



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, 7 Tachwedd 2023

Amser: 2.00 pm

Cadeirydd: Y 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://shorturl.at/tFGH3>

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeluCysylltiadau
- 3 **Cofnodion.** 1 - 5
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.
- 4 **Penderfynu ar geisiadau cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** 6 - 46

Cyfarfod nesaf: Dydd Mawrth, 5 Rhagfyr 2023 am 2.00 pm

Huw Evans

Pennaeth y Gwasanaethau Democraidaidd

Dydd Mawrth, 31 Hydref 2023

Cyswllt: Gwasanaethau Democraidaidd - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Tuesday, 3 October 2023 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black
M H Jones
N L Matthews
R A Williams

Councillor(s)

P Downing
M B Lewis
M S Tribe

Councillor(s)

A J Jeffery
R D Lewis
T M White

Officer(s)

Gareth Borsden
Matthew Bowyer
Ian Davies
Sally-Ann Evans
Hayley Kemp
Jonathan Wills
Chris Dale
Dave Owen

Democratic Services Officer
Principal Telematics Engineer
Development Manager
Lead Lawyer
Area Team Leader
Lead Lawyer
Countryside Access Team Leader (Rights of Way)
Principal Planning Officer

Also present

Councillors H J Gwilliam & P N May

Apologies for Absence

Councillor(s): S E Keeton

20 Disclosures of Personal and Prejudicial Interests.

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

Councillor P Lloyd – Item 5 (1) - 2023/1680/FUL - Personal

21 Minutes.

Resolved that the minutes of the meeting held on 5 September 2023 be approved and signed as a correct record.

22 Items for deferral/withdrawal.

None.

23 Application to Add Footpaths to Definitive Map, Cwm Level Road, Landore.

The Countryside Access Team Leader presented a report which sought Members consideration whether to accept or reject an application made to this Authority to make a Modification Order to add a footpath running from Cwm Level Road to Dinas Street and thus recording as such on the Council's Definitive Map of Public Rights of Way.

The background details to the application and evidence submitted along with the investigations undertaken by Officers were outlined and detailed in the report.

He outlined that in order for the Council to dedicate the footpaths to the public, the applicant for the modification order must withdraw their application. The applicant has agreed to do this on the understanding that the footpaths will be dedicated to the public by the Council.

Resolved that the Council dedicates the two footpaths on its land as public footpaths, as shown on the map outlined at 2.1 to the report.

24 Determination of Planning Applications under the Town and Country Planning Act 1990.

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

Resolved that the undermentioned planning applications be approved.

Amendments/updates to this schedule were reported and are indicated below by (#)
(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting.

(Item 1) - Planning Application 2023/1680/FUL - Change of use from a residential dwelling (Class C3) to 4 bed HMO property (Class C4) at 65 Windmill Terrace, St Thomas, Swansea

A visual presentation was given.

Members of the committee had undertaken a site visit to the application site on the morning of the meeting.

Councillor Hayley Gwilliam (Local Members) spoke against the application.

#(Item 2) - Planning Application 2023/0744/FUL - Change of use of 3 flats to a HMO for up to 9 people (Unique Use Class) at 42 Bryn Road, Brynmill, Swansea

A visual presentation was given.

Derek and Nicola Bruce (objectors) spoke against the application.

Councillor Peter May (Local Member) spoke against the application.

Report updated as follows:

The following additional condition (Condition 5) should be included within the recommendation;

The use of the property as a HMO shall be limited to a maximum of 9 persons at any one time occupying the property in accordance with the internal layout indicated on Plan No.1.02 H amended floor plan received 22nd August 2023.

Reason: In order to restrict the use of the property to that applied for, in order to safeguard the amenities of neighbouring occupiers and the amenities of future occupiers of the HMO and to provide for suitable levels of internal space to serve the occupiers and in accordance with Policies PS2 and H9 of the Swansea Local Development Plan (2010-2025).

Red line boundary on the Site Location Plan included in the agenda pack is incorrect and does not include the garage located to the rear of 44, Bryn Road.

An Amended Site Location Plan has been received on 28th September 2023 Plan No. 0.01B which demonstrates the inclusion of 3 scaled parking spaces to the rear of the application site.

1 late letter of representation has been received raising the following concerns:

- Removal of street sign;
- Property already occupied;
- Query regarding the correctness of the Council's HMO concentration test figure.

25 Planning Application: 2015/0453 - Appeal Decision.

The Head of Planning and City Regeneration presented a "for information" report which detailed the result of an appeal against the decision of the committee on 4 July 2023 to refuse a planning application on land at Land Off the Croft, Castle Street, Loughor, Swansea.

The Inspectors' reasons for dismissing the appeal were outlined and detailed in the report.

The meeting ended at 3.06 pm

Chair



City and County of Swansea

Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 24 October 2023 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black
M H Jones
M S Tribe

Councillor(s)

P Downing
S E Keeton
T M White

Councillor(s)

A J Jeffery
M B Lewis
R A Williams

Officer(s)

Gareth Borsden
Ian Davies
Tom Evans
Jonathan Wills

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

Also present

Councillor D H Hopkins – Cabinet Member for Corporate Services & Performance

Apologies for Absence

Councillor(s): R D Lewis and N L Matthews

26 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.

27 Adoption of the Swansea Local Development Plan 4th Annual Monitoring Report 2022-23 (AMR 4).

The Placemaking and Strategic Planning Manager presented a report which informed Members of the findings of the 4th LDP Annual Monitoring Report (AMR) covering the period 2022-2023, and sought approval to formally submit it to Welsh Government.

He stated the report presents the findings of a key part of the statutory development plan process, and sets out how the aims, objectives and policies of the Swansea Local Development Plan have been implemented for the period 2022-2023.

A detailed verbal update relating to the main areas outlined in the circulated report was provided.

Members made comments and asked various questions of the Officer, who responded accordingly. Some minor factual updates will be made to the AMR document prior to its submission to Welsh Government, reflecting matters raised by Members during the discussion.

Resolved that

- 1) the findings of the 4th AMR, as summarised in this report and set out in full in the AMR document (attached at Appendix A to the report), be noted;
- 2) the final version of the 4th AMR be approved for submission to Welsh Government in accordance with statutory requirements;
- 3) the Head of Planning and City Regeneration, or appropriate delegated Officer, be authorised to make any outstanding typographical, grammatical, presentational or factual amendments to the 4th AMR prior to its submission and publication.

28 Planning Annual Performance Report 2022-2023.

The Head of Planning & City Regeneration presented for information the Annual Performance Report.

The report is seen by Welsh government as important mechanism for monitoring Local Planning Authorities performance against a key set of national performance indicators.

The report is also an important tool for benchmarking the performance of Local Authorities across Wales. The draft report for the period April 2022-March 2023 was detailed at the appendix to the report.

The actual performance figures, the improvements achieved over the past few years and the issues to be further addressed were all detailed in the report, along with a series of appeal decisions from applications that decisions had been made on, contrary to officer recommendations.

Members asked questions on various issues relating to the report to which the officer responded, some detailed information requested would again be circulated to Members following the meeting.

The meeting ended at 2.55 pm

Chair

Agenda Item 4

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: 7th November 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 Waunarlwydd West Cross	Bonymaen Clydach Cwmbwrla Gorseinon and Penyrheol Landore Llangyfelach Llansamlet Llwchwr Morrison 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	2023/1765/S73	<p>Cefn Hengoed Leisure Centre , Caldicot Road, Bonymaen, Swansea, SA1 7HX</p> <p>New indoor pitch, extensions to existing leisure centre buildings together with an internal reconfiguration to allow for the provision of improved gym and changing facilities, a community room, reception and cafe area, re-purposed existing fitness studio to enable beneficial use by the school, refurbishment of existing tennis courts with associated fencing and lighting, interconnecting pedestrian routes between the school and leisure areas and existing external connections surrounding the site, new car park with a new access off Cefn Hengoed Road - Variation of conditions 13, 14 and 15 of planning permission 2021/1331/FUL granted 1st November 2021 to allow for the occupation of the completed leisure and community facility prior to completion of the sports barn and for the carpark, charging points and bike storage to be fully provided on completion of the sports barn</p>	Approve
2	2023/2018/RES	<p>Site B3 , Riverside Wharf, Swansea Waterfront, Swansea, SA1 8AW</p> <p>Reserved Matters Application for the Construction of Residential Units and Associated Ground Floor Commercial Unit, Access, Car Parking, Landscaping and Infrastructure Works Pursuant to Outline Planning Permission 2023/0357/OUT granted 22nd September 2023 and Submission of Details Pursuant to Condition 6 (Landscaping Scheme), 7 (Landscape Management Plan), 8 (Ground Levels and Proposed Floor Levels), 9 (External Finishes Samples), 10 (Detail Drawings), 18 (Vehicular Layby and Associated Highway Works), 27 (Noise).</p>	Approve

Planning Committee – 7th November 2023

Item 1

Application Number:

2023/1765/S73

Ward:

Bonymaen - Area 1

Location:

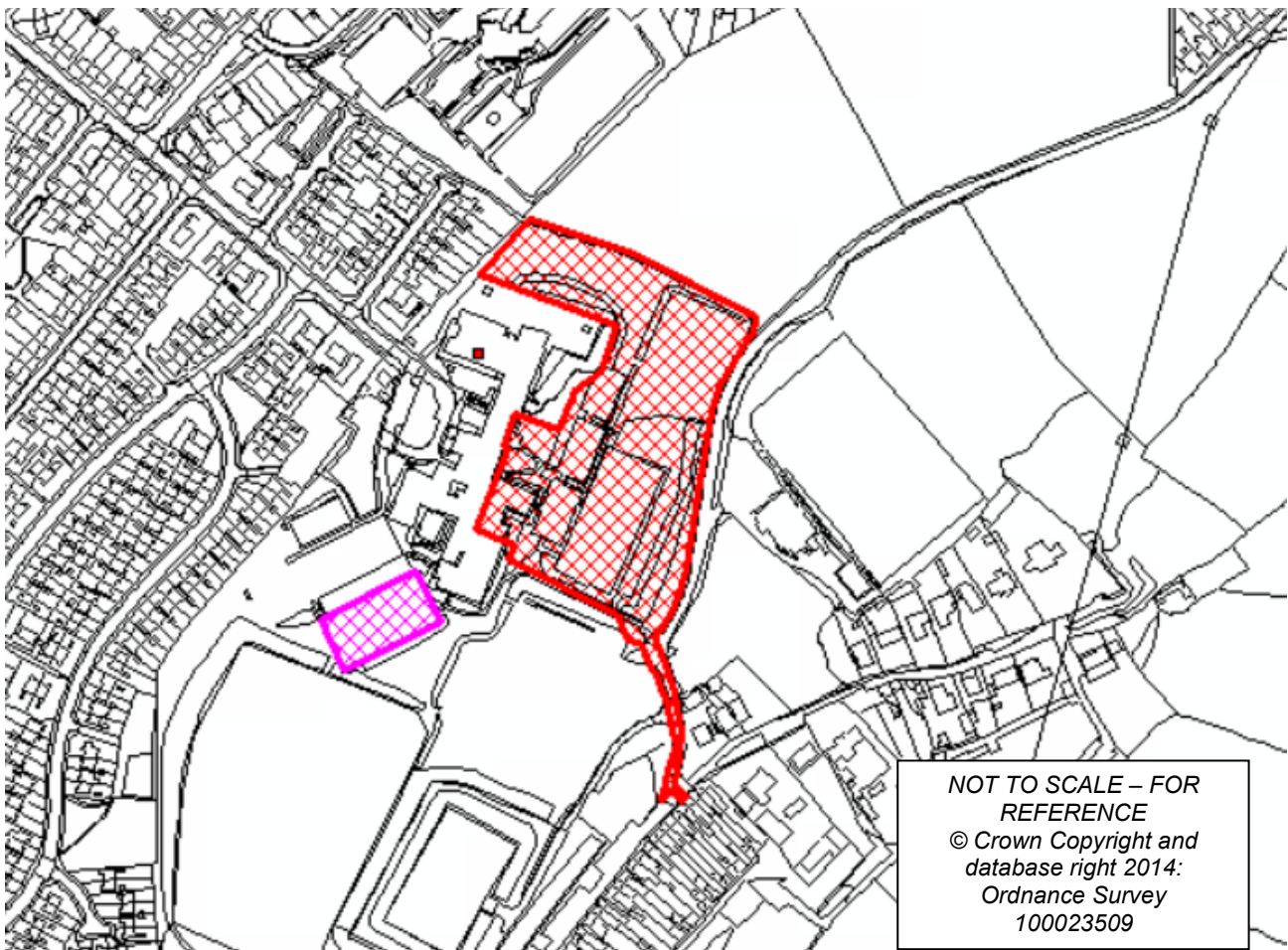
Cefn Hengoed Leisure Centre , Caldicot Road, Bonymaen, Swansea, SA1 7HX

Proposal:

New indoor pitch, extensions to existing leisure centre buildings together with an internal reconfiguration to allow for the provision of improved gym and changing facilities, a community room, reception and cafe area, re-purposed existing fitness studio to enable beneficial use by the school, refurbishment of existing tennis courts with associated fencing and lighting, interconnecting pedestrian routes between the school and leisure areas and existing external connections surrounding the site, new car park with a new access off Cefn Hengoed Road - Variation of conditions 13, 14 and 15 of planning permission 2021/1331/FUL granted 1st November 2021 to allow for the occupation of the completed leisure and community facility prior to completion of the sports barn and for the carpark, charging points and bike storage to be fully provided on completion of the sports barn

Applicant:

Mr Jamie Rewbridge Swansea Council Civic Centre,



Item 1 (Cont'd)

Application Number:

2023/1765/S73

Background

This application is referred to Committee as the original development meets the development threshold set out in the Council's Constitution.

Description of Development

The application site comprises Cefn Hengoed Leisure Centre which is located along Cefn Hengoed Road, Bonymaen. The leisure centre is co-located with Cefn Hengoed School with Bonymaen Rugby Club and their playing fields to the east.

The original application (2021/1331/FUL) approved a new indoor pitch, extensions to existing leisure centre buildings together with an internal reconfiguration to allow for the provision of improved gym and changing facilities, a community room, reception and cafe area, re-purposed existing fitness studio to enable beneficial use by the school, refurbishment of existing tennis courts with associated fencing and lighting, interconnecting pedestrian routes between the school and leisure areas and existing external connections surrounding the site, new car park with a new access off Cefn Hengoed Road.

This is a Section 73 application for the variation of conditions 13, 14 and 15 of planning permission 2021/1331/FUL, granted 1st November 2021, to enable part of the site to be occupied, namely the leisure centre and community facilities prior to the occupation of the indoor pitch facility/sports barn. Conditions 13, 14 and 15 relate to the completion of the car parking layout, cycle storage and the provision of ULEV parking spaces.

It is understood that the works to the leisure centre and community facilities of the scheme have been completed and are ready for use. However, the indoor sports facility/playing pitch (sports barn) is still under construction. Therefore given that the leisure centre facilities are ready for use the applicant has requested that the trigger points for conditions 13, 14 and 15, which relate to the provision of car parking facilities, ULEV charging points and cycle parking, be re-worded to enable the occupation/use of the leisure centre and community facilities while construction works are still ongoing to the indoor sports facility/sports barn.

Section 73 Procedure

This Section 73 application relates to planning permission 2021/1331/FUL.

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. It should be highlighted that the original planning permission will continue to subsist whatever the outcome of the application under section 73.

Item 1 (Cont'd)

Application Number:

2023/1765/S73

Relevant Planning History

2021/1331/FUL - New indoor pitch, extensions to existing leisure centre buildings together with an internal reconfiguration to allow for the provision of improved gym and changing facilities, a community room, reception and cafe area, re-purposed existing fitness studio to enable beneficial use by the school, refurbishment of existing tennis courts with associated fencing and lighting, interconnecting pedestrian routes between the school and leisure areas and existing external connections surrounding the site, new car park with a new access off Cefn Hengoed Road - approved by Committee November 2021.

2022/1971/NMA - New indoor pitch, extensions to existing leisure centre buildings together with an internal reconfiguration to allow for the provision of improved gym and changing facilities, a community room, reception and cafe area, re-purposed existing fitness studio to enable beneficial use by the school, refurbishment of existing tennis courts with associated fencing and lighting, interconnecting pedestrian routes between the school and leisure areas and existing external connections surrounding the site, new car park with a new access off Cefn Hengoed Road (Non Material Amendment to planning permission 2021/1331/FUL granted 19th July 2022 to remove "refurbishment of existing tennis courts with associated fencing and lighting"). Approved September 2022.

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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 12 - Regional Connectivity

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition - February 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.

Item 1 (Cont'd)

Application Number:

2023/1765/S73

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.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Item 1 (Cont'd)

Application Number:

2023/1765/S73

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

Car Parking

4.1.40 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development. Future Wales sets out the Welsh Government's requirements for the provision of electric vehicle charging points for non-residential development.

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.

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Application Number:

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4.1.51 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

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.

SI 1 Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 2 Providing and Safeguarding Community Facilities and Locally Important Uses - New community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI 5 Protection of Open Space - development will not be permitted on areas of open space unless it complies with specific criteria.

RC 2 Retail and Leisure Development - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

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ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

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

EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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2023/1765/S73

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

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

RP 10 Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

Item 1 (Cont'd)

Application Number:

2023/1765/S73

Responses to Consultations

Local Highway Authority

Background:

There has been a history of planning activity on the site. This is summarised in more detail below. 2023/0963/DOC - Discharge of Conditions 4 (intrusive site investigations) and 17 (contamination of the site) of planning permission 2021/1331/FUL granted 19th July 2021.

2022/1971/NMA - New indoor pitch, extensions to existing leisure centre buildings together with an internal reconfiguration to allow for the provision of improved gym and changing facilities, a community room, reception and cafe area, re-purposed existing fitness studio to enable beneficial use by the school, refurbishment of existing tennis courts with associated fencing and lighting, interconnecting pedestrian routes between the school and leisure areas and existing external connections surrounding the site, new car park with a new access off Cefn Hengoed Road (Non Material Amendment to planning permission 2021/1331/FUL granted 19th July 2022 to remove "refurbishment of existing tennis courts with associated fencing and lighting"). Approved September 2022.

2022/1634/DOC - Discharge of Conditions 6 (Construction Environmental Management Plan) and 16 (Japanese Knotweed) of planning permission 2021/1331/FUL approved 1st November 2021. Approved January 2023.

2022/1578/DOC - Discharge of conditions 3 (Geo-Environmental and Geotechnical Assessment and Coal Mining Risk Assessment), 5 (Ecological Enhancement Measures), 7 (Landscape and Ecological Management Plan), 8 (External Lighting Strategy), 9 (Materials), 10 (Arboricultural Impact Assessment and Arboricultural Method Statement), 11 (Landscaping) of planning permission 2021/1331/FUL approved 1st November 2021. Approved January 2023.

2021/1331/FUL - New indoor pitch, extensions to existing leisure centre buildings together with an internal reconfiguration to allow for the provision of improved gym and changing facilities, a community room, reception and cafe area, re-purposed existing fitness studio to enable beneficial use by the school, refurbishment of existing tennis courts with associated fencing and lighting, interconnecting pedestrian routes between the school and leisure areas and existing external connections surrounding the site, new car park with a new access off Cefn Hengoed Road. Approved November 2021.

2019/1561/PRE - Pre-application for a sports barn with associated toilets, entrance lobby, landscaping parking and vehicle access. Existing school gym to be converted to leisure use.

Site Location:

The application site is situated within the grounds of Cefn Hengoed Community School, which is located to the southeast of Caldicot Road. The residential communities of Bonymaen, Winch Wen and Cefn Hengoed surround the proposed site, situated in East Swansea circa 4.6km north east of Swansea City Centre.

Planning Committee – 7th November 2023

Item 1 (Cont'd)

Application Number:

2023/1765/S73

Conditions 13, 14 and 15 of planning permission 2021/1331/FUL

The conditions associated with this S73 application are set out in more detail below:

Condition 13 - Prior to the first beneficial occupation of the development hereby approved, the car parking provision shall be completed and shall be clearly demarcated on the ground as indicated on Drawing No. SW03_001 Rev P04.1 and retained as such solely for the parking of vehicles for the lifetime of the development. Reason: To ensure adequate car parking provision is provided and retained for users of the development.

Condition 14 - The Ultra Low Emission Vehicle (ULEV) charging points as indicated on Drawing Number E/700 rev. P1 (Site Plan External Lighting Services Layout Plan) shall be provided prior to the first beneficial occupation of the development hereby permitted and retained as such thereafter for the lifetime of the development. Reason: To ensure ULEV charging points are provided to comply with Policy 12 of Future Wales.

Condition 15 - The cycle parking as indicated on Drawing Number 150 Rev. B (Proposed Indoor Sports Pitch GA Plan) shall be provided prior to the first beneficial occupation of the development hereby permitted and retained as such thereafter for the lifetime of the development. Reason: To ensure cycle parking is provided to encourage sustainable mode of transport.

Access & Parking

An updated Proposed Access plan is included within this submission (1556658). While the proposed access location onto Cefn Hengoed Road is unchanged, the internal workings of the car park have been updated to allow for a hoarding and separate construction access within the site. This would allow for the ongoing operation of the existing leisure centre facilities, whilst simultaneously allowing for the safe construction of the new indoor pitch facility.

The construction access removes the internal bay of parking spaces and the circulation route within the car park (as shown on Drawing SW03_001 Rev P04.1 of planning permission 2021/1331/FUL), although adequate space is retained allowing the safe use of the remaining car parking spaces. It is assumed that, given the construction access will be a temporary measure until the new indoor pitch facility is completed, that car parking provision once the construction work is complete will revert back to the layout as shown on Drawing SW03_001 Rev P04.1.

The proposed Ultra Low Emission Vehicle (ULEV) charging points as shown on Drawing E/700 rev. P1 (of planning permission 2021/1331/FUL) are not included on the Proposed Access plan is included within this submission (1556658). This is due to the relocation of the proposed Disabled parking spaces due to the presence of the construction access. Again, given that the construction access is a temporary measure, it is assumed that following the completion of the new pitch facility, that ULEV parking will therefore be provided as shown on Drawing E/700 rev. P1.

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Application Number:

2023/1765/S73

The proposed cycle parking, as shown on Drawing Number 150 Rev. B (of planning permission 2021/1331/FUL), will be located within the construction access as shown on the Proposed Access plan included within this submission (1556658). It is assumed that this cycle parking will be proposed, as per Drawing Number 150 Rev. B, once the construction of the new indoor pitch facility is completed.

Highway Authority View

This planning submission for this site has been considered on a case specific basis, and the Highway Authority has the following comments.

Car parking provision, Ultra Low Emission Vehicle charging and cycle parking spaces were all conditioned as part of the planning permission 2021/1331/FUL. This S73 application seeks to vary conditions 13, 14 and 15 of the previous planning permission to allow the on going use of existing leisure centre facilities whilst re purposing part of the proposed car park as a construction access to serve the construction of the new indoor pitch facility. Therefore a temporary change to the consented approach.

The proposed plan submitted as part of this application 'Morganstone plan' Proposed Access to Leisure Centre 04.07.2023 shows that a separate construction access and hoarding would divide the car park, changing the car parking layout as previously agreed, removing the proposed ULEV parking spaces whilst the disabled parking spaces are relocated, and removing access to the proposed cycle parking spaces which would therefore be located within the construction access area. These are understood to be temporary measures and the consented layout will be implemented following the construction period.

It is not considered that there are any highway safety issues associated with these proposals as the access and visibility to the site remain unchanged, and adequate space has been provided within the retained car parking area to allow the safe use of the remaining facilities.

It is recommended that no highway objections are raised to the proposal subject to:

1. The car park layout, which shall be completed and shall be clearly demarcated on the ground as indicated on Drawing No. SW03_001 Rev P04.1 of planning permission 2021/1331/FUL and retained as such solely for the parking of vehicles for the lifetime of the development, shall be provided within three months of construction work on the new indoor pitch facility being completed and the associated construction access removed.
2. The Ultra Low Emission Vehicle (ULEV) charging points, as indicated on Drawing Number E/700 rev. P1 (Site Plan External Lighting Services Layout Plan) of planning permission 2021/1331/FUL shall be provided within three months of the completion of the construction work on the new indoor pitch facility and the removal of the associated construction access and retained as such thereafter for the lifetime of the development.
3. The cycle parking as indicated on Drawing Number 150 Rev. B (Proposed Indoor Sports Pitch GA Plan) of planning permission 2021/1331/FUL shall be provided within three months of the completion of the construction work on the new indoor pitch facility and the removal of the associated construction access and retained as such thereafter for the lifetime of the development.

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Application Number:

2023/1765/S73

Public Consultation

The application was advertised by site notices on 31st August 2023.

- No representations have been received to date.

APPRAISAL

Main Issues

The S73 will effectively result in a new permission being issued, however the merits of the scheme in relation to the majority of the components of the development were considered under the previous application (2021/1331/FUL) and there are no significant reasons to revisit these issues. It should be highlighted that since the original decision there have been no fundamental changes in planning policy.

The main issues to consider in the determination of this application therefore relates solely to the impacts upon highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Highway Safety

The Local Highway Authority raise no objections to the proposal.

An updated proposed access plan has been provided as part of the current application. While the proposed access location onto Cefn Hengoed Road is unchanged, the internal workings of the car park have been updated to allow for a hoarding and separate construction access within the site. This would allow for the operation of the leisure centre facilities, whilst simultaneously allowing for the safe construction of the new indoor pitch facility.

The construction access removes the internal bay of parking spaces and the circulation route within the car park (as shown on Drawing SW03_001 Rev P04.1 of planning permission 2021/1331/FUL), although adequate space is retained allowing the safe use of the remaining car parking spaces. As the construction access will be a temporary measure until the new indoor pitch facility (sports barn) is completed, the car parking provision once the construction work is complete will revert back to the layout as shown on Drawing SW03_001 Rev P04.1 and the re-wording of the condition shall ensure that this is undertaken and retained.

The proposed Ultra Low Emission Vehicle (ULEV) charging points as shown on Drawing E/700 rev. P1 (of planning permission 2021/1331/FUL) are not included on the Proposed Access plan included within the current application. This is due to the relocation of the proposed disabled parking spaces due to the presence of the construction access. Again, given that the construction access is a temporary measure, following the completion of the new pitch facility, the ULEV parking will be provided and the re-wording of the condition shall ensure that this is undertaken and retained.

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The proposed cycle parking, as shown on Drawing Number 150 Rev. B (of planning permission 2021/1331/FUL), will be located within the construction access as shown on the Proposed Access plan included within the current application. Given that the construction access is a temporary measure, following the completion of the new pitch facility (sports barn), the cycle parking will be provided and the re-wording of the condition shall ensure that this is undertaken and retained.

It is not considered that there are any highway safety issues associated with these proposals as the access and visibility to the site remain unchanged and adequate space has been provided within the retained car parking area to allow the safe use of the remaining facilities.

The proposals therefore accord with Policies PS2, T1, T2, T5 and T6 of the Swansea Local Development Plan.

Other Matters

Given this is a Section 73 application and involves the re-issuing of the original decision, the conditions associated with 2021/1331/FUL will need to be carefully considered as to whether they need to be re-imposed or re-worded depending on their content.

A Non-Material Amendment (2022/1971/NMA) was granted to remove the reference to the "refurbishment of existing tennis courts with associated fencing and lighting". The plans condition associated with the original application was therefore updated and this has been reflected under the new plans condition imposed with this application.

Whilst the fundamental issues relate to highway safety, the changes being made do not raise any significant issues in planning matters in terms of the principle of the development, residential amenity, visual amenity, land stability, land contamination, ecology, trees and drainage.

Conclusion

In conclusion it is considered that the proposal would not have an adverse impact upon highway safety. The development would not, therefore, conflict with LDP Policies PS2, SI1, SI2, RC2, ER8, ER9, ER11, T1, T2, T5, T6, EU2, EU4, RP1, RP2, RP3, RP4, RP5, RP6, RP7 and RP10. 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.

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Application Number:

2023/1765/S73

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 10th June 2022.

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:

5172_016_F proposed site plan 1, 5172_017_E proposed site plan 2, 5172_018_D proposed site plan 3, 5172_019_A proposed site plan 4, 5172_025_C proposed site topography 1, 5172_026_B proposed site topography 2, 5172_100_B proposed leisure centre - GA plan, 5172_105_B setting out plans, 5172_150_B proposed indoor sports pitch - general arrangement plan, 5172_200_A proposed leisure centre - elevations, 5172_250_B proposed indoor sports pitch - elevations, 5172_350_B proposed indoor sports pitch - GA section ZZ, 5172_375_A proposed site sections, 5172_375_A proposed site sections, 5172_700_B proposed visuals, E/700 P1 site plan external lighting services layout, PL.782/20/01.R.C landscape proposals, SWMWREC-DR-CD-000001 P03.1 outline drainage proposals, SWMWREC-DR-CD-000001_P02 outline drainage proposals, SWMWREC-DR-CH-000001 P02 general arrangement, SWMWREC-DR-CH-000002_P02 track roads, SWMWREC-DR-CX- 000001 P02 typical sections, received 14th May 2021.

R547_001 P2 proposed scheme plan, R547_002 P2 site clearance plan, R547_003 P2 construction details, R547_004 P2 proposed public lighting plan, received 5th August 2021.

P01.1 standard details, P01.1 vehicle clearance track runs, P03.1 track runs, P04.1 general arrangement, received 9th August 2021.

027 Rev B proposed site topography 3, 010 REV C location plan, 015 REV J proposed site plan overview, received 17th August 2022.

Proposed access to leisure centre, received 17th August 2023.

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

- 3 The site shall be developed in accordance with the site investigations and remediation strategy approved under discharge of condition application 2022/1578/DOC.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the coal mining risks identified at this site have been assessed and can be appropriately mitigated.

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2023/1765/S73

- 4 The site shall be developed in accordance with the stabilisation of abandoned mine workings completion report and combined figures and enclosures approved under discharge of condition application 2023/0963/DOC.
Reason: To ensure the coal mining risks identified at this site have been appropriately mitigated and verified.
- 5 The Ecological Enhancement Measures and Implementation Timetable shall be undertaken in accordance with the scheme approved under discharge of condition application 2022/1578/DOC 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 site shall be developed in accordance with the Construction Environmental Management Plan (CEMP) approved under discharge of condition application 2022/1634/DOC.
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to highway safety, public health, contamination and ecology.
- 7 The site shall be developed in accordance with the Landscape and Ecological Management Plan (LEMP) approved under discharge of condition application 2022/1578/DOC.
Reason: In the interests of ecology and biodiversity enhancement.
- 8 Any external lighting shall be installed in accordance with the external lighting strategy approved under discharge of condition application 2022/1578/DOC and retained as such thereafter for the lifetime of the development.
Reason: In the interest of ecology and biodiversity
- 9 The external finishes of the development shall be implemented in accordance with the details approved under discharge of condition application 2022/1578/DOC.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 10 The site shall be developed in accordance with the Arboricultural Impact Assessment and Method Statement approved under discharge of condition application 2022/1578/DOC.
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.
- 11 The site shall be landscaped in accordance with the landscaping scheme approved under discharge of condition application 2022/1578/DOC.

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.

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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.

- 12 Prior to the first beneficial occupation of any part of the development hereby permitted, the off-site highway improvements works as indicated on Drawing No. R547_001 Rev. P2 shall be completed in accordance with the approved details, and retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety and to ensure the improvement works are undertaken in a timely manner.

- 13 Within three months of construction work on the new indoor pitch facility (sports barn) being completed the associated construction access as shown on plan no. proposed access to leisure centre shall be removed and the site access works and car park as indicated on Drawing No. SW-3_001 Rev. P04-1 shall be completed with the approved parking spaces clearly demarcated on the ground. The approved parking spaces shall then be retained as such solely for the parking of vehicles for the lifetime of the development.

Reason: To ensure adequate car parking provision is provided and retained for users of the development and in the interests of highway safety.

- 14 Within three months of construction work on the new indoor pitch facility (sports barn) being completed the Ultra Low Emission Vehicle (ULEV) charging points, as indicated on Drawing Number E/700 rev. P1 (Site Plan External Lighting Services Layout Plan) shall be provided and retained as such thereafter for the lifetime of the development.

Reason: To ensure ULEV charging points are provided to comply with Policy 12 of Future Wales.

- 15 Within three months of construction work on the new indoor pitch facility (sports barn) being completed the cycle parking as indicated on Drawing Number 150 Rev. B (Proposed Indoor Sports Pitch GA Plan) shall be provided and retained as such thereafter for the lifetime of the development.

Reason: To ensure cycle parking is provided to encourage sustainable modes of transport.

- 16 The scheme for the eradication of Japanese Knotweed, as approved under discharge of condition application 2022/1634/DOC, shall be implemented in accordance with the approved details.

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

- 17 The site shall be developed in accordance with the ground gas risk assessment approved under discharge of condition application 2022/0963/DOC.

The scheme shall be implemented strictly in accordance with the approved details and timescales for their implementation.

Reason: In the interests of health and safety and to protect the environment.

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Application Number:

2023/1765/S73

- 18 Upon completion of the remediation works, and prior to the occupation of that part of the approved development, a verification report to demonstrate that the remediation works have been carried out to a satisfactory standard and remediation targets have been achieved, shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of health and safety.

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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 12 - Regional Connectivity

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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, SI1, SI2, RC2, ER8, ER9, ER11, T1, T2, T5, T6, EU2, EU4, RP1, RP2, RP3, RP4, RP5, RP6, RP7 and RP10.

- 2 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/sustainabledrainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.

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

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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2023/1765/S73

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 5 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird

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

- 6 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:
- Kill, injure or take a badger;
 - Damage, destroy or obstruct access to a badger sett; and
 - Disturb a badger when it is occupying a sett.

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

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

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

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

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

Planning Committee – 7th November 2023

Item 2

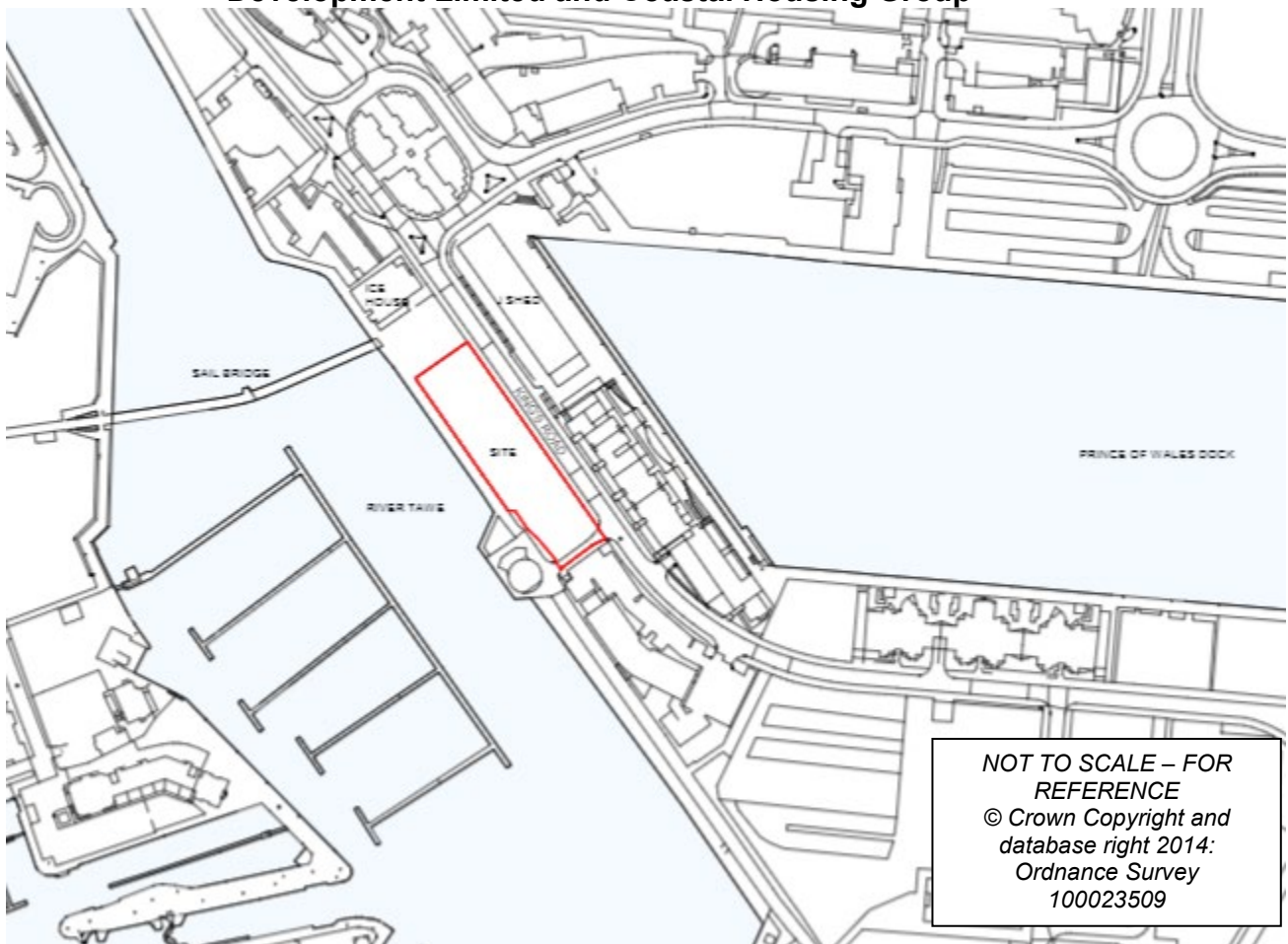
Application Number: 2023/2018/RES

Ward: Waterfront - Bay Area

Location: Site B3 , Riverside Wharf, Swansea Waterfront, Swansea, SA1 8AW

Proposal: Reserved Matters Application for the Construction of Residential Units and Associated Ground Floor Commercial Unit, Access, Car Parking, Landscaping and Infrastructure Works Pursuant to Outline Planning Permission 2023/0357/OUT granted 22nd September 2023 and Submission of Details Pursuant to Condition 6 (Landscaping Scheme), 7 (Landscape Management Plan), 8 (Ground Levels and Proposed Floor Levels), 9 (External Finishes Samples), 10 (Detail Drawings), 18 (Vehicular Layby and Associated Highway Works), 27 (Noise).

Applicant: Everstock Development Limited And Coastal Housing Group Everstock Development Limited and Coastal Housing Group



Item 2 (Cont'd)

Application Number:

2023/2018/RES

Introduction

The application is being reported to Planning Committee as the development is a major development more than the Committee thresholds of more than 20 dwellings (albeit 104 apartments) and would provide a building where the floor space to be created by the development would be more than 2,000 square metres.

Outline planning permission was granted 22 September 2023 for the construction of residential units and associated ground floor commercial unit, access, car parking, landscaping and infrastructure works (outline) following the completion of the Section 106 Planning Obligation in respect of the provision 10% affordable housing on-site in line with LDP Policy - ref: 2023/0357/OUT. The permission was subject to the planning condition restricting the proposed development to a maximum quantum of 104 apartments.

As indicated in the description of the proposal, this application now seeks reserved matters approval for the construction of the 104 residential units with the submission of Details Pursuant to Conditions 3 (reserved matters). The application also seeks to discharge conditions 6 (Landscaping Scheme), 7 (Landscape Management Plan), 8 (Ground Levels and Proposed Floor Levels), 9 (External Finishes Samples), 10 (Detail Drawings), 18 (Vehicular Layby and Associated Highway Works) and 27 (Noise).

Application Site Context

The application site is known as plot B3 within the SA1 Swansea Waterfront Development Masterplan and is a prominent site overlooking the River Tawe. It comprises a roughly rectangular parcel of land to the West of Kings Road and bounded by the River Tawe and the promenade riverside walkway. The development site is approximately 0.36 hectares and comprises a vacant brownfield site located opposite the J Shed (listed building) and the 7 storey Altamar 158-unit residential apartment building. The site's southeastern boundary adjoins Llys Tawe, which is a commercial building and the northwestern boundary is adjacent to a public open space, Ice House Square and the Sailbridge and the listed Ice house building beyond. The site is therefore situated within a sustainable urban location within walking distance of the facilities within the City Centre and public transport.

Description of Development

The outline planning permission was granted with all matters reserved for detailed approval - i) access; ii) appearance; iii) landscaping; iv) layout and v) scale, but was accompanied by a number of Illustrative elevations, site and floor plans together with a number of CGI's (computer generated images). The application was also accompanied by a series of Parameter Plans including elevations, maximum and minimum vertical limits of deviation and horizontal limits of deviation; vehicular access and Green Infrastructure & Pedestrian Access; and Landscape Strategy Plan and Drainage Strategy Layouts. These establish the footprint and maximum scale of the development and broadly indicate a development ranging between 4 - 6 stories.

The proposal will provide 104 affordable dwellings, encompassing a variety of house types that are detailed below:

- 39 x 1-bedroom 2-person apartments;
- 53 x 2-bedroom 3-person apartments; and
- 12 x 3-bedroom 5-person apartments.

Item 2 (Cont'd)

Application Number:

2023/2018/RES

The ground floor of the residential unit will also be used for public facilities such as cycle spaces and bin storage facilities, along with a 204m² commercial / café unit facing out over Ice House Square. The current site access located at the south-eastern boundary will be maintained as the only vehicular access to the site. The site access will lead vehicles towards the proposed undercroft parking area, which will provide 93 parking spaces for residents and visitors. There would be two pedestrian entrances off Kings Road and with the commercial unit accessed directly from Ice House Square. The development will incorporate private landscaped garden areas orientated in a south-westerly direction overlooking the River Tawe.

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:

- Design and Access Statement;
- Daylighting Assessment;
- Landscape Management Plan;
- Environmental Noise Assessment;
- Internal Sound Insulation Design;
- Drainage Statement & Drainage Specification

Relevant Planning History

Plot B3

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

Since then, a Section 73 application to vary condition 1 of planning permission 2006/0499 granted 10th September 2006 in relation to the construction of an additional basement (2 levels), revised parking layout (still accommodating 93 spaces) and provision of a national grid battery installation (battery storage units (including access area) was granted 5th September, 2019 - ref: 2019/1543/S73. The proposed changes related to alterations to below ground level and there would be no changes to the external appearance of the approved building. The battery storage units would store electricity generated through the grid with the capacity to store renewable energy which would be released back into the grid when demand requires it.

And as indicated above, Outline Planning Permission was granted 22 September 2023 for the construction of residential units (104 apartments) and associated ground floor commercial unit, access, car parking, landscaping and infrastructure works (outline) following the completion of the Section 106 Planning Obligation in respect of the provision 10% affordable housing on-site in line with LDP Policy - ref: 2023/0357/OUT.

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SA1 Swansea Waterfront

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.

The latest masterplan for SA1 (varied through 2015/1584) shows that Plot B3 is designated primarily for residential development with a commercial unit overlooking Ice House Square with building heights ranging from 3 storey at the southern end extending to 11 stories over the main plot. The outline plan parameters establishes the principle of residential development in land use and the scale of the development.

Response to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 by press notice and display of site notices (9 October, 2023) - no response.

Dwr Cymru Welsh Water -

We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of drainage conditions imposed on the outline planning permission, including Condition 1 which refers to the approved Drainage Strategy Layout Sheet 1 and 2 (Drawing Nos. 1173-ACE-ZZ-XXDR-8000_P06 & DR8001_P05).

Drainage -

The reserved matters application for 2023/0357/OUT is partially dictated by the SuDS design this includes landscaping, finished levels and external finishes around the building.

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We have no objection to the reserved matters planning application on the proviso that the approved SAB design is adhered to, any changes made on site will be subject to needing to make a new SAB application or the submission of new plans under Condition 1 of the SuDS Approval.

Ecology

The Ecological Enhancement and Planting Strategy drawings have been agreed via the SAB application.

Waste -

The planned development is for 39 x 1 bedroomed flats; 53 x 2 bedroomed flats; 12 x 3 bedroomed flats and a commercial units.

Based on the BS5906:2005 that estimates that the total waste per week generated from a one, two or three bedroomed property is 100, 170 and 240 litres respectively. Based on the 104 flats/apartments this gives a weekly total of 15,790 litres of total waste.

Swansea Council has a statutory recycling target of 64% increasing to 70% in 2025, so approximately two-thirds of all waste needs to be separated for recycling in appropriate separate receptacles.

In addition Swansea Council operate a fortnightly collection service for household/domestic waste so this development requires storage capacity of approximately 31,600L or the equivalent of 29 x 1100L wheeled bins.

The ground floor plans shows 2 bin compounds with capacity for 29 wheel bins. There is no additional allowance made for the commercial waste generated by the commercial unit. The volume of waste would be dependent upon the nature of the business.

Mid and West Wales Fire and Rescue Authority -

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development. The following concerns are identified, in relation to the proposed developments, together with suggestions as to how these can be addressed.

1. confirm the Proposal meets the requirements of B5 Approved document B (Wales) 2020 in relation to water supplies and vehicle access for firefighting purposes.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

Local Highways Authority -

No response to date.

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Placemaking Principles -

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

Future Wales Policy 2 sets out that:

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

Swansea LDP Policies PS 2 and ER 2 highlight that:

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

LDP policy SD K for the Fabian Way Corridor area is also a broad consideration requiring that: 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.

The proposal is a Reserved Matters application guided by the approved outline application incorporating parameters plans and design and access statement. The current proposals have been assessed in a structured basis against the adopted Placemaking Guidance for Residential Development SPG which 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.

1. Neighbourhoods

The proposals would provide new, quality homes within an established mixed-use neighbourhood fronting onto the River Tawe within the SA1 regeneration area. There is a clear need for additional homes to be delivered at SA1, as set out in the relevant LDP Policy for the site, and as such the proposals are consistent with the aim to deliver quality new and extended residential neighbourhoods in Swansea.

2. Density and Mixed Uses

The site is located within a 15-minute walkable neighbourhood distance of various commercial and community facilities including superstore, health centre, local store, church, A3 F&B uses, public transport, plus under 1km level walk/ cycle to Swansea City Centre.

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The proposal comprises 104 1-3 bed apartments all affordable for circa 300 residents. The scheme has an urban density of 289 dph on a 0.36 ha site which is welcomed for this dockside regeneration location in proximity to the city centre.

The proposal includes a small commercial space at the northern end as active frontage onto Ice House Square. This was tested at the outline application stage to ensure it was of sufficient size for an A3 use class such as café/ bar to activate the ground floor frontage and spill out into the space.

3. Blue/ Green Infrastructure

The proposal must comply with SUDs requirements and this is shown to be via permeable surfaces to external ground floor areas. This is acceptable in placemaking terms for an urban site but the drainage aspects are controlled by a separate consenting process outside of planning.

4. Making Connections

The site lies within an existing movement network with Kings Road which forms an north south tree lined spine street accommodating all travel modes. The Tawe Walkway and Ice House square leading to Sailbridge also acts as an active travel route part of NCN 43. It is also located at a major gateway transition between SA1 and the city centre. The proposal does not seek to create any new movement routes, but the proposals do maximise residential entrances onto these key routes.

5. Public Spaces

The proposal defines the south side of Ice House Square with an active frontage which is welcomed. The proposed new ground floor levels are circa 0.75-1m above existing levels and the plans include a useable external seating area and access for all to the A3 unit.

6. Streets as Places

There are no new streets created by this proposal. Vehicles are brought into the basement parking via an existing spur street to the south with external space for parking and turning. Residential entrances are legible and direct off Kings Road which is welcomed.

7. Inclusive Places

The scheme is proposed as 100% affordable housing. The ground floor is raised circa 0.75m - 1m above Kings Road and all entrances are accessible for all with steps and ramps to a gradient of 1 in 21.

8. Townscape

The built form has 4 storey scale running parallel to Kings Road stepping up to 5 storeys onto Ice House Square and 6 storeys as an intermediate cross wing to break up the linear mass. The past (now lapsed) scheme for this site comprised 4 storeys onto Ice House Square stepping up to 11 storeys in the south. The current proposal are considered to be an acceptable urban scale in accordance with the SA1 regeneration objectives. The relationship to designated heritage assets is considered later in these comments.

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The past scheme retained a view corridor from the middle of Sailbridge to J Shed and the Prince of Wales Dock. This was tested at the outline stage of the current proposals, and it was not clear what this past view was seeking to achieve because the levels mean that the dock would never be visible from Sailbridge. The current proposals omit this view corridor and instead proposes a high-quality building of active frontages retaining views from Sailbridge to the Ice House and north end of J Shed. This is considered acceptable.

The existing site levels are indicated to range from 6.3 - 7.0 AOD and the proposed ground is proposed to be raised to 7.75m AOD for flood protection which means there will be a change of circa 0.75-1m above existing external levels and this can be mitigated via access areas, public realm and planting so there is not a disjointed relationship.

Given the prominence of the site with public realm on all sides and long views to the location, the proposal is for all outward facing frontages with no rear elevations - this is welcomed to ensure a positive response to surrounding areas of public realm.

9. Quality and Character

The elevations incorporate robust brick finishes referencing the SA1 heritage buildings such as J Shed and Ice House plus accords recent modern developments in SA1 using red brick as a contextual reference.

The repeating gable form references typical dockside architecture and breaks up the linear massing of the building with positive precedents from Bristol Wapping Wharf and Gloucester. Following further discussion the gable ends have been enhanced with brick detailing.

The repeating pitched roofscape has the ridges running east west with maximises southern roof slopes for Photo Voltaic panels which is welcomed. These PV panels are proposed to be of the inset design to sit flush with the slate roof covering which is welcomed to positively integrate micro generation onto the building.

10. Community Safety

In general, external areas are well overlooked. The proposed ground floor flats facing Kings Road have a ramp in close proximity and narrow privacy strip. This is acceptable but will require a suitable planting design to be agreed via condition. The communal spaces on the west adjacent the Tawe have railings to be secure and gated residential access from this public realm area.

11. Privacy and Amenity

The proposals provide shared residential space at ground floor in two courtyards facing onto the River Tawe walkway incorporating planting, seating and paving.

Apartments at the ground floor level have private terraces enclosed into the courtyard. Apartments on upper floors all have useable private projecting balconies. These arrangements are welcomed for a higher density residential development to ensure private external space and to articulate the elevations.

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Many of the apartments have a dual aspect which is welcomed for natural lighting and ventilation. However, some of the flats are single aspect and the issues of natural lighting have been addressed by full height windows making this arrangement acceptable.

The separation to the existing flats in the Altmar Building on the east side of Kings Road is mainly 20m increasing to 27m at the north end. As indicated in paragraph K.28 of the adopted Placemaking Guidance for Residential Developments the acceptable privacy separation across public realm areas such as streets is assessed on a case-by-case basis with regard to the character of this area. In this instance the separation of mainly 20m is considered acceptable given the urban context and with reference to the consented previous scheme for this site. This separation across the street between apartments is consistent with other areas of SA1 and the Swansea Point area.

12. Accommodating Parking

Cycle parking is located within the building accessed via the residents courtyard off the River Tawe walkway. The steps up from the walkway may be an obstacle for cycle users and a bike wheeling ramp should be fitted to the steps.

The basement accommodates a parking ratio of 1 space per unit which addresses the move towards reducing parking provision in an accessible location with range of facilities within the 15-minute walkable neighbourhood is supported as set out in Future Wales.

Relationship to designated heritage assets

Within a 300m distance of the application site there are a number of designated heritage assets that have a visual setting relationship with this site.

Flag Ship Building (known as the Ice House)

This grade II listed building lies circa 35m from the site to the north of the development site on the opposite side of Ice house Square. This former ice production building is now converted to mixed uses with restaurants on the ground floor and residential above. The chimney is a key feature and the main views of the 2-3 storey listed building are from the north on the west bank of the Tawe or from the Sailbridge. The proposal is to define the south side of Ice House square with a circa 5 storey block. The proposal has a greater scale than the listed building but is considered acceptable as given the separation and positive definition to the south side of the public space. The proposal does not block any key views to this listed building but will feature as a more urban back drop; this is considered acceptable on the basis of the SA1 regeneration area and use of red brick plus repeating gables that give a more contextual relationship. Therefore, it is considered that the proposal would not harm the setting of this grade II listed building.

J Shed Warehouse

This grade II listed building lies circa 27m from the site to the north east on the opposite side of Kings Road. This former redbrick warehouse house is now converted to mixed uses over 3 floors with restaurants on the ground floor and offices above. The proposal has a greater scale than this listed building but is considered acceptable given the separation and urban scale onto Kings Road. The proposal retains views of the north end of J Shed from Sailbridge to view as a group with the Ice House.

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The proposal will feature in the long view looking west along Prince of Wales Dock with the development rising up behind the pitched slate roof of J Shed. Given that the general scale of development is 4 residential storeys stepping up to 5 and 6 storeys in localised areas this is not considered to be discordant on the basis of the SA1 regeneration area and use of red brick plus repeating gables that give a more contextual relationship. Therefore it is considered that the proposal would not harm the setting of this grade II listed building.

Pilot House

This grade II listed building lies circa 270m from the site to the south on the opposite side of the river Tawe. The orientation of this listed building primarily faces north east onto the waterfront area. The proposed 4-6 storey building on plot B3 will form part of the wider setting looking across to the SA1 regeneration area comprising a range of larger contemporary buildings. Therefore, it is considered that the proposal would not harm the setting of this grade II listed building.

Old Guildhall

This grade II* listed building lies circa 270m from the site to the west on the opposite side of the river Tawe. This building was constructed as the Civic Centre for Swansea and latterly has become a venue, university accommodation and museum. The key relationship is to the Regency streets of the Maritime Quarter conservation area and the river frontage context has changed much since original construction with riverside developments and the iconic Sailbridge. The proposed 4-6 storey building will form part of the wider setting looking across to the SA1 regeneration area comprising a range of larger contemporary buildings. Whilst this is a change of outlook from this former civic building, the Sailbridge site and plot B3 has always been a development site for a taller building. Therefore, it is considered that the proposal would not harm the setting of this grade II* listed building.

Cambrian Place Terrace

This group of grade II listed buildings lies circa 250m from the site to the west on the opposite side of the river Tawe. These Regency town houses have been converted to flats. The primary orientation is south facing onto Cambrian Place, but the end house has original side windows facing east to the river frontage. The key relationship is to the Regency streets of the Maritime Quarter conservation area and the river frontage context has changed much since original construction with riverside developments and the iconic Sailbridge. The proposed 4-6 storey building will form part of the wider setting looking across to the SA1 regeneration area comprising a range of larger contemporary buildings. Whilst this is a change of, the Sailbridge site and plot B3 has always been a development site for a taller building. Therefore, it is considered that the proposal would not harm the setting of this grade II listed building.

Maritime Quarter Conservation Area

The boundary to this area lies circa 250m from the site to the west. There is no direct effect on this designated area. The establishment of this area aimed to maximise the southern outlook and the eastern river frontage was secondary. The relationship of the Regency streets to the river frontage has changed with the tidal zone reclaimed for dry docks and latterly infilled as a development plot. The proposed development will reduce intervisibility to the J Shed and Ice House from the conservation area but does retain visibility of these to the north from the Sailbridge.

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Furthermore, the Sailbridge site is a development area that will eventually separate the conservation area from the western riverbank. Therefore, the proposal is not considered to have a harmful effect on the Maritime Quarter conservation area.

Summary

The proposal accords with the outline planning approval and follows the parameter plans. The proposed development would provide a significant quantum of quality news homes in an accessible central location. The design of the building creates vibrant elevations referencing the dock character. The proposal would enhance the prominent River Tawe frontage and increase activity in Ice House square with new commercial space and external seating. Therefore, approval is recommended in terms of placemaking.

PLANNING APPRAISAL

As indicated above, this is a reserved matters application following the granting of outline planning permission and the principal of the development is therefore established, and the reserved matters seeks approval of the details of the means of access, appearance, landscaping, layout, and scale. The main material planning considerations in the determination of the outline planning application were 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.

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

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

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

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.

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 Policies H2 and H3 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.

As outlined above, the Outline Planning Permission is subject to a Section 106 Planning Obligation in respect of the provision 10% affordable housing on-site in accordance with the SA1 Swansea Waterfront Section 106 Planning Obligation and also LDP Policies H2 and H3. This Section 106 requirement will therefore apply to this reserved matters application.

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Summary

The site is situated within the SA1 Waterfront Area of Swansea, and benefits from outline planning permission for the residential development of 104 apartments. The development is also 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.

Placemaking and Assessment

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. 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 - detailed comments above.

As outlined, the site is within a sustainable location within the SA1 Swansea Waterfront and there are several 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 Kings Road acting as north -south tree lined spine street accommodating all travel modes. The River Tawe riverside walkway is also a key pedestrian access route.

As outlined above, the outline planning permission was granted with all matters reserved for detailed approval but included a series of Parameter Plans including elevations, maximum and minimum vertical limits of deviation and horizontal limits of deviation; and vehicular access. These established the footprint and maximum scale of the development and broadly indicate a development ranging between 4 - 6 stories. The reserved matters submission is in accordance with these details, which incorporate 4 stories running parallel to Kings Road stepping up to 5 storeys onto Ice House Square and 6 storeys as an intermediate cross wing to break up the linear mass. The proposal are considered to be an acceptable urban scale in accordance with the SA1 masterplan. The elevations incorporate robust brick finishes referencing the SA1 heritage buildings such as J Shed and Ice House which accords with the outline masterplan design code. The repeating gable form references typical dockside architecture which is a key placemaking principle and this is welcomed.

The application also seeks to discharge conditions 9 (External Finishes Samples) and 10 (Detail Drawings) and whilst the indicated external finishes and submitted architectural details in respect of the brick detailing and colour scheme; residential entrances; typical window in opening; typical Juliette balcony opening, doors and balustrade; roof edges and verges; rain water goods; path edge/ upstand/ ground floor balustrade; vents, louvres; and commercial frontage are appropriate for the design and appearance of the development to largely satisfy the requirements of these conditions, the final external finish samples will still need to be submitted for final approval.

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The submitted sectional drawings highlight the required ground floor ffl of 7.75m AOD which satisfies the requirements of Condition 8 in order to satisfy flood protection requirements, and with the existing site levels ranging from 6.3 - 7.0 AOD, this results in a change of circa 0.75-1m above existing external levels which mitigated via access areas, public realm and planting and also provides an element of privacy and separation of private and public space. The 204 sqm commercial space will provide a viable active frontage onto Ice House Square.

A key requirement of the Residential Design Guide is to provide well-designed private and semi-private space for all occupants. The proposals will provide shared residential space at ground floor in two courtyards facing onto the River Tawe walkway incorporating planting, seating and paving, whilst the ground floor apartments have private terraces enclosed into the courtyard. Apartments on upper floors all have useable private projecting balconies. Therefore, the amenity and wellbeing of residents is adequately addressed in this high-density development.

Additionally, the application is accompanied by a Daylighting Assessment using methodology and criteria used by Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 2nd edition, 2022). The assessment of daylight within the proposed residential units has shown that the majority of rooms receive very good levels in excess of the 2022 BRE targets. The Daylight Illuminance assessments have indicated that 87% of the proposed habitable rooms will meet or exceed the targets. This is a very high compliance and reflects the high quality of design. Where there are deviations from the targets, these are generally deeper spaces with windows overhung by balconies. Overall, the amenity results within the proposed residential development indicate a high level of amenity with good levels of daylight to its future occupants.

The application also seeks to discharge condition 27 which seeks to restrict the flow of sound energy through party walls and floors between the residential units and between the ground floor commercial use within the development. The application is accompanied by an Environmental Noise Assessment to carry out an assessment of the environmental noise and building envelope. The results of the noise survey and noise models indicate that the proposed development falls in NEC category B - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.

It concludes that based upon the measured and predicted noise levels, calculations have been undertaken for the Bedrooms and Living Spaces to evaluate the internal noise levels. Recommendations are given for glazing, ventilation and building façade elements to meet the internal noise level requirements of good practice guidance given in BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. Calculations suggest that the noise level criteria of BS8233:2014 can be achieved within the proposed accommodation. Additionally our assessment suggests that in accordance with The Building Regulations Approved Document O, open windows are suitable as a means to mitigate against overheating.

Additionally, an Internal Sound Insulation Design report has been submitted to provide an assessment of the separating partitions between the commercial and residential areas of the proposed residential accommodation. The report makes several design solutions in terms of the separating walls and floors and will also need to satisfy the acoustic specification of the commercial to residential separating partitions for compliance with the requirements of Approved Document E 2003 of the Building Regulations 2010.

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The scheme will need to achieve a minimum DnT,w + (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and will be verified by the appropriate testing methodology upon completion in order to fully satisfy the requirements of the condition.

The separation to the existing flats in the Altmar Building on the east side of Kings Road is mainly 20m increasing to 27m at the north end. As indicated in paragraph K.28 of the adopted Placemaking Guidance for Residential Developments the acceptable privacy separation across public realm areas such as streets is assessed on a case-by-case basis with regard to the character of this area. In this instance the separation of mainly 20m is considered acceptable given the urban context and with reference to the consented previous scheme for this site. This separation across the street between apartments is consistent with other areas of SA1 and the Swansea Point area.

Heritage Impacts of the development

Within a 300m distance of the application site there are a number of designated heritage assets that have a visual setting relationship with this site as follows. This is assessed in detail in the Heritage Officer's comments above and overall, it is not considered that the proposal would not harm the setting of the listed buildings nor the Maritime Quarter conservation area on the opposite side of the River Tawe.

Summary

The proposal accords with the outline planning approval and follows the parameter plans and the design and appearance of the building would create vibrant elevations referencing the dock character. The proposed development would provide a significant quantum of quality new homes in an accessible sustainable location and overall, would enhance the prominent River Tawe frontage and increase activity in Ice House square with new commercial space and external seating.

Highways, traffic, car parking, access and pedestrian movements

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

The principal highway and car parking issues were addressed under the outline permission and there were no concerns in respect of the impact of the development on the safety of the highway network in terms of traffic generation.

The submitted Highway Works Plan and Section 278 General Arrangement / Highway Works Plan indicate the development of the drop-off layby on Kings Road which would allow for refuse collections and delivery vehicles etc. in order to provide maintenance/servicing of the development and these details would partially satisfy the requirements of Condition 18 of the outline permission but will need to be completed prior to the beneficial occupation of any part of the development.

The basement car park layout provides a total of 93 car parking spaces with 6 spaces are shown as being intended for disabled users with 11 spaces are shown for EV which is acceptable, currently the advised minimum provision is 10% of the total spaces.

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Cycle storage is shown on the ground floor plan layout. The level of car parking is consistent with the outline permission when the issue was assessed and it was considered that given the sustainable location within the SA1 development area with the aim of creating a walkable neighbourhood on whereby the streets and spaces are designed to promote the use of walking, cycling and public transport.

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

Drainage and Flood Risk

The outline application was accompanied by a Flood Consequences Assessment to assess the suitability of the proposed development and describes the flood mitigation measures recommended to appropriately manage flooding at the site and follows Welsh Government guidance on development and flood risk set out in Technical Advice Note 15: Development and Flood Risk (TAN-15). The development has been developed to address flood concerns and the finished floor level (FFL) of the ground floor has been raised above surrounding ground levels, to a level of 7.75mAOD in accordance with Condition 8. The vehicle entrance to the basement will be protected by a mechanical flood barrier across the entrance to the basement. This barrier will be designed to operate automatically to seal off the basement during an extreme tidal flood event.

The application is accompanied by a Drainage Statement which sets out how it is proposed to satisfy the SuDs requirements together with Drainage Strategy layout drawings. Surface water from the site will discharge to the River Tawe, however, permeable paving will be used throughout the scheme ensures that rainfall is filtered before flowing into the tidal river. Council's Drainage Officer confirms the development is partially dictated by the SuDS design and the final design will be subject to SAB approval.

Foul drainage will discharge to the foul sewer within Kings Road via an existing Welsh Water manhole. DCWW have confirmed that this can accommodate the flows from the development.

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 application seeks to discharge conditions 6 (Landscaping Scheme) and 7 (Landscape Management Plan) of the outline permission and is accompanied by detailed landscape strategy, planting and management plans and proposals. 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.

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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 podium areas and to the perimeter of the apartment block. These areas will be multi-purpose, providing shared amenity space for residents and habitat for birds, insects and other animals. The proposals also indicate the biodiversity enhancement proposals although this is currently being considered through a separate condition application.

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 and would satisfy the requirements of Conditions 6 and 7.

Conclusion

The site is situated within the SA1 Waterfront Area of Swansea, and the residential development of this plot primarily for residential development with the inclusion of the commercial element is in accordance with the SA1 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. Moreover, the detailed design and appearance of this proposal accords with the outline planning approval and follows the parameter plans.

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 a 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.

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:

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

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Site Location Plan - C883KRS-CTA-XX-RF-DR-A-07100; Site Analysis - C883KRS-CTA-XX-00-DR-A-07103; Area Plans and Schedule - NIA - C883KRS-CTA-XX-ZZ-DR-A-07152; Level B1 General Arrangement Plan - C883KRS-CTA-XX-B1-DR-A-07500; Level GF General - Arrangement Plan - C883KRS-CTA-XX-GF-DR-A-07501; Level 01 General Arrangement Plan - C883KRS-CTA-XX-01-DR-A-07502; Level 02 General Arrangement Plan - C883KRS-CTA-XX-02-DR-A-07503; Level 03 General Arrangement Plan - C883KRS-CTA-XX-03-DR-A-07504; South-East & South-West Elevations - C883KRS-CTA-XX-XX-DR-A-07601; Street Scenes - C883KRS-CTA-XX-XX-DR-A-07610; Biodiversity Enhancement Elevation - C883KRS-CTA-XX-ZZ-DR-A-07611; Site Sections - C883KRS-CTA-XX-XX-DR-A-07650; Building Sections - C883KRS-CTA-XX-XX-DR-A-07651; Facade Bay Study 01 - C883KRS-CTA-XX-XX-DR-A-07700; Facade Bay Study 02 - C883KRS-CTA-XX-XX-DR-A-07701; Typical Apartment Layouts - C883KRS-CTA-XX-XX-DR-A-07800; Typical Apartment Layouts - C883KRS-CTA-XX-XX-DR-A-07801; Typical Apartment Layouts - C883KRS-CTA-XX-XX-DR-A-07802; Typical Apartment Layouts - C883KRS-CTA-XX-XX-DR-A-07803; Typical Apartment Layouts - C883KRS-CTA-XX-XX-DR-A-07804; Typical Apartment Layouts - C883KRS-CTA-XX-XX-DR-A-07805; Typical Apartment Layouts - C883KRS-CTA-XX-XX-DR-A-07806; Refuse Storage Layouts - C883KRS-CTA-XX-GF-DR-A-07850; Residential Entrances Detailing - C883KRS-CTA-XX-XX-DR-A-07902; Typical Window Opening Detailing - C883KRS-CTA-XX-XX-DR-A-07903; Typical Juliette Balcony Opening, Doors and Balustrade Detailing - C883KRS-CTA-XX-XX-DR-A-07904; Roof Edges and Rain Water Goods Detailing - C883KRS-CTA-XX-XX-DR-A-07905; Acoustic Partition and Ceiling - C883KRS-CTA-XX-XX-DR-A-07906; Vent and Louvre Detailing - C883KRS-CTA-XX-XX-DR-A-07908; Commercial Frontage Detailing - C883KRS-CTA-XX-XX-DR-A-07909; Superstructure - Level B1 - Ramp Details - 1173-ACE-ZZ-B1-DR-S-1010; Highway Works Plan - 1173-ACE-ZZ-XX-DR-C-8200; S278 General Arrangement - 1173-ACE-ZZ-XX-DR-C-8300; S278 Highway Details - 1173-ACE-ZZ-XX-DR-C-8310; Drainage Strategy Layout Sheet 1 - 1173-ACE-ZZ-XX-DR-C-8000; Drainage Strategy Layout Sheet 2 - 1173-ACE-ZZ-XX-DR-C-8001; River Outfall Details - 1173-ACE-ZZ-XX-DR-C-8002; Permeable Paving Typical Details - 1173-ACE-ZZ-XX-DR-C-8010; Extent of Permeable Paving - 1173-ACE-ZZ-XX-DR-C-8020; General Arrangement - Landscape Plan - SY712-350-0001; General Arrangement - Levels Strategy - SY712-350-0002; General Arrangement - Areas of Hard Surfaces - SY712-350-0031; General Arrangement - Irrigation Requirements - SY712-350-0041; General Arrangement - Boundary Treatments - SY712-350-0051; General Arrangement - Growing Medium Requirements - SY712-350-0061; General Arrangement - Planting Strategy - SY712-350-0071; General Arrangement - Tree Planting Plan - SY712-350-0081;

Area Plans & Schedule - C883KRS-CTA-XX-ZZ-DR-A-07150; Area Plans & Schedule - C883KRS-CTA-XX-ZZ-DR-A-07151; General Arrangement - Planting Strategy - SY712-350-0071 REV P05 - amended plans received 09 Oct 2023.

General Arrangement - Ecological Enhancements; SY712-350-0091 rev P04 - amended plan received 12 Oct 2023;

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Site Plan - C932HFB-CTA-XX-RF-DR-A-07101 rev P010; C932HFB-CTA-XX-04-DR-A-07505 rev PO11; Level 04 General Arrangement Plan - C932HFB-CTA-XX-05-DR-A-07506 rev P010 - Level 05 General Arrangement Plan; C883KRS-CTA-XX-XX-DR-A-07600 rev P011 - North East & North West; Roof Plan - C932HFB-CTA-XX-RF-DR-A-07507 rev P011; Roof Details - C932HFB-CTA-XX-XX-DR-A-07905 rev P03 - amended plan received 24 Oct 2023.

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

Informatives

- 1 The development plan covering the City and County of Swansea is the Future Wales - The National Plan 2040 Policies Policy 1 - Where Wales Will Grow; Policy 2 - Shaping urban growth and regeneration - Strategic placemaking; Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership; Policy 7 - Delivering Affordable Homes; Policy 8 - Flooding; Policy 9 - Resilient Ecological Networks and Green Infrastructure; & Policy 28 - National Growth Area - Swansea Bay and Llanelli.

and the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: LDP Policies PS1, PS2, PS3, SD1, SD2, SD:K, IO1, H1, H2, H3, HC1, HC2, SI1, S5, SI6, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU2M EU4, RP1, RP2, RP3, RP4, RP5, RP6 & RP10.

- 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.

- 3 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