



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Pwyllgor Cynllunio

Lleoliad: Cyfarfod Aml-Leoliad - Ystafell Gloucester, Neuadd y Ddinas / MS Teams

Dyddiad: Dydd Mawrth, 5 Medi 2023

Amser: 2.00 pm

Cadeirydd: Cynghorydd Paul Lloyd

Aelodaeth:

Cynghorwyr: P M Black, P Downing, A J Jeffery, M H Jones, S E Keeton, M B Lewis, R D Lewis, N L Matthews, M S Tribe, T M White a/ac R A Williams

Gwyllo ar-lein: <https://bit.ly/3OD3FIK>

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

Agenda

Rhif y Dudalen.

- | | | |
|----------|--|----------------|
| 1 | Ymddiheuriadau am absenoldeb. | |
| 2 | Datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeluCysylltiada | |
| 3 | Cofnodion.
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir. | 1 - 2 |
| 4 | Eitemau i'w gohirio/tynnu'n ôl. | |
| 5 | Penderfynu ar geisiadau cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990. | 3 - 46 |
| 6 | Cais Cynllunio: 2022/1230/FUL - Penderfyniad Apel. | 47 - 55 |

Cyfarfod Nesaf: Dydd Mawrth, 3 Hydref 2023 am 2.00 pm

Huw Evans

Huw Evans
Pennaeth y Gwasanaethau Democraidd
Dydd Mawrth, 29 Awst 2023

Cyswllt: Gwasanaethau Democraidd - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 1 August 2023 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black
S E Keeton
T M White

Councillor(s)

P Downing
M B Lewis
R A Williams

Councillor(s)

M H Jones
M S Tribe

Officer(s)

Gareth Borsden
Ian Davies
Tom Evans
Sally-Ann Evans
Jonathan Wills

Democratic Services Officer
Development Manager
Placemaking and Strategic Planning Manager
Lead Lawyer
Lead Lawyer

Apologies for Absence

Councillor(s): A J Jeffery, R D Lewis and N L Matthews

12 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.

13 Minutes.

Resolved that the minutes of the meeting held on 4 July 2023 be approved and signed as a correct record.

14 New Supplementary Planning Guidance: Conversion of Traditional Rural Buildings (Consultation Draft).

The Placemaking and Strategic Planning Manager presented a report on behalf of the Head of Planning and City Regeneration which provided the Committee with a summary of new draft Supplementary Planning Guidance (SPG) document, and sought approval from Members to undertake public consultation on the draft SPG.

In support of the circulated report he provided Committee with a powerpoint presentation which outlined and detailed the following areas:

- Background to the new draft document including that the existing SPG needs updating, new guidance due on conversion of rural buildings, need to reflect appeal decisions, new national planning framework, better alignment with placemaking policies for Gower and more clarity for applicants and decision makers;
- Key issues within the SPG – guidance on what is traditional and needs safeguarding, improved guidance on business uses allowed, conversion criteria and better links to LDP and other SPGs;
- Conversions and new builds – differences between them, amount of work need to convert and not demolish/rebuild, restrictions on reconstruction from both our own LDP and national policy, SPG guidance on reasonable threshold for rebuilds;
- Consultation and engagement to be undertaken in the six week period up until 6th October, online form and web pages, consultation with various key stakeholders, examination of comments and amendment to draft SPG which will be brought back to Committee for final adoption in late 2023.

Members asked various questions of the Officer on the report and presentation who responded accordingly.

Resolved that the draft Conversion of Traditional Rural Buildings SPG, as attached at Appendix A to the report, be approved for the purpose of public consultation and stakeholder engagement.

The meeting ended at 2.30 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: 5th September 2023

Bay Area Team Leader: Hayley Kemp Tel: 07970 680580	Area 1 Team Leader Eilian Jones Tel: 07929 822781	Area 2 Team Leader: Chris Healey Tel: 07970 680562
Castle Cockett Mayals Sketty St Thomas Uplands Waterfront Waunarlyydd West Cross	Bonymaen Clydach Cwmbwrla Gorseinon and Penyrheol Landore Llangyfelach Llansamlet Llwchwr Morriston Mynyddbach Penderry Penllergaer Pontarddulais Pontlliw and Tircoed Townhill	Bishopston Dunvant and Killay Fairwood Gower Gowerton Mumbles Penclawdd Pennard

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	2023/1523/FUL	Land At Trallwn Road, Llansamlet, Swansea, SA7 9WL Proposed 5G telecoms installation: 20m high slim line H3G street pole and associated cabinets with ancillary works.	Approve
2	2022/1109/RES	Plot D5b, Land South Of Fabian Way And East Of River Tawe Swansea Construction of 35 no. apartments and 8 no. townhouses and associated works, (details of access, appearance, landscaping, layout, scale pursuant to conditions 6, 8, 9 and 17 of outline planning permission 2015/1584 approved 13th May 2016 (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development	Approve

Planning Committee – 5th September 2023

Item 1 (Cont'd)

Application Number:

2023/1523/FUL

There will be three equipment cabinets located alongside one another, the first will measure 0.7m x 0.7m with a height of 1.2m, the second will measure 1.8m x 0.7m with a height of 1.7m and the third will measure 0.6m x 0.5m with a height of 1.5m. The proposed monopole and equipment cabinets will be finished in RAL 7035 which is a light grey colour.

Planning History

2022/2708/PNT - proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets (application for Prior Notification of proposed development by Telecommunication Code System Operators) - prior approval granted 6th January 2023.

2023/0723/PNT - proposed 5G telecoms installation : H3G 20m street pole and additional equipment cabinets (application for Prior Notification of proposed development by Telecommunication Code System Operators) - application withdrawn

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 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 13 - Supporting Digital Communications

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

3.3 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.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. 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:

2023/1523/FUL

Technical Advice Note (TAN) 19: Telecommunications

TAN 19 provides guidance on the planning procedures to follow when assessing telecommunications proposals.

44. Where development requires an application for planning permission, applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

46. Each telecommunications system has different antennas, siting needs and other characteristics. Planning authorities should have regard to any technical constraints on the location and proposed development. Each application should be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include the significance of the proposed development as part of a national network.

Adopted Swansea 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.

EU 5 Telecommunications and Digital Technology Infrastructure - Proposals for telecommunications and digital technology infrastructure will be considered in the light of technical and operational requirements and permitted in line with Policy principles.

Consultations

Local Highway Authority

Highways has no objections to the proposals.

Public Response

The application was advertised by means of a site notice placed within the vicinity of the site on 14th July 2023.

An objection petition containing 33 signatures from persons with different addresses and 11 individual letters of objection have been received and are summarised below:

- The mast dominates the skyline
- Visible in the short, mid and long range
- It does not enhance the character of the area
- Its technical need is not justified
- A camera has been sited on the pole
- Inappropriate in the residential area
- It would be more suited in an industrial area
- Privacy will be impacted
- The visual impact could prevent someone with a disability from accessing the area

Item 1 (Cont'd)

Application Number:

2023/1523/FUL

- There is no signal in the area, this will not make it better
- Too near properties and the main road
- Trallwn Road was once an aesthetically pleasing road with mature trees
- No consultation with members of the community
- No details on the number of aerals that the pole will have

Main Issues

The main issues for consideration relate to the siting and appearance of the telecommunications equipment having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Policy EU5 of the LDP states that telecommunications and digital technology infrastructure will be considered in light of technical and operational requirements and would be accepted where:

- i. The development contributes towards the objectives of future proofing development and regeneration proposals or forms part of the planned development of a wider network;
- ii. The development incorporates all reasonable measures to minimise any significant adverse impact due to the siting and external appearance of the apparatus, and the design minimises impact caused by its visual appearance;
- iii. There would be no significant adverse effect on natural heritage, the historic environment, or amenity of neighbouring residents;
- iv. The application is accompanied by evidence of compliance with Government guidelines on health impacts of telecommunications infrastructure.

Policy PS2 is also relevant since it represents the overarching criteria for considering developments in context to placemaking and place management.

The mast and cabinets which are seeking retrospective permission are positioned on a grass verge along Trallwn Road. Approximately 12m to the north east, a recent application for prior approval was considered and approved for a 20m street pole and equipment cabinets. That submission was deemed acceptable in terms of its siting and appearance and satisfied the permitted development criteria set out in Schedule 2 Part 24 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019. In most circumstances, a mast of up to 25 metres in height is permitted development.

The mast and cabinets which have been erected on site, and are the subject of this latest application, are sited closer to the junction with Lidl. Whilst the height of the mast remains identical to that of the earlier application (20 metres), permitted development rights do not apply in circumstances where the development has already occurred. The agent for the application has also confirmed that the current full application represents the only telecommunications equipment to be erected and the development approved by the earlier application 2022/2708/PNT will not be actioned.

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Application Number:

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Whilst permitted development rights do not apply in this instance, regard is given to the similarities between this latest submission and the earlier approval 2022/2708/PNT on a nearby site, especially in terms of the scale and nature of the proposed development and its relationship with the character, appearance and context of the area. In this respect, it is considered that the principle of the proposal in this area is acceptable.

Siting, Design and Visual Amenity

In terms of visual amenity and siting and design of the proposal, it is noted that there are a number of vertical features within the immediate area and whilst the proposed column is greater in height than the existing poles within the street, it would not lead to any harmful visual clutter. The monopole has a localised visual impact with it being primarily visible along Trallwn Road. The spatial character of the area comprises of a wide road in a busy area, alongside shops, a car wash and numerous residential single storey and two storey properties. Therefore such street furniture is not unusual in built up highway situations such as this. It is also noted that the telecommunications equipment is sited on the opposite side of the road to the residential properties and is be viewed in the surrounding commercial context rather than the residential context. This is considered to limit its visual impact on the surrounding area.

Furthermore there is a prevalence of grey tones within the area, Lidl is finished in grey cladding, the street light columns are grey and there are also electricity pylons to the rear of the properties along Trallwn Road. The skyline in this area include high voltage electricity pylons which are highly visible in the backdrop to the properties along Trallwn Road and taller than the mast that is the subject of this application. The monopole and equipment cabinets would not therefore be uncommon features. It is also noted that there are tall trees to the rear of the properties along Trallwn Road and partly adjacent to the grass verge that the mast is sited. The abundance of vertical structures and trees to the backdrop of the telecommunications equipment, combined with the grey tones of the area, reduce its overall visual impact.

It is also noted that there are existing equipment cabinets on the same side of the road as the monopole and opposite, albeit finished in a dark green colour, therefore street furniture is already a component within the street.

The site is not within a sensitive area such as a Conservation Area or Special Landscape Area nor is it near any Listed Buildings or Scheduled Ancient Monuments. Despite some localised visual impact, it is considered that the mast and associated cabinets could be accommodated within this particular urban area without any unacceptable impacts on the visual amenity of the area as a whole.

The pavement is wide enough in this location to accommodate the monopole and associated ancillary works and would not present obstruction to pavement users. The proposed electronic communications equipment (pole and cabinets) will be finished in RAL 7035 which is a light grey colour and will therefore match other street furniture in the area.

Consideration should be had for the need for the installation together with its social and economic benefits, which carry significant weight. There is a strong framework of support contained within national planning policy and other documents including the Code of Best Practice on Mobile Phone Network Development for Wales 2021.

Item 1 (Cont'd)

Application Number:

2023/1523/FUL

It is noted that due to the nature of 5G, the cell search area is extremely limited. The application in this case is accompanied by a detailed assessment of site selection and seeks to find an appropriate balance between operational and environmental factors; to this end a sequential approach to site selection has been adopted. Site sharing, utilisation of existing buildings and structures have all been explored to best meet the operational need whilst minimising environmental impact. This process is deemed to be in accordance with the requirements of Welsh Government guidance TAN19.

A number of alternative sites have been investigated:

D1 - The Range - discounted as the grass area is not adopted and the pavements are too narrow

D2 - Lon Enfys - discounted as clearance from inspection pits limit space and there are overhead cables

D3 - The Range - discounted as the grass area is not adopted and the pavements are too narrow

D4 - Lon Enfys - discounted due to visibility splay issues

D5 - The Range - discounted as the grass area is not adopted and the pavements are too narrow

D6 - Trallwn Road - Discounted due to unsuitable pavements and visibility splay issues

With reference to the above it is noted that the site selection documentation does not correctly identify the exact siting of the telecommunications equipment associated with this application, however it is considered that this does not alter the findings of the site selection process undertaken. Whilst the planning statement refers to the prior approval process, this application is for full planning permission and has been considered as such.

Notwithstanding the above, it is considered that it has been demonstrated that the site is the most sequentially preferable within the limited cell search area. Whilst the justification provided for each discounted site is limited, each application is assessed on its own merits and it is considered that the location of the mast and associated cabinets, in its chosen location, is considered acceptable. Furthermore, it has reasonably been demonstrated that the proposal satisfies criterion i) and ii) of Policy EU5 of the LDP, including the built and natural heritage part of criterion iii).

Amenity

Whilst it is recognised that the development will be sited within the vicinity of residential properties, it is sited on the opposite side of the road to those properties, alongside commercial units. It is also sited in a similar location to existing lighting poles (of approximately 8m in height) and some trees and vegetation nearby, albeit those features are smaller in height. The mast and associated cabinets are sited approximately 30m away from the nearest residential property (48 Trallwn Road) and separated by a wide road.

Whilst it is acknowledged that the mast is tall, it is a relatively slim structure in the context of such a wide road and externally finished in a subdued colour. This reduces its impact upon those nearest neighbouring properties, particularly with regards to dominance, light and outlook.

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Application Number:

2023/1523/FUL

Having regard to the specific circumstances of the site, its context and spatial relationship with neighbouring properties, it is considered that the proposals would not result in any harmful residential amenity impacts. Regard is also given to the earlier decision made by the Authority for a 20m high mast on the same grass verge (albeit in a slightly different position) in which it was concluded that the proposal would not have any unreasonable adverse impact on neighbouring properties. Both sites share a comparable relationship with neighbouring properties and buildings and therefore, a similar conclusion is reached.

It is acknowledged that there are often perceived health risks from such proposals. Planning Policy Wales (Edition 11, February 2021) is relevant and states that "health considerations and public concern can, in principle be material considerations. It is for the decision maker to determine what weight to attach to such considerations in any particular case...it is the Assembly's view that if a proposed development meets the ICNIRP guidelines...on the limitation of exposure to electromagnetic fields (as recommended by the Stewart Group on a precautionary basis) it should not be necessary in processing an application to consider health effects further." It adds that the Assembly has accepted the precautionary actions recommended by Stewart and there is no basis for further actions beyond those prepared. It continues, "Local Planning Authorities should not implement their own precautionary policies e.g. imposing a ban on new telecommunications development or insisting on minimum distances between new development and existing development."

In support of this current application, the applicant has submitted a statement that the proposed equipment and installation is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the ICNIRP/EU Council recommendation.

Having regard to the above, it is considered that the proposal satisfies the amenity requirements of criterion iii) of Policy EU5 and the health requirements of criterion iv).

Highway Safety

The Local Highway Authority raise no objections to the proposal and it is not considered that any issues in terms of pedestrian or vehicular safety would arise from the siting of the telecommunications mast and associated ancillary equipment. It is considered that the pavement is wide enough in this location to accommodate the development without adversely affect highway/pedestrian safety or those with disabilities. It is therefore considered that the proposal satisfies Policy PS2 of the LDP and the amenity requirements of criterion iii) of Policy EU5.

Response to Objections

The objections raised with regards to siting, design, appearance and impact upon residential amenity have been addressed in the main body of this report.

Objections have been raised with regards to the lack of consultation, however a site notice was posted within the vicinity of the site on 14th July 2023 to which responses have been received. Appropriate consultation has been undertaken by the Local Planning Authority.

Item 1 (Cont'd)

Application Number:

2023/1523/FUL

An objection has been raised querying the number of aerials to be sited on the monopole, the submitted elevations do not indicate any external aerials to the monopole, nor has the number of antennas been submitted in the submission. A GPS module is mounted to the top of the monopole.

Objections have been raised with regards to the technical need for such telecommunications equipment, the submitted planning statement details the need for the equipment and section 5.2.9 of Planning Policy Wales states that "planning authorities should not question the need for the telecommunications system".

An objection has been raised noting that there is a security camera fitted to the monopole. A site visit has identified that there appears to be a camera fitted to the lower section of the monopole which is most likely fitted in response to graffiti to the telecommunications equipment following its installation. Whilst the camera is not strictly identified on the submitted plans, it has been considered as part of the application submission. The design, appearance and scale of the camera is also considered visually acceptable in this context. Given the distance from neighbouring properties (approximately 30m) it is not considered that the camera would give rise to any unreasonable privacy issues whilst there is other legislation which deals with matters concerning privacy and data protection.

An objection has been raised to state that the proposals will not improve the signal in the area. No evidence has been provided to substantiate this claim and given the purpose of telecommunications equipment, it would be counterintuitive for this proposal to not improve or attempt to improve signal within the area.

Other Matters

A condition shall be imposed to ensure that once the telecommunications equipment ceases its use, the monopole and associated equipment cabinets are removed and the land restored. Paragraph 40 and 45 of TAN 19 state that "telecommunications apparatus should be removed from the land, building or other structure, as soon as reasonable practicable after it is no longer required for telecommunications purposes" and suggests that a condition to this effect is imposed on applications for full planning permission. A condition in this regard is therefore considered reasonable and necessary.

Policy 9 of Future Wales states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The development has occurred on a small section of maintained grass verge which appears to have limited biodiversity/ecology value. Given the nature of the proposal, it is not considered reasonable or necessary in this particular instance to require a biodiversity enhancement.

Conclusion

In conclusion, it is considered, that the siting, design and appearance of the monopole and associated equipment cabinets and infrastructure is, on balance, acceptable.

Item 1 (Cont'd)

Application Number:

2023/1523/FUL

It has been demonstrated that this site would provide the technical and operating needs for effective telecommunication coverage in the area. The visual and amenity impacts arising from the development would be predominantly localised and, as such, it is considered that the siting, design and appearance of the development would not result in significant adverse effects upon the wider area or raise any overriding public amenity or safety concerns. Weight is also afforded to the need for the installation together with its social and economic benefits to the locality. Furthermore, the proposal satisfies Policies PS2 and EU5 of the LDP. Approval is recommended.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the 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.

RECOMMENDATION;

APPROVE, subject to the following conditions:

1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 13 April 2023.

Reason: To comply with Section 73A of the Town and Country Planning Act 1990 (as amended).

2 The development shall be carried out in accordance with the following approved plans and documents:

SWS25394_SWS140_88879_SA0756_GA_REV E 002 site location plan,
SWS25394_SWS140_88879_SA0756_GA_REV_E 215 proposed site plan,
SWS25934_SWS140_88879_SA0756_GA_REV_E 265 proposed site elevation,
received 13th July 2023.

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

3 The approved development shall be removed from the land as soon as reasonably practicable after it is no longer required for any electronic communications purposes and the land shall be restored to its condition before the development took place within 6 months of the date of removal of the approved development.

Reason: In the interest of visual and general amenities in accordance with Policies PS2 and EU5 of the Swansea Local Development Plan.

Planning Committee – 5th September 2023

Item 1 (Cont'd)

Application Number:

2023/1523/FUL

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 13 - Supporting Digital Communications

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2 and EU5.

Planning Committee – 5th September 2023

Item 2

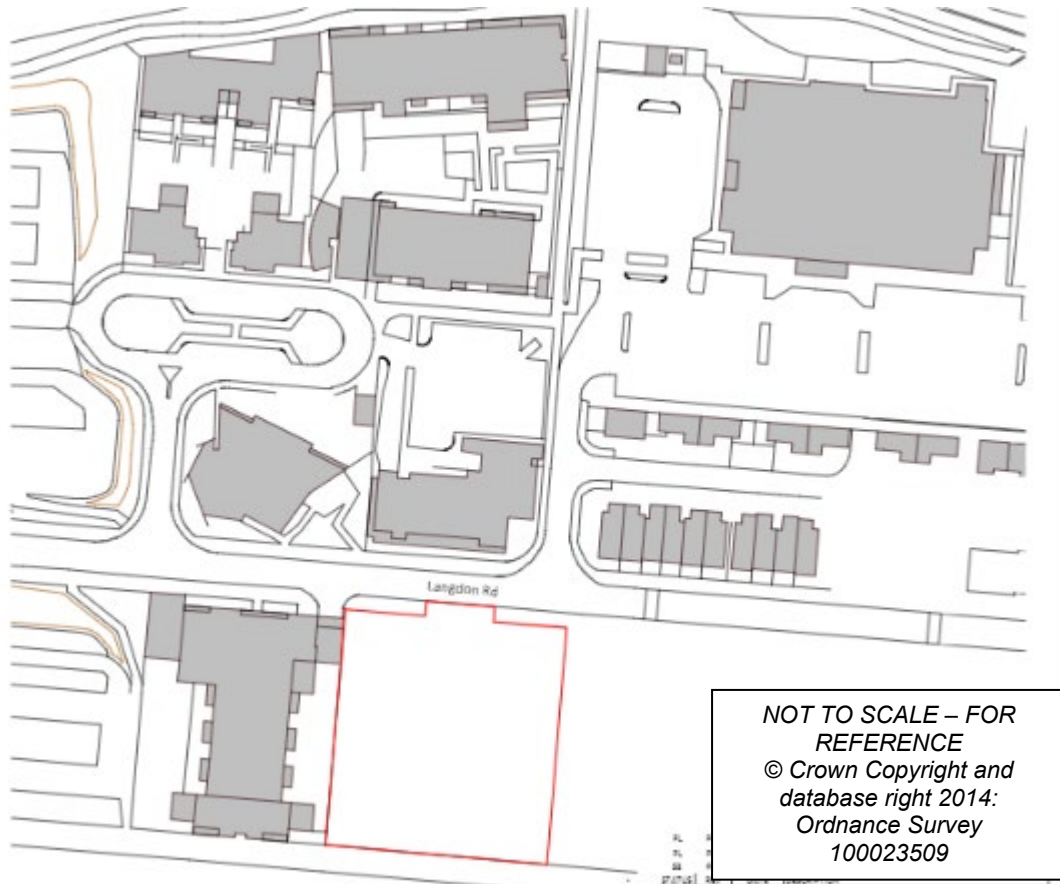
Application Number: 2022/1109/RES

Ward: Waterfront - Bay Area

Location: Plot D5b, Land South Of Fabian Way And East Of River Tawe Swansea

Proposal: Construction of 35 no. apartments and 8 no. townhouses and associated works, (details of access, appearance, landscaping, layout, scale pursuant to conditions 6, 8, 9 and 17 of outline planning permission 2015/1584 approved 13th May 2016 (which varied 2008/0996 and which varied 2002/1000) for SA1 Swansea Waterfront mixed use development

Applicant: Pobl



This application was deferred from this Committee on 7 March, 2023 to allow further consideration of highway issues and for a Committee Site Visit. Since then amended drawings were received on the 17 May 2023 making changes to the access and parking layout, together with a highway note and Framework Parking Management Plan. Additionally, revised drawings/additional supporting documents in respect of a Highways Note were received on 7 August 2023 and following a meeting involving CCS Transportation, amended highway comments have been received with no highway objections.

Item 2 (Cont'd)

Application Number:

2022/1109/RES

Introduction

The application is being reported to Planning Committee as the development is a major development.

Application Site Context

The site is located between the southern side of Langdon Road and the promenade along Prince of Wales Dock and comprises land incorporated within Plot D5b of the SA1 Outline Planning Permission - Swansea Waterfront Masterplan. The adjoining site to the west on Plot D5a was constructed in 2010. The application site is a cleared site and forms a development platform with a site area of 0.3 hectares. The graded site has a general fall of approx. 2 metres from the rear down onto the promenade and the level change across the site would be absorbed across the site.

Description of Development

Reserved Matters Approval is sought for the residential development of 35 no. apartments and 8 no. townhouses and associated works pursuant to the SA1 Swansea Waterfront outline planning permission 2015/1584 approved 13th May 2016 on Plot D5b. The general layout concept has been designed to respond to the form of recent built and approved developments along the southern and northern sides of Langdon Road with the provision of frontage development to Langdon Road with a central access around a communal courtyard with the southern elevation looking over Prince of Wales Dock. In this respect the scale, form and layout is similar to that approved on the adjacent plot - D5a.

The application site will have a proposed vehicular access off Langdon Road. As indicated the 8no. townhouses and 35no. apartments are designed to provide a strong street frontage to Langdon Road, Prince of Wales Dock and also the proposed area of public open space to the east. The respective blocks will look over a central, private courtyard car parking area with centrally placed refuse and recycling facilities. The primary materials would comprise of facing brickwork, grey aluminium windows and slate roof tiles. Within the revised site plan layout, the 43 units would be served by 29 car parking spaces within the courtyard area. Full details of the application are as per the accompanying plans and design and access statement.

The planning application has been supported with the following documents:

- Planning, Design and Access Statement;
- Drainage Strategy
- Transport Statement.

Relevant Planning History

2015/1584 - Land South Of Fabian Way And East Of River Tawe Swansea - Application under Section 73 to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of the revised masterplan proposals for the 'Swansea Waterfront Innovation Quarter' - principally varying Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), and other conditions to the Section 73 application 2008/0996 (granted 11 October. 2010) which previously varied the original outline planning permission 2002/1000 (granted 19 August 2003) - Approved - 13 May 2016.

Item 2 (Cont'd)

Application Number:

2022/1109/RES

Response to Consultations

ORIGINAL PROPOSAL

The 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 (23 May, 2022)

18 LETTERS OF OBJECTION have been received making the following comments:

- Overlooking/loss of privacy
- Adequacy of parking/loading/turning
- Highway safety
- Traffic generation
- Noise and disturbance resulting from use
- This area should be green space - SA1 has no green space.
- There are already lots of apartments and houses that have very limited outside space and this plot should form part of the area for current residents to enjoy access to outdoor space along with the view.
- There are lots of plots within the SA1 area that can accommodate the new development plans. This specific plot will cause further disruption to the immediate area.
- The houses within the area have all been designed to take advantage of the view across this space. 4 new properties will gain the view and 20+ properties will lose their view. There are many more plots within the area very suitable for this development plan that will not cause the loss of view and disruption that developing these plots will bring.
- The smaller proposed green space will not add to the area. It will turn the area into a concrete jungle.
- Considerations need to be made to improve the area sympathetically to consider the current residents that have already invested in to the area and this part of the SA1 development.
- SA1 development needs to be finished to a functional standard to enhance the area and improve the space for existing residents.
- This area of land proposed for this build needs to be allocated as a green zone as there's nothing for the community due to the volume of houses and apartments in the area currently and future approved builds.
- The siting, design, and external appearance of the proposed development particularly the visual, height and bulk of the proposed developments is far too high and intrusive.
- The loss of sunlight or daylight to my neighbours property and my fellow neighbours due to the height and position of the build which will completely blocks any amenity views currently enjoyed.
- The likelihood of undue and increased noise level and additional fumes that will increase the pollution and decibel levels in this vicinity.
- The effect of additional traffic on Langdon Road which has already increased since the end of the Langdon Road now bring changed to a two-way system which was one way until recently. Now seeing increase in cars, lorries and transporters using this road as a main route.
- The effect on trees and the current wildlife populations especially the variable selection of birds that feed daily in this plot. They all have nested and produced young.

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- There's a distinct lack of green amenity area for children to play or any green recreational area for adults to sit or exercise is non-existent for this area based on the number of dwellings.
- The concern of the increase sewerage requirement and disposal capacity requirement for the area due to this proposal.
- The area needs more recreational areas and not more housing on a plot that is seriously threatened with overcrowding. This area has for the past 3 years been designated as park area and this idea is being steamrolled by short term greed.
- Increase in noise, dust and pollution during the construction phase.
- Insufficient parking - only 32 spaces for 43 dwellings designed for up to 140 people! Parking for residents and their visitors in the area is already a major issue and this will only exacerbate an already contentious issue.
- Parking for tradesmen and construction vehicles will also be a significant issue during construction.
- Increased traffic - Langdon Road has already seen a significant increase in traffic, including large commercial vehicles, since it was opened both ways (without consultation. This development will lead to even more, including construction vehicles.
- The scale of the proposal will take light from Harbour Quay and residential properties on Langdon Road.
- The height of the development will also lead to overlooking and loss of privacy for existing residents on Langdon Road - and potentially Harbour Quay.
- The development is too large for the proposed site.
- It will take light from neighbouring properties and overlook them.
- There are already reported drainage and sewage capacity issues in the area. This needs to be fully investigated and addressed before any new development. Welsh Water have not identified this in their comments, but it is a known issue to existing residents and Welsh Water have had to take action on a number of occasions.
- The site, together with plot D9b should be developed as green space for the existing community. There is already a high population density in the area with no usable green spaces.
- A risk assessment should also be carried out following the opening of Langdon Road to assess the additional impact of all planned proposals in the area.

Design Commission for Wales -

The Proposals

The proposals are a Reserved Matters application for a plot located on a rectangular parcel of land situated on the waterfront within SA1 - a major regeneration initiative in the Swansea docks area. The site is approximately 0.3 hectares in size, and will provide 43 affordable dwellings, comprising of 35 apartments and 8 townhouses, with landscaping and associated works.

The development will be 100% social rent, and the development will also comply with Pobl's Net Zero Carbon Plan which goes beyond WDQR in terms of addressing fuel poverty and carbon reduction.

Main Points

The panel appreciated the clearly communicated nature of the presentation.

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Interface of buildings with outdoor space

The proposals would benefit from contextual studies of the successful high level terraces and elevated terraced frontages of the houses also facing the waterfront of SA1, and how their successes could be replicated on this scheme.

The proposals would benefit from a better social link with the parkland, and the developer clarified that they seek to work with the LPA to mesh their proposals with the park. The interface between the buildings and the park is key.

Links to amenity space

The circulation zone would benefit from the further development of a garden area. The common areas would benefit from the inclusion of dwell spaces and window seats.

The spatial relationship between semi-public and private space could be explored further. This testing should focus on what people are likely to do in each space, and if the spaces are suitable. It is also worth exploring how children would safely access the park from the townhouses, as well as the apartments.

Layout

The client and design team stated their desire to develop a strong façade to frame the park, but this requires further design exploration. The concept of breaking down the monolithic character of the buildings is strong; however, it requires further design development, particularly the main elevation, and the corner design.

Waterfront views

It is of key importance that any dwellings have views to the water where possible, as this helps to locate the scheme in its waterfront location.

Overheating and Ventilation

It is important that dwellings are dual aspect where possible in the scheme, and that there are windows on the maximum number of elevations, in order to aid with future overheating. Maximising floor to ceiling heights will also help with resilience when it comes to future overheating, and it is of key importance that floor to ceiling heights are not sacrificed in this development for MVHR ducting.

House Types and Layouts

The client and design team discussed the potential for separate kitchen and dining rooms, as the current layout was perceived to be too tight.

The proposals would benefit from the exploration of whether the elevations can communicate what is housing, and what is circulation, particularly facing the courtyard.

Parking and the Courtyard

The courtyard would benefit from further design exploration, as it would benefit from being greener. The client and design team stated the potential for on-street parking on Langdon Road, which would alleviate some of the parking issues regarding provision on site. The panel would encourage the design team to look at car clubs and other strategies for reducing car use on site.

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The courtyard would benefit from becoming a space that can support communities, such as a community garden, which would provide communal space that is less public than the park, but more social than the balconies.

It is important that the design of the courtyard is explored at a human scale, through sketches and CGIs, and that these explorations also consider views from the balconies of the adjacent building.

The addition of greenery to the lower levels of the building was discussed in order to add visual interest, as well as the inclusion of well-designed bin and cycle storage, in order to improve views for those looking out on to the courtyard. It is of key importance that the courtyard is overlooked and well-designed, and it would benefit from being linked to the waterfront edge. This could be possible with the removal of some of the parking spaces. It is also important that any SUDS strategy on site explores how SUDS can become active spaces, as well as drainage. The client clarified that they will be maintaining the SUDS and site edges.

Energy Strategy

The individual or shared nature of the heat strategy will affect the layouts of the building, as well as individual dwellings. The client stated that they are currently looking at a communal heat pump and heat recovery ventilation system in order to reduce capital and maintenance cost, however, they clarified that they will need to test the M&E strategy. The client also stated that the strategy used on these buildings could become a blueprint for Pobl going forward. The panel encouraged the client to focus on the level of detail of the energy strategy at this point of the design process, rather than during the contractual phase, and to be careful of the design gap, particularly regarding airtightness, and consider impacts on internal layouts and elevations.

Retaining quality through to delivery

It is of key importance that this development has long-term public value, and the panel would encourage the design team to look at sophisticated contract selection matrixes in order to maximise design quality when appointing contractors.

AMENDED POPOSAL

Following receipt of amended plans, the objectors were re-consulted. 17 FURTHER LETTERS OF OBJECTION have been received, making the following points:

- Flood Risk - All reserved matters applications must be accompanied by levels - no details are indicated.
- Condition 10 requires contamination risk details;
- Parking - The proposed development will provide 43 dwellings. The submitted plans identify 32 spaces which falls well short of the adopted standard set out in the Councils Supplementary Planning Guidance (SPG) - City and County of Swansea Parking Standards March 2012. No details have been submitted to support a significant reduction in car parking.
- Added to this the original plans showed a Park on this area which would be so much better for the wellbeing of the community and the environment as green space is critical to supporting healthy living. Children have nowhere to play in this area at all.
- The design height and bulk of properties will cause problems for existing properties, causing loss of sunlight and indeed light in general. There will be
- loss of privacy with increased noise and fumes generated by the increased population.

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- There is already a great strain on the sewage system and other services. The sewage system is already struggling with the volume of houses, with blockages a regular occurrence and noxious fumes ever present.
- Now that Langdon Road is open to 2way traffic it has become increasingly dangerous to enter and exit sites. Langdon Road has become a rat run with many vehicles failing to adhere to the speed limit. This development will only make matters worse.

Dwr Cymru Welsh Water - We have no objection, in principle, to this application for approval of the reserved matters. As part of this application, we acknowledge receipt of a 'Drainage Strategy' (Drawing No. 14174_500 Rev. 01) which appears to seek approval for discharge of condition 17, according to the application form, and indicates proposals to discharge foul and surface water flows to the public sewer and adjacent dock respectively.

Therefore, in principle, we offer no objection to this application for discharge of condition 17 on planning permission 2015/1584.

Natural Resources Wales - We have no comment on condition 6, 8 and 9 of the above planning permission.

Drainage - the development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

Designing Out Crime Officer - a number of recommendations are made in order for the development obtaining the Secured by Design (SBD) Gold Award.

Housing - This development by Pobl on the site at plot D5b is proposing 100% affordable housing scheme which is significantly higher than the requirements for this housing zone. The affordable housing mix and tenure is acceptable. All affordable housing must be built to WDQR Standard.

Housing is supporting the affordable housing on this scheme through the Programme Development Plan for Welsh Government Funding.

Pollution Control - I have no comments to make on this application as conditions 6, 8 & 9, in 2015/184, do not relate to issues previously commented upon by Pollution.

The application refers to condition 19 but this is not mention in the applicant's covering letter and there is no supporting document for the CEMP.

Ecology - *Buddleia davidii* should be removed from the planting scheme as it becomes very invasive.

Also many of plants specified are non-native. Would welcome more native species. For example, *Viburnum opulus* rather than *V. davidii*, *Iris pseudocorus* or *I. foetidissima* rather than *I. sibirica*, *Geranium pratense* or *G. sanguinum* rather than *G. rozanne*, *Digitalis purpurea* rather than *Penstemon digitalis*, *Limonium vulgare* rather than *Verbena banariensis*. The climbing hydrangea could also be substituted by a native climber such as ivy (*Hedera helix*) or honeysuckle (*Lonicera periclymenum*), which are both very beneficial to native pollinators.

Swift and bat bricks should also be included within the buildings.

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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.

Waste - Based on the assumption that the refuse store shows the capacity of 19 x 1100 litre wheel bins, there is sufficient storage for waste & recycling for the residents of 35 one bedroomed apartments.

If the wheel bins are smaller than 1100 litre, a re-assessment will be required.

The plans only show one entrance to the refuse store.

For practicalities it may be prudent to allow residents to access the refuse store from the stairwell inside the building

Local Highways Authority -

Initial comments based on revised drawings/additional supporting documents December 2022.

A Transport Statement has now been produced, also a Road Safety Audit has been included in relation to the new proposed access onto Langdon Road.

Turning first to the Road Safety Audit the document has been discussed with the CCS Road Safety Auditor. The RSA reported no issues at all but it is apparent that there are issues that were not picked up, hence no designers response was included. These include:

1. No swept paths had been provided hence it was not possible to determine that the width of the access (4.2m) is inadequate to cater for a fire tender (Swept paths were only provided in the Transport Statement, and only a 8m fire tender was assessed at all).
2. No give way line was included at the priority junction with Langdon Road.

The RSA did identify issues regarding the visibility splays being impacted by the tree planting but no designers response to this was provided.

The scheme is proposing car parking significantly below the CCS Standards. The TS has completed a Sustainability Appendix but the Transport Consultant has deliberately failed to observe the proviso that (outside the City Centre Core area) at no time can the parking drop below one space per unit. In this instance that equates to a minimum of 43 spaces plus visitor provision at one space per five units. This is a bare minimum as the mix of units includes 8 four bedroom units, 14 2 bedroom flats and 21 number 1 bedroom flats. The sustainability appraisal is flawed, whilst the starting position is agreed at 82 the arrival of an acceptable figure of 29 spaces is disputed and the Highway Authority does not accept these findings, nor the level of car parking proposed. Even allowing a reduction of one space per unit (and subject to a minimum of one space per unit) there is the requirement for 60 spaces. Only 29 spaces are shown on the current proposed site plan.

There are also concerns that given the significant under-provision of car parking then cars would park indiscriminately thus preventing access for any emergency or delivery vehicle that might need to enter the site.

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Swept paths were provided to demonstrate that a fire engine (8m) can enter and turn within the site to allow egress in a forward gear. However the narrow nature of the access (4.2m) and cramped layout of the site is such that it is not considered that the site could be safely accessed by refuse vehicle, fire tenders nor delivery vehicles or removal vans. Furthermore the paths did not include any safety margin, only the wheel line and body line, notwithstanding that they showed the actual body line touching the site boundaries. It is noted that Wales and West Fire and Rescue has raised concerns regarding the internal layout with regard to accommodating Fire Tenders for fighting fires within the development. Given there is no alternative vehicular access then this is an unacceptable arrangement.

The revised site plan now includes a narrow footway (1m) adjacent to the vehicle ramp which provides a segregated pedestrian route. There are issues however with this as no gradients have been identified. New gates have also been introduced, one on the ramp and one on the pedestrian link. There are no gate details provided either. It is also of concern that the mechanism for housing the motors and/or the supporting structures are not shown. There are concerns that this may reduce down the available width for both vehicles and pedestrians to an unacceptable degree. The provision of a 1m pedestrian link is inadequate particularly as there is no alternative pedestrian access, which would render the scheme unacceptable to people with prams or using wheelchairs.

This is also the route that the residences to the south would have to use to bring the bins up to the communal bin store. There is considered to be an overlong carrying distance for waste management and it is not located conveniently in relation to those southern dwellings.

No longitudinal section has been provided through the ramp (despite requests for one to be submitted) nor does it appear that any transition gradients are proposed to allow access by all vehicles. There are concerns that in the absence of an appropriately graded ramped access then the vehicles would ground and the whole car park would therefore be unusable. There appears to be different spot heights shown on differing drawings with regard to the FFL of the buildings and of the car park which further makes gradients difficult to ascertain.

An element of cycle storage has been shown but the layout is cramped and the levels indicated are below those set out in the parking document, as such it is not shown to be a useable facility that would help encourage sustainable modes of travel.

Taking the above comments into account, and issues arising from the TS and RSA I am not in a position to support the proposal and recommend that the application is refused on the grounds of;

1. inadequate car parking,
2. inadequate cycle parking,
3. overlong carrying distances to the bin storage area,
4. inadequate provision for pedestrian movement through the site,
5. vehicular access too narrow for two way flow and/or to allow for a fire tender to enter the site.
6. Issues with the layout of the priority junction

All of which are considered detrimental to highway safety.

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Final Comments

Amended comments based on revised drawings/additional supporting documents August 2023.

A Highways Note has been submitted by Corun on behalf of the applicant commenting on the issues previously identified by the Highway Authority. There has been extensive claims and counter claims regarding the layout and access to the site.

The access has been amended, the vehicular access has a clear width of 4.95m excluding the gate plus its housing. The pedestrian gate itself has a width of 1m but the space either side is greater than that dimension.

A "framework parking strategy document" has been submitted to which outlines the proposed methods to control the parking and prevent any indiscriminate parking taking place elsewhere.

Dwell areas are now included at the top and bottom of the ramps to allow for transition to occur between the ramp and the carriageway and to allow the parking area to be accessible.

The swept paths for the 10.5m fire tender now show a 300mm clearance from the kerblines and hence are now accepted.

It has been confirmed that the fire tender can gain access to the units to the south of the car park. In addition, the applicant has confirmed that fire hydrants will also be included in the detailed design at Building control stage.

In terms of the pedestrian ramp it is acknowledged that the gradients are challenging. The current gradients are detailed at 1:15 which is compliant with Building regulations.

Welsh Government currently own the site and as this is a reserved matters application then I am advised that there is no requirement to serve notice. Obviously access works/site development would not be able to be undertaken without the landowners agreement.

Cycle parking provision has been increased to that outlined in the car parking standards. This should encourage Active Travel and travel by sustainable modes.

The main refuse collection point is being retained alongside Langdon Road. It may be inconvenient for residents in the lower promenade side blocks to have to carry their waste further but this is not considered to be a highway safety issue that could be defended at appeal.

The only outstanding issue would be the lack of car parking provision. I am however aware that a previous version of this planning application was written up by the LPA for approval despite having lower parking proposed than the parking standards would require. It is therefore unlikely that the LPA would support a highways recommendation of refusal solely on lack of parking, particularly as the site will be fully managed and a framework parking strategy document has been produced. Langdon Road is well protected by Traffic Regulation Orders so overspill parking is unlikely to be an issue.

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The principle of the residential use has been acknowledged under a series of previous planning permissions. The current submission has been amended in line with numerous comments raised with regard to layout and access by the Highway Authority.

The site plan now demonstrates adequate waste collection facilities, cycle facilities, access arrangements, and that the layout is suitable to accommodate a 10.5m fire tender. The ramp adjustments and inclusion of dwell areas will improve access to the parking levels and ensure that it is suitable for most standard vehicles without grounding. The waste storage area is accessible to all but not convenient to all. The pedestrian links to Langdon Road meet Building Regulations standards.

The car parking levels are low when compared to the CCS parking standards, justification has been provided by completion of the sustainability appendix, with further reductions applied on the basis of census data, and additionally the type of tenure proposed (social housing) having traditionally low car ownership. Given the controls in place in and around the site it is not considered on balance that there will be any highway safety issues arising from the shortfall in parking. Residents will be aware of the low levels and if they need a parking space then this may not be the right site for them, notwithstanding that there are a number of local amenities and public transport routes available.

I recommend that no highway objections are raised to the proposals subject to:

1. 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.

2. The car parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of any of the units, and be maintained as such thereafter for car parking purposes only.

3. The cycle parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of any of the units, and be maintained as such thereafter for cycle parking purposes only.

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4. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.

Strategic Planning and Placemaking Appraisal -

Overview

This reserved matters application is concerned with Plot D5b as defined in the masterplan for SA1 Waterfront, with the intention of constructing 35 no. apartments and 8 no. townhouses and associated works. The site subject of this application comprises a rectangular parcel of land of approximately 0.3 hectares in size. The site is one of the remaining undeveloped building sites on the northern side of the Prince of Wales Dock. The South side of the site fronts onto the waterfront which consists of various apartment blocks, A3 class uses and other uses within the area.

Principle of Development

Strategic Policy PS 1 directs development to the most sustainable sites within defined settlement boundaries of the urban area. The Sustainable Housing Strategy set out in Strategic Policy PS3 includes creating new neighbourhoods at Strategic Development Areas (SDAs) within, and on the edge of, established settlements. This site is located within one of these SDAs identified in Policy SD 1, SD K Fabian Way Corridor.

Policy SD K identifies placemaking principles and developer requirements for SD K. It is allocated for mixed commercial, residential (525 dwellings) and employment development to complement the role of the Swansea Central Area as the City Region economic driver, facilitating an Innovation Corridor to support University expansion, and capturing the benefits of the planned Tidal Lagoon.

The site includes a range of existing mixed commercial, residential, and employment areas. The policy identifies that SA1 Swansea Waterfront area has a masterplan linked to an existing planning consent that sets out uses for specific plots and capacities for various land uses. Development proposals within the SDA site should accord with Placemaking Principles and Development Requirements set out in the Policy including:

- Create sustainable residential neighbourhoods in appropriate locations with community facilities and necessary infrastructure
- Structure development around a new spine street which prioritises Active Travel and public transport
- The eastern Waterfront, City Approach, Spine Street and other areas of public realm should be defined by active frontages, a coherent building line, continuity of character, legible entrances and an appropriate urban scale of development. Street frontages will be required to combine activity and architectural quality.
- Create accessible sites which integrate positively with existing communities north and south of Fabian Way, public transport facilities, and Active Travel.
- Off-site highway infrastructure improvements as necessary, having regard to requirements arising from the necessary Transport Assessment
- On and off-site measures to provide good quality, attractive, legible, safe and accessible pedestrian and cycle linkages, both to and within the new development area, including the linkages set out in the Transport Measures Priority Schedule

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- Provision of sports opportunities on site in accordance with FIT requirements with potential for accessible off-site improvements at the Ashlands playing field.
- Incorporate Noise and Air mitigation measures into developments where necessary (including fronting Fabian Way and the railway line).
- Provision of affordable housing at the on-site target rate of 15%, subject to consideration of financial viability.

The latest masterplan for SA1 (varied through 2015/1584) shows this site designated for residential development. The principle for provision of residential development is therefore considered to be acceptable subject to the proposals being acceptable in terms of all the relevant policies of the Development Plan including placemaking, land contamination and flood risk, considered below. It is noted that 100% Affordable Housing is proposed which will make a welcome contribution to meeting the identified housing need.

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

In addition, the adopted Placemaking Guidance for Residential Development SPG provides important guidance on how the key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals:

The proposed scheme has been considered having regard to the above, and the following provides an assessment by the Council's Placemaking and Heritage Officer having regard to key subject headings as set out in the relevant adopted SPG:

Neighbourhoods

The proposals seek to deliver new, quality homes within an established mixed use neighbourhood around Prince of Wales Dock within the SA1 masterplan area.

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There is a clear need for additional homes to be delivered at SA1, as set out in the relevant LDP Policy and masterplan for the site, and as such the proposals are consistent with the aim to deliver quality new and extended residential neighbourhoods in Swansea.

Density and Mixed Uses

The proposal comprises 35no. 1-2 bed apartments all affordable and 8no 4 bed town houses. The scheme has an urban density which is welcomed for this dockside regeneration location.

The proposal is residential only in accordance with the approved SA1 outline masterplan. There is scope for a kiosk or pop-up food pitch in the adjacent future park area. The site is in a 15 minute walkable neighbourhood distance of various commercial and community facilities including health centre, local store, church, A3 F&B uses, public transport, plus 1km level walk/cycle to Swansea City Centre.

Blue/ Green Infrastructure

The proposal must comply with SUDs requirements and this is shown to be via raingardens and permeable paving to attenuate within the site with ecology and water quality benefits before discharging into the dock. This compact approach to SUDs means that there is no impact on useable amenity/ pedestrian space.

There is scope for limited residential planting on the public edges as part of the rain gardens. This will form a defensive space for the ground floor units with space for private amenity terraces.

Making Connections

The site lies within an existing street network with Langdon Road acting as an east west tree lined spine street accommodating all travel modes. The Prince of Wales Dock edge is also a key pedestrian area and the site proposals create a new north south path along the east end of the site alongside the future park.

Public Spaces

The proposal will create a strong active frontage to the east end of the adjacent future public park which will include provision for all ages and abilities including benches, play area, planting etc.

Streets as Places

There are no new streets created by this proposal but vehicles are brought into the site via a courtyard space for parking and turning. There is not a clearly defined 'safe' area for pedestrians to access the various building entrances and this could result in safety issues. Plus the vehicle access off Langdon Road should be designed as a pedestrian priority cross over as per earlier accesses in the area.

Inclusive Places

The scheme has a mixture of tenures. All paths have an accessible gradient. The flats are accessed via lifts.

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Townscape

The proposal has a 3-5 storey scale and whilst the maximum accords with the approved 5 storey scale parameters for the site, the proposed 3 storey scale is a concern.

To the north and south, the town houses maintain the building line of Langdon Road and Prince of Wales Dock frontage, however these 3 storey town houses are lacking in scale set between the existing 5 storey Harbour Quay building and proposed 5 storey flats. It is considered that this would create a discordant townscape and does not accord with the approved height parameters for this site with states that 5 storeys is required. In contrast the proposals for plot D9a which is being considered in parallel has 4 storey town houses as an acceptable transition of scale which is acceptable to step up to 5 storey apartments. Therefore this aspect requires amendments.

The apartment block has a strong continuous frontage wrapping round from Langdon Road to Prince of Wales dock with strong overlooking of the future park to the east. The apartments have a 5 story scale to the north and south with 3 storey element facing east onto the future park. This lack of scale is mitigated by a roof garden above the three storey element with a full height architectural screens on the east and west sides providing shelter from prevailing winds and giving the impression of a 4 storey roof line which is acceptable on balance.

Quality and Character

The elevations incorporate robust brick finishes referencing the SA1 heritage buildings such as J Shed and accords with the outline masterplan design code. The apartments have projecting balconies which articulate elevations and large windows with warehouse character. The roof garden with architectural screen will add interest and articulation to the key frontage onto the new park.

On the basis that the flats are dual aspect with emphasis on the outward north, east and south elevations, the west courtyard elevation serves kitchen and bathroom windows and as a result has a less active and attractive appearance, plus is lacking in active frontage and natural surveillance. Therefore some units should have habitable rooms onto the courtyard with balconies to ensure it does not appear to be the 'back'.

The town houses follow a similar theme on the south elevations with large windows however and a roof terrace but a lack of scale as noted earlier.

Community Safety

In general external areas are well overlooked. However the pedestrian route through the site could be gated on the basis that there is a public route along the park edge.

Privacy and Amenity

All 43 homes have private amenity space in an urban not suburban format. The 4 town houses facing the dock have a very small dockside terrace slightly raised above the walkway level which is not considered sufficient. The 2 town houses onto Langdon Road have a front garden area to follow the established set back building line south facing and rear private terrace which is not considered sufficient. All 8 town houses elevated private amenity south facing deck at second floor (roof) level. This is welcomed in principle as a more urban way for houses to be provided with amenity space but when added together these amenity spaces are less than the house footprint and does not private adequate private amenity space.

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Every apartment has private space in the form of useable balconies facing north, east and south. All apartments also have access to the communal roof garden area. However there does seem to be a mixed opportunity not to have windows/ terraces for the flats alongside this roof garden which is currently shown with blank two storey walls to either side.

There are no issues with overlooking distances between blocks within the site nor in relation to surrounding existing development.

Accommodating Parking

The scheme achieves a parking ratio of less than 1 space per unit. Whilst the move towards reducing parking provision in accessible locations is supported as set out in Future Wales, it is not clear how the demand for parking would be managed in this instance and whether this could detract from the scheme.

Plus it is not clear if the bike store is of sufficient size to support active travel.

To sum up, the proposals are not acceptable at present and a number of amendments are required:

- Increase scale of town houses (note that rather than making the town houses taller there may be an option to explore that moves the apartments to 4 storey blocks onto Langdon Road and dock edge with the town houses facing the new park);
- Increase private amenity provision for townhouses;
- Amend flats to activate courtyard frontage;
- Define safe pedestrian area within courtyard;
- Clarify parking arrangements;
- Activate sides of apartment roof terrace;
- Clarity cycle parking arrangements

Given the nature of this scheme and other concurrent residential schemes in SA1 it is recommended that they are all reviewed by the expert and impartial Design Commission for Wales.

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.

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The Council's Biodiversity and Development SPG provides details of 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

Historic land contamination - the site is designated as historic land contamination on the LDP constraints map.

Flood risk - Current constraints map shows the site on the edge of flood risk areas associated with the docks. Future Flood Map for Planning shows Flood Zone 2 and 3 Sea. NRW has set out how it intends to advise decision makers in relation to the development management process going forward, where flood risk is a material consideration. On 23 November 2021, the Minister for Climate Change issued a letter to confirm that the impending new TAN 15 (Technical Advice Note 15: Development, flooding and coastal erosion) will not come into force until 1 June 2023. The Development Advice Map supporting the extant TAN15 is considered out of date by NRW, with no updates have been made for over 2 years and no future updates are expected. The new Flood Map for Planning (FMfP) is therefore considered by NRW to be the best available spatial information held on flood risk and is being updated every 6 months. On 15 December 2021, Welsh Government's Chief Planner issued a letter to clarify that the FMfP may be regarded as a material consideration. Therefore, NRW have confirmed that they will be considering both the DAM and the FMfP as part of the consultation process and provide comments accordingly. The FMfP remains publicly available <https://flood-map-for-planning.naturalresources.wales/> and as such, it would be helpful to use it as part of constraints checking. The applicant should be advised of the position set out above in terms of the new TAN and the NRW approach to advice.

Final Comments

The principle for provision of residential development is considered to be acceptable subject to the proposals being determined to be satisfactory in relation to all relevant policies of the Development Plan, including on placemaking, land contamination and flood risk matters. It is noted that 100% Affordable Housing is proposed which would make a welcome contribution to meeting the identified housing need.

Detailed Placemaking comments have been provided above. To sum up, the proposals are not acceptable at present and a number of amendments are required:

- Increase scale of town houses
- Increase private amenity provision for townhouses
- Amend flats to activate courtyard frontage
- Define safe pedestrian area within courtyard
- Clarify parking arrangements
- Activate sides of apartment roof terrace
- Clarify cycle parking arrangements

Given the nature of this scheme and other concurrent residential schemes in SA1 it is recommended that they are all reviewed by the expert and impartial Design Commission for Wales.

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Amended Proposals - All aspects are now acceptable and approval is recommended in terms of placemaking.

PLANNING APPRAISAL

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 Amenity;
- Highways, traffic, car parking, access and pedestrian movements;
- Flood Risk & Drainage Strategy.

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

Development Plan Policy and Supplementary Planning Guidance

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.

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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.

Adopted Swansea Local Development Plan 2020-2025

LDP - PS1, PS2 and PS3 - Sustainable Places, Placemaking and Place Management, and Sustainable Housing Strategy provide for the delivery of new housing within sustainable communities locations within defined settlement boundaries of the urban area and development should enhance the quality of places and spaces and should accord with relevant placemaking principles. The Sustainable Housing Strategy set out in Strategic Policy PS3 includes creating new neighbourhoods at Strategic Development Areas (SDAs) within, and on the edge of, established settlements. This site is located within one of these SDAs identified in Policy SD 1, SD K Fabian Way Corridor, and the site includes a range of existing mixed commercial, residential, and employment areas. The policy identifies that SA1 Swansea Waterfront area has a masterplan linked to an existing planning consent that sets out uses for specific plots and capacities for various land uses.

SA1 Planning History

The outline planning permission under Ref: 2002/1000 for the mixed use development at SA1 Swansea Waterfront established the principles of the development through the Development Framework and Land Use Masterplan. A significant proportion of the SA1 Swansea Waterfront infrastructures together with a significant number of buildings have been completed in accordance with the original outline planning permission. The permission was varied under ref:2008/0996 which essentially sought to allow changes for the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the Section 73 permission indicates that the development shall accord with the SA1 Swansea Waterfront Masterplan presented as Figure A2.1 within the Addendum Environmental Statement (April, 2010) and that any departures from the Masterplan will be considered on its merits having specific regard to the provisions of the Development Plan and other related policy.

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

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The latest masterplan for SA1 (varied through 2015/1584) shows that D5b is designated for residential development and establishes the principle of residential development in land use and the scale of the development up to five stories is in accordance with the SA1 Masterplan. The site therefore benefits from outline planning permission for residential development and also established the development parameters. This reserved matters approval is therefore appropriate in terms of land use, general scale and massing terms.

Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. LDP Policy H2 seeks to deliver a minimum 3,310 affordable homes over the Plan period by setting targets for on-site provision of affordable housing to be delivered as part of residential proposals where appropriate and viable. Whilst LDP Policy H3 states that proposals include residential development on sites within settlement limits with capacity for 5 or more dwellings should provide affordable housing on site at the following target percentages, subject to consideration of the financial viability of the proposal.

However, in respect to the SA1 Swansea Waterfront mixed use development area, the Section 106 Planning Obligation completed in August, 2003 under the original outline planning permission 2002/1000 requires a phased programme of affordable housing up to a total of 10% of the total number of residential units within the Development. The completed residential development to date has been in accordance with this requirement, albeit the approved developments have not all incorporated a planning restriction to this effect and have been reliant on the Registered Social Landlords (RSL) developments to meet this requirement. This has been a deliberate policy objective in order to allow the private market housing to achieve a higher design quality.

It is considered appropriate that this current proposal makes a 10% affordable housing provision in accordance with the SA1 Swansea Waterfront Section 106 Planning Obligation. This position would be consistent with the decision to provide 10% affordable housing on the other adjacent development plots. Securing a 10% affordable housing provision would contribute to the delivery of the phased programme of the overall affordable housing provision within the SA1 development and would accord with the aspirations of Policy HC3 which seeks to negotiate the inclusion of an appropriate element of affordable housing and it is appropriate that this is tied to the planning permission via a Section 106 Planning Obligation.

Placemaking guidance for residential development Design Guide (2021)

LDP Policy PS2 stress the importance of Placemaking and Place Management and provides the context of the detailed layout. 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 adopted Placemaking Guidance for Residential Development SPG provides important guidance on how the key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals.

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The proposed scheme has been assessed having regard to the above by the Council's Placemaking and Heritage Officer having regard to key subject headings as set out in the relevant adopted SPG.

As outlined, the site is within a sustainable location within the SA1 Swansea Waterfront and there are a number of local facilities within walkable distance. The scheme has an urban density which is welcomed for this dockside regeneration location, and the proposed scale is in accordance with the guidance within the SA1 Masterplan. The site lies within an existing street network with Langdon Road acting as an east west tree lined spine street accommodating all travel modes. The Prince of Wales Dock edge is also a key pedestrian area and the site proposals create a new north south path along the east end of the site alongside the future park.

The positive integration of public space is a key element of placemaking, and the proposed layout will create a strong active frontage to the east end of the adjacent future public park / area of open space. The proposal has a 3-5 storey scale and whilst the maximum accords with the approved 5 storey scale parameters for the site as outlined within the SA1 Masterplan. The elevations incorporate robust brick finishes referencing the SA1 heritage buildings and accords with the outline masterplan design code. The apartments have projecting balconies which articulate elevations and large windows with warehouse character, and provide dual aspects which provide good outlook for the residents and would also provide natural surveillance to the external areas. The pedestrian route through the courtyard would be gated to prevent public access.

All 43 homes will have access to private amenity space, with the townhouses having small dockside terraces slightly raised above the walkway level, and front / rear garden areas. Every apartment has private space in the form of useable balconies, and will also have access to the communal roof garden area. There are no issues with overlooking distances between blocks within the site nor in relation to surrounding existing development. The car parking will be accommodated within the courtyard area accessed from Langdon Road.

Objections have been received in respect of neighbouring amenity, due to the building heights of existing residential development in the vicinity of the site. However, as indicated above, the SA1 Masterplan indicates that this development plot should be developed by a five storey development in order to achieve an appropriate urban scale. It should be noted that the adjacent apartment block 'Harbour Quay' is 5 storeys in height, whilst the townhouses slightly to the north east of the site are 4 storeys in height. As such, it is considered there would be an adverse effect on neighbours amenity through any loss of light or overlooking. In light of the above, it is not considered that the proposed development will result in any detrimental impacts on residential amenity, complying with the relevant requirements of Policy PS 2 as well as the Placemaking Guidance for Residential Development SPG.

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).

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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.

CCS Highways previously raised objections to the proposed layout, based on inadequate car and cycle parking, overlong carrying distances to the bin storage area, inadequate provision for pedestrian movement through the site, vehicular access too narrow for two way flow and/or to allow for a fire tender to enter the site; and issues with the layout of the priority junction.

Amended highways comments have been received based on revised drawings/additional supporting documents August 2023 and a Highways Note commenting on the issues previously identified by the Highway Authority.

The access has been amended, the vehicular access has a clear width of 4.95m excluding the gate plus its housing. The pedestrian gate itself has a width of 1m but the space either side is greater than that dimension. Dwell areas are now included at the top and bottom of the ramps to allow for transition to occur between the ramp and the carriageway and to allow the parking area to be accessible. The swept paths for the 10.5m fire tender now show a 300mm clearance from the kerblines and hence are now accepted. It has been confirmed that the fire tender can gain access to the units to the south of the car park. In addition, the applicant has confirmed that fire hydrants will also be included in the detailed design at Building control stage. In terms of the pedestrian ramp it is acknowledged that the gradients are challenging. The current gradients are detailed at 1:15 which is compliant with Building regulations.

The main refuse collection point is being retained alongside Langdon Road which will be accessible to CCS Waste serve collection. The site plan indicates cycle facilities, access arrangements, and that the layout is suitable to accommodate a 10.5m fire tender. The ramp adjustments and inclusion of dwell areas will improve access to the parking levels and ensure that it is suitable for most standard vehicles without grounding and therefore CCS Highways offer no highway objections are raised to the proposals.

A new access is to be provided from Langdon Road, which can achieve appropriate vision given that the road follows a straight alignment. A give-way line will be included at the priority junction with Langdon Road. In terms of vehicle movements, the site has already been assessed as being suitable for residential development by virtue of the outline approval and it is therefore considered that there will be no issues in this regard. As a result, the scheme is compliant with Policies T 1 and T 5, not least in that suitable access to the site can be provided which will not have any detrimental impact on highways safety or efficiency.

The proposed scheme is proposing car parking significantly below the CCS Standards, with 43 units served by 29 car parking spaces. However, it is worth highlighting that the CCS Car Parking Standards date from 2012, preceding the adoption of the Swansea Local Development Plan (adopted 2019) and as such may now be regarded as out-dated in terms of the current national planning policy shift to reduce car parking in sustainable locations.

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It is worth highlighting as well, that the City Centre core areas which relax car parking standards are currently being reviewed.

The current Future Wales / PPW guidance on car parking is relevant:

FW Policy 12....Planning authorities must plan the growth and regeneration of the National and Regional Growth Areas to maximise opportunities arising from the investment in public transport, including identifying opportunities for higher density, mixed use and car free development around metro stations.

Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement.

Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time....

Additionally, Planning Policy Wales advises:

Car Parking

4.1.49 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

Therefore, the site forms part of the wider SA1 development area, which whilst located outside of the City Centre 'Core', aims to create a walkable neighbourhood on the northern side of the dock, whereby the streets and spaces are designed to promote the use of walking, cycling and public transport. Given the accessibility of amenities within the locality, it is unlikely that not all future residents will have need of a private car. It is also contended that the SA1 developments need to accommodate a certain number of units to achieve the required scale of development (in accordance with Masterplan) and the provision of car parking guidelines resulting in a car dominated layout would detrimentally affect the required high design quality. Additionally, in respect of car parking, the SA1 Design & Development Framework advises that parking should be concealed within courtyards / undercrofts; limit car parking numbers on individual plots to the minimum necessary for viability; provide general public parking on strategic located plots. There are also numerous precedents within SA1 for a ratio of less than 1 for 1 parking with the planning permission for the completed development on plot D5A - ref: 2009/0330 which is a Coastal development - 69 apartments with a car parking provision of only 52 spaces.

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No objections were raised by CCS Highways at that time and it is noted that the permission was subject to a planning condition requiring the provision of a car club.

A further consideration is that it is anticipated that car ownership amongst residents will be lower due to the mixed tenure proposed - circumstances evidenced at other similar developments owned by the Applicant, and this is also acknowledged within CCS Parking Standards. It is also highlighted that the development will be managed by Pobl, who have advised that the car parking will be subject to a parking management plan, with the allocation of the parking spaces in line with the overall lettings policy. In terms of cycle parking, a parking shelter is indicated in the courtyard area for 20 no. cycles and there is refuse storage area with access directly onto Langdon Road and no objections are raised by CCS Waste.

Additionally, a Framework Parking Management Plan (FPMP) has now been submitted to illustrate how the parking spaces at Plot D5b within the SA1 area of Swansea will be managed with the primary objective of this document is to demonstrate how the proposed level of parking will be controlled by Pobl, to prevent excess car ownership and any potential overspill onto the public highway. The FPMP will control and allocate resident parking spaces dependent on resident need and demonstrates a commitment by Pobl to manage car parking on site, and prevent overspill onto the internal highway network.

CCS Highways have now indicated that whilst the car parking levels are low when compared to the CCS parking standards, justification has been provided by completion of the sustainability appendix, with further reductions applied on the basis of census data, and additionally the type of tenure proposed (social housing) having traditionally low car ownership. Given the controls in place in and around the site i.e. Langdon Road is well protected by Traffic Regulation Orders so overspill parking is unlikely to be an issue, it is not considered on balance that there will be any highway safety issues arising from the shortfall in parking.

Given this, it is considered that a reduced car parking provision is appropriate and will not result in any overspill parking that could be detrimental to highways safety. It is therefore considered that, on balance, the scheme is compliant with the Parking Standards SPG and Policy T6 due to its highly sustainable location and unique factors.

Drainage and Flood Risk

Condition 8 of the outline planning permission (ref: 2015/1584) indicates that each reserved matters application for each phase of the development must have regard to the recommended finished floor levels (ffl) within the Environmental Statement Addendum. Whilst the Addendum recognises that there is an existing flood risk to the wider SA1 development area, it proposes that finished floor levels for residential buildings should be 7.50m AOD, which would be in accordance with TAN15 - Development and Flood Risk (2004). The proposed development indicates the ffl of the townhouses fronting Prince of Wales Dock will be 7.50m, with those fronting Langdon Road increasing to 9.985m AOD and would therefore conform to the planning condition and would address the potential flood risk across the site.

The submitted drainage scheme confirms that suitable foul water, surface water and land drainage arrangements can be achieved. The scheme also demonstrates compliance with SAB (SuDS Approval Body), approval of which will need to be sought as a separate consent process.

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Roofs of buildings and impermeable hardstanding areas will drain to SuDS components such as raingardens or permeable paving. Water will pass through these SuDS features, which will provide improvements to water quality, to a below ground conveyance system that will connect to the existing surface water sewer that passes through the site and discharges to the Prince of Wales dock. As advised by NRW, developments in SA1 discharging surface water to the Prince of Wales Dock can do so unattenuated. Therefore, surface water runoff from the development will not be restricted to any controlled rate. The proposed SuDS components will maximise amenity benefit within the development and the use of many planted SuDS features will provide plentiful opportunity for biodiversity benefit.

Foul drainage from the proposed development will discharge to a private below ground gravity system which will connect to a private foul pumping station at the lower southern part of the site. The pumping station will then pump foul waste up to a chamber at the site entrance adjacent to Langdon Road. Foul waste will drain via gravity from the chamber at the site entrance to the existing foul sewer in Langdon Road. The foul drainage system from the chamber at the site entrance to the connection point to the existing sewer in Langdon Road will be adopted by Dwr Cymru Welsh Water, who raise no objections.

Landscaping / Green Infrastructure and Ecology

Policy ER 2 (Strategic Green Infrastructure Network) of the adopted LDP requires new developments to protect and enhance existing green spaces and the connectivity of the County's multi-functional Green Infrastructure (GI) network. Furthermore, one of the key underlying principles of placemaking, as set out within Policy PS 2 (Placemaking and Place Management) is for developments to integrate efficiently with the County's GI network. Policy ER 9 requires development proposals to maintain, protect and enhance ecological networks and features of importance for biodiversity.

The proposals incorporate planting within the soft landscaping areas, throughout the development, which seeks to contribute towards the urban greening of the area by providing multi-functional spaces for recreation and biodiversity. As there are limited existing GI features on the site itself, the landscaping scheme will provide a significant betterment in terms of contributing towards the GI network and placemaking of the area.

The landscaping scheme includes planting within the central courtyard and to the perimeter of the apartment blocks. These areas will be multi-purpose, providing shared amenity space for residents and habitat for birds, insects and other animals. Additionally, the landscaping features integrate the development with the new proposed area of open space which will be located adjacent to the east of the site. Whilst the scheme requires the removal of a single existing tree along Langdon Road to allow vehicular access into the development, this is category C tree and its loss will be compensated for elsewhere in the development.

It is worth noting that the area located to the east of the application site is designated in the masterplan as a green space which will provide POS space to serve the area.

As such, it is considered that the development proposals comply in full with Policies ER 2, ER9 and PS 2 in respect of Green Infrastructure when considered in the wider context.

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Contamination

Reference has been made in the submitted representations regarding site contamination. The LDP constraints Map identifies the site as lying within an area of Historic Contaminated Land associated with the past industrial uses at the site. In accordance with conditions imposed on the outline planning permission, updated intrusive site investigations will be undertaken prior to any developed to ascertain any contamination present at the site and any necessary remediation measures. However, this is not envisaged to be a constraint to development given that the site has been identified as being suitable for residential development under the outline planning permission which was accompanied by a SA1 wide contamination risk desk-study, and adjacent sites having being successfully developed for such use.

Planning Obligations:

The Planning Obligations associated with this development include:

* Provision of 35 affordable housing units on site to WDQR (of which 21 would be Social Rented and 14 would be Intermediate) - all to be disposed of via a RSL

Conclusion

The site is situated within the SA1 Waterfront Area of Swansea, with the approved outline planning permission (ref. 2015/1584) and the accompanying masterplan for SA1 (varied through 2015/1584) shows that D5b is designated for residential development and establishes the principle of residential development in land use and the scale of the development up to five stories is in accordance with the SA1 Masterplan and the reserved matters approval is therefore appropriate in general scale and massing terms in terms of building height parameters set out on the outline Masterplan.

The proposal includes a full provision of affordable housing, that will make a meaningful contribution to the housing requirement and the identified requirement of 3,310 affordable dwellings within the LDP plan period. The scheme proposes highly energy efficient homes utilising renewable and sustainable energy sources including solar panels and ground source heat pumps. The scheme incorporates a landscaping scheme incorporating Green Infrastructure features to create an attractive, healthy and biodiverse environment.

The layout has been designed in accordance with the Placemaking Guidance for Residential Development Design Guide and careful consideration has been given to the character of the area, the residential amenities of existing and future occupiers. The proposals will not adversely affect highway safety or other interests of acknowledged importance and on this basis, it is considered that the proposed development accords with relevant national and local planning policy and planning guidance.

The development is policy compliant scheme in terms of LDP Policies SD:K, PS 1 and PS 2 and would also provide valuable affordable housing in accordance with Policies H2 and H3.

CCS Highways now raise no objection and the scheme is compliant with Policies T 1 and T 5, not least in that suitable access to the site can be provided which will not have any detrimental impact on highways safety or efficiency. The reduced car parking provision is appropriate and will not result in any overspill parking that could be detrimental to highways safety.

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It is therefore considered that, on balance, the scheme is compliant with the Parking Standards SPG and Policy T6 due to its highly sustainable location and unique factors.

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 conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following clause:

Affordable Housing:

- 10% affordable housing on-site in line with LDP Policy. The AH units will need to be WDQR Compliant (or equivalent), and delivered in the mix of property sizes/types and affordable tenures as indicated in the application. The design and specification of the affordable units will be equivalent quality to those used in the Open Market Units.

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS2, H2, H3, and IO1 of the Swansea Local Development Plan 2010 - 2025

1 The development shall be carried out in accordance with the following approved plans and documents:

154238-STL-00-00-DR-A-0100-PL-P12- Site Location Plan; 154238-STL-00-00-DR-A-0101-PL-P12 Site as Existing; 154238-STL-00-XX-DR-A-0200-PL-P12 Site Sections as Existing; 154238-STL-03-ZZ-DR-A-00101-PL-P12- 4 Bedroom 7 Person Town House; 154238-STL-04-XX-DR-A-00102-PL-P12 1 Bedroom 2 Person Apartment; 154238-STL-XX-00-DR-L-90001 Rev P05 Proposed Landscape Plan; 155238-STL-03-XX-DR-A-10100-PL-P12 2 Bedroom 3 Person Apartment; 14174_501_Rev 02 Drainage Details Sheet 1; 14174_502_REV 01 Drainage Details Sheet 2; 14174_503_R02 Surface Water Drainage Plan; 14174_504_R02 Foul Drainage Plan; 14174_903_R02 Fire Tender Vehicle Tracking - amended plans received 19 December, 2022.

154238-STL-XX-00-DR-L-90002 Rev P05 Planting Detail - 22 Dec 2022.

154238-STL-00-XX-DR-A-0307-PL-P12-3D Car Parking View; 154238-STL-00-XX-DR-A-0308-PL-P12-3D Car Parking View 2; 154238-STL-03-ZZ-DR-A-00101-PL-P14 4 Bedroom 7 Person House - 30 Jan. 2023

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14174_710_REV 03 Access Ramp Long section; 154238-STL-00-00-DR-A-0109-PL-P17 Site Boundary Treatment Plan; 154238-STL-00-XX-DR-A-0201-PL-P17 Proposed Site Sections; 154238-STL-00-XX-DR-A-0202-PL-P17 Site Elevations Sheet 1; 154238-STL-00-XX-DR-A-0203-PL-P17 Site Elevations Sheet 2; 154238-STL-00-XX-DR-A-0204-PL-P17 Site Elevations Sheet 3; 154238-STL-00-XX-DR-A-0300-PL-P17 3D - Dockside - Park Elevation; 154238-STL-00-XX-DR-A-0301-PL-P17- 3D - Langdon Road - Entrance; 154238-STL-00-XX-DR-A-0303-PL-P17- 3D - View from Above; 154238-STL-00-XX-DR-A-0304-PL-P17 3D - Langdon Road - Corner; 154238-STL-00-XX-DR-A-0305-PL-P17 3D - Landon Road - Street Level; 154238-STL-00-XX-DR-A-0306-PL-P17 3D - Street Level Prince of Wales Dock; 154238-STL-02-XX-DR-A-20000-PL-P17 Apartment Elevations - Sheet 1; 154238-STL-02-XX-DR-A-20001-PL-P17 Apartment Elevations - Sheet 2; 154238-STL-02-XX-DR-A-30001-PL-P17- Apartment Sections; 154238-STL-02-ZZ-DR-A-10001-PL-P17 Apartment Plans - Ground & First Level; 154238-STL-02-ZZ-DR-A-10002-PL-P17 Apartment Plans - Second & Third Levels; 154238-STL-02-ZZ-DR-A-10003-PL-P17 Apartment Plans - Fourth & Roof Levels; 155238-STL-07-XX-DR-A-10104-PL-P17 2 Bedroom 3 Person Apartment Version 2; 22-00799-SP01 Rev A Fire Tender Swept Paths - amended plans received 17 May, 2023.

154238-STL-00-00-DR-A-0001-PL- Rev P18 Proposed Site Plan; 154238-STL-00-00-DR-A-0400-PL-Rev P17 Main Combined Vehicular and Pedestrian Gates - amended plans received 7 August 2023.

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

- 2 Prior to the commencement (excluding excavation, site preparation and enabling works) of the relevant part of the development, 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. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.

Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

- 3 Prior to the commencement of any external works to the superstructure, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Typical window and door units within their openings;
- Entrance canopies and balustrading;
- Details of the location, external design and finishes of any visible external ventilation;

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

Reason: Reason: In the interests of protecting the character and appearance of the locality in accordance with Policy PS 2 of the Swansea Local Development Plan (2010-2025).

Planning Committee – 5th September 2023

Item 2 (Cont'd)

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- 4 Notwithstanding the provisions of schedule 2, part 1, Classes A, B, C, D & E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions or buildings shall be erected on the dwellinghouses other than those expressly authorised by this permission.
Reason: In order to control inappropriate extensions/ alterations and outbuildings adversely affecting the character and appearance of the residential development in accordance with Policy PS2 of the Swansea Local Development Plan (2010-2025).
- 5 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).
- 6 The development shall be completed in accordance with the principles of the submitted Green Infrastructure and Landscaping Strategy and in accordance with a detailed scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site and to include details of 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. 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 in accordance with Policies ER2 and ER 9 of the Swansea Local Development Plan (2010-2025).
- 7 Prior to the beneficial occupation of any part of the development, and notwithstanding the submitted Framework Parking Management Plan, a detailed car parking management plan shall be submitted to and approved in writing by the Local Planning Authority indicating the allocation of the parking spaces together with management measures to control parking. The development shall thereafter be occupied in accordance with the approved plan.
Reason: In order to ensure the car parking is managed to prevent indiscriminate car parking in accordance with Policy T6 of the Swansea Local Development Plan (2010-2025).

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Item 2 (Cont'd)

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

Reason: To ensure the adequate car parking and cycling parking provision in accordance with Swansea Local Development Plan 2010 - 2025 Policy T6.

- 9 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 and to accord with Policy PS2 of the Swansea Local Development Plan (2010-2025).

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: [LDP Policies PS1, PS2, PS3, IO1, H1, H2, H3, S11, S15, S16, S18, ER1, ER2, ER8, ER9, T1, T2, T5, T6, T7, EU4, RP1, RP2 & RP3]
- 2 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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- 3 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainable Drainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.
- 4 All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. 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 e-mail networkmanagement@swansea.gov.uk



FOR INFORMATION

Report of the Head of Planning and City Regeneration

PLANNING COMMITTEE – 5th September 2023

Planning Application Ref: 2022/1230/FUL

Demolition of existing extensions and the construction of a two-storey side extension & change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works

Trehafod, Waunarlwydd Road, Cockett, Swansea

1.0 Background

1.1 On 4th October 2022, Planning Committee resolved to refuse the above application, contrary to officer recommendation for the following reasons:

1. The proposed building, by reason of its unacceptable juxtaposition and potential conflict between the proposed use and adjacent neighbouring residential properties will have a detrimental impact upon the existing residential and visual amenities within the street scene by reason of proposed lighting and means of enclosure which would be contrary to the requirements of Policy PS 2 of the City and County of Swansea Local Development Plan (2010-2025).
2. The proposed Residential Women's Centre (Class C2A) together with the associated works has the potential to introduce the fear of crime and anti-social behaviour into the residential area which is considered to have a detrimental impact on community safety and cohesive communities well-being goal contrary to LDP Policy SI 8 and Planning Policy Wales (Edition 11 – Feb. 2021)

1.2 An appeal was submitted against the decision to refuse the application which was considered by the appointed Inspector by way of a Hearing.

1.3 In the Inspector's view, the main considerations in the appeal were the impact of the development on the character and appearance of the area and the living conditions of the local community with regard to glare and the fear of crime and anti-social behaviour.

- 1.4 In terms of the effect on the character and appearance of the area, the Inspector considered that the light spill from the proposed development would be minimal and probably not noticeable over the light emitted by the streetlights on the road. This could be controlled by condition. He noted that whether the site is redeveloped for housing or retained as a medical facility, it would need to be lit, and considered the lighting scheme had been designed so as not to have an unacceptable impact on the character and appearance of the area or the living conditions of nearby residents. The Inspector further concluded that the proposed use, although a specialist facility with a particular purpose, would be residential in character and would not therefore have an unacceptable impact on the character and appearance of the area. The proposal would therefore comply with Policy PS 2 of the LDP.
- 1.5 With regard to the fear of crime, the Inspector recognised that public concern regarding the behaviour of the occupants of the development is a material consideration, and that the introduction of the proposed use is an understandable and reasonable cause for concern. The Inspector considered that the measures to safeguard residents, staff and the wider community, together with evidence submitted in relation to the operation of similar centres in England indicate that they can be and are being run without complaint from the local community. The Inspector was satisfied that subject to the implementation of a detailed operational management plan, the proposal would not result in an increase in crime or anti-social behaviour in the area and complies with Policy SI 8 of the LDP.
- 1.6 The appeal was allowed subject to conditions.
- 1.7 A copy of the Inspector's report is attached to this report as Appendix 1.

Appendices:

Appendix 1 Appeal Decisions

<i>Contact Officer:</i>	<i>Ian Davies</i>	<i>Extension No:</i>	<i>01792 635714</i>
<i>Date of</i>	<i>22nd August 2023</i>	<i>Document</i>	<i>Appeal 2022/1230/FUL</i>
<i>Production:</i>		<i>Name:</i>	



Appeal Decision

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 17.08.2023

Appeal reference: CAS-02598-Q6Y5L0

Site address: Trehafod, Waunarlwydd Road, Swansea, Cockett, SA2 0GB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Ministry of Justice against the decision of the City and County of Swansea.
 - The application Ref 2022/1230/FUL, dated 20 May 2022, was refused by notice dated 5 October 2022.
 - The development proposed is the demolition of existing extensions and the construction of a two-storey side extension & change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works.
 - A Hearing and site visit took place on 10 August 2023.
-

Decision

1. The appeal is allowed and planning permission is granted subject to the conditions set out in the schedule to this decision.

Main Issues

2. The main issues are the impact of the proposed development on:
 - the character and appearance of the area
 - the living conditions of the local community with regard to glare and the fear of crime and anti-social behaviour.

Reasons

Character and appearance

3. The appeal site is located off Waunarlwydd Road at the entrance to Cefn Coed Hospital. The Kids Cancer Charity occupies a building on the opposite side of the entrance to the hospital. There are houses facing the site on Waunarlwydd Road and a residential property, Badger House neighbours to the east. The site comprises a substantial 3 storey building in a 1930s suburban domestic style, originally a dwelling but with later extensions and used most recently as a clinic. Access is via the hospital entrance. A second access to the Waunarlwydd Road would be closed. The extensions would be demolished and replaced with a two storey extension to the side of the original building. The buildings sit above Waunarlwydd Road and behind a thick, dense belt of

mature trees. A 1.8m concrete panel fence encloses part of the site along Waunarlwydd Road.

4. The Council takes no issue with the design of the proposed extensions. Although large, the resultant building would be domestic in scale and would not be out of keeping with the surrounding buildings. A utilitarian concrete panel fence lines this side of the road. The proposed 2m fence would be largely hidden behind and dwarfed by the existing trees, be finished in a recessive colour and would blend in to the development and buildings behind. The access to Waunarlwydd Road would be closed off with a new fence, the details of which and other fencing is subject to agreement by condition.
5. External lighting for the proposed development would comprise one column light, set within the site to light the car park and low level bollard lights and wall lights. In winter, when the trees within the site are not in leaf, the appellant's Fencing and Lighting Technical Note shows light spill to properties on Waunarlwydd Road would be minimal and probably not noticeable over the light emitted by the street lights on the road. This can be secured by condition.
6. Planning permission to change the use of the site to residential was granted in 2019. Whether the site is redeveloped for housing or retained as a medical facility, it would need to be lit. The lighting scheme has been designed to achieve operational needs in a way that would not have an unacceptable impact on the character and appearance of the area or the living conditions of nearby residents.
7. The site lies in the grounds of and adjacent to the entrance to Cefn Coed Hospital with another care establishment nearby. Cefn Coed Hospital is allocated for residential development in the Swansea Local Development Plan 2010 – 2025, adopted 2019 (LDP). I heard the Health Board has plans to redevelop the site as a hospital. Whatever the hospital's future, the appeal site lies in an area of mixed land use. Albeit a specialist facility with a particular purpose, the proposed development would be residential in character. I conclude that the proposed development would not have an unacceptable impact on the character and appearance of the area and complies with Policy PS2 of the LDP.

Fear of crime and anti-social behaviour

8. Public concern regarding the behaviour of the occupants of a development is a material consideration. The introduction into an area of a facility for offenders is an understandable and reasonable cause of concern to a community with low levels of recorded crime. The appellant's attempts to assuage these concerns have not been successful and I acknowledge the depth of feeling locally. However, as established by caselaw cited by the appellant and not disputed by the Council, to be given significant weight, fear of crime and anti-social behaviour must be well founded and evidenced.
9. The proposed Residential Women's Centre would support women currently involved with the justice system by addressing their needs and assisting them in moving back to safe and appropriate accommodation in their home community. The Centre would not be a prison but a facility providing holistic support for vulnerable women already living within the local community. The Centre would house up to 12 women guilty of low level offences, providing specialist support to address their issues and their reasons for offending. The women would be vetted to ensure they do not present a risk of harm to the public and I heard the Prison and Probation Service has tried and tested procedures in this regard. It would also provide day services for other local women in the community. Pre-approved visits by family (also vetted) would be by appointment.

10. The women residing at the Centre would have agreed to engage with the opportunity and the Courts' decided that this is the best option for them. Residents may be subject to court orders placing conditions on their behaviour and would be required to sign an agreement which would include rules regarding behaviour off site. Residents would not be monitored off site but anyone breaking the terms of their residency would run the risk of this being reported to the Centre. Failure to comply could lead to places being withdrawn with a return to court and possibly prison. I consider this threat is likely to strongly discourage residents from breaking the terms of their residency. Further, residents would have a full timetable through the day and evening and weekend activities, which would limit the time available to spend elsewhere.
11. Probation Service staff with experience of working with women who have committed offences would be at the centre every day around the clock. Alcohol and drugs would not be permitted onsite. There would be a zero-tolerance approach to anti-social behaviour and a centre wide curfew. Some residents may be subject to bespoke curfews based on the terms of a court order. A number of the Police's Secure By Design standards have been included in the design of the centre. These include careful consideration of the location of CCTV, alarm systems, lighting and boundary treatments. These measures would safeguard residents, staff and the wider community.
12. The Police have a plan in place to address community tension anticipated should the Centre be built and would be prepared for any additional demand that may arise. One would expect nothing less but planning for possibilities does not mean they will happen. The measures in place to govern behaviour provide comfort residents' fears would not be realised and the liaison group suggested at the Hearing should help diffuse any anxieties the community has.
13. His Majesty's Prison and Probation Service has significant expertise and experience managing Probation Hostels (Approved Premises), where residents present a higher risk than the women who would attend the proposed Residential Women's Centre. Evidence submitted in relation to the operation of similar centres in England indicates that they can and are being run without complaint from the host community.
14. Section 17 of the Crime and Disorder Act 1998 requires authorities to have due regard to the effect of their decisions on, amongst other things, crime and disorder and reoffending in their area. I am satisfied that, subject to the implementation of a detailed operational management plan, the proposal would not result in an increase in crime or anti-social behaviour in the area. Further, undisputed evidence submitted by the appellant shows that women serving community sentences accessing residential women's centres have a low re-offending rate compared to women on short sentences in custody.
15. I acknowledge the fears and concerns of the local community. However, for the reasons given above, I do not consider they are sufficient to justify the withholding of planning permission in this case. I conclude that the proposal would not result in an increase in either crime or anti-social behaviour and complies with Policy SI 8 of the LDP.

Other Matters

16. The Highway Authority acknowledge traffic generated by the proposed development would not be significantly greater than the lawful use of the site. There is also an extant planning permission for conversion to residential use which would generate vehicle movements. Subject to the imposition of conditions regarding, amongst other things, junction improvements and parking, the Highway Authority has no objections and I have seen no technical evidence to lead me to a different view.

Conditions

17. I have considered the Council's suggested conditions in light of the advice in Circular 14/16. It was agreed at the Hearing that ensuring the design of the boundary treatment takes account of habitat connectivity can be covered through the landscape condition. Tree protection throughout the course of development is required under the standard landscape condition and could also be a matter for the Construction Environmental Management Plan (CEMP). As could measures to ensure animals do not become trapped overnight in excavations. Separate conditions are, therefore, unnecessary. The Circular warns against duplicating controls under other legislation and the Wildlife and Countryside Act 1981 protects nesting birds.
18. Times and places for deliveries during construction can be controlled by the CEMP. The proposed development would accommodate 12 residents and staff. I am not persuaded that the volume and type of delivery for food, day to day living essentials and other material to support the Centre's activities is such that a delivery and servicing plan is necessary to safeguard the living conditions of nearby residents or for reasons of highway safety. The swept path and refuse vehicle tracking details are incorporated into the approved layout and a separate condition is not necessary.

Conclusion

19. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.
20. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to protect, re-build and develop our services for vulnerable people.

A Thickett

Inspector

SCHEDULE

CAS-02598-Q6Y5L0

The appeal is allowed and planning permission granted for the demolition of existing extensions and the construction of a two-storey side extension & change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works at Trehafod, Waunarlywydd Road, Cockett, SA2 0GB, in accordance with the terms of the application, Ref 2022/1230/FUL, dated 20 May 2022, subject to the conditions set out in the schedule to this decision.

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:

TREHAF-3277-NMA-TRE-GF-DR-A-0002-S2-D0100 REV 3 proposed ground floor plan,

TREHAF-3277-NMA-TRE-XX-DR-A-0001-S2-D0100 REV 4 site location plan,

TREHAF-3277-NMA-TRE-01-DR-A-0002-S2-D0100 REV 3 proposed first floor plan,

TREHAF-3277-NMA-TRE-02-DR-A-0002-S2-D0100 REV 2 proposed second floor plan,

TREHAF-3277-NMA-TRE-R1-DR-A-0002-S2-D0100 REV 2 proposed roof plan,

TREHAF-3277-NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan,

TREHAF-3277-NMA-TRE-ZZ-DR-A-0005-S2-D0100 REV 3 existing and proposed north elevation

TREHAF-3277-NMA-TRE-ZZ-DR-A-0006-S2-D0100 REV 3 existing and proposed east elevation,

TREHAF-3277-NMA-TRE-ZZ-DR-A-0007-S2-D0100 REV 3 existing and proposed south elevation,

TREHAF-3277-NMA-TRE-ZZDR-A-0008-S2-D0100 REV 3 existing and proposed west elevation

Reason: To reduce concerns regarding crime and anti-social behaviour and to accord with LDP Policy SI 8.

3. The premises shall be used for a Residential Women's Centre operated solely in accordance with the operational management plan agreed under Condition 4 below and for no other purpose (including any other purpose in class C2A of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class or any statutory instrument revoking and re-enacting that order with or without modification).

Reason: In order to restrict the use as a Residential Women's Centre and to prevent the premises being used for other uses within Class C2A in accordance with LPD Policy SI 8.

4. The development hereby permitted shall not be occupied until an operational management plan has been submitted to and agreed in writing by the local planning authority. The operational management plan shall include:
 - i. How the Residential Women's Centre hereby permitted will operate and be managed,
 - ii. Staff to client ratios (day and night),
 - iii. How visitors will be managed,
 - iv. Measures for community and police liaison.

The Residential Women's Centre shall operate and be managed in accordance with the approved operational management plan for as long as the development hereby permitted remains in existence.

Reason: To reduce concerns regarding crime and anti-social behaviour and to accord with LDP Policy SI 8.

5. No development or site clearance shall take place until a landscaping scheme including boundary treatments has been submitted to and approved in writing by the local planning authority. 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. 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 occupation of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard the character and appearance of the area in accordance with LDP Policy PS2.

6. No development or site clearance shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The construction of the proposed development shall be carried out in accordance with the approved CEMP.

Reason: To safeguard biodiversity and the living conditions of local residents in accordance with LDP Policies ER 8 and PS2.

7. Felling of all trees categorised as having low suitability for bats (as indicated in the submitted bat survey report), shall be undertaken in the presence of an appropriately qualified and licensed Ecological Clerk of Works. If bats or any evidence of bats is recorded during the works, work will cease until the ecologist has advised how and when the works can re-commence.

Reason: To safeguard biodiversity in accordance with LDP Policy ER 8.

8. No development shall take place until a lighting strategy site has been submitted to and approved in writing by the local planning authority. The approved strategy shall be adhered to for as long as the development hereby permitted remains in existence.

Reason: To safeguard biodiversity and the living conditions of local residents in accordance with LDP Policies ER 8 and PS2.

9. No development or site clearance shall take place until an Invasive Nonnative Species Management Plan has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard biodiversity in accordance with LDP Policy ER 8

10. No development shall take place until details of bat and bird boxes including a timetable for their installation has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To enhance biodiversity in accordance with LDP Policy ER 8.

11. The development hereby permitted shall not be occupied until the junction/ access improvements, and installation of a passing bay within the site as shown on drawing no. TREHAF-3277- NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan have been completed.

If the existing in and out access to the site is to be blocked during construction, the junction improvements and passing bay shown on drawing no. TREHAF-3277- NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan shall be laid out during construction works.

Reason: In the interests of highway safety in accordance with LDP Policy T 1.

12. The car parking and bike storage areas shown on drawing no. TREHAF-3277- NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan, shall be laid out prior to the occupation of the development hereby permitted, and retained for their designated use for as long as the development hereby permitted remains in existence.

Reason: In the interests of highway safety in accordance with LDP Policy T 1.