unsympathetically extended in the past and exhibits some unattractive features and materials that are not befitting of the inherent underlying quality of the building, which its redevelopment for a viable use can seek to address;
- The property was sold at auction - the auction process would have provided an opportunity to identify a viable/appropriate commercial use. The applicant's agent has provided information on the auction process demonstrating that there were no bids made with the intention of pursuing these types of uses; the only other bid on the property also being for a residential use;
- Evidence has been provided to set out significant economic viability problems and constraints associated with the layout of the building that limit the likelihood of finding a viable/appropriate commercial or community use
- The suitability/viability of the building for conversion to an affordable home (or homes) is highly questionable, including the likelihood of an RSL acquiring the site/buildings for that purpose, given the costs involved in redeveloping/remodelling, and the inherent potential unsuitability of the location for affordable housing;
- There is a fall-back position, given that the site is brownfield (albeit in the countryside) where appropriate sustainable (re)development proposals would be reasonable to consider in principle;

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- A well-designed conversion scheme could significantly enhance the existing building and benefit the wider countryside setting;
- Evidence has been provided as to why a private market residential use is considered the only reasonable option.

Fundamentally, Policy CV2 is concerned with ensuring development will conserve and enhance the integrity of the countryside, and the details of the proposals have been assessed against this overarching policy aim. It is certainly the case that proposals for open market dwellings do not form part of the list of developments presumed acceptable in principle within the countryside in Policy CV2. That said, the proposal would result in the re-use of a redundant and deteriorating building in the countryside which aligns with one key aspect of that policy. The proposal would not result in any material harm to the character of appearance of the surrounding area, and would not therefore be fundamentally at odds with the general aim to ensure development conserves and enhances the integrity of the countryside.

The applicant has sought to address why alternative developments/uses, which are presumed in policy terms as more acceptable in countryside locations (such as affordable housing, business/commercial uses or community facilities) would not be reasonable or viable to be brought forward for this particular property.

It is acknowledged that this proposal represents a technical departure to the adopted LDP; however, it is important to consider the full range of material considerations that apply in this particular instance to ensure that a viable future is secured for the current building, and that it does not continue to be vacant and fall into a state of further disrepair, thus detracting from the landscape. The above appraisal has highlighted some exceptional/extenuating circumstances that apply in this case, based on the evidence submitted with the planning application, which, it is considered justify allowing the proposal for the use of the building as an open market dwelling, whilst acknowledging that such a development would not comply fully with the aforementioned policy.

On balance, therefore, whilst the proposal would not be in direct accord with the Council's housing strategy and Policy CV2, in balancing the fact that the site is within the countryside but would secure the reuse of a vacant, redundant building, it is considered the proposal represents an acceptable technical departure to Policy CV2 in this instance.

**Visual Amenity**

Turning to impact on visual amenity, it is considered that the proposed extensions and associated external works are subordinate in scale to the existing building and respectful in their design detailing to the host building. The external finishes will match those of the existing building, with new paint finish to render, use of cedar wood cladding to roofing and panelling, and a spiral external staircase to the side/rear (to replace an existing fire escape). It is also considered that the replacement extension(north east corner) to the front elevation of the property facing directly onto the B4436/Northway Road, will result in a more balanced and proportionate front elevation, which currently comprises of a number of disjointed elements, and which detracts from the overall character of the property in this sensitive countryside setting.



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On balance therefore it is considered that the proposed external works would preserve the character and appearance of the building and would respect the visual amenities of the area, in accordance with LDP Policy PS2.

### **Residential Amenity**

It is proposed to convert the property into a 10-bedroom property. The external works do not raise any concerns in respect of creating an overbearing or overshadowing impact on the residential amenities of surrounding neighbouring residents, due to the adequate screening along both shared boundaries, coupled with satisfactory separation distances. It is noted that concerns were previously raised regarding potential overlooking from windows at first floor and second floor level. However, upon further review, and in view of existing verdant screening & the orientation of the windows relative to the neighbouring Campion Gardens site, it is considered any potential overlooking would be acute and not direct overlooking, that would warrant a reason for refusal on this issue alone.

It is also noted that some concerns were raised regarding a balcony area on the rear elevation at first floor level. However, upon further review, this existing balcony is due to be omitted as a result of the development proposals. The flat roof on the rear elevation will continue to serve as a fire escape route (at second floor level via the replacement spiral staircase); however it is considered prudent to include a condition to ensure this flat roof is not used as a storage area, balcony or similar amenity area, to avoid any potential overlooking impacts on the amenity/garden area of the neighbouring Campion Gardens site.

In respect of potential for noise and disturbance, CSSIW records (2017) for the day nursery when it operated as Treetops advise that the property was registered to care for up to 63 children between the hours of 07.30am to 6pm, Monday to Friday. The use of the property therefore as a single dwellinghouse, albeit as a 10 bedroom property is a significantly less intensive use of the property in terms of noise and disturbance and comings and goings. Overall, therefore it is not considered that the proposal would unacceptably detract from the quality of life of the occupants of neighbouring properties and gardens/amenity space in accordance with LDP Policy PS2.

### **Ecology**

The application is accompanied by a Preliminary Roost Assessment for bats. The building was surveyed externally and internally for bats. Although some roosting features were present within the building, particularly within the loft, the lack of any suitable access/egress points into the loft and the general building interior, together with the absence of any evidence of bats within the building or loft (e.g droppings, feeding remains) reduces the likelihood that bats are utilising the property for roosting purposes. The building was therefore assessed to possess negligible/low potential for bats. No further survey effort was therefore recommended with respect to bats.

The Council's Ecology Officer has reviewed the survey findings and has offered no objection to the proposal subject to the inclusion of a number of conditions. However a number of the suggested conditions are not considered reasonable or necessary in this instance, including the requirement for a Construction Environmental Management Plan (CEMP), in view of the limited nature of the proposed works and are more appropriately dealt with via advisory notes which will include advice on actions to be taken in the event that any protected species are found.

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It is however considered reasonable to condition a lighting strategy in view of its position and rural nature of the wider landscape.

Ecology Policy 9 of Future Wales (in addition to Policy ER9 and the Supplementary Planning Guidance Document - Biodiversity) require 'enhancement' of biodiversity at all levels. Action shall be taken to secure the maintenance and enhancement of biodiversity (to provide net benefit) and innovative, nature-based approaches to site planning and the design of the built environment are required. In view of this it is required to provide 'enhancement' and therefore any planning permission will have a planning condition imposed to secure details of enhancements. Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls/ roofs, the provision of hibernacula in the garden for animals, a pond or native planting/wildflowers in any landscaping scheme. It could include the removal of an invasive non-native species at a site. The above are provided as an example and are not an exhaustive list.

### **Access and Highway Safety**

Part of the land between the property boundary and the adopted highway (B4436) is common land. However, the vehicular access to the site is well established, and no changes are proposed to the access point. Adequate parking and on site turning facilities are provided for the proposal and the removal of the former school/nursery use would result in a considerable reduction in traffic levels. The Head of Transportation and Engineering has therefore raised no highway objections to the development proposal.

It is understood that there are future plans to provide a cycle path along the B4436 Northway as part of the Active Travel (Wales) Act 2013. This proposed route will run across the existing access to the application site and will involve highway works to accommodate this and other accesses to provide a cycle route. It is proposed to include an informative note to this end and to advise that any planning permission does not convey any rights to alter or extend the existing vehicular access which may potentially impact on this proposed scheme.

### **Response to Consultation**

Comments made in respect of principle of the use of the property & sustainability having regard to prevailing planning policies has been addressed in the report.

In respect of comments regarding loss of a community facility; the previous application was not considered under this Policy and did not form a reason for refusal. Notwithstanding this, it must be noted the previous business use ceased operating a number of years ago and there has been no further business or community facility use of the property in the intervening years. It is therefore not considered appropriate to categorise the building as an important community facility and therefore Policy SI2 is not applicable in this instance. Moreover, a children's day nursery (Pebbles Day Nursery) now operates from Campion Gardens adjacent to the site & which serves the wider area.

### **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 WCFG Act").

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In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. For the above reasons the development is accordingly recommended for approval.

## 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:  
10 Rev A proposed ground floor plan;  
12 Proposed second floor plan;  
13 Proposed roof plan;  
14 Proposed site location & block plan;  
received 26th July 2021  
  
08 Rev D Proposed front & rear elevation;  
09 Rev B Proposed side elevations;  
11 Rev B Proposed first floor plan  
received 13th September 2021.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans
  
- 3 The materials to be used in the construction of the external surfaces of the development shall be carried out in accordance with the details shown on the approved plans.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
  
- 4 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be fully provided no later than 6 months from the completion of the development and shall be retained as such in perpetuity.  
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).
  
- 5 Prior to the installation of any external lighting a sensitive lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a detailed plan and specify lighting type, specification, direction, height and lighting levels in lux/UV.

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The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting> and lighting should be below 3000K. The development shall be carried out in accordance with the approved lighting strategy and retained as such thereafter.

Reason: In the interest of ecology and biodiversity.

- 6 The development shall be undertaken in accordance with the Recommendations contained within Section 5.2 of the Preliminary Roost Assessment for Bats (ExCAL) received 11th November 2021.

Reason: In the interests of ecology.

- 7 The 2nd floor flat roof area on the rear elevation shall not be used as a storage area, balcony, or similar amenity area.

Reason: To protect the amenity of neighbouring occupiers.

**Informatives**

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

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, CV2, ER8, ER9, T6, EU4, RP4.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 3 Highways Note:

The City and County of Swansea Traffic Department advise that there is a scheme proposed to provide an Active travel link/ cycle path along the B4436 Northway. The proposed route will run across the existing access to the application site and will involve highway works to accommodate this and other accesses to provide a cycle route.

The planning permission hereby granted does not convey any rights to extend or alter the existing vehicular access point.

- 4 DCWW Note:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage system or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.

- 5 Please note that the Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls/ roofs, the provision of hibernacula in the garden for animals, a pond or native planting/ wildflowers in any landscaping scheme. The above are provided as an example and are not an exhaustive list.

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6 All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- Deliberately take, injure or kill a bat; Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time); Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

7 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'

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

No clearance/pruning of trees, shrubs or scrub shall be undertaken during the bird nesting season 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.

8 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

9 All trenches and excavations shall be fenced off or covered overnight to prevent any animals 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.

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10 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/>

11 All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat

12 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under the Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

2 Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

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Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations.

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Planning Committee – 11<sup>th</sup> January 2022

Item 3

Application Number:

2021/2770/FUL

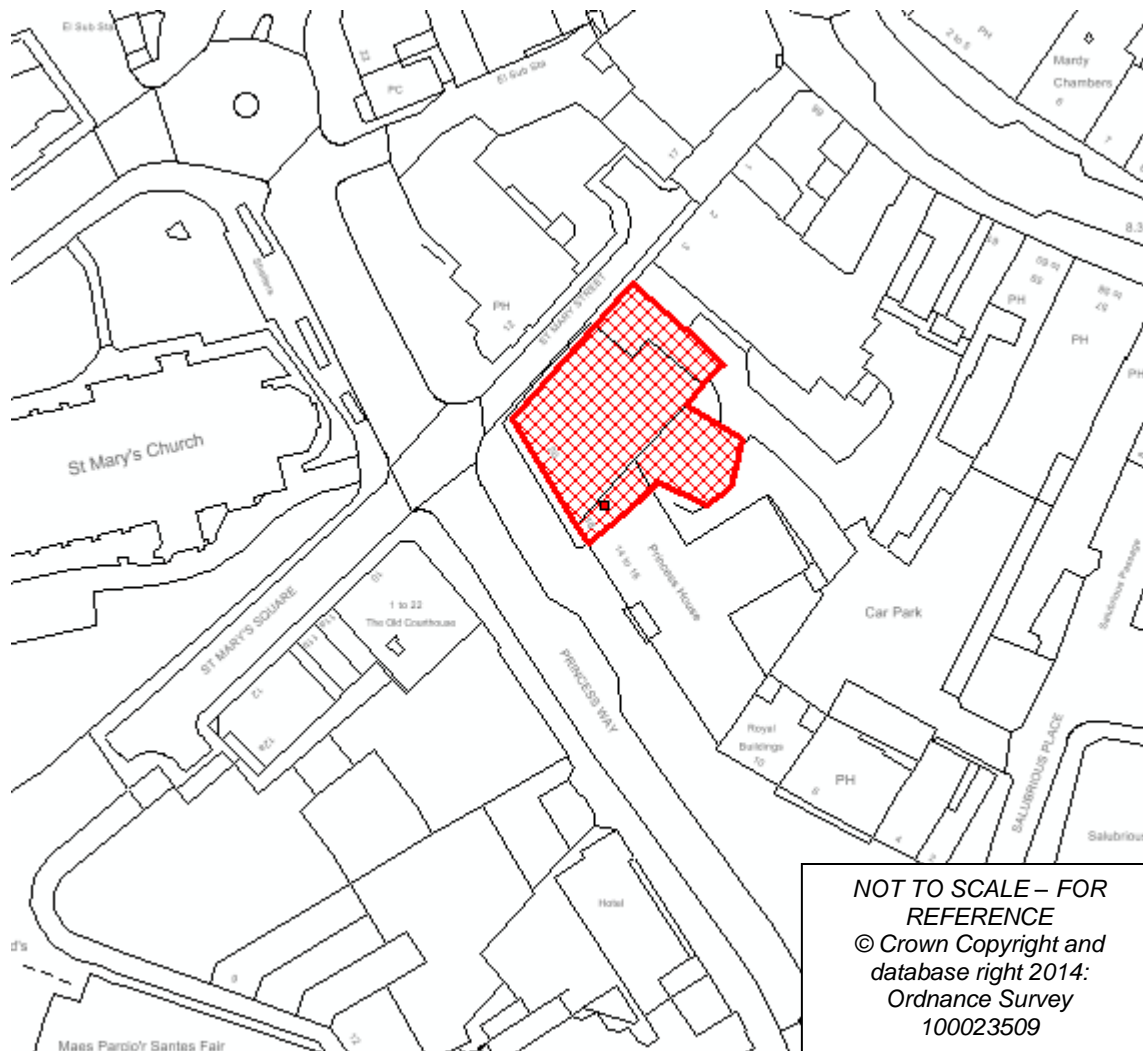
Ward:

Castle - Bay Area

Location: 18-20 Princess Way, Swansea, SA1 3LW

Proposal: Conversion, external refurbishment (including glazed curtain walling) and two storey extension of existing building at 2nd / 3rd floors creating 4 no. ground floor retail / commercial units (Class A1 / A3) with 3 storeys of office accommodation above (Class B1) including roof terrace, 3 no. rooftop meeting pods and green infrastructure

Applicant: Kartay Holdings Ltd





Item 3 (Cont'd)

Application Number:

2021/2770/FUL

**Background Information**

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
A01/0286	Change of use of ground floor shop (Class A1) to a family technology centre (Class D1)	APP	27.03.2001
A00/0784	VARIATION OF CONDITION 01 OF PLANNING PERMISSION 97/0873 GRANTED ON 19TH AUGUST 1997 FOR THE CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2) TO ALLOW	APP	18.07.2000
A00/0783	VARIATION OF CONDITION 01 OF PLANNING PERMISSION 97/0874 GRANTED ON 19TH AUGUST 1997 FOR THE CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO FOOD AND DRINK (CLASS A3) TO ALLOW FOR THE EXTENSION OF TIME	APP	18.07.2000
97/0874	VARIATION OF CONDITION 01 OF PLANNING PERMISSION 93/0103 GRANTED ON 10TH MARCH 1993 FOR THE CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO FOOD AND DRINK (CLASS A3) TO ALLOW FOR THE EXTENSION OF TIME FOR	APP	19.08.1997

**Planning Committee – 11<sup>th</sup> January 2022**

Item 3 (Cont'd)	Application Number:	2021/2770/FUL
97/0873	VARIATION OF CONDITION 01 OF PLANNING PERMISSION 93/0102 GRANTED ON 10TH MARCH 1993 FOR THE CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2) TO ALLOW FOR	APP 19.08.1997
96/0247	CHANGE OF USE OF GROUND FLOOR FROM SHOP (CLASS A1) TO OFFICES (CLASS B1) AND ALTERATION TO ELEVATIONS	APP 09.07.1996
93/0103	CHANGE OF USE OF GROUND FLOOR FROM CLASS A1 (SHOPS) TO CLASS A3 (FOOD AND DRINK)	APP 10.03.1993
93/0102	CHANGE OF USE OF GROUND FLOOR FROM RETAIL (CLASS A1) TO FINANCIAL AND PROFESSIONAL SERVICES (CLASS A2)	APP 10.03.1993
87/0957/03	CHANGE OF PART OF BUILDING FOR APOSTOLIC CHURCH RELIGIOUS AND NON- RESIDENTIAL COMMUNITY CARE AND WELFARE CENTRE	WDN 02.08.2001
77/0717/03	OFFICE DEVELOPMENT ON FIRST, SECOND AND THIRD FLOOR	APP 28.07.1977
2013/0352	Re-cladding and re-glazing of existing building and associated works	APP 06.09.2013

## Planning Committee – 11<sup>th</sup> January 2022

Item 3 (Cont'd)		Application Number:	2021/2770/FUL
2003/2183	Variation of condition 01 of planning permission A00/0784 granted on 18th July 2000 for the change of use of ground floor to financial and professional services (Class A2) to allow for the extension of time for the commencement of works for a period of 3 years	APP	23.12.2003
2003/2181	Variation of condition 01 of planning permission 97/0874 granted on 18th July 2000 for the change of use of ground floor to food and drink (Class A3) to allow for the extension of time for the commencement of development for a period of 3 years	APP	23.12.2003
2001/1004	Retention of roller shutters	APP	07.08.2001

### Procedural Matters

This application is reported to Planning Committee as it constitutes a Major Development and has met the threshold for call in as set out in the Council's Constitution.

### Description

It is proposed to redevelop / refurbish the existing 1950's office building (known locally as the Smith- Llewelyn building and formerly occupied by 'Mama Mia's' at ground floor) bringing it back into beneficial use with a viable and high quality Grade 'A' office development to contribute to the regeneration of this part of the city. The development aims to provide high quality, flexible commercial office space to respond to the focus on bringing more people into the city centre for employment purposes.

The development will comprise of 4 no. retail / commercial units on the ground floor and three storeys of Grade 'A' office accommodation above. This will provide high quality workspace to meet the needs of 21st Century SMEs in a city economy.

### Surrounding Site Context

The building occupies a prominent city centre plot along Princess Way and is situated adjacent to the Cross Keys Inn (which is Grade II listed) with St. Mary's Church (also Grade II listed) situated on the opposite side of Princess Way.

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This southern section of Princess Way is fronted with a mix of pubs, restaurants and offices, together with the Travelodge hotel and the Vue cinema. The public realm along Princess Way has previously been subject to an enhancement scheme and following the opening of the Swansea Arena in 2022, it is anticipated that footfall will significantly increase, with it becoming a key conduit north to south through the city. The site lies adjacent to (and with a frontage to) St Mary's Street which provides an access through to Wind Street.

**Access and Sustainability / Connectivity**

The site is located within a sustainable location within Swansea City Centre at the eastern periphery of the Central Area. It is in close proximity to facilities and services and also in terms of public transport provision, being in close walking distance to the Quadrant bus station and also the railway station. The site is also accessible to the National Cycle Route 4 and the wider cycle network.

**Proposed Development**

The building footprint sits on the key corner of Princess Way and St Mary's Street, and the four ground floor A1 retail/A3 units are proposed to front the corner and the façade that runs along St Mary's Street, providing an active frontage. The commercial entrance situated on the Princess Way frontage provides a double height space linking to the internal core access to the upper floors. Servicing and refuse are dealt with at the rear of the building adjacent to Princess House where there is an existing access through the car park.

The proposed elevational treatment uses a glazed approach which the submitted Design and Access Statement outlines would provide the opportunity to reflect the historic adjacent buildings in our façade as it wraps the corner, providing dramatic reinforcement of the heritage of this part of the city and a play on the new architecture versus the old.

The roof plan incorporates three glazed meeting pods with green infrastructure which will encourage greater use of the space, with the corner meeting pod being used to strengthen the scale of the building as it wraps this key junction. The scheme seeks to contribute to the aspirations to 'green' the city with the inclusion of a roof level garden terrace to the building with planting designed to provide enhanced biodiversity value and visual interest at this level. A Green Space Factor (GSF) analysis of the proposals has been undertaken, and the scheme would achieve a GSF calculations of 0.35 which would be in accordance with the Green Infrastructure guidance which requires a minimum GSF score of 0.3 for commercial developments.

**Energy Statement**

The application is accompanied by an Energy Statement which outlines the estimated energy/emissions performance of the new development, including features that have been incorporated to the building design and building systems to minimise the energy demands of the development in line with LDP Policy EU2.

A range of strategies are proposed to minimise building energy use following a 'fabric first' approach before consideration of renewable and low carbon technologies are considered to further improve the sustainability credentials of the scheme.

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It is proposed that the building will be designed to be 'all-electric', to negate the reliance on fossil-fuel burning systems to lower the building's long term carbon footprint. The building will utilise low carbon technologies in the form of high-efficiency air source heat pumps to provide heating and cooling via a variable refrigerant flow (VRF) system.

Since the development will provide a roof terrace comprising seating areas and soft landscaping for the building occupants, there is insufficient roof space to accommodate a solar PV or solar thermal array.

**Response to Consultations**

The Wales Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to submit a pre-application consultation report (PAC). In accordance with those requirements, a Pre-Application Consultation (PAC) Report has been submitted following the pre-application consultation undertaken by the applicant in October, 2021.

**Statutory Consultation**

The planning application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No public responses were received to this consultation. Comments from statutory consultees were as follows:

**CADW**

Our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.

**Assessment**

This planning application is for the conversion, refurbishment & extension of 18-20 Princess Way, Swansea. Located within a 1km buffer of the application area are scheduled monuments:

- o GM012SwanseaCastle
- o GM441OriginalSwanseaCastle

Intervening topography, buildings and vegetation mean it is unlikely that the proposal will be inter-visible with the scheduled monuments. Therefore it is unlikely that there will be any effect on the settings of the scheduled monument.

Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust.

**Glamorgan Gwent Archaeological Trust**

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint.

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We have consulted the regional Historic Environment Record (HER) and note the submission of an Archaeological Desk Based Assessment by Archaeology Wales (Report no. 1988, dated July 2021). The application is located within the core of the medieval walled town and historic Ordnance Survey mapping indicates the presence of Post-medieval structures on the site, including 4 and 5 St Mary Street and the former Talbot Arms Public House. As such there is the potential for the proposal to adversely affect archaeological remains and the assessment recommends an archaeological watching brief and building record.

We concur with such mitigation and it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of building recording, followed by a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*

**Dwr Cymru Welsh Water**

We note that our consultation response has been acknowledged and included at Appendix F of the accompanying Pre-Application Consultation (PAC) Report, which highlights that foul flows can be accommodated in the public sewerage system whereas surface water flows may require SAB consent, subject to the scale of any alterations and extensions to the existing building. Accordingly, if you are minded to grant planning permission for the above development, we would request that a condition be included:

*No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.*

*Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.*

**Natural Resources Wales**

We have no objection to the application as submitted, but offer the following comments:

We note that the preliminary ecology report submitted in support of the above application (Preliminary Ecology Appraisal, Prepared by The Environmental Dimension Partnership Ltd, June 2021) has identified that there is no suitable habitat for bats.

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It is recommended in the report that a further inspection should be undertaken prior to development.

**CCS Planning Ecologist**

The Preliminary Ecological Appraisal, EDP, July 2021 has been reviewed and if works to the building do not commence until after March 2022 (i.e. more than 1 year following the initial bat assessment), an update inspection of the building is recommended prior to the commencement of works to confirm continued absence/presence of bats.

**Ecological Enhancements:**

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5. The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information.

The inclusion of log piles, rock piles and nest boxes on the green roof, as proposed in the DAS, are welcomed. Woodstone or Woodcrete nest boxes should be used as they are much more durable than wood. As detailed in the PEA, boxes for swifts and house sparrows should be included to help populations of these species that have massively declined.

*Condition:*

*The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.*

**Landscaping/Green Infrastructure:**

The inclusion of a green roof is welcomed. To meet the Green Space Factor Tool Target, it is advised that the green roofs will need to be GRO code compliant. To maximise biodiversity benefits, the seeds/plants should be native and of local provenance.

*Condition:*

*A full landscaping strategy, including planting schedule, management and monitoring shall be submitted to the LPA for approval prior to the commencement of development on site. The proposals shall include a specification and maintenance plan for a green roof in order to achieve the target Green Space Factor Tool score for the development, in line with the Swansea city centre green infrastructure strategy.*

*Reason: Conserving and enhancing biodiversity and ecosystem resilience.*

**Council's Drainage Engineer**

We have no objection to the proposed scheme. As this is only a an extension on an existing roof we do not believe that SuDS approval will be required in this instance but welcome the provision the green infrastructure in accordance with the Green Infrastructure Strategy.

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### Pollution Control Team

It appears the application is purely for commercial and office accommodation. I would like the following condition to be placed on the application:

*No beneficial use of the premises shall commence until a BS4142:2014 + A1:2019 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014 + A1:2019.*

*Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.*

### Highway Authority

Highway response to Pre-application Consultation:

Highways Response to the Principle:

The site is located within the city centre core where there is a relaxation to provide car parking for the office use. Moreover, as stated within the Swansea Central Area: Regeneration Framework (SCARF) under Section 5: Framework for Regeneration and Movement which seeks to promote sustainable transport by reducing car dependency and with regard to the central area car parking standards provide the following advice:

*To facilitate new land uses and regeneration initiatives in the Central Area which align with the aims, objectives and proposals of the Regeneration Framework, such as the re-use of vacant upper floors and vacant underused buildings for residential use, a limited relaxation of car parking standards will be considered where appropriate and where there are no adverse effects on highway conditions.*

*Each site will be treated on its merit, however there will be instances where assessed parking demand cannot be met onsite and for such circumstances there is provision within adopted parking standards to require developer contribution towards Transportation initiatives to enhance alternative modes of transport or off-site parking provision. This approach would require the applicant to enter into a Section 106 Agreement.*

Proposals

The PAC has been submitted for a Conversion, refurbishment and extension of existing building to create a modern re-purposed building comprising ground floor retail/commercial units with 3 storeys of office accommodation above at 18-20 Princess Way Swansea.

A Transport Statement was submitted to support this proposed development.

The site was formerly occupied by an Italian restaurant at ground floor, and a solicitors office above although both uses have since ceased. The proposed development is intended to be car free and no car parking provision has been included. The site is located within the boundaries of the 'city centre core' hence no car parking is required to support the ground floor or office uses.



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A servicing/management strategy will however be required in order to safely manage service/deliver to the new offices/retail units.

The site is bound to the north-east by the adopted highway of St Mary Street and to the south-east by Princess Way. The proposed ground floor layout indicates new pedestrian access points on Princess Way and St Mary Street. Given that no new vehicular access points are being created then there are no requirements for the submission of Road Safety Audit.

The site has excellent pedestrian links, access to local amenities and regular public transport services. The footways are wide, and well lit. A cycle route also runs past the site. The site is located in a highly sustainable location. The accessibility of the site will further be enhanced by the works to the city centre and the Copr bay development with the new pedestrian bridge over the A4067.

The accident analysis undertaken (crashmap) shown minimal accidents reported (2016-2020), with no recurring causes or clusters. There is nothing to conclude that the highway layout gives rise to any cause for concern.

No car parking is being provided and the infill parking area that is present currently (8 cars) is being infilled. The TS makes reference to deliveries and servicing being made to the rear of the site (accessed off Salubrious Place) and/or using the existing loading bays on St Mary Street, and also on Princess Way. Confirmation would need to be provided that access rights exist off Salubrious Place given that it is outside of the red line of ownership. The infill will be right on the boundary of the adjacent adopted highway, as such Applicants must satisfy themselves with regard to exact site/highway boundaries before carrying out any development works, in order that any necessary highway works licenses are obtained, or the requirement to extinguish highway rights are addressed.

The TS states that cycle parking for up to 25 cycles (in line with the parking SPG) will be provided internally along with shower facilities. Those details are indicated on the proposed ground floor plan. That provision will encourage travel by sustainable modes.

There is a marginal increase in traffic at all times compared to the existing use. When comparing the lawful uses at the site to the proposed office use the net increase in trips is 14 additional trips in the morning peak, and 2 in the afternoon peak. Given the city centre location, choice of sustainable modes of travel, and access to Active Travel Routes the increase is unlikely to have any noticeable impact on the highway network.

A bin storage is indicated to the rear of the site, its suitability would be a matter for CCS Waste Management to comment on. My concern on behalf on the HA would be that inadequate waste facility would result in long term storage of waste on the adopted highway causing an obstruction to pedestrians.

**Summary**

The additional trips generated by the proposed change of use is not considered to have any impact on highway safety. Extensive improvements have already taken in and around the site with regard to widened footways, dedicate cycle routes and pedestrianisation. Given the low level increase in trips associated with the proposal a Section 106 request for highway improvements was not considered necessary.

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**Conclusion**

The development is not expected to have any unacceptable impact on highway safety given the low levels of additional trips generated compared to the fall-back position.

**Recommendations**

Given the restricted nature of the site and lack of space outside the building envelope then I will be requesting a Construction Method Statement to ensure that highway safety is not compromised during the build. In terms of additional information to be submitted with the planning application then I would request a service/delivery management plan.

**Placemaking and Strategic Planning Team Appraisal**

**Overview**

This is a full planning application for the conversion, external refurbishment (including glazed curtain walling) and two storey extension of the existing building at 2nd / 3rd floors creating 4 no. ground floor retail / commercial units (Class A1 / A3) with 3 storeys of office accommodation above (Class B1) including roof terrace, 3 no. rooftop meeting pods and green infrastructure.

**Principle of Development**

The site is located on the corner of Princess Way and St Mary Street within the Swansea Central Area identified in the LDP and inside the Retail Centre designated by Policy RC 3. The application proposes creating 4 no. ground floor retail / commercial units (Class A1 / A3) with 3 storeys of office accommodation above (Class B1).

The Development Plan sets out a Centres First approach for such uses. The Swansea Central Area Retail Centre is the sequentially preferred location for new A1 and A3 uses in the County as set out by the retail and leisure hierarchy in LDP Policy RC 2. Whilst retail uses will be required to dominate frontages within the Centre at ground floor level, leisure uses, particularly Class A3 food and beverage uses, will also be appropriate in some instances at ground floor level in contrast to business (B1) and residential (C3) uses which will not generally be supported at ground floor level.

Cafés and restaurants provide an important function in their own right ensuring that footfall generated by the primary retail function of the Centre is retained within the Centre, and consumers and shoppers do not have to leave the Centre during the course of their shopping trip, thereby retaining economic activity in the Centre.

In-line with LDP Policy RC 9 it is particularly important that the proposed shop front and window design for non-retail uses generate a level of activity and interest and contribute towards the streetscene.

Swansea Central Area is the preferred location for new significant office development as identified in LDP Policy RC 12. In principle, the creation of Grade A office accommodation on the upper floors at this location in the Central Area would be welcomed.

The site is partly located inside the Wind Street Conservation Area (CA). LDP policy HC 1: Historic and Cultural Environment, states that the County's distinctive historic and cultural environment will be preserved or enhanced by:

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- i. Requiring high quality design standards in all development proposals to respond positively to local character and distinctiveness;
- ii. Identifying and safeguarding heritage assets, sites and their settings (which the policy amplification clarifies includes Conservation Areas);
- iii. Supporting heritage and cultural led regeneration schemes.

LDP policy HC 2 aims to preserve or enhance the County's buildings and features of historic importance. Criteria v of the policy sets out that development within or adjacent to a Conservation Area (CA) will only be permitted if it would preserve or enhance the character or appearance of the CA or its setting. New development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to:

- a) Important views, vistas, street scenes, roofscapes, trees, open spaces, gaps and other features that contribute to the character or appearance of the conservation area;
- b) The retention of historically significant boundaries or other elements that contribute to the established form of development
- c) The relationship to existing buildings and spaces, and grain of development;
- d) Scale, height and massing, architectural design, established architectural detailing, the use of materials, boundary treatment, and public realm materials.

The policy also seeks to ensure that any new development accords with the special architectural and historic interest of designated CAs and their settings. Whilst the character or appearance of CAs must be a major consideration, it does not preclude carefully considered contemporary design.

Development proposals will be judged for their effect on the character and appearance of CAs. There are a number of CAs with Article 4 Directions where permitted development rights have been removed to reduce the potential impact of uncontrolled inappropriate and unsympathetic alterations and use of unsuitable materials. Conservation Area Appraisals (CAA's) will provide a clear and agreed definition of those elements which contribute to the special character and historic interest of the CA. The findings of the CAA's need to be fully taken into account when considering development proposals. In the assessment of planning applications within or adjacent to a designated CA, the Council will seek to preserve or enhance the special character or appearance as defined and promoted by each adopted CAA.

The application site is also located near to several Listed Buildings, immediately opposite the Cross Keys public house, former County Court, and St Mary's Church. LDP Policy HC 2 criteria iv. States that proposals which will have a relationship to a listed building or its curtilage must ensure that the setting is preserved. The policy seeks to ensure that where a development proposal affects a listed building or its setting the primary material consideration is the statutory requirement to have special regard to the desirability of preserving or enhancing the building, or its setting, or any features of special architectural or historic interest which it possesses.

The adopted Swansea Central Area Regeneration Framework (SCARF 2016) provides more detailed concept plans for the Complementary Areas identified in the LDP. The SCARF document is not SPG, but is a Council endorsed strategy document that contains general principles that remain relevant going forward to inform the Council's approach to regeneration and decision making.

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The SCARF contains an indicative concept plan for the Wind Street/ Princess Way area where the site is located. It also abuts the St David's/ Quadrant (now known as Swansea Central) priority regeneration area. The SCARF document sets out design principals for this area, the relevant ones being to:

- Respect the character of the conservation area and setting of listed buildings.
- Greening of the area by introducing pocket parks, soft landscape quality materials
- Enhance east west routes such as St Marys Street
- Create a sense of place and scale, and high standards of architecture and urban design particularly at key locations/gateways.
- Create an attractive high quality development, with active frontages
- Reuse vacant and underused upper floors.
- Princess Way is highlighted as a key green artery corridor

The proposed use has potential to help achieve the objective of the policy framework to facilitate the regeneration of this Central Area district, but careful consideration will be required of other key planning matters including placemaking, heritage impacts, the design of the building, and green infrastructure (GI) which are considered below.

#### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.
- Swansea LDP Policies PS 2 and ER 2 highlight that:
- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

Having regard to the above key placemaking policies, the following provides a detailed placemaking and heritage appraisal of the proposals:

#### General:

The site is located on the corner of Princess Way and St Mary Street comprising vacant office block with vacant restaurant space on the ground floor. The existing modernist building has a massing starting at two stories onto St Mary Street presumably to respond to the adjacent grade II listed Cross Keys and steps up to four stories southwards as transition of scale to the adjoining Princess House which has a four storey podium and tower.

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The character of the existing building reflects the modernist rebuilding of Swansea with concrete structure expressed and large expanses of glazing plus intricate details such as smaller tiles and pop out frame on the corner glazing.

The site lies in the heart of the medieval city just to the south of the assumed location of the castle courtyard. The context was changed considerably with post war rebuilding that created Princess Way as a dual carriageway lined by modernist buildings. The heritage was not swept away, with the Cross Keys of likely medieval origin immediately to the north, St Mary's church and the former Magistrates Court building to the west, and Wind Street conservation area with numerous listed buildings to the east.

Whilst the project is primarily a conversion/ extension of the existing structure, there is an element of new build onto St Mary's Street and this area may contain potential remnants of medieval Swansea and GGAT will need to advise on archaeological requirements.

Designated heritage assets in the area include:

- Swansea New Castle Ruins and Old Castle site both Ancient monuments to the north east
- Cross Keys grade II listed building immediately to the north
- 17 St Mary's Street to the north
- Former Midland Bank grade II listed building to the north east
- St Marys Church grade II listed to the west
- Former Magistrates Court grade II listed building to the west
- Vivian Hussey Statue grade II listed to the west
- Wind Street Conservation Area to the east
- Various rear elevations of listed buildings have a visual relationship across the backland parking area to the south east.

There are other listed buildings within 500m but given intervening development there is considered to be no visual interaction with these.

The proposal is for the conversion and extension of the existing structure plus limited new build to create grade A office accommodation over 3 stories plus planted roof top terrace and active commercial frontages at street level. The Placemaking agenda for the city centre is set out in the SCARF document which seeks to expand positive mixed-use regeneration including high quality office space and active street frontages. This is supported by current post COVID work looking at further repurposing the city centre. The current vacant site does not contribute to the activity or vitality of the city centre.

The proposal is supported by a well-illustrated Design and Access Statement and a thorough Heritage Impact Assessment. It has also been the subject of positive pre-application dialogue. The proposal is assessed in a structured manner below using placemaking headings consistent with other recent city proposals.

Land Uses:

Princess Way and Wind Street form a mixed-use area of Swansea City Centre and within this context, the proposal for high quality office accommodation and ground floor commercial units is welcomed to increase vibrancy and footfall.

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The proposal has potential to encourage revitalisation of adjacent commercial frontages in this area. This project specifically has potential to support the 'lanes enhancement' objective of the Repurposing Report in relation to St Mary's Street.

The LDP requires active frontages and this is emphasised as a requirement for city centre sites along Princess Way. The proposal locates the office entrance in a prominent and legible location onto Princess Way. The remainder of the ground floor is set out as four retail units, one with access off Princess Way and the other three with access off St Mary's Street. The bins and cycles are located to the rear and do not deaden the active frontages. Therefore this arrangement of active frontages is welcomed.

It will be important to ensure that tenants do not deaden the active frontages with window vinyls and internal fit outs, so the shopfront code requiring visual transparency to a specified depth as used for other projects needs to be applied to this proposal via condition.

**Scale form and massing:**

The existing building steps up from two stories on the corner of St Mary's Street to four stories abutting Princess House. This was presumably a response to the setting of the Cross Keys. However this step in scale is not positive townscape; St Mary's Street lacks urban scale and the blank treatment of the upper floor north elevation is monolithic and actually detracts from the setting of the listed building.

In contrast the proposal takes the existing four storey scale across to the St Mary's Street corner. This does result in more massing adjacent to the listed building but is considered a much better placemaking response to the prominent corner site. The building is broken down into three elements with slightly different elevation characters onto Princess Way and St Mary's Street joined by a contemporary corner treatment. This does not have the fine grain of the conservation area but is welcomed as a transition from the larger format elevations on Princess Way.

Given the scale of the existing building and scale of surrounding buildings, this development is not considered to be a tall building.

The use of the roof as an accessible green terrace with meeting rooms allows an additional 4th floor meeting room element to articulate the corner. This is effectively a contemporary reference to the corner 'turrets' found in many Victorian corner buildings such as the Former Midland Bank at the opposite end of St Mary Street. Plus the corner is also marked in a contemporary reference to traditional hanging bays as found on larger buildings throughout Swansea.

Therefore the proposed scale, form and massing is fully supported and is considered to enhance the setting of the various designated heritage assets.

**Heritage:**

There are several listed buildings within 500m of the site. However many are visually separated from the development by intervening built form. Therefore the commentary below addresses the designated heritage assets with a clear visual relationship to the proposals. The grade II listed Cross Keys PH lies directly opposite the site on the north side of St Mary's Street. The effect of the proposal on this listed building would alter the setting being located some 8m away on the opposite side of the street.

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The development would change the outlook from south facing windows of the listed building which is not necessarily an issue given that there was historically larger scale development along the south side of St Mary's Street. The development would also change the setting of this listed building as the backdrop in views looking from the north with the proposal rising up behind. This is considered to be an improvement on the existing.

Number 17 St Mary's Street and the Former Midland Bank are located some 22m and 28m away respectively to the north east on the opposite side of St Marys Street. This is an oblique relationship so there is no change in outlook from the listed buildings and instead the street views are considered to be improved by a higher quality building of traditional urban scale (4 stories) plus infilling of the modern gap on the south side of St Mary's Street to reinstate the continuous active frontage.

The ruins of Swansea New Castle lies some 100m to the north of the site. At street level there would be no effect on the setting of this ancient monument due to intervening development. There may be some visibility from higher levels such as the outlook from the castle wardrobe tower. The outlook will not significantly change as it is still across the modern city roof scape and the development has a traditional four storey scale which will not block any traditional views to the west.

The site of Swansea Old Castle lies some 130m to the north west and it is accepted that there is no intervisibility nor effect on setting due to intervening development. The site immediately abuts the boundary of the Wind Street conservation area to the north and east. The proposals are considered to enhance the setting of this conservation area by the reinstatement of a traditional four storey scale, infilling of the gap in St Mary Street and general high quality of development using a colour palette that is sensitive to the area.

The group of listed buildings to the west include St Mary's Church, former Magistrates Court and Vivian Hussey statue. There is no impact on outlook and the proposal will enhance the contemporary urban setting of these listed buildings by strengthening the Princess Way frontage. The intervisibility across the backland car park to listed buildings further down Wind Street to the south east is partly obscured by existing larger buildings and enhanced by bringing the same four storey urban scale and quality of architecture from the front to rear elevations and infilling of the incongruous gap.

Therefore overall the proposal is considered to have a positive enhancing relationship to the various designated heritage assets.

**Transport, Movement/ Active Travel:**

This site is located within the core area as defined in the adopted Parking SPG. This means no dedicated parking is required. The site is well located to benefit from public transport and active travel networks. The cycle parking is located at ground floor and the servicing is proposed from street and from the backland car park as per the existing building.

**Green Infrastructure:**

In line with both national and local policy, a Green Infrastructure Strategy is required and this has been integrated into the Design and Access Statement. The DAS highlights the extensive planted roof terrace with meeting rooms and pergola which is welcomed in support of the high quality grade A office space.

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The elevations show an area of green metal cladding adjacent to the office entrance on Princess Way. This is the only part of the building where this cladding material is proposed and is considered to be a missed opportunity to provide a real growing green wall at street level as part of the SCARF Green Artery and to help communicate the green credentials of this building to the public. Therefore this amendment should be explored via condition.

The DAS also sets out the Green Space Factor (GSF) calculation which provides an objective test for multi-functional greening. This indicates the inclusion of an area of brown roof area plus extensive green roof area which meet GRO code requirements with an overall GSF score of 0.35 in compliance which exceeds the 0.3 score required for commercial developments.

**Public realm:**

There are no alterations to the Princess Way public realm proposed as part of this application. This will continue to function as a 'processional' north south route linking Castle Square to the waterfront area.

The entrances to the office and commercial units are all legible from the public realm. The active frontages will enhance the adjacent public realm and there may be scope subject to detail design for the commercial frontages to open up for spill out of tables and chairs further activating the streetscene.

**Quality and character:**

The existing building has a modernist character dating from the post war reconstruction of Swansea City Centre. However it now has a tired appearance and the stepped form is not a positive part of the city townscape. The proposal is considered to be an improvement in form and character but in recognition of the modernist character it should be recorded to a recognised English Heritage level before starting any work and this record placed in the Historic Environment Record and the West Glamorgan Archive.

The proposed materials include:

- Glazed street frontages with aluminium frames
- Pennant stone columns separating ground floor units
- Very small area of green metal cladding
- Projecting canopy
- Upper floors have floor to ceiling curtain wall glazing with aluminium frames interspersed with fretted glass panels
- Solid areas to create an expressed frame to the St Mary's Street block upper floors are fibre cement cladding

The building has an updated modernist character and the large scale expressed frame plus canopy is a nod to the character of the existing building. Whilst the projecting corner bay is welcomed it is not clear how this is finished so this needs to be controlled alongside the details via condition. Other details that require exploration at the larger scale via condition include entrance doors, fixing and edges to fibre cement cladding, integration of roof terrace balustrade etc.

No signage is shown and this will be subject to future applications.



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It is considered that the green metal cladding either side of the office entrance should be replaced by a green growing wall to bring GI down to the street scene level and this can be explored via condition.

The elevations will be highly glazed with floor to ceiling glazing interspersed by fretted glazed panels and black glass spandrel panels covering the floor slabs. It is considered that these nuances of materials are not clearly represented in the proposed elevation of CGIs. Plus it may improve the design if the fretted glass panels were a more distinct contrast to the glazing to break up what may be a monolithic appearance and instead emphasise the large format windows. Therefore the fine tuning of the elevation materials will need to be explored via condition.

Furthermore the energy strategy proposes a natural ventilation strategy which is welcomed for well-being and comfort of occupants etc but the means to achieve this natural ventilation such as opening windows is not indicated on the elevations. Therefore this must be explored via condition.

**Amenity:**

There are no issues of amenity arising from this proposal. The new massing elements do not overlook or overshadow any existing properties.

The final use of the retail units is not indicated. If these are to be A3 units then it is not clear how flues and ventilation for cooking etc could be incorporated and this will need a separate future planning application.

**Community Safety:**

The proposal ensures natural surveillance of Princess Way and St Mary's Street by means of the glazed active frontages. There are no concealed or hidden areas.

**Sustainability:**

The application is supported by an Energy Strategy which confirms the following:

- Fabric first approach increasing levels of insulation beyond Building Regulations
- Electric only heating (no gas)
- Indicates a natural ventilation strategy
- Use of roof terrace precludes PVs so an air source heat pump is proposed but note that this is not shown on the proposed plan.
- It is not clear if there are any issues of solar gain with the full height windows - this may require mitigation via condition.

The summary predicts a 20% energy saving and 9% reduction in CO2 compared to current Building Regulations. Additionally the existing concrete structural frame is reused thereby reducing the embedded CO2.

**Access for all:**

There is level access into all ground floor areas and a lift to the upper floor offices.

**Summary of Placeamaking and Heritage Appraisal:**

The proposal is considered to be a high quality addition to Swansea city centre both in terms of architecture and in terms of office space. It enhances the settings of various designated heritage assets.

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Approval is recommended with the following conditions:

- Building Recording to English Heritage level 2 and final report deposited in HER and Archives.
- Explore amended details of growing green wall in place of green metal cladding
- Explore amended details for alternative to fretted glass and spandrel panels to break up glazed façade plus show how natural ventilation achieved
- Details of all materials
- Shopfront code to require visual transparency into ground floor active frontage
- Large scale drawn details of:
  - i) Corner bay
  - ii) Roof tower corner meeting room
  - iii) Entrance doors
  - iv) Canopy
  - v) Typical window system including any necessary solar gain controls
  - vi) Fibre cement details - fixings, joints, reveals, edges etc
  - vii) Roof top pergola
  - viii) Ground floor pennant stone columns

**Biodiversity Enhancement**

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Extracts from the Council's Biodiversity and Development SPG are provided in Annex B of this response. These relate to how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

**Other Key Issues**

The site is located in an Archaeological Sensitive Area, where development should have full regard to the requirements to be sensitive to the preservation of archaeological remains.

**Final Comments**

The application proposes creating 4 no. ground floor retail / commercial units (Class A1 / A3) with 3 storeys of office accommodation above (Class B1). The Development Plan sets out a Centres First approach for such uses. The Swansea Central Area Retail Centre is the sequentially preferred location for new A1 and A3 uses in the County as set out by the retail and leisure hierarchy in LDP Policy RC 2. Whilst retail uses will be required to dominate frontages within the Centre at ground floor level, leisure uses, particularly Class A3 food and beverage uses, will also be appropriate in some instances at ground floor level.

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Cafés and restaurants provide an important function in their own right ensuring that footfall generated by the primary retail function of the Centre is retained within the Centre, and consumers and shoppers do not have to leave the Centre during the course of their shopping trip, thereby retaining economic activity in the Centre. It is particularly important that the proposed shop front and window design for non-retail uses generate a level of activity and interest and contribute towards the streetscene.

Swansea Central Area is the preferred location for new significant office development as identified in LDP Policy RC 12. In principle, the creation of Grade A office accommodation on the upper floors at this location in the Central Area would be welcomed.

The proposal is considered to be a high quality addition to Swansea city centre both in terms of architecture and in terms of office space. It enhances the settings of various designated heritage assets. Subject to the Case Officer finding all planning matters to be acceptable, approval is recommended with the following conditions:

- Building Recording to English Heritage level 2 and final report deposited in HER and Archives.
- Explore amended details of growing green wall in place of green metal cladding
- Explore amended details for alternative to fretted glass and spandrel panels to break up glazed façade plus show how natural ventilation achieved
- Details of all materials
- Shopfront code to require visual transparency into ground floor active frontage
- Large scale drawn details of:
  - i) Corner bay
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  - iv) Canopy
  - v) Typical window system including any necessary solar gain controls
  - vi) Fibre cement details - fixings, joints, reveals, edges etc
  - vii) Roof top pergola
  - viii) Ground floor pennant stone columns

## **APPRAISAL**

### **Planning Application**

The planning application has been supported with the following documents:

- Planning Statement;
- Design and Access Statement;
- Pre-Application Consultation Report;
- Heritage Impact Statement;
- Transport Statement & Travel Plan;
- Acoustics Report;
- Archaeology Desktop Study;
- Drainage Strategy;
- Preliminary Ecological Appraisal;
- Energy Statement;

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### Material Planning Considerations

The main material planning considerations in the determination of this planning application are set out as follows:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Placemaking and Urban Design impact;
- Heritage Impact;
- Highways, traffic, car parking, access and pedestrian movements;
- Environmental Issues;

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### Development Plan Policy and Supplementary Planning Guidance

#### Planning Framework

The planning policy framework for the determination of this application is provided by the following policy documents:

- Planning Policy Wales 11th Edition (February 2021)
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 12: Design
- Technical Advice Note 18: Transport
- Technical advice note (TAN) 23: Economic Development
- Swansea Local Development Plan 2010 - 2025 (Adopted February 2019)
- Supplementary Planning Guidance.

#### Planning Policy Wales

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. PPW sets out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, PPW states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

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Placemaking - The concept of placemaking is central to PPW and delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through plan making and development management decisions. It defines placemaking as: a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

Biodiversity and Ecological Networks - Biodiversity and Resilience of Ecosystems (Section 6 Duty) (paras 6.4.1 to 6.4.8) - In accordance with Section 6 of the Environment Act 2016, the Council has a duty to maintain and enhance biodiversity. [NB: In Swansea, the section 6 duty is embedded as one of the 4 Well Being Objectives in the Public Service Board's Well Being Plan - "Working With Nature". It is also included as Objective 6 of the Council's Corporate Plan "maintaining and enhancing Swansea's Natural Resources.]

The Section 6 duty means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so, the LPA must take account of and promote the resilience of ecosystems, in particular the following aspects: diversity, connectivity, scale, condition and adaptability. In fulfilling this duty the LPA must have regard to Section 7 list of habitats and species important for Wales and the SoNaRR and any up to date ecological survey information provided.

Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

Green infrastructure (para 6.2.1, 6.2.2, 6.2.4, 6.2.5) - is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. The delivery of multi-functional green infrastructure can make a significant contribution to the sustainable management of natural resources, in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of diversity, extent, condition, connectivity and adaptability. This means that development of Green Infrastructure is an important way for local authorities to deliver their Section 6 Duty. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in.

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The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

### **TAN23 (Economic Development)**

TAN23 (Economic Development) states that the economic benefits associated with development may be geographically spread out far beyond the area where the development is located and therefore as a consequence it is essential that the planning system recognises and gives due weight to the economic benefits associated with new development. The development will provide significant economic benefits to the City of Swansea.

Development Plan and Relevant Policies

### **Swansea Local Development Plan 2010 - 2025**

The Swansea Local Development Plan (LDP) was adopted by Members at a public meeting of Full Council on the 28th February 2019 and forms the development plan for the City and County of Swansea under the provisions of section 38(6) of the Planning Act. The following LDP policies are relevant to the determination of this planning application:

- Place making and Sustainable Development PS 1, PS 2, PS 4;
- Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area);
- Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2;
- Historic and Cultural Environment HC 1;
- Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety);
- Regeneration and Commercial Development RC 1 Swansea Central Area Regeneration & RC 2; Retail and Leisure Development; RC 3 Swansea Central Area Retail Centre; RC4 & RC12 Office Development;
- Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks / Biodiversity);
- T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking;
- Policy EU4: Public Utilities and New Development;
- Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.

### **Supplementary Planning Guidance (SPG):**

The following SPG are relevant to the proposed development:

- Planning Obligations (Adopted March 2010)
- Parking Standards (Adopted March 2012)
- Planning for Community Safety (Adopted December 2012)

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- Swansea Central Area Regeneration Framework (SCARF) - Adopted Feb. 2016.
- Development and Biodiversity (February, 2021).

The above SPG provides further information and guidance to support and clarify the policies described in the Appraisal below.

**Strategic Development Areas**

The LDP designated 12 Strategic Development Areas (SDAs) to provide new homes and opportunities for job creation and commercial investment at a strategic scale. The application site is located within SD J: Swansea Central Area which is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance.

Development proposals should accord with the following Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent (PS1 & PS2). Detailed design of the proposal will need to take account of LDP Policy PS 2. This 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. 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 development, being 4 storeys above ground level, proposes to add scale and height and integrate complementary uses vertically in-line with the SCARF SPG. Active frontages are proposed and the building has the potential to promote the improvement in existing built frontages in the area.

Principle of the development - The LDP's Sustainable Employment Strategy (Policy PS 4), to deliver opportunities for business growth and job creation over the Plan period, allocates Strategic Development Areas for employment uses, including SD J Swansea Central Area.

Policies RC 1, RC2 and RC3 - Swansea Central Area Regeneration - require development to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must accord with the key strategic aims of delivering the comprehensive regeneration and revitalisation of the Retail Centre. Retail / Leisure developments together with increased amounts of high quality office space and city living, including student accommodation; education facilities for teaching and research; and a wider range and choice of visitor attractions and facilities should be centred within the Swansea Central Area.

Policy RC4 states that development within the Swansea Central Area Complementary Areas, development should deliver an appropriate mix of uses in accordance with the particular functions and opportunities for regeneration and renewal at each location.

Policy RC 12 states that proposals for significant new office development identifies that the Swansea Central Area is the sequentially preferable site for office development given the transformative ability of such uses to deliver a greater critical mass of facilities and attractions within the Central Area to enhance its vibrancy and viability.

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### Policy Summary

As outlined in the policy section above, the Development Plan sets out a Centres First approach for such office uses. The Swansea Central Area Retail Centre is the sequentially preferred location for new A1 and A3 uses in the County as set out by the retail and leisure hierarchy in LDP Policy RC2. Swansea Central Area is the preferred location for new significant office development as identified in LDP Policy RC 12.

The adopted Swansea Central Area Regeneration Framework (SCARF 2016) provides more detailed concept plans for the Complementary Areas identified in the LDP. The SCARF contains an indicative concept plan for the Wind Street/ Princess Way area where the site is located. It also abuts the St David's/ Quadrant (now known as Swansea Central) priority regeneration area. The SCARF document sets out design principals for this area (outlined above), and the proposed development has the potential to help achieve the objective of the policy framework to facilitate the regeneration of this Central Area district, but careful consideration will be required of other key planning matters including placemaking, heritage impacts, the design of the building, and green infrastructure (GI) which are considered below.

Within the national and local planning context, there is a clear support for the principle of the development at this City Centre location and the uses proposed, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore fully policy compliant.

### Placemaking

The detailed Placemaking and Urban Design impacts are addressed within the Placemaking and Heritage consultation response outlined above. Additionally, as outlined above, the Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals are set out in Future Wales Policy 2 and Swansea LDP Policies PS 2 and ER 2.

The scale, form and massing of the proposal does result in more massing adjacent to the listed building (Cross Keys) but is considered a much more suitable placemaking response to the prominent corner site. The building is broken down into three elements with slightly different elevation characters onto Princess Way and St Mary's Street joined by a contemporary corner treatment. This does not have the fine grain of the conservation area but is welcomed as a transition from the larger format elevations on Princess Way. The proposal incorporates a Green Infrastructure Strategy with the extensive planted roof terrace with meeting rooms and pergola which is welcomed in support of the high quality grade A office space and allows an additional 4th floor meeting room element to articulate the corner. Therefore the proposed scale, form and massing is fully supported and is considered to enhance the setting of the various designated heritage assets.

The proposal is considered to be an improvement in form and character to the existing building and would make a positive contribution to the city townscape. The elevations will be highly glazed with floor to ceiling glazing interspersed by fretted glazed panels and black glass spandrel panels covering the floor slabs. It is considered that the precise detail of the elevation materials can be controlled through condition and likewise the building details such as entrance doors, cladding, roof terrace balustrade etc. Page 20



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In summary, the proposal is considered to be a high quality addition to Swansea city centre both in terms of architecture and in terms of office space which would enhance the settings of various designated heritage assets.

**Green Infrastructure / Biodiversity**

The LDP provides specific policies on open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8,9,11), social infrastructure (SI 2) provision and mitigation of impacts of development. Green infrastructure and biodiversity - Green Infrastructure (ER2) and biodiversity (ER 9) are a central facet of the Plan and fundamental to good placemaking.

The Councils draft Swansea Central Area: Regenerating Our City for Wildlife and Wellbeing Green Infrastructure Strategy sets out that the Council will apply the Green Space Factor Tool (GSF) in consideration of all development in the Swansea Central Area. This is a simple method for measuring the area and likely effectiveness (in providing various ecosystem services) for various green infrastructure types included in project proposals. It is important the green infrastructure across the development maximises the developments contribution to enhancing biodiversity and ecosystem services by applying the draft Strategy's 5 principles of being:

- Multifunctional;
- Biodiverse;
- Adapted for climate change;
- Healthy; and
- Smart and sustainable

**Ecological Appraisal**

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which considers the implications of the proposed development particularly with regards to bats and nesting birds. An Extended Phase 1 Habitat survey and Bat Roost Assessment of the onsite building has been undertaken together with a desk study also undertaken to identify key statutory designated sites and records for bats within the Application Site's zone of influence.

Overall, habitats supported by the application site are considered to be of negligible ecological importance. The external and internal inspection of the building considered the building to have negligible potential to support roosting bats. No evidence of roosting bats was identified during the survey. Located within Swansea City centre, there is no semi-natural habitat onsite or within the immediate landscape suitable for foraging/commuting bat assemblage, with the nearest suitable habitat located 700m east of the application site and comprising the River Tawe and associated riparian corridor. The application site is also subject to significant illumination from adjacent street lighting, in addition to noise disturbance typical of a city centre location including traffic, and as such the application site and surrounding habitat is considered to be of negligible value for a foraging and commuting bat assemblage.

In order to enhance biodiversity whilst also providing benefits to green infrastructure, the proposed development scheme incorporates ecological and landscape features. Swansea Council's Green Infrastructure Strategy seeks to increase the provision of green infrastructure within the city centre.

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The PEA makes recommendations with regard to the provision of an integrated green roof/wall and/or planting for incorporation into the building; and the inclusion of a planting scheme which ensures the provision of native species (preferably of local provenance), including fruit-bearing and flowering species of value to protected/notable species including bats, birds and invertebrates.

A Green Space Factor (GSF) analysis has been undertaken of the proposed scheme in accordance with the Green Infrastructure Strategy 'Regenerating our City for Wellbeing and Wildlife'. The proposed roof terrace will utilise planting beds to provide a green roof system and a GSF score of 0.35 is indicated which will comply to the minimum GSF score of 0.3 for commercial developments.

The Council's Planning Ecologist has confirmed that the ecological enhancement scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5. A condition is recommended accordingly.

The inclusion of the green roof is welcomed, and to ensure that the scheme achieves the Green Space Factor Tool Target, the green roof will need to be Green Roof code compliant and also to maximise biodiversity benefits, the seeds/plants should be native and of local provenance, and again a landscape / green infrastructure condition is recommended.

**Heritage Impact**

Strategic Policy HC1 seeks to secure the sustainable management, preservation and enhancement of the character and appearance of the historic and cultural environment, whilst supporting appropriate heritage led regeneration proposals to realise the social and economic potential of these assets. HC 2 seeks to ensure that any new development accords with the special architectural and historic interest of designated conservation areas and their settings.

The application is accompanied by a Heritage Impact Statement (HIS). Whilst the existing building on the site is not a designated heritage asset, it is close proximity to several grade II listed buildings and the Wind Street Conservation Area (listed above). The building on the site dates from c1960, with some later alteration, and was part of the post-war reconstruction of Swansea city centre.

The HIS states that it was not designed to complement the historic buildings in the vicinity and therefore has a negative impact on the setting of the listed buildings and conservation area, although the building does have a visual presence. The HIS concludes that the proposed development that uses materials that are more sympathetic to the historic fabric of the city centre, so that the overall effect of the development would therefore be to have a slight positive effect on the setting of the designated heritage assets of the listed buildings and conservation area.

The building most affected by the proposal would be The Old Cross Keys listed building, which lies immediately north of the proposed new building.

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There would be a visual impact on the setting of The Old Cross Keys, and the St Mary Street part of Wind Street Conservation Area, but it is concluded that the proposed new building, is more sympathetic to the historic buildings near the commercial centre of the city than the building currently standing on the site. The site immediately abuts the boundary of the Wind Street conservation area to the north and east. The proposals are considered to enhance the setting of this conservation area by the reinstatement of a traditional four storey scale, infilling of the gap in St Mary Street and general high quality of development using a colour palette that is sensitive to the area. Therefore overall the proposal is considered to have a positive enhancing relationship to the various designated heritage assets.

The ruins of Swansea New Castle (GM012) lies some 100m to the north of the site. At street level there would be no effect on the setting of this ancient monument due to intervening development. CADW have been consulted on the proposal and highlight that due to the intervening topography, buildings and vegetation means that it is unlikely that the proposal will be inter-visible with the scheduled monuments. Therefore it is unlikely that there will be any effect on the settings of the scheduled monument.

**Archaeological Impact**

The application is accompanied by an Archaeological Desk-top Assessment which indicates there are no specific sites of potential archaeological interest listed on the Historic Environment Record although the site does lie within the core of the medieval walled town of Swansea and historic Ordnance Survey mapping indicates the presence of Post-medieval structures on the site, including 4 and 5 St Mary Street and the former Talbot Arms Public House. Glamorgan Gwent Archaeological Trust (GGAT) have advised there is the potential for the proposal to adversely affect archaeological remains and notes the assessment recommends an archaeological watching brief and building record. GGAT concur with such mitigation and recommend that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource is attached.

**Highways, traffic, car parking, access and pedestrian movements**

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

Highways and Active Travel - The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes. The Central Area is identified in the LDP as the sequentially preferable location for significant office development, partly due to its sustainable travel links. Proposed parking provision should be considered against the Car Parking SPG.

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The application is supported with a Transport Statement and Travel Plan. The purpose of this assessment is to detail the likely transport characteristics of the proposed development, and its potential impact on the surrounding transport and highway networks. It also examines car parking in the vicinity of the site. The proposed development is to be car-free and therefore no car parking provision has been made on site. The majority of users of the site will arrive via public transport or on foot or by bicycle. Those who do arrive to the site by car will be required to use the public car parking facilities within the vicinity of the site.

As indicated by the Highway Authority, the site is located within the city centre core where there is a relaxation to provide car parking for the office use. Additionally, the Swansea Central Area: Regeneration Framework (SCARF) seeks to promote sustainable transport by reducing car dependency and with regard to the central area car parking standards advises that a relaxation of car parking standards will be considered where appropriate and where there are no adverse effects on highway conditions.

The proposed development will provide a cycle store internally within the development with parking provision for up to 25 bicycles along with showering facilities. With regard to servicing, it is envisaged that the proposed development will be serviced from Princess Way utilising the existing loading bay provided or via Salubrious Place located to the rear of the development site.

The site is located within an extremely sustainable location within the City Centre and has excellent accessibility to public transport and local services and facilities. Pedestrian access will be obtained directly from Princess Way. There are also links directly onto city centre cycle routes providing quick links to the NCN for journeys further afield. The site is located within the central core area, and as such there is no requirement to provide car parking, and the demand for private car parking can be met by spare capacity within the existing city centre car parks which are within walking distance to the proposed site. A detailed Travel Plan has been submitted with the application outlining the measures to maximise the sustainable travel options.

The proposed development is in accordance with the local, regional, and national policy guidance which is focussed around the need for sustainably located mixed-use development within employment areas. There is also a requirement for a shift in travel modes, with ambitions for a higher uptake in those modes other than vehicles.

The Highway Authority concludes that the development is not expected to have any unacceptable impact on highway safety given the low levels of additional trips generated compared to the fall-back position. Conditions are recommended in respect of a Construction Method Statement to ensure that highway safety is not compromised during the build and also that for a service/delivery management plan to be submitted.

**Environmental Issues**

The application is submitted with an Acoustic Design Review. The review has identified the nearest sound sensitive receivers in the vicinity, namely St Mary's Church; The Cross Keys Pub - Public House; Hogarth's Pub - Public House; Princess House - Offices and the 10 St Mary's Square - Student Accommodation. Continuous noise monitoring was carried out and the review has recommended external services plant rating limits. The Council's Pollution Control Team have recommended a suitably worded condition.

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Additionally, the review has assessed external noise levels are to be used as a basis for assessing the glazing sound reduction performance requirements to control road traffic noise intrusion to offices. Preliminary sound insulation tests have been carried out to determine the existing performance of the building. Results indicate existing construction is sufficient to achieve the highest performing privacy criteria. A full detailed assessment of the sound insulation performance between all spaces is to be carried out once the design phase progresses.

**Drainage**

Policy EU4 highlights the need for the development to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

The submitted Drainage Strategy indicates that surface water discharge to ground (infiltration) is restricted by the lack of proposed external space on the site; this is further exacerbated by the site's close proximity to existing listed properties and an existing combined sewer. The Council's Drainage Officer indicates that SuDS approval will not be required in this instance but welcome the provision the green infrastructure in accordance with the Green Infrastructure Strategy. The Strategy highlights that any SUDS systems proposed will be further developed during the detailed design stage. If there are any further enhancement possibilities these will be considered where practicable. Dwr Cymru Welsh Water have confirmed that foul flows can be accommodated in the public sewerage system.

**Conclusion**

The Development Plan sets out a Centres First approach for retail / commercial / uses and the Swansea Central Area Retail Centre is the sequentially preferred location for new A1 and A3 uses in the County as set out by the retail and leisure hierarchy in LDP Policy RC 2. Swansea Central Area is also the preferred location for new significant office development as identified in LDP Policy RC 12 and the creation of Grade A office accommodation on the upper floors at this location in the Central Area would be welcomed. The principle of developing the site as a mixed-use development at this City Centre location is therefore supported by Development Plan Policies / Local Development Plan planning policies at both the national and local level.

The development of the site would accord with the aspiration of the SCARF document for the Wind Street/ Princess Way complimentary area, and the proposed development has the potential to help achieve the objective of the policy framework to facilitate the regeneration of this Central Area district. The site is located within a sustainable and accessible location within proximity to a wide range of services and public transport facilities.

The proposed scale of the development and the contemporary design and incorporation of the 'Urban Greenery' would accord with the Council's aspiration of the Green Infrastructure Strategy for the City Centre, and would provide a high quality addition to Swansea city centre both in terms of architecture and in terms of office space. It enhances the settings of various designated heritage assets.

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Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

## RECOMMENDATION

### APPROVE, subject to the following planning conditions:

- 1 The development hereby permitted shall begin no 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:  
  
16100(05)100B Existing Site Plan; 16100(05)101 Existing Floor Plans; 16100(05)102C Proposed Floor Plans; 16100(05)103 Rev B Existing and Proposed Elevations - Sheet 1; 16100(05)103B Existing and Proposed Elevations; 16100(05)104 Rev B Existing and Proposed Elevations Sheet 1; 16100(05)104B Existing and Proposed Elevations; 16100(05)105A Existing and Proposed Sections; 16100(05)107A Proposed Site Plan - plans received 29 Oct, 2021; 16100(05)106B Site Location Plan - amended plan received 10 Dec. 2021.  
  
Reason: To define the extent of the permission granted.
- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding any demolition, excavation, site preparation and enabling works) of the relevant part of the development. The development shall be completed in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 4 Prior to the commencement of any external works to the superstructure of the development details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - Corner bay / roof corner meeting room detail;
  - Typical window and external door units within their openings including any necessary solar gain controls;
  - Typical cladding / curtain walling system including fixing and fritted glass details;
  - Canopies / signage zones;
  - Balustrading;

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- Fibre cement details - fixings, joints, reveals, edges etc.;
- Roof top pergolas;
- Ground floor pennant stone columns.

The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

- 5 Visual transparency shall be retained into each retail/commercial unit in accordance with a Shopfront Code, to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the units.

Reason: To ensure active, attractive and transparent shopfront which will maintain and enhance vitality at street level and avoid dead retail frontages.

- 6 Prior to the commencement of development a landscaping strategy, including planting schedule, management and future monitoring information shall be submitted to the Local Planning Authority for approval. The proposals shall include a specification and maintenance plan for the green roof in order to achieve the target Green Space Factor Tool score for the development, in line with the Swansea City Centre green infrastructure strategy. Landscaping shall thereafter be carried out prior to the first beneficial use of the development and maintained thereafter for the lifetime of the development in accordance with the approved strategy.

Reason: In order to conserve and enhance biodiversity and ecosystem resilience.

- 7 Prior to the commencement of development, full details of Ecological Enhancement Measures to include detailed specification and location, and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The proposed specification and location of the enhancements shall be shown on an architectural drawing. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In order to conserve and enhance biodiversity and ecosystem resilience.

- 8 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 9 Prior to the commencement of the development, including any demolition or enabling works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered throughout the construction period and will need to provide the following:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.

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- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during demolition and construction; and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 10 Prior to the occupation of any part of the development, the pedestrian access and secure bicycle storage spaces associated must have been completed and made ready for use, in accordance with the approved drawings. The pedestrian access and cycle parking areas shall be retained and made available for their intended use at all times thereafter.

Reason: To ensure that adequate and safe access to the building is provided and retained and to ensure adequate cycling parking provision.

- 11 Prior to the first beneficial occupation of the development, details of a Waste / Refuse Management Plan (including refuse storage areas and recycling facilities associated with the building) for future operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.

Reason: To ensure the management and movement of refuse within the site in the interests of site safety and to ensure that adequate provision is made within the development for the storage of refuse.

- 12 No beneficial use of the development shall commence until a BS4142:2014 + A1:2019 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014 + A1:2019.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

- 13 Prior to beneficial occupation of any Class A3 unit within the development, a method of ventilation and fume extraction for each unit shall be submitted to and agreed in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained thereafter.

Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.

- 14 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority.



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Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 15 Prior to the commencement of works, details of a scheme of Historic Building Recording and Analysis to English Heritage level 2 shall be submitted to and approved in writing by the Local Planning Authority. A copy of the Programme and findings shall be deposited with the West Glamorgan Archive Service and GGAT Historic Environment Record upon completion of all works. The works shall be carried out in accordance with the approved details.

Reason: In order so that features of historic interest may be recorded.

**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:
- Placemaking and Sustainable Development PS 1, PS 2, PS 4;
  - Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area);
  - Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2;
  - Historic and Cultural Environment HC 1 & HC2;
  - Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety);
  - Regeneration and Commercial Development RC 1 Swansea Central Area Regeneration & RC 2; Retail and Leisure Development; RC 3 Swansea Central Area Retail Centre; RC4 & RC12 Office Development;
  - Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 Biodiversity.
  - T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking;
  - Policy EU4: Public Utilities and New Development;
  - Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.
- 2 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.
- 3 Any highway works will need to be agreed with the Highway Management Group. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact e-mail: [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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4 Environmental Informatives  
1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arising or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations

5 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

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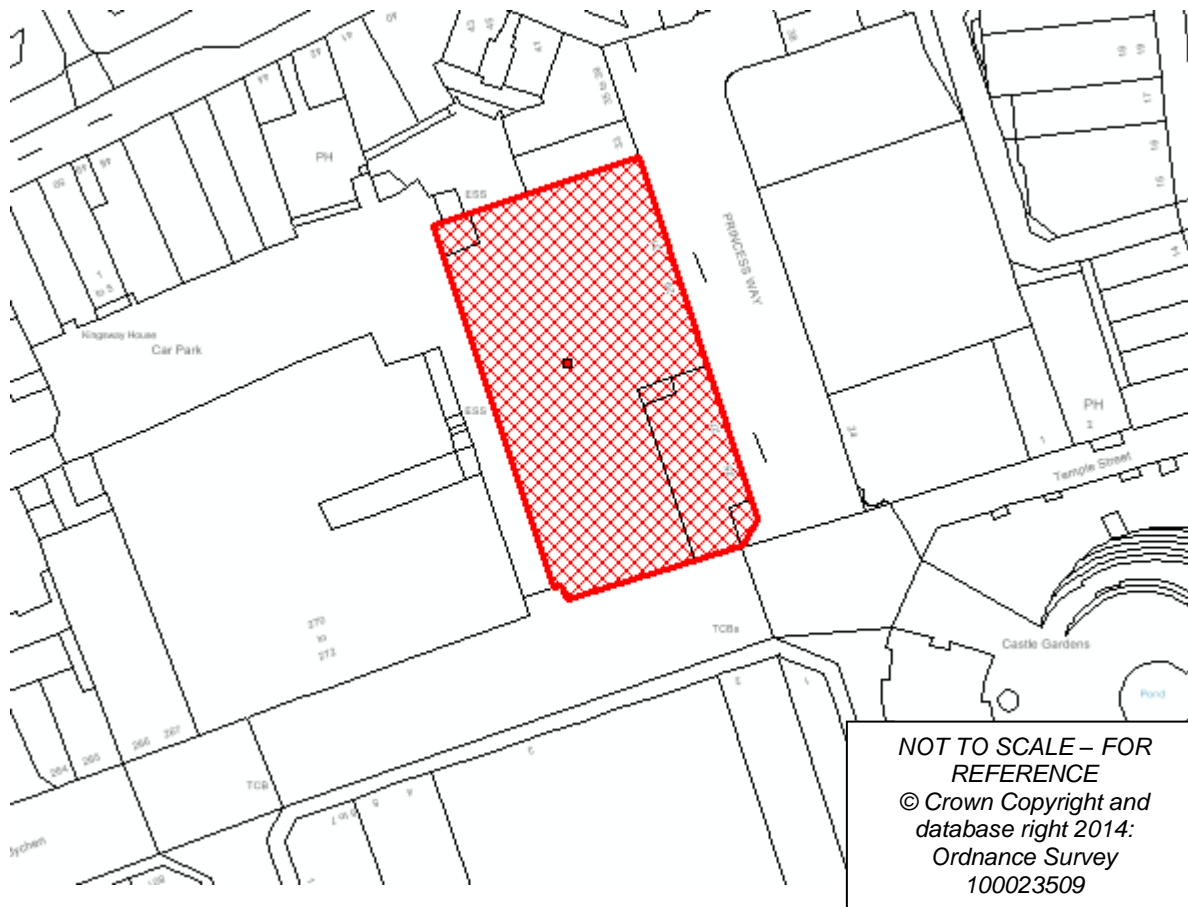
Ward:

Castle - Bay Area

Location: 277-278 Oxford Street, Swansea, SA1 5HF

Proposal: Conversion of ground, first and second floors (Class A1 / A3) to create Community Hub providing library, archives, cafe, community services, staff office and flexible co-working space (Unique Use) with external alterations incorporating glazed / rainscreen curtain walling, green infrastructure and roof top photovoltaics.

Applicant: Swansea Council



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**Background Information**

**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 - PS4 - Sustainable Employment Strategy**

Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 13,600 additional jobs over the Plan period, result in a requirement for 19ha of employment land, provided for through the sustainable employment strategy, including areas of employment use incorporated within allocated mixed use Strategic Development Areas (SD's G, H, I, J, K).

**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 - SDJ - Site specific policy Swansea Central**

Site specific policy for Strategic Development site Swansea Central Area 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 - IO2 - Employment and Training Opportunities**

Employment and Training Opportunities - developers are encouraged 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.

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**LDP - HC1 - Historic and Cultural Environment**

Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

**LDP - SI1 - Health and Wellbeing**

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

**LDP - SI8 - Community Safety**

**LDP - RC1 - Swansea Central Area Regeneration**

Swansea Central Area Regeneration - In order to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must comply with appropriate development requirements and proposals set out in adopted Supplementary Planning Guidance.

**LDP - RC2 - Retail and Leisure Development**

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.

**LDP - RC3 - Swansea Central Area Retail Centre**

Swansea Central Area Retail Centre - Swansea Central Area Retail Centre sits at the top of the retail hierarchy and is the sequentially preferred location for all significant retail and leisure development. Proposals within or outside the Swansea Central Area must not put at risk the regeneration of the St David's/Quadrant site priority proposal, and must deliver the development principles specified in the policy.

**LDP - RC4 - Swansea Central Area**

Swansea Central Area - Complementary Areas - Within the Swansea Central Area Complementary Areas, development that delivers an appropriate mix of uses will be permitted in accordance with the particular functions and opportunities for regeneration and renewal at each location. Development must make positive use of the defining attributes of the respective Complementary Areas, enhance connections to the Retail Centre, and complement rather than compete with the role and function of the Retail Centre and other Complementary Areas.

**LDP - RC12 - Office Development**

Office Development - Proposals for significant new office development, in excess of 200 square metres gross floor area, must in the first instance assess the availability and suitability of potential sites within the Swansea Central Area, which is the preferred location for office development. Significant office uses will not be permitted outside the Swansea Central Area unless they meet a specific set of criteria. The alternative use of offices within the Swansea Central Area will only be permitted where the developer can demonstrate that there is no need to retain the site or premises for office use having regard to existing supply and the requirement to provide a range and choice of sites for such use to meet existing and likely future demand.

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**LDP - ER1 - Climate Change**

Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

**LDP - ER2 - Strategic Green Infrastructure Network**

Strategic Green Infrastructure Network - Green infrastructure will 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 in accordance with the green infrastructure principles set out in the policy.

**LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity**

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. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

**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.

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**LDP - EU4 - Public Utilities and New Development**

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.

**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 - RP2 - Noise Pollution**

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 existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

**LDP - RP3 - Air and Light Pollution**

Air and 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 existing and future occupants.

**LDP - RP4 - Water Pollution and the Protection of Water Resources**

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.

**LDP - RP10 - Sustainable Waste Management for New Development**

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.

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<b>Site History App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2018/2324/PRE	PRE APP - Change of use of 1st and 2nd floors from retail (Class A1) to Offices (Class B1)	POSP RE	30.11.2018
2020/0065/FUL	Conversion of first and second floors to Office Accommodation (Class A1 to Class B1) including creation of new office entrance off Princess Way and Roof level (second floor) Extension to create new Orangery and external terrace (staff canteen - Class A3) with external alterations to Princess Way / Oxford Street elevations and existing rear service access	APP	12.03.2020
99/1268	ERECTION OF AUTOMATED TELLER MACHINE	APP	05.11.1999
98/6072	ERECTION OF NEW FASCIA SIGNS INCORPORATING 4 INTERNALLY ILLUMINATED BOX SIGNS 4 NO. INTERNALLY ILLUMINATED PROJECTING SIGNS AND 4 NO. PROJECTING BANNER SIGNS	APP	18.09.1998
87/1128/06	ILLUMINATED SHOP SIGN	APP	08.09.1987
87/0216/03	RENEWAL OF ELEVATIONS TO PRINCESS WAY + OXFORD STREET.	APP	10.03.1987
76/0927/03	GENERATOR HOUSING AND LOADING BAY	APP	30.09.1976



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Item 4 (Cont'd)	Application Number:	2021/2996/FUL
74/0705/03	ERECTION OF PUBLIC RESTAURANT AT SECOND FLOOR, STAFF QUARTERS AT ROOF LEVEL AND NEW LIFT AND ESCALATOR	APP 31.10.1974
2015/1914	Retention of two internally illuminated fascia signs, two non-illuminated fascia signs, four internally illuminated projecting signs and two non-illuminated high level banner signs	INV

### Procedural Matters

This application is reported to Planning Committee for determination as it conflicts with the full requirements of Policy RC9 of Local Development Plan.

### Description

The upper floors of the former BHS building are largely vacant and it is proposed to redevelop/refurbish the existing building with the conversion of the ground, first and second floors (currently class A1/A2) to create a Community Hub providing library, archives, café community services, staff offices and flexible co-working space (Unique Use) with external alterations, incorporating glazed/rainscreen curtain walling, green infrastructure and roof top photovoltaics.

### Relevant Planning History

2020/0065/FUL - Conversion of first and second floor to office accommodation (Class A1 to Class B1) including creation of new office entrance off Princess Way and roof level (second floor) extension to create new orangery and external terrace (staff canteen - Class A3) with external alterations to Princess Way/Oxford Street elevations and existing rear service access. APPROVED 12/03/2020.

### Surrounding Site Context

The building occupies a prominent city centre plot on the corner of Oxford Street and Princess Way and within close proximity of Castle Gardens which is undergoing a complete upgrading project to improve the public realm and city centre green space. The application site is located 130m from Swansea Castle and various other designated heritage assets but does not affect the setting of these. This section of Oxford Street is within the prime retail frontage and the area to the front of the building is active public open space which plays host to various street markets including the popular pop up Christmas Market stalls. A £1bn transformation via the Swansea Bay City Deal sets out potential key interventions to address both impacts of covid and the changing nature of UK retail sector and consumer needs, and proposes a strategy to manage the rapid contraction of Swansea's retail offer and plan the repurposing of parts of the city centre to redirect its future development.

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A major upgrade is proposed for Castle Gardens, linking in with the new-look Kingsway, Wind Street, and Copr Bay. Key interventions also include boosting the Swansea Market Trade by improving entrances, enhancing the look of key gateways and creating a new public area for families at the junction between Oxford Street and Portland Street. The new Arena is opening in 2022 and it is expected that visitor numbers and footfall will significantly increase, with Oxford Street and Princess Way becoming a key conduit north to south through the city.

**Access and Sustainability / Connectivity**

The site is located within a sustainable location within Swansea City Centre where there is no requirement for parking provision. It is in close proximity to facilities and services and also in terms of public transport provision, being in close walking distance to the Quadrant bus station and also the railway station. The site is also accessible to the National Cycle Route 4 and the wider cycle network.

**Proposed Development**

The former BHS/Miss Selfridge building is situated on the junction between Oxford Street to the south and Princess Way to the east. A small service land leading to Park Street car park is to be west. The south east corner of the building is splayed to address Castle Square.

The Design and Access Statement outlines that the former BHS building will be transformed into a new Community Hub within the heart of the City Centre. There numerous benefits for both Swansea Council and the Community through the relocation of the library and archive (from the Civic Centre), as well as a number of key public and third party support services into a single building with an open and welcoming environment.

The over-arching aim of the development is to:

- Create an innovative, flexible and sustainable Community Hub in the City Centre.
- Achieve access to all and provide a range of services in a welcoming environment where people can meet and participate in social activities, learning and support groups.
- Encourage a co-ordinated approach in supporting the community.

Upon completion the Community Hub will be home to the central Library and house a varied of public front facing services including:

- A Family History Centre and Local Studies Area;
- Archive Storage and Research room
- An Employability Hub and Contract Centre to house both council and external public/third party sector partners;
- Life-long learning facilities;
- Co-working space that is publicly accessible; and
- Community /Event areas

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### **Elevational Treatment**

There are three principal elevations - Princess Way, Oxford Street and the west elevation to Park East. Oxford Street and Princess Way are the two primary public facades. It is proposed that the ground floor glazing will be maximised to provide a vibrant and active street frontage and allow visibility of the activity within. Additionally, large openings to the upper floor levels have been proposed to show activity and give an early visual signal that the public are welcome to occupy the upper floors of the Community Hub.

A lightweight translucent polycarbonate overcladding is proposed. This can be backlit to act as a beacon to attract visitors at night time and during the dark winter months, potentially integrating with a citywide strategy of illuminating public buildings.

Above the southeastern corner of the Miss Selfridge building the façade steps back. It is proposed that this area forms a roof terrace with planters and vegetated wall, aligning with the Council's Green Infrastructure Strategy.

The scheme seeks to contribute to the aspirations to 'green' the city with the inclusion of a roof level garden terrace to the building with planting designed to provide enhanced biodiversity value and visual interest at this level. Additionally it has been noted that there is potential for bird and bat boxes and bee hotels to be introduced, aligning with the urban wildlife identified with the Swansea Local Biodiversity Action Plan.

### **Response to Consultations**

#### **Statutory Consultation**

The planning application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by the display of site notices on Oxford Street and Princess Way on 2nd December 2021. ONE OBJECTION, ONE COMMENT AND FOUR LETTERS OF SUPPORT, have been received which are summarised as follows:

1. People want buildings with character, not functional boxes that look shiny.
2. It will be so much more convenient to access the library and Council Services and it will look amazing.
3. Closer to bus station to allow more of the community easier access to library facilities including computer and printing resources.
4. Perfect condition to create rooftop terrace as public view point (similar to Birmingham Library).
5. Brilliant idea. Relocating the central library in this space will make it more accessible to people, both old and young.

Comments from statutory consultees were as follows:

## Placemaking and Strategic Planning Team Appraisal

### Overview

This application proposes the change of use from a large existing retail property (Class A1) to a community hub with public facing Council services in a central City Centre location. The proposal includes the conversion of ground, first and second floors (Class A1 / A3) to create Community Hub providing library, archives, cafe, community services, staff office and flexible co-working space (Unique Use) with external alterations incorporating glazed / rainscreen curtain walling, green infrastructure and roof top photovoltaics.

### Principle of Development

The application site is located within the Swansea Central Area. The LDP sets out that the regeneration of the Central Area is a corporate priority of the Council. **Policy RC1** seeks to create a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance. It requires development to accord with the Council's key strategic aims of delivering:

- i. Comprehensive regeneration and revitalisation of the Retail Centre;
- ii. Increased amounts of high quality office space and city living, including student accommodation;
- iii. Education facilities for teaching and research; and
- iv. A wider range and choice of visitor attractions and facilities.

The site is located within the defined Retail Centre of the Swansea Central Area (as designated by **Policy RC 3**) and it is significant therefore that the application seeks to change the use of the large ground floor unit (at a prominent location) away from retail use, as well as the use of the first and second floors. The Swansea Central Area Retail Centre sits at the top of the retail hierarchy and is the preferred location for all significant retail and leisure development. Policy RC3 does emphasise that the future success of Swansea Central Area as a truly vibrant and attractive destination to visit and spend leisure time will be partly reliant on its ability to deliver developments that create the right balance of retail and leisure experiences within a coherent, legible and consolidated 'core' shopping district, complemented by high quality public realm. Leisure uses (defined as A3, D1, D2 and Unique Use) are considered to have a particularly important role for revitalising the Swansea Central Area Retail Centre, in order to broaden its appeal with particular respect to broadening the range of food and drink, recreation, arts and cultural provision. The LDP also highlights that the Central Area is the preferred location for office development given the transformative ability of such uses to deliver a greater critical mass of facilities and attractions within the Central Area to enhance its vibrancy and viability (**Policy RC 12**).

It is clear therefore that retail is considered by the development plan to be the most appropriate ground floor use within the Retail Centre wherever possible, but it is also recognised that a range of uses can generate footfall and help maintain vibrancy and attractiveness.

The applicant proposes a high quality City Centre community hub providing a multitude of Council services which in planning use class terms is considered a 'Unique Use'.

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However for the purposes of this response it is important to consider the range of different uses proposed. The proposed ground floor plan includes the contact centre, library and café (Use classes A2/B1/A3/D1). It should be noted that **Policy RC 9** states that Business (B1) uses will not generally be supported at ground floor level and it is recommended that, primarily, public facing services will be provided at ground floor level in order to maintain vibrancy and interest in the frontage.

Decisions on the suitability of ground floor non-retail use proposals should have regard to the criteria set out in **Policy RC 9**. The policy states that, within the Swansea Central Area Retail Centre, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage or have a significant adverse impact upon the vitality, viability or attractiveness of the centre. Regard must be given to the seven criteria listed in the Policy. These are addressed these individually below:

i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre, with a presumption against proposals that result in a continuous run of 3 or more nonretail uses

The application site lies to the eastern end of Oxford Street, which is the busiest area of the retail centre. The site is surrounded by predominately retail ground floor uses which are occupied by a mixture of large national retailers. **Policy RC 9** seeks to protect Retail (Class A1) uses at ground floor level within Centres. Any proposal that would lead to a continuous run of 3 or more ground floor non-retail uses within a centre would not be considered acceptable. If the application was approved it is significant that this would not create a continuous run of 3 or more non-retail uses.

ii. The effect upon the shopping function of the centre, either individually or in combination with other non- A1 retail uses

It is considered that the Community Hub would be a considerable generator of footfall. The hub would offer frontline council services and house the City's main library and archive service. The development would bring a major civic function into the Swansea Central Retail Area helping to diversify the offer in the Centre and importantly creating new reasons for Council staff and service users to visit this Core Area of the City Centre.

iii. The nature and design of the shop front and window display that is to be provided

Please refer to the Placemaking and Heritage Appraisal below for the assessment of the proposed shop front and window display.

iv. The location and character of the unit and/or site, including its relative proximity to the most primary frontage and its relative importance for retention as a retail use by virtue of its: design; orientation; size; or siting;

The site lies in a prime retail city centre location on Oxford Street with a mix of national retailers and fronts onto 2 main thoroughfares, Oxford St and Princess Way. It is not though considered that the development would result in a dilution of the retail frontage (please refer to Placemaking comments) as long as a suitably active frontage is retained at ground floor level maintaining the interest and vibrancy for City Centre visitors

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While there would be a loss of retail frontage, there is not a shortage of available retail space in the Retail Centre at this time, and the footfall generating potential of this development would overall result in a significant benefit to the Central Area. Both street frontages provide a key pedestrian link, including to the proposed St David's/Quadrant redevelopment scheme. This proposal would also aid the Council's aspirations to enhance the immediately adjacent Castle Square.

v. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses

There are residential units to the north of the application site which are accommodated on the upper floors of Pearl House. The approval of this change of use application is not considered to have any negative impacts on existing residents. It is considered that the proposal would have a positive impact on adjacent business by increasing footfall in the area.

vii. The likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier.

The application site has recently ceased operating as a retail unit on the ground floor and partly on the first floor. No evidence has therefore been submitted relating to appropriate marketing of the site. However, regard must be given to the severe economic impact of the Covid-19 pandemic in an already volatile retail sector and the resulting loss of some retailers in the Centre meaning there is other retail space available in the Centre at this time.

The applicant refers to a potential Café (Class A3) as an ancillary use to the main function of the business. Cafés and restaurants provide an important function in their own right ensuring that footfall generated by the primary retail function of the Centre is retained within the Centre, and consumers and shoppers do not have to leave the Centre during the course of their shopping trip, thereby retaining economic activity in the Centre. On this basis the proposed Café (Class A3) use would be considered acceptable.

Having regard to the criteria of **Policy RC 9**, it is clear that the site is located in a busy prime part of the retail centre, close to established national retailers and the popular Swansea Market. Regard must also be given to the latest National guidance and the severe economic impact of the Covid-19 pandemic on the retail sector which is a further driver towards making our town centres multi-functional places. **Policy 6 of Future Wales** - The National Plan promotes a 'City Centre First' approach that states significant new commercial, retail, leisure facilities and notably public service facilities should be located within City Centres. Furthermore, **Edition 11 of Planning Policy Wales (PPW)** also recognises the importance of sustaining and enhancing City Centres and encourages a diversity of activity and uses within City Centres. Significantly, it states that, where economic decline is impacting on a retail and commercial centre, a sole emphasis on retaining A1 uses in premises - either in primary or secondary areas - that have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances PPW encourages planning authorities to consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels. Welsh Government have published guidance that reaffirms its commitment to placemaking with a people-focused and placemaking-led recovery from the pandemic.

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The **Building Better Places: The planning system delivering resilient and brighter futures** guidance includes specific reference to commercial centres. Welsh Government recognises that retailers are facing financial difficulty and as a consequence vacancy rates are expected to rise dramatically in commercial centres. To prevent this it emphasises how commercial centres must adopt a more flexible approach allowing for more **leisure uses and public sector facilities**, amongst other uses, to create a hub of activity thus making commercial centres viable as go-to destination once again.

The Central Area is the preferred location for office development given the transformative ability of such uses to deliver a greater critical mass of facilities and attractions within the Central Area to enhance its vibrancy and viability. The principle of development of a B1 use on the upper floors has been established at this location through planning consent granted under 2020/0065/FUL in March 2020. The application sought the conversion of first and second floors to Office Accommodation (Class A1 to Class B1) including creation of new office entrance off Princess Way and Roof level (second floor), extension to create new Orangery and external terrace (staff canteen - Class A3) with external alterations to Princess Way / Oxford Street elevations and existing rear service access. It was concluded that a change of use to B1 was considered acceptable within the national and local planning policy context. **Policy SD J** relates to the Swansea Central Area Strategic Development Site. The policy allocates a range of regeneration projects with the overall aim of creating a vibrant, distinctive Central Area. The Policy sets specific placemaking principles for the regeneration projects which includes Oxford Street. The Policy specifically supports employment uses at upper floor levels. The consented refurbishment ref 2020/0065/FUL included extending upward by one additional floor. The **Swansea Central Area Regeneration Framework (SCARF)**, document emphasises the need to add scale to the city core. Applications to create an additional floor would be welcomed at this location.

The proposal also includes elements of a Class A2 use in support of financial services provided as part of the Council's everyday duties. It is considered that these duties are in support of the main office function (Class B1) of the upper floors and are supported by **Policy SD J** of the Plan.

The final use for consideration relates to the proposed library/archive (Class D2). This facility is considered a leisure use which is supported in the Swansea Retail Centre. The Central Area needs a vibrant mix and right balance of leisure, culture, retail, office and residential uses all delivered in a legible way with high quality buildings and public spaces which celebrate the culture of Swansea and differentiate it from other cities.

**In summary, with regard to the 'in-principle' acceptability of the proposals, the change of use from Retail (Class A1) to a high quality City Centre Community Hub (Class A2/B1/D1/A3) with primarily public facing uses at ground floor level is considered acceptable. The proposal would not give rise to an unacceptable loss and dilution of retail frontage or have a significant adverse impact upon the vitality, viability or attractiveness of the centre. The proposal would generate significant footfall and add to the diverse offering in the City Centre in-line with National Guidance.**

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### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

**Future Wales Policy 2** sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

**Swansea LDP Policies PS 2 and ER 2** highlight that:

- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

Having regard to the above placemaking policy framework, the following provides an updated Placemaking and Heritage appraisal of the submitted proposals:

This application proposes the change of use from A1 large format retail floor space to a community hub locating public facing Council services in central accessible city centre location.

This does result in a loss of retail floor space but accords with SCARF objectives for diversification of city centre uses to bring in alternative uses and footfall.

The application encompasses two existing buildings 277 and 278 Oxford Street (former BHS and Miss Selfridge retail units). Both have a modernist character but lack quality and require maintenance.

The application site is located 130m from Swansea Castle and various other designated heritage assets such as Castle Cinema, St Marys Church, Wind Street conservation area but does not affect the setting of these.

The additional information provided in the Design and Access Statement (DAS) addendum confirms a full active frontage onto Oxford Street and Princess Way which is required by SCARF and therefore welcomed. To ensure this new glazed area is retained as fully active transparent frontage in perpetuity, the active frontage (shopfront) code condition should be applied to the entirety of this frontage. This requires visual transparency for the full height of the glazing to a depth of 3m into the building. This therefore precludes any vinyls/ opaque films and but does allow display areas, seating tables etc. This ensures the public activity adds character and safety to the public realm.



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Following discussions it appears that secure cycle parking for staff will be provided within external public realm areas rather than the initial suggestion of the basement. This is welcomed to ensure the Council embraces Active Travel and an employer. This will require a condition to ensure the secure cycle parking in the public realm is installed before beneficial use of the building.

The first floor elevations are proposed to be unified/ enhanced by a polycarbonate rain screen wrap set 80cm off the existing brickwork to conceal external insulation. This also includes a number of large scale first floor feature windows with aluminium flashings. The DAS addendum provides relevant precedents of the use of vertical polycarbonate sheets and it is considered that the proposals would be elegant and well detailed comprising full height panels (no horizontal joints) with the support rails running vertically so no shadows of structure visible behind. It is also clarified that there will be a soffit trim at the base to close the gap between the new skin and original brickwork. The DAS addendum also clarifies the alternative materials considered and discounted mainly due to weight because the 80cm offset requires light weight cladding. The proposed approach of full height vertical polycarbonate panels is considered to be an innovative high quality modernist approach and the detail such as typical panels, fixings, corners, feature windows, illumination etc can be controlled via condition.

It has been confirmed that the existing windows will be retained behind the polycarbonate skin and these will be obscure glazed to allow diffused natural light plus ventilation this is important for a healthy workspace and the detail can be controlled via condition.

The amended importation confirms signage zones have been kept to a minimum and focussed on the entrances (above doors and to either side). There is no signage proposed on the first floor polycarbonate cladding. This arrangement is considered to be well integrated with the architecture and ensures legibility of entrances. Ultimately the signage is controlled via separate advertisement consent.

The amended information explains in more detail why larger areas of green wall and green roofs are not possible; this mainly due to the storage internal conditions required for the archive proposed at first floor. However it is confirmed that a 167m<sup>2</sup> extensive green roof and 50m<sup>2</sup> green wall are proposed at second floor level on the south east corner and that these will be biodiverse meeting the GRO code. Therefore whilst this does not meet the Green Space Factor tool score, it is considered acceptable given the unique constraints of this building and the new uses proposed.

Therefore approval is recommended with conditions to address the following:

- Active ground floor frontage (shopfront) code for visual transparency
- Details of all materials
- Large scale drawn details of:
  - Ground floor glazing and doors
  - First floor cladding, fixings, supports etc - typical section including soffit
  - First floor cladding - corner detail
  - First floor feature window and reveal
  - First floor retained window behind cladding
- Details of illumination

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- Details of green roof/ green wall including maintenance strategy
- Details of rooftop PV panels

**APPRAISAL**

**Material Planning Considerations**

The main material planning considerations in the determination of this planning application are set out as follows:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Placemaking and Urban Design impact;
- Heritage Impact.
- Highways, access and pedestrian movements;

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

**Development Plan Policy and Supplementary Planning Guidance**

**Planning Framework**

The planning policy framework for the determination of this application is provided by the following policy documents:

- Planning Policy Wales 11th Edition (February 2021)
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 12: Design
- Technical Advice Note 18: Transport
- Technical advice note (TAN) 23: Economic Development
- Swansea Local Development Plan 2010 - 2025 (Adopted February 2019)
- Supplementary Planning Guidance.

**Planning Policy Wales**

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. PPW sets out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

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In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, PPW states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Placemaking - The concept of placemaking is central to PPW and delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through plan making and development management decisions. It defines placemaking as: a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

**Biodiversity and Ecological Networks**

Biodiversity and Resilience of Ecosystems (Section 6 Duty) (paras 6.4.1 to 6.4.8) - In accordance with Section 6 of the Environment Act 2016, the Council has a duty to maintain and enhance biodiversity. [NB: In Swansea, the section 6 duty is embedded as one of the 4 Well Being Objectives in the Public Service Board's Well Being Plan - "Working With Nature". It is also included as Objective 6 of the Council's Corporate Plan "maintaining and enhancing Swansea's Natural Resources.]

The Section 6 duty means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so, the LPA must take account of and promote the resilience of ecosystems, in particular the following aspects: diversity, connectivity, scale, condition and adaptability. In fulfilling this duty the LPA must have regard to Section 7 list of habitats and species important for Wales and the SoNaRR and any up to date ecological survey information provided.

Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

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Green infrastructure (para 6.2.1, 6.2.2, 6.2.4, 6.2.5) - is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. The delivery of multi-functional green infrastructure can make a significant contribution to the sustainable management of natural resources, in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of diversity, extent, condition, connectivity and adaptability. This means that development of Green Infrastructure is an important way for local authorities to deliver their Section 6 Duty. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

**TAN23 (Economic Development)**

TAN23 (Economic Development) states that the economic benefits associated with development may be geographically spread out far beyond the area where the development is located and therefore as a consequence it is essential that the planning system recognises and gives due weight to the economic benefits associated with new development. The development will provide significant economic benefits to the City of Swansea.

**Development Plan and Relevant Policies**

**Swansea Local Development Plan 2010 - 2025**

The Swansea Local Development Plan (LDP) was adopted by Members at a public meeting of Full Council on the 28th February 2019 and forms the development plan for the City and County of Swansea under the provisions of section 38(6) of the Planning Act. The following LDP policies are relevant to the determination of this planning application:

- Place making and Sustainable Development PS 1, PS 2, PS 4;
- Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area);
- Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2;
- Historic and Cultural Environment HC 1;
- Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety);
- Regeneration and Commercial Development RC 1 Swansea Central Area Regeneration & RC 2; Retail and Leisure Development; RC 3 Swansea Central Area Retail Centre; RC4 & RC12 Office Development;
- Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks / Biodiversity);
- T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking;
- Policy EU4: Public Utilities and New Development;

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- Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.

**Supplementary Planning Guidance (SPG):**

The following SPG are relevant to the proposed development:

- Planning Obligations (Adopted March 2010)
- Parking Standards (Adopted March 2012)
- Planning for Community Safety (Adopted December 2012)
- Shop Front & Commercial Frontage Design Guide (January 2017)
- Non Retail Uses in Swansea City Centre (Adopted October 2010)
- Swansea Central Area Regeneration Framework (SCARF) - Adopted Feb. 2016.
- Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy (Draft)
- Development and Biodiversity (February, 2021).

The above SPG provides further information and guidance to support and clarify the policies described in the Appraisal below.

**Strategic Development Areas**

The LDP designated 12 Strategic Development Areas (SDAs) to provide new homes and opportunities for job creation and commercial investment at a strategic scale. The application site is located within SD J: Swansea Central Area which is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance.

Development proposals should accord with the following Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent (PS1 & PS2). Detailed design of the proposal will need to take account of LDP Policy PS 2. This 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. 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.

Principle of the development - The LDP's Sustainable Employment Strategy (Policy PS 4), to deliver opportunities for business growth and job creation over the Plan period, allocates Strategic Development Areas for employment uses, including SD J Swansea Central Area.

Policies RC 1, RC2 and RC3 - Swansea Central Area Regeneration - require development to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must accord with the key strategic aims of delivering the comprehensive regeneration and revitalisation of the Retail Centre.

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Retail / Leisure developments together with increased amounts of high quality office space and city living, including student accommodation; education facilities for teaching and research; and a wider range and choice of visitor attractions and facilities should be centred within the Swansea Central Area.

Policy RC4 states that development within the Swansea Central Area Complementary Areas, development should deliver an appropriate mix of uses in accordance with the particular functions and opportunities for regeneration and renewal at each location, which for this location are identified in criteria ii as the delivery of high quality office accommodation as part of a new business district at the Kingsway and Orchard Street, in association with residential and supporting uses that incorporate active frontages at street level, which in combination provide for a significantly enhanced street scene and public realm.

Policy RC 12 states that proposals for significant new office development identifies that the Swansea Central Area is the sequentially preferable site for office development given the transformative ability of such uses to deliver a greater critical mass of facilities and attractions within the Central Area to enhance its vibrancy and viability.

**Swansea Central Area Regeneration Framework (SCARF)**

Within the SCARF document the site is identified as being in the Oxford Street/Market area in the 'Retail and Leisure Led Mixed Use Centre'. This reflects the increasing importance attributed to providing appropriate leisure opportunities alongside quality retail facilities to create a desirable and viable city centre destination.

The SCARF document also identifies a number of key development and design principles for the area and seeks to ensure that the Centre is the first choice location for a wide range of potential developments and a priority for investment. The co-location of uses within the central area will consolidate a vibrant commercial core within Swansea's Central area.

- Frontage Improvement- Promote the improvement in existing built frontages
- Active Frontages- Ensure all developments incorporate active frontages to bring vitality to the streetscene and help create a sense of place and reference. All new development must have active frontages at street level.
- Green space - Substantially increase green space through planting, pocket parks within the streetscape and 'green architecture. A variety of greening initiatives could be explored including tree planting, pocket parks, green walls and green roofs.
- Legibility and connections- New development should create routes and enhanced legibility to reinforce north/ south connections to Oxford Street and beyond.

As noted in Policy RC 1, it is important that development in the Central Area, complies with appropriate development requirements and proposals set out in adopted SPG. The role of, and opportunities for, the complementary areas are further detailed in the SCARF SPG (2016).

**Swansea City Centre Repurposing Strategy**

A £1bn transformation via the Swansea Bay City Deal which sets out potential key interventions to address both impacts of covid and the changing nature of UK retail sector and consumer needs.

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The proposed strategy builds on the current regeneration strategy set out in the Swansea central area regeneration framework (2016) and the multi-million pound investment in new office and work space, leisure and entertainment, homes and accommodation, better transport links, public realm improvements and more greenery in the city centre.

A shortlist of potential interventions addressing buildings, public realm and policy have been identified, which include:

- the retention of the former Debenhams building as a retail unit
- boosting Swansea Market trade by improving its entrances
- enhancing the look of key gateways in and out of the city centre with public art and more greenery
- introducing a new street food market with links to both Swansea Market and the Quadrant Shopping Centre
- creating a new public area for families at the junction between Oxford Street and Portland Place, including play facilities and seating

This planning application for the Community Hub represents a development of significance which has the potential to stimulate the regeneration of this Central Area, in accordance with the aims and aspirations of the SCARF and the Swansea City Centre Repurposing Strategy.

The detailed Placemaking and Urban Design impacts are addressed within the Placemaking and Heritage consultation response outlined above.

**Green Infrastructure/ Sustainable Urban Drainage**

The LDP provides specific policies on open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8,9,11), social infrastructure (SI 2) provision and mitigation of impacts of development. Green infrastructure and biodiversity - Green Infrastructure (ER2) and biodiversity (ER 9) are a central facet of the Plan and fundamental to good placemaking. It is clear that the applicant has fundamentally embraced the objectives of integrating GI within development. The Councils draft Swansea Central Area: Regenerating Our City for Wildlife and Wellbeing Green Infrastructure Strategy sets out that the Council will apply the Green Space Factor Tool (GSF) in consideration of all development in the Swansea Central Area. This is a simple method for measuring the area and likely effectiveness (in providing various ecosystem services) for various green infrastructure types included in project proposals.

The Design and Access Statement provides an analysis of the proposed green infrastructure using this tool, having regard to the various elements of the scheme.

The scheme seeks to contribute to the aspirations to 'green' the city with the inclusion of a roof level garden terrace to the building with planting designed to provide enhanced biodiversity value and visual interest at this level. A Green Space Factor (GSF) analysis of the proposals has been undertaken and the scheme would achieve a GSF calculations of 0.05. Whilst this is lower than Green Infrastructure guidance which requires a minimum GSF score of 0.3 for commercial developments, this is an existing building with limited opportunities.

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In addition, it has to be acknowledged that there are a number of challenges that the project faces which distinguish it from other projects: the lack of public realm, the building is existing, and that there are conflicts with the proposed archive accommodation (pest infiltration and irrigation/moisture retention). Additionally it has been noted that there is potential for bird and bat boxes and bee hotels to be introduced, aligning with the urban wildlife identified with the Swansea Local Biodiversity Action Plan. The amended information also explains in more detail why larger areas of green wall and green roofs are not possible; this mainly due to the storage internal conditions required for the archive proposed at first floor. However it is confirmed that a 167m<sup>2</sup> extensive green roof and 50m<sup>2</sup> green wall are proposed at second floor level on the south east corner and that these will be biodiverse meeting the GRO code. Therefore whilst this does not meet the Green Space Factor tool score, it is considered acceptable given the unique constraints of this building and the new uses proposed.

Final details of the 'green roof level terrace can be controlled through the planning conditions.

**Policy Summary**

Within the national and local planning context, there is a clear support for the principle of the development at this City Centre location and the uses proposed, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore policy compliant.

**Heritage Impact**

Strategic Policy HC1 seeks to secure the sustainable management, preservation and enhancement of the character and appearance of the historic and cultural environment, whilst supporting appropriate heritage led regeneration proposals to realise the social and economic potential of these assets. HC 2 seeks to ensure that any new development accords with the special architectural and historic interest of designated conservation areas and their settings.

The application site is adjacent to the Wind Street Conservation Area and is within sight of Swansea Castle which is a Scheduled Ancient Monument and Listed Building, however, the proposal does not involve increasing the scale of the existing building and it is not considered that the setting of the heritage assets would be adversely affected.

**Highways, traffic, car parking, access and pedestrian movements**

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

Highways and Active Travel - The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes. Page 111



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The Central Area is identified in the LDP as the sequentially preferable location for significant office development, partly due to its sustainable travel links. Proposed parking provision should be considered against the Car Parking SPG. The public realm works will provide a new network of interconnected streets, with new pedestrian-only areas, and soft landscape works.

The application is supported with a Transport Statement and Travel Plan.

The site is located within an extremely sustainable location within the City Centre and has excellent accessibility to public transport and local services and facilities. Pedestrian access will be obtained directly from The Kingsway and also from Oxford Street when the new link is opened to the south. There are also links directly onto city centre cycle routes providing quick links to the NCN for journeys further afield.

The site is located within the central core area, and as such there is no requirement to provide car parking, and the demand for private car parking can be met by spare capacity within the existing city centre car parks which are within walking distance of the Community Hub with a mixture of long stay and short stay provision providing a parking capacity of 1463 spaces. These would provide sufficient parking capacity to the staff and visitors of the Community Hub, should they wish to travel by car. A detailed Travel Plan has been submitted with the application outlining the measures to maximise the sustainable travel options.

The provision of quality facilities for cyclists has a key role in facilitating and encouraging travel to the site by bike and is a key part of the development's Travel Plan. The proposals can provide for secure staff cycle parking within the building at basement level and additional cycle parking is likely to be provided at street level within the public realm as part of a wider city centre cycle parking strategy.

The Transport Statement has considered the existing highway layout, surrounding land uses, and access via all modes of transport. The report has set out key constraints for access by all modes, and identifies measures to mitigate any adverse impacts and enable the development to operate in a sustainable way. The proposed site is located in a sustainable location that can be accessed by all modes, including vehicular trips that can utilise nearby car parks, and the site has good accessibility for pedestrians and cyclists and the site is well connected to the public transport network. The proposed development is in accordance with the local, regional, and national policy guidance which is focussed around the need for sustainably located mixed-use development within employment areas. There is also a requirement for a shift in travel modes, with ambitions for a higher uptake in those modes other than vehicles.

**Conclusion**

The regeneration of Swansea Central Area is a corporate priority of the Council, and the application site forms part of an area that is key to supporting the physical regeneration of the city and driving economic prosperity across the Swansea Bay City Region. The Central Area needs a vibrant mix and right balance of leisure, culture, retail, office and residential uses all delivered in a legible way with high quality buildings and public spaces which celebrate the culture of Swansea and differentiate it from other cities.

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Within the national and local planning context, there is a clear support for the principle of the proposed development at this City Centre location and the uses proposed, especially where the redevelopment will promote sustainability objectives. The principle of development of this site for the proposed uses is therefore considered acceptable.

The proposals have the potential to make a significant contribution to delivering the key strategic aims for the Central Area and has the potential to stimulate the ongoing regeneration of the city centre and to also have wider benefits for the Central Area as a whole, particularly the adjacent Retail Centre. It is not considered that the development would result in a dilution of the retail frontage as an active frontage is to be retained at ground floor level.

The principle of developing the site as a mixed-use development at this City Centre location is supported by Planning Policy Wales and Local Development Plan planning policies at both the national and local level. The site is located within a sustainable and accessible location within proximity to a wide range of services and public transport facilities.

The proposed upgrading of the external appearance of the existing building is considered acceptable and the incorporation of 'Urban Greenery' would accord with the Council's emerging aspiration of the Green Infrastructure Strategy for the City Centre.

In summary, with regard to the 'in-principle' acceptability of the proposals, the change of use from Retail (Class A1) to a high quality City Centre Community Hub (Class A2/B1/D1/A3) with primarily public facing uses at ground floor level is considered acceptable. The proposal would not give rise to an unacceptable loss and dilution of retail frontage or have a significant adverse impact upon the vitality, viability or attractiveness of the centre. The proposal would generate significant footfall and add to the diverse offering in the City Centre in-line with National Guidance.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

**RECOMMENDATION**

**APPROVE, subject to the following planning 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.

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2 The development shall be carried out in accordance with the following approved plans and documents: 0001 Rev P2: Site location plan, 0002 Rev P02: Proposed Site Plan, 0110 Rev P04: Proposed GA Plan - Ground Floor, 0120 Rev P04: Proposed GA Plan - First Floor, 0130 Rev P04: Proposed GA Plan - Second Floor, 0140 Rev P02: Proposed GA Plan - Roof Level, 0100 Rev P02: Proposed GA Plan - Basement, 121 Rev P02: Proposed GA Plan - Mezzanine Level, 0150 Rev P02: Proposed GA Sections-Section A, 0151 Rev P02: Proposed GA Sections-Section B+C, 0160 Rev P02: Proposed GA Elevations-South&East, 0161 Rev P02: Proposed GA Elevations-North&West, received 25th November 2021. Transport Statement, Travel Plan, Design & Access Statement/Addendum.

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 Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

4 Notwithstanding the details indicated in drawing no.0160 Rev P02: Proposed Elevations, a fully detailed scheme for the installation of the green wall which must be GRO compliant, shall be submitted to the Local Planning Authority prior to the development of the superstructure works for the additional floor. All planting, seeding or turfing comprised in the approved details for the green roof 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 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 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.

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- 5 Prior to the first beneficial occupation of the development, the proposed management strategy for the future management and maintenance of the green infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any building management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.  
Reason: To ensure that the green infrastructure is subject to a future management and maintenance agreement to ensure that is adequately maintained.
- 6 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding any demolition, excavation, site preparation and enabling works) of the relevant part of the development. The development shall be completed in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 7 Prior to the commencement of any external works to the development details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:
- Polycarbonate / translucent cladding;
  - Typical double glazed played window detail within their openings including any necessary solar gain controls;
  - Glazed curtain walling system including entrance doors and plinth cladding;
  - Canopies / signage zones;
  - Roof top PV panels
  - Details of illumination
- The development shall be carried out in accordance with the agreed details.
- Reason: In the interests of visual amenity.
- 8 Visual transparency shall be retained into the ground floor active frontage area in accordance with a Shopfront Code, to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the units.  
Reason: To ensure active, attractive and transparent shopfront which will maintain and enhance vitality at street level and avoid dead retail frontages.

### 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: Future Wales - The National Plan 2040. PS1, PS2, PS4, SD1,SD2, SDJ, IO 1, IO 2, HC1, SI 1, SI 8, RC1, RC2, RC3, RC4, RC12, ER1, ER2, ER9, T1, T2, T5, T6, EU4, RP1, RP2, RP3, RP4, RP10.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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- 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 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).

- 5 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
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