

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

AREA 1 DEVELOPMENT CONTROL COMMITTEE

At: Council Chamber, Civic Centre, Swansea.

On: Tuesday, 27 May 2014

Time: 2.00 pm

Members are asked to contact Ian Davies (Team Leader) on 635714 should they wish to have submitted plans and other images of any of the applications on this agenda to be available for display at the Committee meeting.

AGENDA

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3 Minutes. To approve as a correct record the Minutes of the Meeting of the Area 1 Development Control Committee held on 1 April 2014.	3 - 4
4 Items for deferral / withdrawal.	
5 Determination of planning applications under the Town and Country Planning Act 1990.	5 - 140
6 Planning Application No.2008/1615 - Former Bernard Hastie & Co Site, Morfa Road, Swansea.	141 - 175
7 Planning Application No.2013/1857 - Land Adjoining 54 Glanmor Road, Uplands.	176 - 187



Patrick Arran
Head of Legal, Democratic Services & Procurement
Tuesday, 20 May 2014

Contact: Democratic Services - 636824

ACCESS TO INFORMATION**LOCAL GOVERNMENT ACT 1972 (SECTION 100) (AS AMENDED)**

(NOTE: The documents and files used in the preparation of this Schedule of Planning Applications are identified in the 'Background Information' Section of each report. The Application files will be available in the committee room for half an hour before the start of the meeting, to enable Members to inspect the contents).

AREA 1 DEVELOPMENT CONTROL COMMITTEE (35)**Labour Councillors: 25**

John C Bayliss	Erika T Kirchner
Uta C Clay	Andrea S Lewis
Sybil E Crouch	Clive E Lloyd
Nick J Davies	Paul Lloyd
Phil Downing	Penny M Matthews
C Ryland Doyle	Hazel M Morris
V Mandy Evans	Byron G Owen
Robert Francis-Davies	Pearleen Sangha
Fiona M Gordon	Paulette B Smith
Joe A Hale	Ceinwen Thomas
Jane E C Harris	T Mike White
Terry J Hennegan	Lesley V Walton
Beverly Hopkins	

Liberal Democrat Councillors: 6

Chris A Holley	Paul M Meara
Jeff W Jones	John Newbury
Richard D Lewis	L Graham Thomas

Independent Councillors: 4

Keith E Marsh	D Gareth Sullivan
Ioan M Richard	Gordon D Walker

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A “financial interest” is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE AREA 1 DEVELOPMENT CONTROL COMMITTEE

HELD AT THE COUNCIL CHAMBER, GUILDHALL, SWANSEA. ON
TUESDAY, 1 APRIL 2014 AT 2.00 PM

PRESENT: R Francis-Davies (Chair) presided

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss	B Hopkins	I M Richard
N J Davies	R D Lewis	P B Smith
P Downing	C E Lloyd	C Thomas
C R Doyle	P Lloyd	G D Walker
F M Gordon	K E Marsh	T M White
J E C Harris	P M Meara	
T J Hennegan	B G Owen	

61 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from UC Clay, SE Crouch, JA Hale, CA Holley, JW Jones, ET Kirchner, AS Lewis, PM Matthews, DG Sullivan and LV Walton.

62 **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 R Francis-Davies Minute No.65 (Item 4 – Application No 2013/1857) – Personal - I know the agent.

63 **MINUTES.**

RESOLVED that the Minutes of the Meeting of the Area 1 Development Control Committee held on 4 March 2014 be approved as a correct record.

64 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

1) The undermentioned was deferred by Officers for the reason outlined below

(Item 1) Planning Application No. 2013/1654

Change of use of public house (Class A3) to a self contained flat (Class C3) and a nail bar at Tug & Turbot, Unit 5-6 Victoria Quay, Maritime Quarter, Swansea.

Reason

To allow consideration of the further observations received and issues raised from the Policy Team.

65 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration & Planning submitted a series of planning applications.

Amendments to this schedule were reported and are indicated below by (#).

RESOLVED that:

(1) the undermentioned planning application **BE APPROVED** subject to the conditions in the report:

(Item 2) Planning Application No. 2014/0167

Detached dwelling at Land adjacent to 432 Clydach Road, Ynysforgan, Swansea

(2) the undermentioned planning application **BE REFERRED** to the Development Management and Control Committee as a departure from the Development Plan with a recommendation that planning permission be approved, subject to the conditions outlined in the report:

(Item 3) Application No.2013/1857

Two detached dwellings (outline) at Land to the rear of Birch Rock, Highland Terrace, Pontarddulais, Swansea.

Mr King(agent) addressed the Committee. Visuals were displayed as part of his address.

(3) the undermentioned planning application **BE DEFERRED** under the two stage voting process for a further officer report on proposed conditions :

(Item 4) Application No.2013/1857

Detached dwelling (outline) at Land adjoining 54 Glanmor Road, Uplands.

Mr Shellard(agent) addressed the Committee.

Recommendation of Refusal NOT ACCEPTED as Committee considered passing bays could be provided within the site rather than requiring the widening of the access, along the whole of its length. Members minded to approve the application subject to conditions.

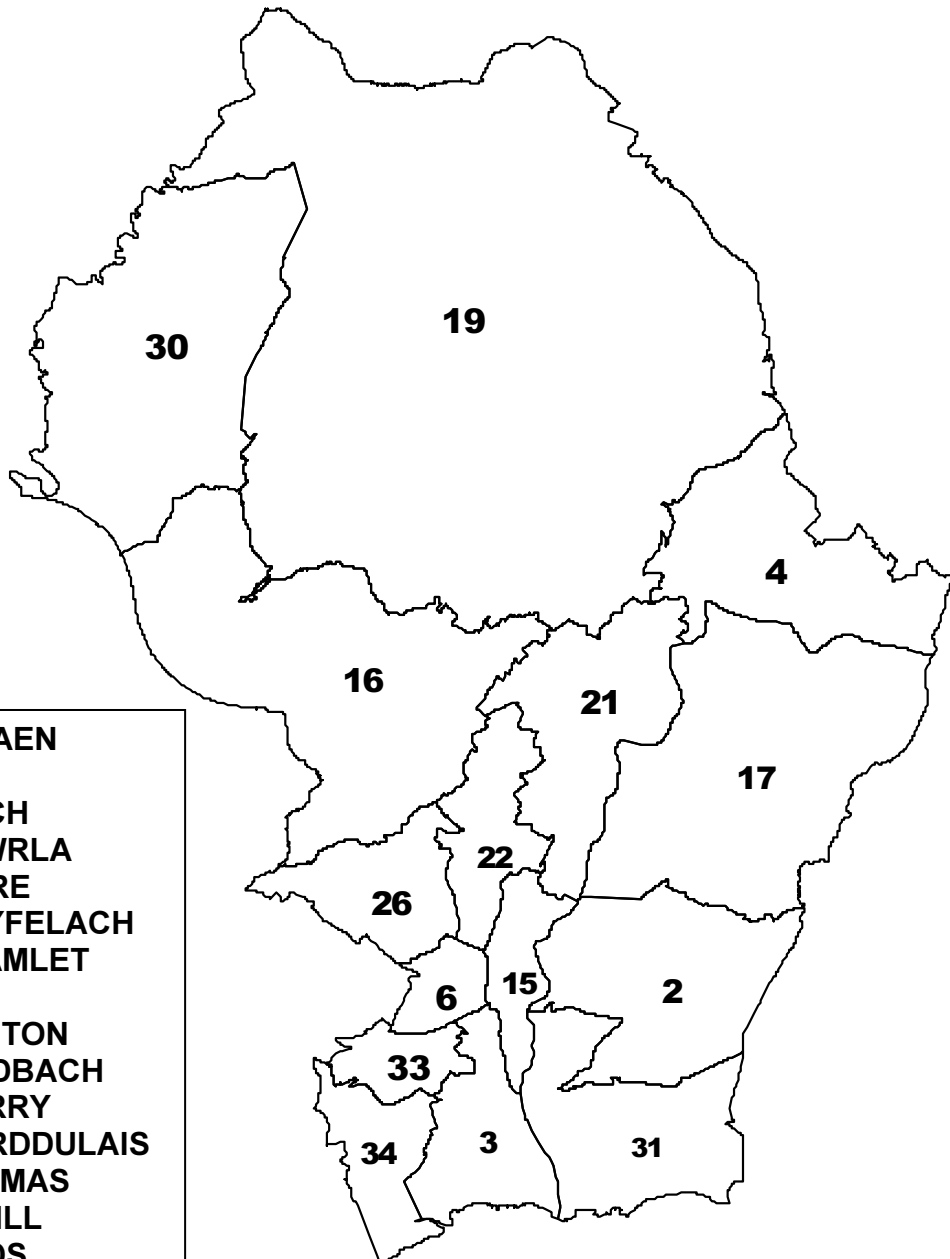
The meeting ended at 2.24pm

CHAIR

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration & Planning to Chair and Members
of
Area 1 Development Control Committee

DATE: 27TH MAY 2014



2. BONYMAEN
3. CASTLE
4. CLYDACH
6. CWMBWRLA
15. LANDORE
16. LLANGYFELACH
17. LLANSAMLET
19. MAWR
21. MORRISTON
22. MYNYDDBACH
26. PENDERRY
30. PONTARDDULAIS
31. ST. THOMAS
33. TOWNHILL
34. UPLANDS

Phil Holmes
BS(Hons), MSc, Dip Econ
Head of Economic Regeneration & Planning



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, Member 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 pages 89 and 90 of the Constitution) will need to be reported to Planning Committee 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	2014/0076	34 Hanover Street, Swansea SA1 6BA Side roof extension, first floor side extension, and external alterations to facilitate change of use from offices (Class B1) to 4 no. 2 bedroom and 5 no. 1 bedroom self contained apartments (Class C3) with associated parking	APPROVE
2	2014/0310	32 Uplands Crescent Uplands Swansea SA2 0PG Change of use from Class A2 (financial and professional services) to a mixed Class A1/A3 use coffee shop	APPROVE
3	2012/1226	The Boat Yard, adjacent to Fishmarket Quay, Trawler Road, Maritime Quarter, Swansea SA1 1UP Construction of a four / three storey block containing 50 residential apartments (Class C3) and 1 no. ground floor retail unit (Class A1) with associated undercroft car parking (outline - including details of access, appearance, layout and scale)	APPROVE
4	2014/0419	Land north of Castle Lane, Swansea Construction and use of external seating area in conjunction with Class A3 uses at the site to the south of Castle Lane.	APPROVE
5	2013/1835	Land to east of Felindre Business Park Felindre Swansea SA4 Construction of park and ride / share car park (approx 480 spaces) with new vehicular access, security office, toilet, engineering and associated works, including lighting, fencing, drainage attenuation and landscaping (Council Development Regulation 3)	APPROVE
6	2013/1441	Land adjacent to Llys Pentre Llangyfelach Road Brynhyfryd Swansea New primary care centre with pharmacy associated parking and works	APPROVE

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
7	2014/0183	Park Buildings, 2 Park Street, Swansea, SA1 3DJ Addition of a third floor and conversion of first and second floors to provide 24 self contained student bedsits with associated storage and laundry in basement	APPROVE
8	2014/0236	71 Mansel Street, Swansea, SA1 5TN Change of use from offices (Class B1) to 1 maisonette and 4 self contained flats (Class C3) and addition of window at first floor level in side elevation	REFUSE
9	2014/0346	33 Uplands Crescent Uplands Swansea SA2 0NP Variation of condition 3 of planning permission 2011/1509 granted 21st December 2011 to allow the opening hours to be extended	APPROVE
10	2014/0410	1A/1B Calvert Terrace, Swansea, SA1 6AY Retention and completion of a front hardstanding with a new vehicular exit onto Calvert Terrace.	REFUSE

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1

APPLICATION NO.

2014/0076

WARD:

Castle
Area 1

Location: 34 Hanover Street, Swansea SA1 6BA

Proposal: Side roof extension, first floor side extension, and external alterations to facilitate change of use from offices (Class B1) to 4 no. 2 bedroom and 5 no. 1 bedroom self contained apartments (Class C3) with associated parking

Applicant: Mr Glen Kathrens



NOT TO SCALE

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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0076

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC6	Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
74/1359/03	EXTENSION TO OFFICE PREMISES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 30/01/1975
74/0387/01	EXTENSION TO OFFICE PREMISES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 26/09/1974
79/1767/03	ERECTION OF A COMPTON BUILDING FOR STORAGE OF NON-CURRENT FILES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/01/1980

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)	APPLICATION NO.	2014/0076
81/0621/03	EXTENSION TO OFFICE AND CARETAKERS ACCOMMODATION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/06/1981	
82/0948/03	TWO PRIVATE GARAGES WITH OFFICE SPACE ABOVE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 30/09/1982	
83/1140/03	EXTENSION OF OFFICE SPACE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 27/10/1983	
85/1469/03	TWO STOREY OFFICE EXTENSION; CONVERSION OF UPPER PART OF GARAGE FOR FILE STORAGE. Decision: *HDAPC - DEFERRAL AT AREA PLANNING CMTE Decision Date: 28/11/1985	
86/1002/03	NEW TEMPORARY CABIN FOR USE AS OFFICES. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/09/1986	
2003/0649	Single storey rear extension Decision: Grant Permission Conditional Decision Date: 30/05/2003	
2002/0408	Construction of detached garage Decision: Grant Permission Conditional Decision Date: 07/05/2002	

RESPONSE TO CONSULTATIONS

EIGHT neighbouring properties were consulted and the proposal was advertised on site. NINE LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) There has been no neighbour consultation by the applicants
- 2) I want the application to be reported to the Area Committee
- 3) Inaccuracies in the DAS
- 4) Over-intensive
- 5) Loss of amenity for neighbouring residents due to massing and ridgeline
- 6) It will be overlooked by properties on Heathfield
- 7) Land stability concerns
- 8) The plans are inaccurate
- 9) Loss of privacy
- 10) Loss of views
- 11) Impact of wildlife
- 12) Highway Safety concerns

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0076

- 13) Refuse access issues
- 14) Have the deeds been checked?
- 15) Security lighting will be intrusive at night
- 16) Noise concerns due to proposed use
- 17) There is a covenant on the site which restricts development above a certain height.

Ecology – The Council's ecologist has raised no objection to the scheme subject to informatives informing the applicant of the need to protect species on site.

Dwr Cymru – No objection subject to surface and foul water conditions.

Highways & Safety - No highway objection subject to:

1. Spaces 7 and 8 being specifically excluded from the proposed development due to highway concerns regarding size, access and egress.
2. Before the development hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in Hanover Street, Heathfield or Carlton Terrace at any time.
3. The implementation of cycle parking in accordance with details to be submitted to the LPA for approval.
4. The parking areas being laid out in accordance with the approved plans prior to beneficial occupation of any of the units, and those parking areas to be maintained for parking purposes only by the residents of the development in perpetuity.

APPRAISAL

This application has been called to committee by Cllr Sybil Crouch to allow Members to consider the impact of the proposal given its scale on local amenities, highway safety and overshadowing. A site visit has been requested.

Full planning permission is sought for the construction of a side roof extension, first floor side extension, and external alterations to facilitate change of use from offices (Class B1) to 4 no. 2 bedroom and 5 no. 1 bedroom self contained apartments (Class C3) with associated parking.

The application site is location on the junction of Heathfield and Hanover Street and is in a prominent location. It is raised above the pavement. Currently the building provides office accommodation for a company that is seeking to relocate.

The building comprises an original Victorian House, over two floors plus attic space, and a series of extensions that offer little to no architectural merit and, indeed, the character of the original building is lost.

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0076

The site is located on a hillside and cuts into the land. The area to the north of the site was once a series of quarries. To the south lies the highway, residential properties and a few commercial properties. The western edge is bounded by Oaklands Terrace and a more recent 4 storey flat development on Hanover Street (Ty Mawr).

The main issues for consideration relate to the principle of this form of development in this area, the detailed design of the proposal in terms of its visual acceptability in the street scene, the impact of the scheme on the residential amenities of the occupiers of neighbouring properties and highway safety implications, having particular regard to Policies EV1, EV2, EV3, HC6 and AS6 of the City and County of Swansea Unitary Development Plan 2008. There are not considered to be any overriding issues resulting from the Human Rights Act.

Policy Implications

The site is located within a predominantly residential area. There are no site specific policies which seek to restrict development in this location. Therefore the principle of residential development at this site is considered acceptable subject to satisfactory visual, residential and highway safety impacts.

In terms of visual amenity the footprint of the building is to remain largely unaltered. However two extensions are proposed – one above the existing single storey extension to the west and one above the existing two storey extension to the east and north.

In the submitted documents the development has been identified as three separate elements. Element A represents the single storey side extension, element B1 represents the flat roofed two storey extension and element B2 represents the split level eastern most existing extension.

The extension to the west (element A) is to be raised by a storey to provide an additional floor. The roof is to match the existing building in terms of scale and eaves height and will appear set down from the ridge. As the existing extension is set back from the building and the proposed extension at this location is to be sited above it, then this element of the proposal would appear subordinate to the main building. Furthermore the proposed fenestration will match that of the extension on the east (B1 and B2).

The main building is to remain largely unaltered to the front. However, element B1 is to have its existing flat roof replaced with a pitched roof of comparable proportions to the main building, following the same eaves height and pitch angle. A front dormer/gable is also proposed of similar proportions to the existing building and reflecting the character of other Victorian properties in the vicinity.

The remaining extension (element B2) is a more rectangular and linear section which wraps around the rear of the site. It is formed slightly differently to the rest of the building and is visually distinct from the main building in that the eaves height is higher (needed to achieve the required head room) and through the use of metal cladding with standing seams, wrapping over the roof from sill level of first floor windows.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0076

This element of the proposal presents the most challenging design solutions due to the land level changes. The 'ground floor' level of B2 is a void and through the use of the cladding to sill level it creates a sense of this element of the building being perceived as two storeys rather than three, standing on a plinth. Due to the complex roof structure, there would be a section of flat roof to the rear of the main ridge, necessitated by the provision of matching pitch gradients to the rear. This element of the scheme cannot be viewed from the highway to the front or from surrounding approaches and would only be visible from a handful of private properties to the rear. However, due to the land level difference and the relative small scale of the flat roof and the overriding improvements to the building (the loss of extensive existing flat roofs), this element of the proposal is not considered unacceptable.

All the fenestration alterations on B2 will be uniformed in proportions, materials and position.

The use of the cladding is intended to create a sense of subservience to the main building as it breaks up the dominance of the render finish found on the rest of the building and adds architectural interest and texture. However, it is not considered to relate well to the main building. To overcome these concerns, a condition can be attached to any planning permission given requiring agreement of external finishes.

In terms of landscaping, this primarily consists of hard surfacing which is to be achieved by the demolition of the existing outbuildings. Retaining walls are to either remain as existing or consist of the construction of new retaining structures. The existing stone front boundary wall is to remain with the replacement of the top railings with powder coated metal railings. It is also proposed to utilise planting where possible behind the retaining wall and railings which would serve to soften the appearance of the front of the site.

It is considered, therefore, that subject to agreement of external finishes, the proposal is visually acceptable and would result in no significant or adverse visual impact upon the character and appearance of the existing building or wider surrounding area and the proposal is therefore in accordance with the criteria laid out in Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan 2008.

With regard to residential amenity and the suitability of the building to provide adequate levels of accommodation for future occupiers, it is considered that in addition to the extensions the proposed building would achieve satisfactory levels of accommodation for future occupiers. There is also ample space for refuse storage and cycle storage within the site.

Furthermore, it is considered that replacing an existing and unrestricted office use with a residential use at this location would serve to improve the prospects of securing acceptable levels of noise and general disturbance emanating from the site and will not result in excessive levels of noise and general disturbance.

In terms of the impact of element A on the occupiers of the properties to the west, the building to the west if a three storey block of flats with habitable room windows on the eastern elevation. However, the increase in height of the application property at this location by one storey would be mitigated by the separation distance of approx. 13m, the presence of significant and mature vegetation on the common boundary and the demolition of the existing large garage on the land to the west of the building.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/0076

The windows on the western elevation of element A are serving bathrooms and therefore would be obscure glazed. Therefore it is considered that element A would not have any adverse impact upon the occupiers of the flattened development to the west in terms of overbearance, overshadowing, or overlooking.

In terms of the impact of element A to the properties to the rear, the separation distance increases to approx. 16m to the garden of the nearest property and as the land levels rise significantly to the rear and due to the mature vegetation at the rear of the site, this element of the proposal is considered to result in no adverse impact upon the residential amenities of the occupiers of the properties to the north.

In terms of overlooking, whilst there is a bedroom window proposed on the rear elevation of the second floor (B2), it is considered that due to the land level changes and the presence of vegetation on the land to the rear of the application site and hedges at the rear of the properties along Heathfield there would no loss of privacy in this instance either into the proposed bedroom or to the properties to the rear. In addition, the proposed walkway serves as an access to the flats at the rear and is of a scale that would not allow sitting out or loitering. Again, due to the land levels and vegetation, it is not considered that there would be any loss of privacy or unacceptable increase in noise and disturbance in this instance.

The application site is located on significantly lower land than the properties to the rear. The submitted site sections indicate that the existing ridge and consequently the proposed extensions' ridges are sited below the land associated with the gardens of the properties on Heathfield and residents to the rear would have views over the roof plane of B1 and B2 and further afield. As such, there are no overbearing or overshadowing issues in this instance.

With regard to the points raised in the letters of objection, points 1, 7, 10, 14 and 17 are not material planning considerations and therefore cannot be taken into consideration when determining this application. Points 4, 5, 6, 9, 11, 12, 13 and 16 have been addressed above.

In terms of the claims of inaccuracies in the DAS and plans, there is no evidence submitted which serves to back up these claims and the LPA therefore can only determine that which is submitted. With regard to point 2, the application has been called to Area 1 Committee and the application will be determined accordingly.

With regard to the security lighting, no details have been submitted and therefore it is not possible to make a meaningful assessment on its potential intrusive impact. However a condition is recommended ensuring appropriate lighting is installed.

In conclusion and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development, having particular regard to Policies EV1, EV2, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0076

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Notwithstanding the submitted plans, samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 3 Notwithstanding the plans hereby approved, car parking spaces 7 and 8, as indicated in Plan No. 3337/PA/10 shall be specifically excluded from the proposed development due to their inadequate size, access and egress.
Reason: In the interest of highway safety.
- 4 Before the development hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force.
Reason: In the interest of highway safety.
- 5 The development hereby approved shall not be occupied until cycle parking has been provided within the curtilage of the site in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be retained as approved at all times.
Reason: In the interest of sustainability.
- 6 Prior to beneficial occupation of any of the units, the parking areas shall be laid out in accordance with the approved plans and retained as such at all times for use by the residents of the development only.
Reason: In the interest of highway safety.
- 7 No external lighting shall be erected on the building except in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The lighting shall be retained as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of amenity.
- 8 Foul water and surface water discharges shall be drained separately from the site.
Reason: To protect the integrity of the Public Sewerage System.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0076

- 9 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

- 10 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008.
- 3 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 2010. 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. 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 (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird
Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 With regard to condition 2, the use of metal cladding with standing seams is not considered appropriate.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/0076

PLANS

3337/PA/001 site plan, 3337/PA/002 existing site survey, 3337/PA/010 proposed site plan, 3337/PA/003 existing ground and first floor plans, 3337/PA/004 existing second floor and garage plans, 3337/PA/005 existing elevations, 3337/PA/011 proposed ground, first and second floor plans, 3337/PA/012 proposed elevations, 3337/PA/013 proposed sections dated 28th January 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2

APPLICATION NO.

2014/0310

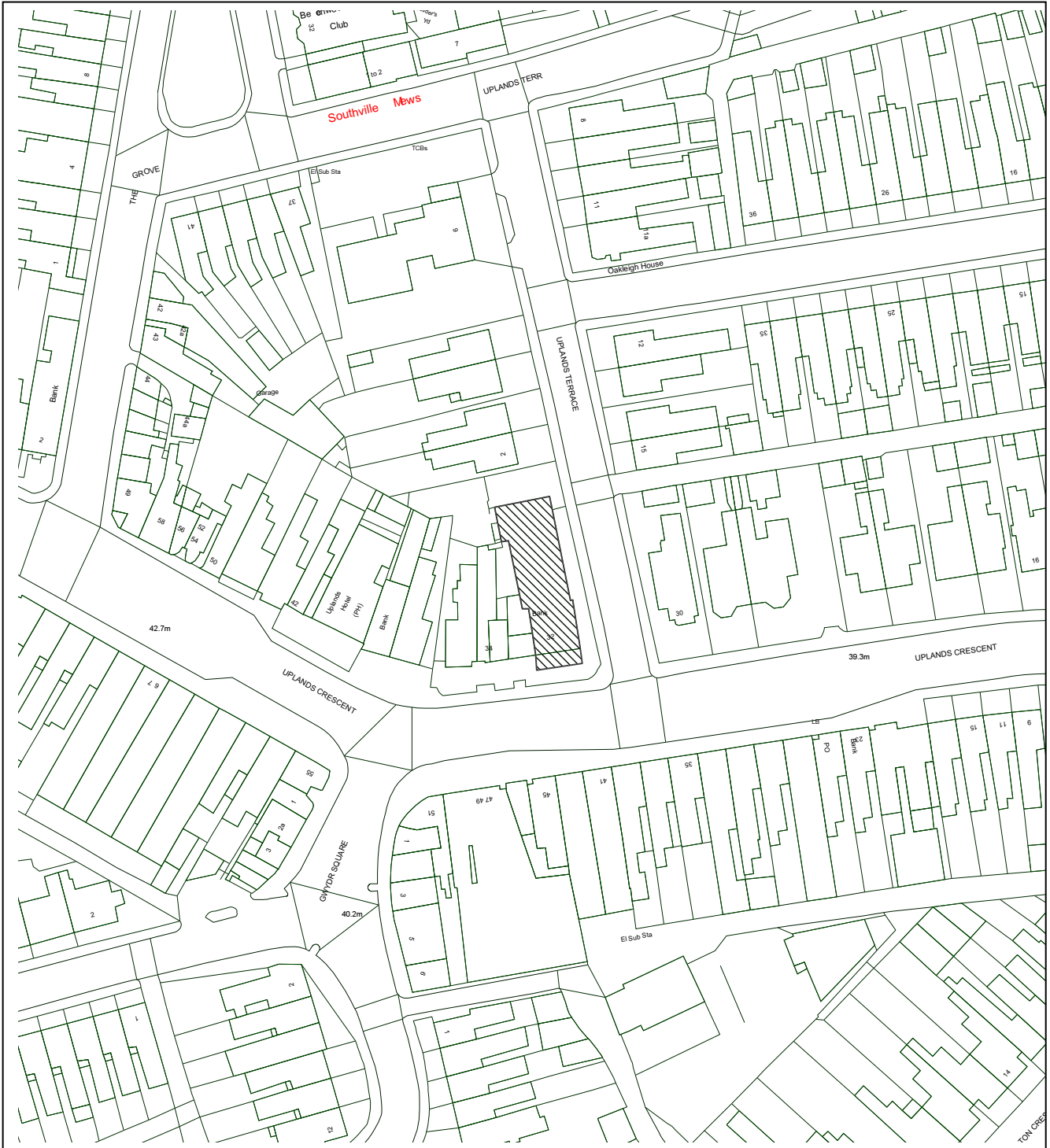
WARD:

Uplands
Area 1

Location: 32 Uplands Crescent Uplands Swansea SA2 0PG

Proposal: Change of use from Class A2 (financial and professional services) to a mixed Class A1/A3 use coffee shop

Applicant: Costa Ltd



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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0310

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EC5	Development within designated district centres will be encouraged where it is of a type and scale that maintains or improves the range and quality of shopping facilities and meets other specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy ECNR	Proposals for non retail uses at ground floor level within shopping centres will be assessed against defined criteria, including their relationship to other existing or approved non retail uses; their effect upon the primary retail function of the centre; the proposed shop front and window display; the time the unit has been marketed for A1 uses, and its likelihood of continuing to be vacant; its location in relation to the primary shopping area; and its impact upon the vitality, viability and attractiveness of the centre. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0310

SITE HISTORY

App No.	Proposal
99/0336	ERECTION OF NEW SHOP FRONT Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 23/04/1999
99/6021	ERECTION OF 2 NO. INTERNALLY ILLUMINATED FASCIA SIGNS AND PROJECTING SIGN Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 23/04/1999
2009/0911	Retention of two internally illuminated fascia signs and one internally illuminated projecting sign. Decision: Grant Advertisement Consent (C) Decision Date: 17/08/2009
88/1216/03	CHANGE OF USE FROM RETAIL TO BANK. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 06/09/1988

RESPONSE TO CONSULTATIONS

TWO neighbouring properties were consulted and the proposal was advertised on site. FOUR LETTERS OF OBJECTION have been received which are summarised as follows:

- Uplands is for local business not chains.
- The proposal would cause noise nuisance
- No justification has been provided as to why a viable A2 or A1 uses cannot be found
- No marketing information has been submitted
- The proposal would result in a prominence of A3 uses in the frontage
- We don't want a franchise in Uplands
- My business requires a quiet and safe environment
- The outdoor seating will be detrimental to the function of my business due to noise, smoking etc.

Furthermore TWO PETITIONS OF OBJECTION containing a total of 882 signatures have been received outlining concerns as above.

The applicant has submitted a LETTER OF SUPPORT for the scheme and a further LETTER OF SUPPORT has been received. The points raised include:

- The proposal includes wheelchair friendly access which is needed in this area.
- The nature of the operator is not a material planning consideration
- There is no % change of non-A1 units in the frontage as a result of this application
- The proposed use is materially difference to an A3 as it include genuine A1 use

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0310

- The existing A2 use will stay within the centre, relocating to No. 79 following planning permission (2013/1847)
- The proposed use will provide more of an active frontage than the existing A2 use and will incorporate open glazed frontage and represents a business model of high footfall
- There is no presumption that the unit should be used for A1 purposes and therefore no marketing has taken place
- Other sites in the centre have been unsuccessfully marketed for A1 use in the last two years with no interest.

Highway Observations

In terms of parking there are unlikely to be a significant increase in parking requirements resulting from the proposed change of use and all parking for staff, customers and deliveries will have to take place on street, as is currently the case.

Whilst there are no plans to provide cycle parking it would be of benefit if this could be provided in the outside area to the frontage and encourage non car use. A condition is recommended as such.

No highway objections are raised to the proposal subject to the provision of cycle parking in accordance with details to be submitted for approval to the LPA.

APPRAISAL

This application is reported to committee for decision at the request of Councillors Pearleen Sangha and John Bayliss to assess impact on residents, businesses and the conservation area. A site visit has been requested.

This application seeks planning permission for the change of use of the ground floor of NO. 33 Uplands Crescent from a vacant insurance broker (Class A2) to a Coffee shop (A1/A3 mix). The intended occupier is to sell hot and cold drinks for consumption on and off the premises including sandwiches and confectionary. The proposed floor plans indicate that there is to be no primary cooking taking place on site and no kitchen or extractor equipment.

The application property is an end of terrace commercial premises located on the northern side of Uplands Crescent within the Uplands District Shopping Centre as defined by the City and County of Swansea Unitary Development Plan (2008) (UDP). The office currently lies vacant although the previous tenants still hold the lease to the site. To the north of the site is a predominantly residential street, with the nearest residential property to the rear being sited approx. 30m away, whilst to the front of the site lies the commercial district of Uplands. Immediately above the application site lays 'Lazy Frog' floatation centre which also includes other therapy and consultation rooms.

The application site is located within a frontage of 19 commercial units which extends from the application site around onto The Grove. The Ffynone Conservation area begins opposite the site and therefore the application site falls outside the current boundaries of the conservation area. It is noted that the boundaries of the conservation area are under assessment and may be expanded. However, for the purposes of this assessment, the proposal is for the change of use of the site and no external alterations are proposed.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2014/0310

As such, it is not considered that there are any issues to address in terms of its impact upon the potential future boundaries of the conservation area in this instance.

The main issues for consideration in this instance relate to the acceptability of the proposed use at this location; the impacts on the residential amenities of neighbouring occupiers and; the impacts on highway safety having regard to the relevant UDP Policies.

Policy ECNR sets out the criteria for considering any non-retail proposals within a district centre or local centre. Fundamentally, the policy emphasises that non-retail uses that would undermine the shopping role of a centre, or have an adverse impact on its vitality, viability or attractiveness will not be permitted. In this context, the policy refers to the importance of maintaining a high proportion of shops at ground floor level within the primary shopping streets of a given centre.

EC5 (District Shopping Centre) Encourages developments of an appropriate type and scale that maintain or improve the range and quality of shopping facilities within designated district centres. Proposals for the introduction of non-retail uses will be considered on their merits in relation to the criteria specified in Policy ECNR, and other relevant planning policies. Proposals for uses other than Class A1 will only be permitted where they would not have a detrimental impact on the shopping role and character of the centre and would not adversely affect the vitality, viability or attractiveness of the centre or surrounding centres, or the amenity of nearby residents.

EV1 and EV40 state that developments should not result in significant detrimental harm to local amenity by reason of noise and disturbance.

The SPG 'District Centres, Local Centres and Community Facilities' is also relevant to the determination of this planning application and provides detailed guidance on the application of UDP retail policies.

Uplands is a well established district centre offering a good range of shops and services, and a primary retail frontage. However, like other district centres, frontages have been incrementally eroded by use class changes to non retail uses.

The application site is located at the northern end of the district centre within an area that is defined in the SPG as secondary frontage. The frontage stretches approximately 140 metres from the application site and of the 19 units within the frontage, only the application site (current B1 use class) is vacant. 7 units are in A1 use, 6 units are in A3 use, 2 units are in residential use, 1 unit is in A2 use, 1 unit is in D1 use and the remaining unit is sui generis.

The number of A1 units against the total number of units within the frontage is currently 37% and as the application site is not in A1 use at present this figure would not change if the current proposal is approved. The site is located within a secondary frontage, as defined within the SPG, and therefore a minimum threshold requirement for A1 units in the frontage of 35% is required. The proposal would not result in a proliferation of non-retail uses within the district centre over and above the existing situation. Moreover, the application site lies on a corner plot, adjacent to an A1 retail unit and therefore would not result in a run of non-A1 units at this location.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2014/0310

Furthermore, the proposed use is a mixed A1/A3 use which in itself would give rise to an increase in footfall and activity above that of the existing A2 use. The proposed use typically trades as an A1 retail/A3 coffee shop basis, serving hot and cold drinks and cold food to sit in or takeaway and is widely regarded as having high levels of footfall, active frontages and open glazing. Indeed, the provision of a retail element for the sale of merchandise would contribute to the vitality and the viability of the shopping centre.

In addition it is noted that the proposed opening hours (06:30 – 20:00) would result in the primary operating hours being that of day time use with evening use extending to 20:00, further strengthening its potential to contribute to the vitality of the retail function of the frontage and wider district centre as the proposal would add vibrancy to the area during the day time and make a positive contribution. It is considered, therefore, that the proposal would not deaden the shop frontage nor result in the type of late night disturbance associated with some A3 uses. However a condition is recommended ensuring the use class remains as approved, thus preventing any risk of hot food takeaway or bar use.

In view of the above the proposed A1/A3 use has the potential to complement the surrounding retail uses and would contribute positively to the vitality and viability of Uplands District Centre in accordance with UDP Policies ECNR, EC5 and the SPG.

In terms of residential amenity, the upper floors of the application premises are in commercial use, operated by 'Lazy Frog' – a float therapy suite (other consultation rooms are also present). Such a use, whilst requiring a certain degree of tranquillity, would expect a level of noise and disturbance due to its location within a district shopping centre and as such, it is not considered that an A1/A3 use at the ground floor would be sufficient reason to justify refusal in this instance. With regard to the potential for noise and disturbance from outdoor seating, whilst a small area is proposed to the front of the application site, it forms part of the site, being located within the submitted red line boundary. In light of the nature of the use, its proposed opening times, and the fact that the site is located within a district shopping centre, it is not considered that the outdoor seating would give rise to any unacceptable impact upon the occupiers of residents in the area by virtue of noise and disturbance. Similarly, in terms of the impact of such a facility on the occupiers of the commercial premises at upper floors, the planning system seeks to protect the wider environment not the private interests of individuals. As there is already noise implications associated with living/working in district shopping centres, it is not considered that this reason would justify a refusal in this instance. However, Pollution Control has requested a condition seeking to ensure adequate sound proofing is installed on site prior to the use commencing.

There are no residential properties within the immediate vicinity although there are private dwellings on the road to the rear. There are no residential flats above commercial properties in the adjacent units. In view of the district centre location and the resultant higher ambient noise levels in the area, it is not considered that the proposal would result in any adverse impact upon the occupiers of residential properties in the wider surrounding area. Furthermore, no primary cooking is to take place on site and no kitchen facilities are proposed, therefore no ventilation system is proposed. As such, there are not anticipated to be any unacceptable odours produced on site. Accordingly, there is no conflict with those provisions of policies EV1 & EV40 of the City and County of Swansea Unitary Development Plan which require that development should not result in significant detrimental harm to local amenity by reason of noise and disturbance.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2014/0310

With regard to the points raised in the letters of objection, the operator or indeed competition for business is not a material planning consideration and therefore cannot be taken into consideration when determining this application. The issue relating to noise and disturbance has been addressed above as has the issue relating to the proposed use and its impact upon the district shopping centre. With regard to the marketing, no information has been submitted. With regard to the justification and marketing information the relevant policies and SPG states that applications for change of use of vacant units should be supported by marketing information. However there is a presumption that the application unit is currently/most recently in A1 retail use and seeks to retain the status quo of the site. In this instance, the site is in A2 use and therefore there is no fall back retail position or retail unit to protect. As outlined above, there is no change in retail % as a result of the proposal and the nature of the proposed use is considered to represent an improvement in the viability and vitality of the frontage on the existing situation.

In conclusion it is considered the proposal would not have a detrimental impact upon the vitality, viability and attractiveness of the district centre and would not have a detrimental impact on the amenities of neighbouring occupiers in accordance with UDP Policies EV1, EV40, ECNR, EC5 and the SPG. It is not considered that the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for approval.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The premises shall not be used by customers before 06:30 nor after 20:00 on any day.
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 3 The premises shall be used for an A1/A3 cafe and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 4 Prior to the use commencing, cycle storage shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of sustainability.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/0310

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, AS6, EC5 and ECNR of the City and County of Swansea Unitary Development Plan 2008.

PLANS

Site location plan, 01 existing floor plan, 1.2A proposed floor plan dated 27th February 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 3

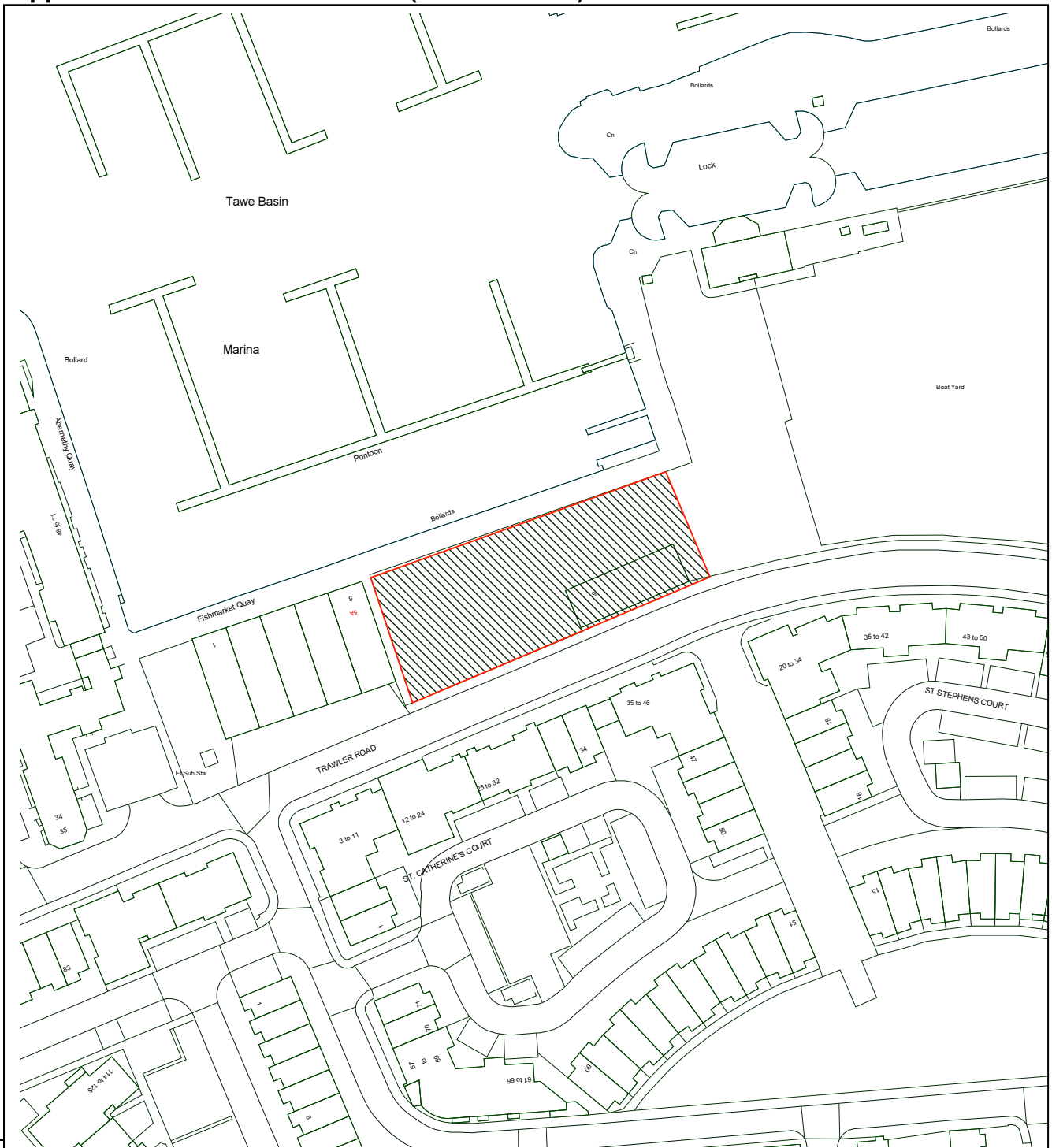
APPLICATION NO. 2012/1226

WARD: Castle Area 1

Location: The Boat Yard, adjacent to Fishmarket Quay, Trawler Road, Maritime Quarter, Swansea SA1 1UP

Proposal: Construction of a four / three storey block containing 50 residential apartments (Class C3) and 1 no. ground floor retail unit (Class A1) with associated undercroft car parking (outline - including details of access, appearance, layout and scale)

Applicant: Waterstone Estates (Trawler Road) Ltd



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BACKGROUND INFORMATION

a. Relevant Planning Policies

Swansea Unitary Development Plan

- Policy EV1 New development shall accord with a defined set of criteria of good design.
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.
- Policy EV3 Accessibility criteria for new development.
- Policy EV4 Creating a quality public realm
- Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.
- Policy HC1 Housing site allocated for development
- Policy HC2 Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.
- Policy HC3 In areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs.
- Policy AS1 New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
- Policy AS2 Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
- Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking

Planning Policy Wales (PPW) (Feb. 2014 6th Edition)

With regard to housing, PPW seeks to ensure that previously developed land is used in preference to Greenfield sites; is well designed; meets national standards for the sustainability of new homes and makes a significant contribution to promoting community regeneration.

Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 11: Noise 1997

Technical Advice Note (TAN) 12: Design (2009)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

b. Relevant Planning History

None

c. Response to Consultations

ORIGINAL PROPOSAL

The application was advertised on site and in the local press and 34 neighbouring properties were consulted individually. 207 LETTERS OF OBJECTION have been received making the following points:

1. Trawler Road already has far too many empty flats and unlet shops. There are 4 unlet shops at the Marina Villas and Aurora developments about 150 yards further along from the Celtic Marine site. There are further unlet shops at the eastern end of Trawler Road, near the big Meridian Tower. There are empty shops facing Trawler Road on the Victoria Quay / Mannheim Quayside. To build yet more shops and flats on this one road makes no sense, and the empty store fronts are depressing.
2. More flats will cause an imbalance to the character of Swansea Marina. The Marina's unique difference is that there are working boatyards and moorings in it. Building flats over what remains of the boatyard space will change the character of the area from a working Marina into a high rise suburb. There is nothing in the plans to explain how the loss of the boatshed and the boatyard will be compensated for. We are also worried that the historic fish market will be shut down by the new residents complaining about the smells and noises of a working fish market. This is not a sustainable use of the land, the proposed development demolishes the very thing which makes the marina special and desirable.
3. Trawler Road cannot handle any more traffic. The plans show 61 parking spaces – one for each flat – but none for parking at the shops. Getting onto Oystermouth Road is difficult enough without another 61 flats and 3 shops being added. There is only one way into Trawler Road, if the eastern end is blocked, emergency vehicles cannot gain access to the greatly increased number of flats on Trawler Road. The junction at Dunvant Place is already overloaded, the extra traffic of 61 flats and 3 shops has been accounted for – there's just a vague hope that people will walk instead of drive.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2012/1226

4. The plans are dangerous. The boat hoists weighs twenty tons, the boats weigh many tons and are stored propped up on the hard standing. There is nothing in the plans to show how the increased number of people will be protected from this risk. If the hoist gets shut down as a safety risk the Marina's only boat hoist will have been lost. If boats cannot be raised from the water they must travel elsewhere for repairs – costing Swansea jobs.
5. These plans do not respect the distinctive local character of Swansea Marina. We owe a big debt of gratitude to the people who designed Swansea Marina. The proof that they did a good job is the vibrancy and popularity of what is now Swansea's "Jewel in the Crown". The boatyard land at the Celtic Marine site is an integral part of the design, and should not be destroyed just to add more flats and shops. There is a huge amount of land that can be built on – especially in SA1 but only one boat hoist and very little boat yard land.
6. The livelihoods of 8 skilled tradespeople, depends on the smooth running of Swansea Fish Market, historically there has always been a fish market in Swansea Marina, and have been trading for 22 years here. The fish market starts works at 5 o'clock in the morning and also smokes fish overnight which would not pleasant for anyone living close to the fish market. The business would put under threat by the development.
7. The boat shed is the only undercover repair facility in Swansea. The nearest similar facilities are in Neyland or Penarth Marinas. A local boat repair company were not allowed to but the freehold and there are other companies in the Marina who would take over the boatyard for its intended use.
8. If the proposed development has an impact on the operation boat hoist, this could threaten the future of the Marina.

Maritime Quarter Residents' Association (MQRA) (26 Sept. 2012) – OBJECTION on the following grounds:

1. The proposed development brings in to question the sustainability of the area as a working marina and undermines our ability to pass on Swansea's heritage to future generations. If these plans go ahead, we are in danger of losing our ability to pass on a fully functioning marina.
2. The Maritime Quarter operates as a fully operational marina and, as such, needs an adequate supply of boatyard capacity with appropriate infrastructure; it is believed that any change of use to the land in question will seriously diminish the ability of the marina to fulfil one of its primary functions.
3. It has been stated elsewhere that boats must be removed from the water annually for maintenance work and to prevent water-logging due to 'osmosis'. The construction of residential units adjacent to the primary lifting hoist for such vessels must pose a threat to the continued existence of such a vital service.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2012/1226

4. The development of more residential units adjacent to a heavy lifting device, reportedly weighing 20 tons, plus the weight of the boats being lifted, must increase the risk of serious health and safety issues, especially when children are present.
5. When barnacles and other marine growth are power washed off the hulls of boats, the fine mist of very smelly water generated will undoubtedly be unwelcome in a residential environment, as will the noise being created during cleaning and lifting operations.
6. The Maritime Quarter has seen a tremendous growth in the number of apartments being built in less than ten years and it is clear that such accommodation is excess to requirements. This is evidenced by the number of “For Sale” and “To Let” signs erected around the Maritime Quarter and the fall in prices for such properties.
7. It is a concern that the number of commercial units which have been made available in the Maritime Quarter over recent years, but which remain unoccupied (e.g. in Atlantic Square, Meridian Quay and at Aurora), demonstrates that further such developments are unnecessary, economically unviable or unattractive to investors. Before allowing more, we feel more appropriate solutions should be sought for this site to truly establish the Maritime Quarter as “the jewel in Swansea’s crown” and a vibrant waterfront location attractive to visitors and residents alike.
8. The impact of this development on Trawler Road will also exacerbate existing major traffic issues, as reported at public PACT and MQRA meeting, in three ways:
 - Parking – it is widely acknowledged and identified that the growing Maritime Quarter has a major problem with inadequate and uncontrolled parking, which the Council is unable to manage effectively and which has not been addressed satisfactorily. The access points to this development would appear to further reduce parking capacity as the stretch of Trawler Road in question is currently a relatively long parking bay. Visitors to residents on the south side of the Marina already have great difficulty finding available parking. Building more residential units in this area will only add to the problem.
 - Speeding – this issue has been regularly agreed at PACT sessions as a priority for attention but, as in the case of parking, the authorities have been unable to solve the problem. The large number of apartments in the Maritime Quarter has resulted in an influx of younger people to the area, some of whom appear to have a predisposition to travelling at high speeds along Trawler Road. Further apartments will probably impact adversely on this serious cause for concern.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2012/1226

- Accidents – against this background of speeding, the proposed development seeks to create two additional access points to Trawler Road precisely at a location where some road-users are moving at high speed.....this is in spite of numerous speed retarders, which occasionally only serve to damage the sumps of car engines! In a space of approximately 150 metres the development would result in three potential blind spots, significantly increasing the risk of accidents, especially as two of the access points could be visually obstructed by car parking adjacent to the development.
9. A further major issue relating to traffic, has been regularly reported at public MQRA and PACT meetings, and which time and again has been brought to the attention of Council leaders, is the inability of current traffic controls at the Oystermouth Road / Dunvant Place junction to cope with the volume of current road movements in and out of the marina. This development along with the plans already approved for the construction of a neighbouring hotel on Trawler Road, will merely serve to increase volume and create further traffic congestion. Trawler Road effectively leads into a cul-de-sac and traffic management remains a serious and frustrating problem (as identified at the time of constructing Meridian Tower) still to be addressed for the Maritime Quarter.
10. Finally, it is believed that the current boatyard operation lies in Use Class B2, while the new development may fall into various Class A and categories. We question how any change of Use Class could even be contemplated, while it is understood that the recent granting of a significantly extended lease by the Council for the existing commercial operation may be under investigation.

Full details of the lease negotiations should be made available for public scrutiny before any consideration is given to planning applications relating to this plot of land. There has been no public consultation on the granting of this extraordinarily long lease for a commercial operation on Council-owned land and, therefore, it must surely be demonstrated that the Council is achieving best value for money for Swansea residents and tax payers.

In conclusion, we contend that this planning application should be rejected for the reasons given above. The character of the Maritime Quarter is based on Swansea having an attractive marina with fully functioning boatyards and moorings. Residents and visitors do not wish to look at even more 'For Sale / To Let' signs while losing the essential character and ambience which first attracted people and businesses here.

AMENDED PROPOSAL following receipt of detailed drawings 18 June 2013.

The application was re-advertised on site and in the local press and the neighbouring properties and objectors were reconsulted. 58 further LETTERS OF OBJECTION have been received making the following further points:

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 3 (CONT'D)

APPLICATION NO. 2012/1226

1. Page 6, Section 1 “Site Context” is factually incorrect. CYM 293952 also known as Celtic Marine boatyard, is not “a now vacant site”. The use of the site is still as a boatyard, Swansea Council just decided to give a 250 year lease to a someone who has applied to build flats on this important bit of Marina infrastructure. Calling the site “vacant” implies that it is unwanted and just going to waste. A brief look at the overfull Council boatyard next to the land disproves this. The line “the character of the area is predominated by residential perimeter blocks” is untrue. The character of Swansea Marina is “predominated” by the working Marina at its heart. The unique selling point of this area, and what brought development to this site, is the working Marina. However, all boats have to come out of the water for 1 month every year, this means that boatyard land is necessary. The excellent planners, who made Swansea Marina so successful, put all of the industrial tucked away in one corner. This plan is working well and should not be altered.

2. The Council have explained that the 250 year lease has been given to Celtic Marine as,

The sites location adjacent to large scale residential development combined with supporting UDP Policy for the area provided that any future expansion or development of the site should include a residential element to support commercial uses, blend into the streetscape and be complementary and sympathetic in its design. (sic) (refEV1-882)

Reducing the number of “retail units” from three to just one disproves that the “residential element is there) to support commercial units”. This application can now be seen as an obvious attempt to build yet more flats in an area that has a massive oversupply of flats already. Policy EC3 “Established Industrial and Commercial Areas” of the Unified Development Plan specifically states that “*development at established industrial and commercial areas for non-business uses will not be permitted where proposals unacceptably limit the range and quality of site available for employment development*”.

Building flats all over the Celtic Marine boatyard will certainly “limit” the boat repair industry. This amended application now admits that the purpose of the application is to remove yet more commercial land from the marina in favour of yet more flats. This imbalances the character of the Marina and destroys what gives the Jewel in the Crown its unique selling point.

3. Nowhere in this application is any mention made of the ability of the Victorian dock walls to withstand being undermined with a car park. The developers should prove that the site has been properly surveyed and the land declared able to withstand such massive change. The application does not mention how the disruption caused by excavating the car park and building flats will be minimised or mitigated. This is an obvious point that needs to be addressed.
4. The applicants need to state how much of this development will be used for “social housing”. Mention is made in the application about an “end user”. What is the name and nature of this end user, and what do they intend to do with the development if permission is given? This is an obvious point to be clear up.

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5. There is not enough boatyard land in Swansea Marina, but there is a lot of land elsewhere where any amount of flats can be built.
6. The health and safety issues are not addressed by this application. The images show people milling about by the site but we are not shown the twenty ton boat hoist or what happens when as high powered hose is used to blast marine life off a hull less than two car lengths away from the proposed site. Indeed the “photomontage” is very misleading as we do not see that this is a busy industrial site. Nowhere in this application are there any proposals to shield the residents of the flats from the very real health risks posed by building in a working boatyard. This proposal should be rejected purely on the grounds of health and safety – there are plenty of other sites available for development that do not share space within a working boatyard. By the way, has anyone checked to see if the site is contaminated with industrial chemicals? If not, why?
7. The application does not explain how the loss of the boatyard and the 200 square metre shed will be made good. These proposals will deny Swansea Marina of boatyard land and a large shed, the applicants have a duty to make good this loss to the boat repair industry. Our fear is that the work will disappear to other marinas such as Cardiff. Skilled jobs will be lost from Swansea and a vital, and lucrative, service to boat owners will be lost.
8. The development will impact on Swansea Fish Market by future complaints from residents about smell.
9. The daylighting analysis contains inaccuracies and is flawed. The development would result in a loss of natural light, privacy and overlooking.
10. The Noise Assessment makes the assumption that all windows should be closed to avoid nuisance from noise.

Maritime Quarter Residents' Association (MQRA) (1 Aug. 2013) – Further OBJECTION on the following grounds:

We refer to the above planning application and your recent letter of 26 June 2013 regarding amended plans and write to object as an Association representing a large number of Maritime Quarter residents to the application as we believe it fails to address the current and future needs of Swansea Marina.

While it is noted that the Council have held Consultative Meetings with the Applicant to address concerns previously identified, we believe that the Application should still be rejected. There are a number of reasons for this and these include:

- The proposed development still brings into question the sustainability of the area as a working Marina and undermines our ability to pass on Swansea's heritage to future generations. If these plans go ahead, Swansea is in danger of losing its ability to pass on a full-service maritime repair and maintenance facility.

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- A key feature of the Maritime Quarter is that it continues to operate as a fully functioning Marina; as such, it needs an adequate supply of boat yard capacity with appropriate infrastructure and it is believed that any change of use to the land in question will seriously diminish the ability of the Marina to fulfil one of its primary functions.
- It must be recognised that boats have to be removed from the water annually for maintenance work and to prevent water-logging due to osmosis. Failure to retain the boatyard as an operational unit will reduce potential boatyard capacity by 30-40% with the Council's yard appearing to run at close to maximum capacity currently.
- The construction of residential units adjacent to the primary lifting hoist for such vessels must pose a threat to the continued existence of this unique service. It is inconceivable that the heavy lifting device, reportedly weighing 20 tons, plus the weight of the boats being lifted, will not increase the risk of serious Health and Safety issues to potential residents of the new apartments, especially when children are present. Furthermore, when barnacles and other marine growth are power washed off the hulls of boats, the malodorous waste water generated will undoubtedly be unwelcome in a residential environment, as will the noise being created during cleaning and lifting operations.
- Equally, the planning application poses a new threat to Health and Safety for residents and visitors as the new building would create a long, narrow and dark walkway between the Fishmarket and the proposed development which could become a potential focal point for anti-social and criminal behaviour.
- The Maritime Quarter has seen a tremendous growth in the number of apartments being built in less than ten years and it is clear that such accommodation is excess to requirements. This is evidenced by the number of "For Sale" and "To Let" signs erected around the Maritime Quarter and the construction of further residential units appears superfluous, especially against a background of the loss of potential local employment opportunities, if the boatyard were to be retained.
- It is believed that the current boatyard operation lies in Use Class B2, while the new development may fall into various Class A and C categories. We question how any change of Use Class could even be contemplated, while it is understood that the recent granting of a significantly extended lease by the Council for the existing commercial operation may be subject to third-party Audit. Full details of the lease negotiations should be made available for public scrutiny before any consideration is given to planning applications relating to this plot of land.
- In spite of the reduced number of flats with dedicated parking in the new plan, the impact of this development on Trawler Road will still exacerbate existing major traffic issues, as reported at public PACT and MQRA meetings, in three ways:
 1. Parking – it is widely acknowledged and identified that the growing Maritime Quarter has a major problem with inadequate and uncontrolled parking, which the Council is unable to manage effectively and which has not been addressed satisfactorily. The access points to this development would appear to further reduce parking capacity as the stretch of Trawler Road in question is currently a relatively long parking bay. Visitors to residents on the south side of the Marina already have great difficulty finding available parking. Building more residential units in this area will only add to the problem.

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2. Speeding – this issue has been regularly agreed at PACT sessions as a priority for attention but, as in the case of parking, the authorities have been unable to solve the problem. The large number of apartments in the Maritime Quarter has resulted in an influx of younger people to the area, some of whom appear to have a predisposition to travelling at high speeds along Trawler Road, particularly along the stretch adjacent to the site in question. Further apartments will no doubt impact adversely on this serious cause for concern.
 3. Accidents – against this background of speeding, the proposed development seeks to create two additional access points to Trawler Road precisely at a location where some road-users are moving at high speed ... this is in spite of numerous speed retarders. In a distance of approximately 150 metres, the development would result in three potential blind spots, significantly increasing the risk of accidents, especially as two of the access points would be visually obstructed by cars parking adjacent to the development.
- A further major concern relating to traffic, as has been regularly reported at public MQRA and PACT meetings, and which time and again has been brought to the attention of Council leaders, is the inability of current traffic controls at the Oystermouth Road/Dunvant Place junction to cope with the volume of current road movements in and out of the Marina. This development, along with the plans already approved for the construction of a neighbouring hotel on Trawler Road, will merely serve to increase volume and create further traffic congestion. Trawler Road effectively leads into a cul-de-sac and traffic management remains a serious and frustrating problem (as identified at the time of constructing Meridian Tower) still to be addressed for the Maritime Quarter.

In conclusion, in spite of the efforts of the Planning Dept. to improve the original plans, we contend that this planning application with reduced numbers of apartments and commercial units should be rejected for the reasons given above. It fails to address fundamental issues relating to the essential character of the Maritime Quarter, which is based on Swansea having an attractive residential marina environment around fully functioning boatyards and moorings. Residents and visitors do not wish to look at even more 'For Sale/To Let' signs, while losing the essential character and ambience which first attracted people and businesses here and, hopefully, will encourage more visitors to come and experience our beautiful surroundings.

FURTHER AMENDED PROPOSAL following receipt of detailed drawings 31 July 2013.

The application was re-advertised on site and the objectors were reconsulted. No further neighbour response.

Maritime Quarter Residents' Association (MQRA) (20 Oct. 2013) – We refer to the above Application and write to register a further objection to the plans submitted.

Upon studying the *Technical Report 180005-01-RK*; June 2013 (your Reference 83846) provided by MLM Innovate Acoustics in relation to Noise, it appears that the developers are trying to rely upon BS8233 to draw conclusions as opposed to BS4142 - please see extract from the report below; 2.8.

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2.8 The typical application of BS4142 is where new or amended industrial noise sources are assessed in terms of their quantifiable impact on existing residential areas, where the residents have expectations of the quality of the noise climate where they live. Where new properties are constructed, there is no pre-existing expectation of the noise climate on the part of the occupants as they will come to the industrial noise as one element of the overall noise climate at their new property. The effectiveness of the BS4142 assessment method in these instances is significantly reduced. In situations where BS4142 is not appropriate, allowance is made for reference to BS8233, which is summarised later in this section.

It is suggested that the effectiveness of BS4142 is significantly reduced when considering the construction of new properties, in spite of the fact that this standard is designed to assess the likelihood of complaints being received regarding industrial noise and, accordingly, is directly relevant to the Boat Yard application.

We contend that BS8233 is even more inappropriate as it merely seeks to address details pertaining to internal noise levels to be achieved for a variety of building types. Are the developer and MLM seriously trying to suggest that people will keep their windows and French windows permanently closed?

We would emphasise that MLM appear wrong when they state that “none of the flats had external amenity space” and, therefore, it follows that the report may be inappropriate in suggesting that BS8233 be used to assess noise nuisance instead of BS4142. The Amended Plan of Elevations (91166 dated 15 October 2013) clearly identifies “Juliette Balconies” and “Glazed Balcony Balustrades” and it is misleading to suggest that residents will have no “external amenity space”.

We presume that such a misleading approach is not deliberate on the part of the Applicant and merely an oversight as Amended plans have been submitted recently, but the implications are nevertheless significant.

Firstly, it is possible that the Environmental Health Department might have drawn different conclusions and we trust that the developer will be advised of this error and given the opportunity to submit a revised technical report in relation to noise assessment.

Secondly, the future implications of an incorrect noise assessment are also major. The effect on local businesses and Marina operations could be to threaten their very existence as, given an incorrect noise assessment, future residents may well complain about noise nuisance; consequently, BS4142 would then probably be employed to determine whether there is an unacceptable nuisance to residents. Elsewhere in Swansea, we have seen instances where new residential developments have caused the closure of existing businesses due to noise and such a risk must be removed when considering this Application.

2012/1226 must not threaten the economic existence of the heart of the Marina, the so-called Jewel in Swansea's Crown.

As a minimum, we ask that you ensure that BS4142 is used as an integral part of any noise assessment undertaken in relation to this application, with the developer being asked to submit a more realistic report in line with the actual details provided in their plans.

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Furthermore, we would emphasise that this again highlights the inherent risks in “Mixed Use” developments. “Residential and Retail/Offices” appear to offer the possibility of such neighbours co-existing reasonably well, but “Residential and Industrial”, such as boat yards and fish markets, appear unlikely to co-exist satisfactorily due to noise, odour etc. and we again urge you, therefore, to REJECT this application.

Peter Black AM - I have recently visited the application site at the invitation of two of the businesses that operate on either side of the plot. As a consequence of that visit, I am writing to lodge an objection to the application as being an inappropriate site for a residential development in view of the operations carried out by these two pre-existing businesses.

The close juxtaposition of a working boatyard, and a fish-market makes the site a poor choice for residential housing. The boatyard operations include the careening of boats which is done using a high pressure hose, thus producing an aerosol effect which will include barnacle and other debris from boat hulls. In addition, the boats are removed and returned to the water using a boat hoist that will operate within five metres of the boundary wall of the proposed development. In addition, there will be other noise nuisance, and vehicle movements associated with boat maintenance, including the regular delivery and removal of boats on large low-loaders.

The fish market begins operations at 0400, and is visited extensively by delivery vehicles loading and unloading from that time, and by customers coming to purchase product. This is in addition to the normal noise levels made by a commercial operation of this type. Moreover, the fish market has a smoking licence, and the vent for the smokehouse is within three metres of the western wall of the proposed development. Both of these businesses have been in operation at their present locations for a considerable number of years.

As there can be no question of pre-existing businesses being required to relocate as a consequence of the proposed development, it is apparent that the occupiers of the dwellings in question will suffer a substantial degree of interference and inconvenience.

Byron Davies AM – I am writing on behalf of residents who have approached me with their concerns over the planning application.

On 5 August 2013 I wrote to the Chief Executive Officer following his decision to conduct an investigation into the Celtic Marine land deal by Price Waterhouse Coopers, requesting that this planning application be deferred until the outcome of that investigation.

However, should the application not be deferred I would suggest that a mixed use of 50 residential units together with 49 car parking spaces /1 commercial unit in an established industrial area is not compatible.

As I understand it, the UDP states that an appropriate level of parking spaces for private, service vehicles, motor bikes, cycles are 1 parking space per residential dwelling unit; 1 parking space per 2-4 dwellings; and 1 parking space for commercial unit.

This development falls short of this with only 49 parking spaces for the complete site.

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As the name proclaims, this area is primarily used by boating/fishing related commercial businesses.

The fact that the development of apartments will be at first and second floor levels (western elevation); level to a 'smoked fish' outlet is of great concern. How can the aroma from the fish unit be overcome with the 'new' neighbours? This can only lead to ongoing disputes between the neighbours, which ultimately would lead to the loss of the smoked fish unit. An iconic business use of many years.

Also the boat hoist on the north eastern edge of the site – this is constantly used to get boats in and out of the water; to clean the bottoms with high pressure hoses, causing dirt and effluent to spray in the immediate vicinity, thereby causing noise pollution and possible health issues.

I believe that the lock gates on the northern side of the development have in the past flooded.

As to the dock wall, this is very old – possibly Victorian wall. What steps will be taken to ensure that the excavation works required for this development will not have a detrimental impact on it?

I would therefore suggest that this application be refused.

FURTHER AMENDED PROPOSAL following receipt of the Revised Acoustic Report 24 March 2014.

The application was re-advertised on site and the Maritime Quarter Residents Association were re-consulted neighbouring properties and objectors were reconsulted. 1 further LETTER OF OBJECTION has been received making the following points:

1. We disagree that 'gagging orders' be imposed on all tenants. This is clearly against one's free will and against local and national policies. Every future resident has every right to complain against noise nuisance whatever conditions are applied to the design.
2. The Report does not address the issue of the fish smells from the fish market.

Maritime Quarter Residents' Association (MQRA) (6 May 2014)

We refer to the revised Technical Report 180005-002, dated March 2014, relating to the above application and are writing to register a further objection from the MQRA.

The MQRA has made a number of objections to the above application on behalf of the residents of the Maritime Quarter. This objection should be read in conjunction with the previous objections.

Summary

The Environmental Health Officer of The City and County of Swansea, was correct in recommending against the planning application that was based on the previous Technical Report. His reasons for recommending that the application be rejected are provided in the Technical Report and for ease of reference, replicated later in this objection.

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There has been no significant change to the application justifying a change to the EHO's recommendation. The Technical Report claims that external living space has been removed and that mechanical ventilation will be used to replace open windows. The report states that windows will only be opened to vent smoke. Juliette balconies are shown on the revised drawings. Clearly, this type of door will be opened. The balcony areas still exist but guardrails have been removed.

The wheelchair apartments on the ground floor have direct access to the promenade adjacent to the boatlift and will be subject to noise pollution. They will not be isolated from noise nuisance as claimed in the revised technical report.

The Technical Report correctly calculates that, using BS4142, complaints will be likely from existing noise sources. The Applicant then states that BS4142 is not appropriate as PPG24 allows for reference to BS8233. PPG was cancelled in 2012 and only applied to England. This questions the accuracy and validity of the whole Technical Report.

TAN 11 applies to Wales. Paragraph 10 states:

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Noise is already at a level that would cause complaints. Activity in the Marina Boatyard and hence noise levels are likely to increase when marina activity increases on completion of the Tidal Lagoon. Further boatyard capacity will be required and the application area is the only suitable area to meet this need.

The Applicant clearly understands that windows, balcony doors and ground floor apartment doors will be opened and that they cannot win a reasoned argument. They have, therefore, suggested that a legal 'gagging order' be imposed on all tenants to prevent them from making legitimate complaints. This is a Dickensian approach and contrary to local and national guidelines. Planning Officers and Councillors on the Planning Committee will find this desperate suggestion abhorrent.

This development, if approved, will still be in place in 100 years time and residents will still be subject to a 'gagging order'. How will the Planning Department or even the local Councillors be judged in 100 years time for imposing such an order on what by that time, will be thousands of residents? To approve the planning application without imposing a 'gagging order' will put at risk the Marina Boatyard operation.

The report does not address the issue of smell from the fish market when fish are smoked during the night. The proposed mechanical ventilation would be designed to reduce noise but no mention has been made of how the mechanical ventilation will deal with smells. It is possible that it will increase the problem. This, in itself, is sufficient reason to reject the application until the problem is addressed.

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Detailed comments on Technical Report 180005-002

For ease of reference, the paragraph numbers shown below relate to the paragraphs in the Technical Report.

1. Introduction

1.2 The report refers to post-submission consultation responses received from the Environmental Health Officer (EHO) for the City and County of Swansea. These responses are not available other than where included in the Technical Report.

1.3 The Technical Report states: *The assessment has been based on environmental noise measurements and predicted noise levels at the site when the proposed development has been constructed.* This statement is misleading. The Applicant predicts noise levels and then discounts them as not relevant.

1.4 This paragraph is, again, misleading as it states that the suitability for residential development has been assessed on predicted noise levels. Predicted noise levels have been ignored as not relevant.

1.5 This paragraph misleads as it implies a joint approach to the assessment. The Applicant has followed the approach requested by the EHO for predicting noise and then stated that EHO is wrong in requesting such an approach.

1.6 People with no technical background should not be put off reading the report as, although technical in nature, it is very easy to follow the pertinent points.

2. Assessment Methodology

2.1 This paragraph states that the Report places emphasis on TAN11 and BS5233. It goes on to state that BS 4142, although relatively inapplicable, was included at the request of the EHD of Swansea Council. (The City & County of Swansea) TAN 11 makes reference in B17 to the use of BS4142 for noise from industrial and commercial developments. It clearly states that BS8233 can be used in addition for general guidance. The EHD is, therefore, correct in requesting that an assessment is made using BS4142.

2.3 & 2.4 The Applicant, having stated in 2.1 that BS4142 is relatively inapplicable, then confirms in the same paragraph that TAN 11 stipulates that noise from industrial developments can be assessed using BS4142. The Applicant's arguments cause confusion.

2.5 This paragraph explains that BS4142 is used to assess the likelihood of complaint from industrial noise. It points out that the noise levels are assessed outside properties. This is correct and is the approach that has been used successfully for 40 years.

2.6 This paragraph refers to PPG24 (a document cancelled in 2012 and only applicable to England) to argue that BS8233 should be used in place of BS 4142. (PPG24 did not recommend the use of BS8233 in preference to BS4142.)

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2.7 This paragraph quotes BS4142

“This British Standard describes a method of determining the level of a noise of an industrial nature, together with procedures for assessing whether the noise in question is likely to give rise to complaints from persons living in the vicinity.”

2.8 The Applicant then argues that BS4142 only applies to people who “are” living in the vicinity of a noise source and does not apply to people who “will be” living in the vicinity. This is wrong and ignores the fact that in B17, TAN11 recommends the use of BS4142 in such circumstances. Many years ago, I sat on a British Standards committee for noise. Whilst I did not sit on the BS4142 Committee, this standard was referenced on many occasions. At that time, BS4142 certainly did apply to people who “will be” living in the vicinity of noise. The situation may have changed since I sat on the British Standards Committee but the Report offers no evidence that the situation has changed.

2.9 The Applicant states: “In situations where BS4142 is not appropriate, PPG24 allows for reference to BS8233,” PPG24 has been cancelled and BS4142 applies. This argument has not foundation.

2.10 – 2.13. Describe how BS4142 is used to assess noise nuisance.

2.14 – 2.17. Describe how BS 8233 can be applied.

Initial Consultation with City & County of Swansea.

2.18 This statement conflicts with the EHO’s reasons for recommending rejection of the application. It also conflicts with the EHO’s request to use BS4142 to assess the level of noise nuisance. Does this paragraph ‘tell the whole story’ or mislead? This development should be assessed using BS 4142, which was requested by the EHD for the initial assessment.

3. Local Planning Policy Unitary Development Plan

3.1 to 3.5. These paragraphs give the Applicant’s interpretation of the UDP and in particular Policy EV40. The paragraphs are copied below for ease of reference.

3.1 The City and County of Swansea UDP1 was adopted on 10th November 2008 and sets out policies and proposals for future development, particularly with regard to the use and conservation of land and buildings up to 2016.

3.2 Policy EV40 of the UDP states:

“Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.”

3.3 Amplification of this policy clarifies that the intention of the policy is to ensure that incompatible development and land uses are not located close to existing sources of potential pollution. However, it also stresses that, where possible, planning conditions will be used to minimise environmental harm.

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3.4 Further amplification indicates that where proposed development is to be located in close proximity to a source of noise pollution, proposals will be required to incorporate design, landscaping and other measures to minimise the effects on future occupants. Where there are potential noise implications, developers may be required to provide an assessment of noise impact, together with proposals for mitigation in support of planning applications. It is stated that planning permission will be refused if the Council is not satisfied with the results of the assessment and proposed mitigation measures and, notwithstanding the use of good design and materials, there will be some instances where new residential and other noise sensitive uses will not be acceptable in close proximity to existing noise generating uses or activities.

3.5 In essence, this policy requires a test to ascertain whether a development will give rise to “significant harm”.

Policy EV40 does refer to “significant harm” and “significant levels” of air noise or light pollution. The results of the noise assessments undertaken by the Applicant are given in 6.10. Six calculations are shown and five exceed “significant levels”. Three state “*complaints likely*”. The other three calculations refer to the word ‘significant’. Two state ‘*Between ‘marginal significant’ and ‘complaints like’ and one states ‘complaints less than ‘marginal significance’.*

The noise assessment clearly shows that residents will suffer significant levels of noise pollution where complaints are likely.

It is very difficult to impose planning conditions to control noise where a development is built in an environment with high levels of noise. This is why the policy uses the words “where possible”. One method suggested by the Applicant is a ‘gagging order’, which has been imposed on residents in London. The City & County of Swansea are unlikely to agree to impose a “gagging order” on future residents.

The amplification of planning policy EV40 is shown in 3.3 above and quite clearly states: “*the intention of the policy is to ensure that incompatible development and land uses are not located close to existing sources of potential pollution’.* The proposed development clearly breaches this condition.

Future residents will be able to use this report to support any objection to existing noise sources which includes the Marina Boat Yard operation.

4. Site Description & Development Proposal

The plans are not clear in this Technical Report. It is also difficult to determine from the plans on the Planning website, exactly what doors, balcony doors and Juliette balcony doors are proposed in the revised proposal. It would appear that doors onto Fishmarket Quay and Juliette balcony doors are still included in the proposal. Guardrails to balconies have been removed but the balconies still exist. It would be very simple to reinstate the balconies at a future date.

The Applicant’s one argument to overcome the problem of noise pollution is that the building will be vented artificially and that windows will only be opened to vent smoke. Clearly this argument has no foundation where Juliette balconies are installed.

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5. Existing Conditions

It is for the EHD to report on the technical competence of the noise survey and noise predictions. To ignore the effect of noise reflection from the flats opposite on Trawler Road could be correct.

6. Noise Assessment

The assessment using BS4142 clearly shows that complaints are likely. The Applicant's argument that the results obtained using BS4142 should be ignored and that BS8233 should be used are wrong, as explained earlier in this objection. The building will not be mechanically ventilated. Residents will open balcony doors and windows as is their right.

7. Mitigation Requirements

7.1 to 7.8 deals with the acoustic performance of the windows. This is totally irrelevant as Juliette Balcony doors are proposed.

7.9 The following statement is made: *“Due to noise level during the day on Fishmarket Quay and noise levels during the night on Trawler road, acoustically treated ventilation will be required on both facades. An open window can still be used for the rapid ventilation of fumes.”* The Applicant clearly states that noise levels are unacceptable both on Fishmarket Quay and Trawler Road.

7.10 to 7.14 simply shows that if the building is sealed, noise levels within the properties can be kept to an acceptable level. The proposed building will not be sealed and the Applicant's arguments are irrelevant.

8 Discussion

8.1 The Applicant states that mitigation measures have been specified. This is only true if the building is sealed. It is not sealed.

8.2 The façade closest to the location of the hoist ramp is where the wheelchair access flats are to be situated. To suggest that residents will keep their doors closed and rely on 'additional purged mechanical ventilation', is to ignore reality and the nature of people.

8.3 The Applicant states: *“The objection to the development, even incorporating the above measure, is based around the theoretical risk of a resident being annoyed by the occasional marina activity—”* The Applicant's noise calculations in this report clearly state that complaints are likely.

8.3 & 8.4 These paragraphs try to use subjective arguments to show that noise will not be a problem. The calculations carried out in accordance with BS4142 clearly show that there will be complaints.

8.6 The Applicant is correct in stating that the argument made in this paragraph is no defence against nuisance litigation. The Planning Department will be aware of many cases where noise nuisance litigation has resulted from similar circumstances. It only requires one resident to take litigation action. Existing Adjacency of Noise-Sensitive Receptors.

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8.8 to 8.10 The existing flats are situated much further from the boat yard lift. A doubling of distance reduces the noise level by 50%. The noise assessment for the new development clearly states that complaints are likely.

Acoustic Benefits of the Scheme

8.11 to 8.13 The Applicant has clearly not read the objections to the proposed scheme in stating: “existing residents would prefer to neighbour a residential premises than a commercial boat maintenance yard.” The MQRA has previously objected to the development and clearly stated that it would prefer to retain a boat yard.

Incongruity of Environmental Health Response with Planning Policy

8.14 This policy re-states policy EV40 and explains that amplification of the policy allows for measures to reduce nuisance. It ignores the recommendation that developments should only be sited in areas of noise pollution where other areas are not available. There are many suitable areas locally available.

8.15 This paragraph is copied below for ease of reference.

The core reason for Environmental Health’s objection to the proposal is stated in the post-submission consultation response, which states: *“Whilst the acoustic survey is adequate, the logical conclusion would be that the dwellings only become reasonable to occupy by undertaking a thorough sound insulation scheme and keeping the doors and windows closed to protect the indoor environment.”*

The EHO made several points in his objection including a clear objection to imposing conditions on residents that doors and windows are kept closed.

8.16 The scheme does not incorporate design measures as required under EV40 as stated in this paragraph. The MQRA strongly disagrees with the remainder of the paragraph.

8.17 The Applicant states: *“It is therefore considered that the response from the Environmental Health Officer is excessively cautious, is aimed at removing any slight risk of noise nuisance complaint from any future residents, “*

The noise assessment carried out under BS4142 clearly shows that ‘complaints are likely’
The Applicant is wrong.

8.18 Again, the Applicant is ignoring the BS4142 assessment.

8.19 Contrary to what the Applicant states in this paragraph, the noise levels are more than ‘significant’. They are calculated as ‘complaint likely’. The EHO are not being unreasonable in their objection to this proposal. They have correctly followed good environmental and health assessment procedures. The MQRA agrees that “the objection should be considered in light of this report” and therefore rejected on the basis that complaints are likely. This could jeopardise the future of the Marina Boat Yard operation.

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Potential Further Mitigation

8.20 This first paragraph is untrue. The EHO has recognised the mitigation to date and rejected it.

8.22 The mitigation suggested is not proved by calculation and only looks at the significant noise problem on Fishmarket Quay. It does not attempt to mitigate the significant noise on the Trawler Road façade.

8.24 The Applicant's desperate mitigation proposal to impose a 'gagging order' on all future residents is totally unacceptable when there are many alternative locations for such development. Will the Planning Department or even the Local Councillors be praised in 100 years time for imposing such an order?

Appeal/Inquiry example

8.25 to 8.29 appear to be threats of what action will be taken if the application is refused. The Planning Committee would have the full support of the MQRA if the application is refused and appealed.

In Summary

8.30 to 8.33 raises no new factors. They simply ignore the main 'facts' of the report which show that complaints are likely. They have made no attempt to deal with the problem of fish smells from the fish market.

NRW – Thank you for advising us that amended plans have been submitted in support of the above application. This information was received on 3 July 2013.

We note that this information includes a Flood Risk Assessment (FRA) and drainage statement.

Flood Risk

As highlighted previously, the site of the proposed development is situated in zone A on the development advice map and is not currently considered to be at risk in flood events up to the 0.1% (1:1000). However considering the location adjacent to Swansea Marina and the residential nature of the proposal, we welcome the assessment of predicted sea level rise over a 100 year lifetime of development which has been carried out and submitted.

Using the latest information and guidance on sea levels and predicted rise due to climate change, the 0.5% level in 2113 would be approximately 7.25m AOD. As a precautionary measure it is also recommended that a 0.3m confidence value be assessed which provides a final figure of up to 7.55m AOD. The FRA states that the proposed development level will be at least 7.6m AOD thereby ensuring that it will comply with the requirements of Table A1.14 and guidance in Table A1.15 of TAN15.

Although the development will comply with the requirements of TAN15 the only existing vehicular access along Trawler Road is at a lower level and is shown to be at risk of flooding. It is possible therefore that over the lifetime of the development there will be occasions when the road is flooded and emergency access restricted.

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In order to ensure the safety of all residents, we would recommend that a flood management plan should be provided for approval by the local planning authority. The plan should include flood warning, emergency access/evacuation arrangements and clear responsibilities.

Surface Water Drainage

We note that it is now proposed to discharge surface water drainage directly to the marina. Whilst there is unlikely to be any effect on flood risk at this location the use of sustainable drainage system (SUDS) is still recommended as best practice. We would therefore recommend that your Authority seek some form of surface water management/attenuation via SUDS. This could form a condition on any permission granted.

Foul Drainage

We note from the drainage strategy that the foul water is to connect to the main sewer located in Trawler Road. As highlighted in our previous response, we have concerns with the mains system in this area. Can it be confirmed whether this will be routed via the foul sewage pumping station, known as Swansea Point Development?

Prior to determination your Authority must be satisfied that the proposed drainage is satisfactory and will not pose a risk of pollution to controlled waters. We would therefore again recommend that DCWW are consulted on this development proposal. However, rather than delay determination an appropriate planning condition could be included on any permission to ensure the foul drainage arrangements in place are satisfactory and will not pose a risk of pollution to the environment.

Contaminated Land

We note that a Geo-environmental desk study has been undertaken and submitted in support of this application (Earth Science Partnership, ref: 5272h.1953, dated June 2013). From this study, we are comfortable that the proposal will pose no risk of pollution to controlled waters as a result of contaminated land.

Other

In addition to the above, we would ask that a copy of the attached planning advice note is provided to the applicant. This includes pollution prevention and waste management guidance which the applicant should familiarise themselves with.

I trust these comments are helpful and will allow your Authority to proceed with determination of the application.

Glamorgan Gwent Archaeological Trust (GGAT) – the Historic Environment Record curated by this Trust shows that the application area is located on the wharf area of the South Dock Half Tide Basin, adjacent to the site of the Globe Dry Dock. Begun in 1852, the entrance to the South Dock was remodelled at the turn of the 19th – 20th centuries, with alterations to the lock access and the conversion of the Globe to a wet dock. Since then, the area has been significantly remodelled and as the application area is on made ground there is nothing to suggest that any previously unknown archaeological features are present in the vicinity. We have no objection to the positive determination of this application.

Head of Public Protection –

Original Comments (4 Dec. 2013)

- After considering all the facts, in my view the application for residential dwellings on this site should be refused.
- Whilst the acoustic survey is adequate, the logical conclusion would be that the dwellings only become reasonable to occupy by undertaking a thorough sound insulation scheme and keeping the doors and windows closed to protect the indoor environment.
- Clearly this type of scheme has been used in noisy environments, but it must be accepted that this requires living with mechanical ventilation and closed windows which seems unreasonable in the maritime quarter. In my view this is only appropriate for sites under huge developmental pressure for other reasons which are close to major roads/railways/airports etc. I do not feel it is desirable from a planning perspective in an area where people should be enjoying fresh air and the ambience of the Marina.
- The noise sources identified around this site cannot be readily moved to alternative positions and are an essential part of the business operation for a number of concerns. These include the commercial fish operation, a Marine boat fitting and repair company, the Marina operator and all the various boat owners working on their boats in the boatyard. All these have been the source of complaints to my division in previous years.
- The boat hoist is also a noisy operation and cannot be moved from the current location which is alongside some of the proposed dwellings due to the design of the South Dock. This also serves the delivery trucks bringing boats in by road and that is also alongside the block.
- Car parking is under considerable pressure now in that location and in good weather there will not be enough capacity.
- Any future resident of this development has every right to complain of noise nuisance whatever conditions are applied to the design. They still have the right to complain even if secondary glazing is open as most courts would agree that that is a reasonable assumption. This puts neighbouring commercial operators in a very difficult position and at considerable disadvantage. At best they can hope for a sympathetic court to allow the use of the “best practicable means” defence, but this will still mean that their operations are likely to be limited or curtailed in some way.
- There are also complaints of odour from some of these operations which are likely to recur if this site is developed. These are very difficult to control in any practical sense.
- For the Marina operation to be successful, which surely is vital to the long-term success for this area, there must be some areas reserved for Marine engineering and repair. These facilities are in very short supply all around the Bristol Channel and it seems very unwise from a planning perspective to disregard this issue.

Revised comments (14 May, 2014) following the receipt of the revised Acoustics Report:

The pollution control team have concerns about this application. It seems unfortunate that a space traditionally reserved for Marine activities may be lost to local businesses and that additional pressure may be brought to bear on the existing Marina support businesses. There are a number of basic issues which have been the subject of ongoing discussions with the developer’s consultants.

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- Noise from the boat hoist
- noise and odour from other commercial activities
- whether it is appropriate to deal with these noise issues by additional sound insulation on each dwelling
- whether it is appropriate to deal with this matter by tenancy or lease conditions

Whilst we remain concerned about the long-term impacts, the applicant seems to be prepared to take various measures to mitigate some of these concerns. If the applicant is willing to enter into a section 106 agreement which would result in the boat hoist being significantly modified and improved, the main issue will be of less concern. If this can be delivered alongside a suitable sound insulation condition (in line with the acoustic consultant's suggestion) then future residents may well feel that matters are reasonably under control. In my view it is not appropriate to deal with this by tenancy conditions, as I do not think it is appropriate to try and remove the rights of future occupants to make reasonable complaints. It will then be for any surrounding business to argue that they are taking the "*best practicable means*" to minimise that nuisance.

The same defence applies to any odour issues from boat repairs or from fish smoking etc. These issues have had less impact in the area and are more transitory, but can be difficult to resolve.

Perhaps comments should be made about the references to planning decisions on appeals where acoustic insulation was necessary for dwellings to achieve a reasonable standard. It should be pointed out that this particular issue very much depends on the attitude of the planning inspector, some will assume that most acoustic problems can be engineered out. Not all decisions will go that way as each case will be judged on its merits and previous decisions are not binding. The difficulty for our team is not so much the likely outcome in a planning appeal, but the considerable efforts and costs associated with resolving nuisance complaints in a criminal system later particularly if we did not object at the outset.

Overall our position is that if the section 106 offer, in addition to the suggested insulation scheme, can be incorporated into a consent, our original objections may appear unreasonable in any subsequent appeal.

Marina Manager –

Original Comments (15 Oct. 2012)

Noise:

There would likely be complaints from residents of the proposed development regarding noise. The Marina Boat Hoist is immediately adjacent, and this usually operates from 0800 – 1600 7 days a week. Customers also work on their boats in the boatyard, often using noisy power tools. Noise issues may also arise from early morning boat movements and lock and bridge operations as the locks and bridges are operational from 0700 – 2200 7 days a week. Any operational restrictions imposed on us on the grounds of noise pollution would seriously impact our business and the day to day activities that we have been carrying out since 1982.

ITEM 3 (CONT'D)

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Hoist Lifting Bay:

This area is used to wash off boats once they have been lifted from the water, complaints could arise from residents relating to dirty windows / cars when we experience gusty Easterly winds.

Car Parking:

The underground car parking associated with the proposed development appears to be relatively limited, and there is very little in the way of on street parking nearby. The Marina has its own private car park adjacent, and this could very well be abused by the developments residents and guests, leaving little space for Marina customers.

Major Infrastructure Running Costs:

The Marina's current sustainable business model includes maintenance to major infrastructure running and maintenance costs in the Maritime Quarter area. These items include the River Tawe Barrage and the Port Tawe Storm Water Pumping Station. These items are a direct and unavoidable cost to CCS. Any development that potentially curtails the current marina operation would make the business unviable.

Revised comments (22 April, 2014) following the receipt of the revised Acoustics Report:

I have not been in favour of any residential development on this land, I would have much preferred a marine related business operating at this location to compliment the current boatyard. My main concerns to a residential development have always been centred around noise being generated from the boatyard plant and future residents complaints resulting in our boatyard business becoming extremely limited.

I have read the acoustics report and accept a developer contribution towards making the hoist quieter along with a "deed of easement" or some other condition between the landlord and occupier would go some way towards easing my concerns.

I would ask that careful consideration is made to the wording of any section 106 agreement in relation to the offered sum of £10,000 by the developer. The Hoist is now in need of a complete refurbishment due to its age and there could be a number of ways to make the machine quieter during a refurb without necessarily replacing the engine. I am aiming to carry out some kind of refurb to the hoist during the summer of 2015

Highway Observations – Amended plans dated 18th June 2013.

1. Introduction

1.1 This proposal is for outline consent (with some matters reserved) for the erection of 50 apartments and ground floor retail use (138 sq.m) on the site of a former boat yard on Trawler Road , Marina, Swansea. The site is located 600m south of Swansea City Centre and is bounded to the north by the Tawe basin, to the east by the existing parking area and open boat storage yard, to the south by Trawler Road and the west by industrial commercial properties.

1.2 The indicative plan shows 13 two bedroom apartments (including 3 wheelchair accessible apartments) and 37 one bedroom apartments. The site is to be accessed off Trawler Road at three locations, one is via an existing access which serves the existing public parking area/boat yard to the east, and two are newly formed providing access to the main body of the car park.

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1.3 The car parking is laid out on the ground floor and comprises 49 car parking spaces (including 3 for disabled users), and storage for 50 bikes. Access to the parking area is gained via a one way in-one way out system for spaces 1 to 40 , whereas spaces 41 to 49 are utilized accessed via an existing point.

1.4 The site is well served by public transport with a service running along Trawler Road at a frequency of 60 minutes. In addition the site is within close proximity to the Quadrant bus station with services both locally and nationally. In terms of cycling the site is in close proximity to the National Cycle Network with county wide links. In terms of pedestrian movements the site is well located in terms of road, footways and bridges to link to the both the city centre and the waterfront.

1.4 A transport assessment has been submitted in support of the application due to the sensitive nature of traffic issues in the area, perceived problems brought about by recent large scale developments in the area and the objection letters submitted by local residents. The results are discussed below.

2 Transport Assessment

2.1 The Transport Assessment has been submitted to support the proposal for residential flats with ground floor retail. The assessment has considered the impact on the Trawler Road (Dunvant Place)/ Oystermouth Road Junction as this is the sole access in and out of the marina. The assessment has been undertaken in accordance with nationally accepted standards and best practice where committed traffic and development traffic is added to base traffic movements and the efficiency of the junctions. The output gives an indication of the degree of saturation at the junction and predicted queuing. All testing is undertaken during the am and pm peak periods.

2.2 The development has been checked for the year of opening (2014) and five years later (2019) this is standard practice. The base traffic flows are factored using growth factors and the trip rates are calculated using the TRICS database which is a nationally used software package. The report outlines the transport characteristics of the proposed development and the likely impact on the local transport network.

2.4 A manual count was undertaken on behalf of the developer in October 2012 at the Trawler Road (Dunvant Place)/Oystermouth Road signalised junction.

" Flows of 4688 vehicles on Oystermouth Road were recorded in the a.m. peak (0730 to 0930) which averages out at 2344 per hour

" Flows of 5680 in the p.m. peak (1630 to 1830) which averages out at 2840 vehicles per hour.

" Flows of 447 vehicles were recorded on Dunvant Place in the a.m. peak (0730 to 0930) which averages out at 224 vehicles per hour

" Flows of 578 in the p.m. peak (1630 to 1830) which averages out at 289 vehicles per hour.

This compares well to tube counts that were undertaken by City and County of Swansea CS on Dunvant Place (in November 2012) which showed 217 movements in the a.m. peak and 258 in the p.m. peak with a 24 hour count of 3142 vehicles. It is reasonable therefore to accept the independent survey results as being a valid assessment of the actual movements.

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2.5 The development of 50 flats is predicted to generate 6 arrivals and 10 departures in the morning peak (16 total traffic movements), and 11 arrivals and 8 departures in the pm peak (19 total traffic movements). It is clear therefore that given the volumes of traffic along Duvant Place/Trawler Road that these additional movements represent an increase of 7% in the morning peak (diluted to virtually zero on Oystermouth Road). Similarly in the p.m peak the effect is an increase of 6%, again diluting down to virtually zero impact on Oystermouth Road.

2.6 For the year of opening plus five years (2019) due to an increase in traffic on the road in general the impact of the proposal on the highway and congestion is further reduced.

2.7 As the retail element is intended to be ancillary to the residential use, and its size is aimed at local shoppers then no trip generation has been included. This assumption was agreed in the scoping for the Transport Assessment.

2.8 The fall back position as a working boat yard was not included in the analysis thus the increase in vehicular movements will be offset to a certain degree by the trips generated by the current lawful use. This would have the effect of reducing down the impact even further.

3. Parking provision.

3.1 Parking is provided at 49 spaces for 50 flats, this equates to 98% provision. The sustainability appendix of the Swansea parking standards was completed and demonstrated that a reduction to one space per flat could be justified. Whilst the site is one space short of 100% provision it is not felt that this alone would be a sustainable reason for refusal that could be sustained at appeal

3.2 Cycle parking is being provided at one cycle space per flat and this is well in excess of the current recommended levels of provision for residential apartments. This will also reduce the dependency on cars.

3.3 Whilst no visitor parking is being provided there are a number of pay and display car parks in the area to accommodate this use.

3.4 As servicing for the units will take place on Trawler Road (as it the case for the adjacent retail/commercial units) I would recommend a condition restricting the servicing to be outside of the traditional peak hours, i.e. not between 0800 and 0900, and 1700 and 1800 in the interests of highway safety.

3.5 The parking layout is in line with adopted standards, and each of the two new access points are adequate for two way flow thus allowing vehicles to pass and reduce the likelihood of obstruction being caused on the adjacent highway.

3 Accessibility / Sustainability

3.1 Public Transport movements within reasonable walking distance of the site are considered to be acceptable. There is an hourly service along Trawler Road and a much more frequent service available from the Quadrant. The site is well served for pedestrian footways linking the site to the city centre and the waterfront.

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3.2 A Travel plan will be required by condition to promote modes of transport other than the private car by identifying local bus and train facilities and the location of other facilities such as shops, schools, Doctor's surgery, Post Office and Banks. This is standard practice for residential developments.

4. Conclusions

5.1 This is a new development site that will add additional traffic movements onto the local highway network. Testing of the main junctions in the vicinity of the site indicate that there will be a very minor impact but the junction will continue to operate within theoretical capacity.

6 Recommendation

6.1 I recommend that no highway objections are raised to the proposal subject to the following;

- i. No highway objection subject to the construction of vehicular crossings to Highway Authority Specification.
- ii. The roller shutter doors to have a manual override facility to ensure that in the event of a power failure, vehicles would be able to continue to access/egress the site. Details to be submitted for approval to the LPA.
- iii. The car parking shall be laid out in accordance with the approved plans and maintained for parking purposes only by the residents of that development.
- iv. The cycle parking shall be laid out in accordance with the approved plans and maintained for cycle parking purposes only by the residents of that development.
- v. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- vi. Servicing/deliveries shall not take place between 0800 and 0900 and 1700 and 1800 in the interests of the freeflow of traffic.
- vii. The parking for disabled use (3 number spaces) to comply with the current British Standard in terms of layout/materials.

Note 1: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

Note 2: The Developer must contact the Highway Management Group, The City and County of Swansea, Penllergaer Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to: or the Team Leader, e-mails to, tel. no. 01792 636091.

APPRAISAL:

The 0.19 hectare application site is located on the northern side of Trawler Road along Fishmarket Quay and faces onto the Tawe Basin Marina. The site until recently was used as a boatyard with associated boat maintenance and chandlery. There is a fenced enclosure around the site perimeter with a boatyard building located in the south eastern corner of the site. The site is bounded to the west by the commercial units along Fishmarkey Quay whilst the residential apartments blocks of St Catherine's Court (Swansea Point) are located on the opposite southern side of Trawler Road. The Marina Boatyard is situated to the west of the site.

The overriding design context within the area is established by the Swansea Point development, which consists of a residential apartment / townhouse development which is predominantly three stories in scale within a contemporary architectural style. The accompanying Design and Access Statement (DAS) states that the proposed development has adopted a similar contemporary design approach and the DAS provides a contextual analysis to the local character and surrounding land uses.

The original submitted proposal sought outline planning permission (with all matters reserved) for the construction of 61 no. residential apartments and 3 no. ground floor retail units (246 sq. m). The application was accompanied by an illustrative layout / elevation details indicating a 6 storey apartment block and 60 no. car parking spaces. However, this raised fundamental urban design issues in respect of the scale and design of the proposed development. Subsequently, a revised proposal has now been submitted for consideration seeking outline planning permission but with details of the reserved matters including access, appearance, layout and scale to be considered at this stage (with details of landscaping being reserved for subsequent submission) to construct a single ground floor retail unit, 50 no. residential units comprising of 3 no. ground floor 'wheelchair accessible' flats, 37 one bedroomed flats and 10 no. two bedroomed apartments within a four storey development with associated landscaping and car parking (49 spaces).

In addition to the DAS, the application is accompanied by a separate Design Statement, an Acoustics Assessment, Drainage Statement, Flood Risk Assessment, Geo-Environmental Desk Study, Transport Statement and also a Daylight Assessment. The Acoustic Assessment is based on environmental noise measurements and predicted noise levels at the site following the completion of the proposal. In particular, it is acknowledged that the noise climate across the site is dominated by activities in the Swansea Marina boatyard, but also the adjacent fishmonger and Trawler Road traffic. A revised Acoustic Assessment has been submitted (March, 2014) following the original consultation response from the Council's Head of Pollution Control.

Main Issues

The main issues for consideration relate to whether the proposed development at this location, having regard to the prevailing Development Plan Policies, is an acceptable form of development in urban design terms, the impact upon the residential amenities of existing and future occupiers having regard to the existing noise environment generated by business operations within the Marina and the traffic and highway implications of the development. Additionally, the proposal has generated a large amount of representations raising a wide range of issues including issues revolved around the lease arrangement and land ownership which are not material planning considerations and therefore have no bearing on the determination of the planning application.

There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Development Plan Policy and Land Uses

National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Wales (PPW) (Feb. 2014 6th Edition), the redevelopment of the former boatyard, would ensure that previously developed land is used in preference to a greenfield site, and seeks to ensure new housing is well designed, meets national standards for the sustainability of new homes, makes a significant contribution to promoting community regeneration to improve the quality of life, and provides a greater choice and variety of homes in sustainable communities.

Unitary Development Plan (UDP)

The former Spontex site within the Maritime Quarter is allocated for housing development under UDP Policy HC1 (81) and has been substantially built out under the Swansea Point development. However, the application site of the boatyard is not allocated under a specific land use allocation policy. Whilst Policy HC31 encourages the opportunities for the development of water based recreation, there is no specific policy preventing the redevelopment of this site. Policy HC2 indicates that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals provided the proposed development does not result in cramped / overintensive development; significant loss of residential amenity; significant adverse effect on the character and appearance of the area or significant harm to highway safety. The amplification to this policy indicates that this policy offers guidance on the determination of proposals for residential development on unallocated sites, or white land. It seeks to maximise the use of previously developed (brownfield) land and buildings, with higher density encouraged on easily accessible sites within or adjacent to the Central Area. Infill development is defined as the development of land within an existing settlement and within this context, the proposal falls to be considered against the above criteria for urban infill housing.

In terms of considering the design and layout of the proposed development, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design, in particular, new development should be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials, and detailing, layout, form, mix and density. Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location. In particular, criteria xiii requires new development to have full regard to existing adjacent developments and the possible impact of environmental pollution from those developments, as well as the creation of any environmental pollution to the detriment of neighbouring occupiers including light, air and noise.

Urban Design

The overriding design context is dominated by the three / four storey contemporary development of the residential development of Swansea Point. As originally submitted, the illustrative proposals which accompanied the application indicated a six storey apartment block of 61 no. apartments with 3 no. ground floor retail units and 60 no. undercroft car parking spaces.

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However, as indicated above, this raised fundamental urban design issues in respect of the scale and design of the proposed development and was not considered to conform to the local design context.

Following a design review and a more detailed development appraisal to consider the relationship of the proposed building within the surrounding context, a revised proposal has been submitted for consideration comprising predominantly of a four storey development. Whilst the application still seeks outline planning permission it includes details of the reserved matters including access, appearance, layout and scale to be considered at this stage (with details of landscaping being reserved for subsequent submission); to construct a single ground floor retail unit (133 sq. m), with 50 no. residential units (comprising of 3 no. ground floor 'wheelchair accessible' flats, 37 one bed roomed flats and 10 no. two bed roomed apartments) with a total of 49 car parking spaces predominantly with an undercroft area. The 3 no. ground floor 'wheelchair accessible' flats would face onto Fishmarket Quay but would be accessed from the undercroft area. The retail unit would be located on the north-eastern corner of the building again fronting onto Fishmarket Quay. The undercroft area (as well as providing access to the apartments on the upper floors) would also accommodate bicycle parking and a bin store. The upper floor apartments would be accessed from a central corridor which allows the apartments to either have an aspect to Trawler Road or over the Tawe Basin.

The contemporary appearance of the proposed development is designed to complement the appearance of the residential development of Swansea Point. The north-eastern corner of the building provides a visually prominent point to relation to the marine basin, and the building is designed to make a feature of this corner through providing a projecting corner element with a 'gull winged roof' to mimic a feature of the neighbouring architecture. This design feature will create a visual focus on the corner of the building and avoid a monotonous urban form. The projecting ground floor elements to both elevations will provide a strong plinth base to the building. The palette of materials would consist predominantly of brick, render and timber cladding. Whilst being predominantly a four storey development, the elevation adjacent to Fishmarket Quay reduces to three stories to relate to the scale of those existing commercial units, and this is considered to be appropriate.

The initial revised scheme incorporated a series of glazed 'Juliette' balconies and glazed balcony balustrades on both the Trawler Road and Tawe Basin elevations in order to articulate the building. Being common features throughout Swansea Point and the Maritime Quarter they provide architectural embellishment/articulation and allows occupants to better enjoy and interact with this attractive waterside setting. However, in this instance, the inclusion of the balconies prejudiced the conclusions of the Acoustic Assessment (see below) in that it was based on none of the flats having external amenity space so that the likelihood of a noise nuisance complaint would be dependant on resultant internal noise levels. The conclusion of the Assessment is based on the ability of the glazing etc. to achieve reasonable internal noise levels. The balcony provision therefore rendered a number of the assumptions within the Acoustic Assessment to be inapplicable and the building elevations were subsequently revised to delete the balconies (but retaining 'Juliette' balconies) to be replaced with projecting window bays.

The reason for removing the balconies is therefore driven by the juxtaposition of the building in relation to existing neighbouring noise generating uses. Whilst the final detailed designs represent an acceptable urban design solution to the site in terms of scale, building mass and detailed elevational design, the design standard is reduced by the omission of balconies.

Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. The provision of affordable housing is a key priority for the Welsh Government and National Planning Policy in the form of Planning Policy Wales (Edition 6 – Feb. 2014) and Technical Advice Note 2: Planning and Affordable Housing (June 2006) provides the policy guidance.

UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs. The general threshold is on new housing developments more than 25 units in the urban area are viewed as appropriate for consideration to be given to the inclusion of affordable housing. The requirement to provide affordable housing will depend upon factors such as the site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives. The Local Housing Market Needs Assessment (LHMNA) assessed the dynamics of the housing market in and around Swansea and underpins the Council's Local Housing Strategy and has been adopted as Council policy. The Council's adopted SPG on Planning Obligations establishes an affordable housing target of 25 - 30% of all new developments.

The Head of Housing has confirmed that the proposed development should seek to secure the 30% on-site affordable housing contribution in line with Council's policy. The applicant has confirmed that this is acceptable and therefore the provision and retention of affordable housing can be secured through a Section 106 Agreement.

Environmental Sustainability

The submitted DAS and Pre-Assessment Report demonstrates a strategy to achieve Code Level 3 for Sustainable Homes (with an additional 6 credits under ENE1) and this can be controlled by way of condition. Moreover, the site is in a sustainable location representing a development of a previously developed land which is close to local amenities within the existing community.

Residential Amenity

Privacy and Daylight Analysis

Turning to the potential impact on privacy, at its closest point, the development would achieve a separation of approximately 17m to the nearest existing residential property on the opposite side of Trawler Road in St Catherine's Court. This is considered to be a satisfactory distance in a front to front relationship and would not lead to an unacceptable loss of privacy to any existing or planned residential property.

However, in order to properly assess the potential for loss of light to existing properties as a result of the proposed development, a daylighting analysis has been submitted in support of the application.

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The analysis identifies five dwellings which are likely to be most affected by the proposed development. These dwellings consist of ground floor flats within the Swansea Point development (St Catherine's Court) situated on the opposite side of Trawler Road.

The analysis acknowledges that it is unavoidable that new developments will have an impact upon the natural light levels within adjacent and nearby properties but as highlighted in the Building Research Establishment (BRE) document Site Layout Planning for Daylight and Sunlight: A Good Practice Guide (2012), it is good practice for this impact to be assessed, considered and minimised.

The BRE document states that wherever possible various measures of daylight quality should not be unreasonably reduced due to the new development. These measures are:

- i. View of the sky (diffuse light).
- ii. Access to direct sunlight (direct light).
- iii. Average daylight factor (total light).

In order to assess the impact, the analysis has focussed on the worst affected properties within the Swansea Point development and of these, only one room i.e. that of the ground floor bedroom of an apartment, would have an average daylight factor below the British Standard recommended levels as a direct result of the proposed development. It is highlighted however that this room only just meets the target as existing and that any meaningful development of this site will inevitably lead to a reduction in daylight levels.

It is highlighted that of the other rooms which were part of the average daylight analysis, nine would remain above the recommended values and six were already below the recommended minimum level prior to development of the proposed site. The conclusion of the Daylight Analysis is that the further incremental decrease in average daylighting is not significant.

The analysis concludes that the number of probable sunlight hours experienced by the majority of the apartments in Swansea Point would be largely unaffected by the proposed development, and of those affected, their reduction would be within the levels considered acceptable within the aforementioned BRE document.

With regard to the view of the sky from the ground floor rooms, this will be reduced to an extent greater than that recommended by BRE, but this is acknowledged as very difficult to avoid when constructing a new building within a built up area.

The reduction in sky view can however be expected to be less severe in the higher floor apartments and in addition, the view of sky reduction has shown to not have any major impact upon the average daylight factors expected to be achieved and as such would not result in an unacceptable loss of daylight to the existing properties along Trawler Road such as to warrant refusal of this application.

Further weight is given to this conclusion within the Daylight Analysis given the relatively small number of properties affected by the proposed development and when combined with the beneficial effect of reflected light on brighter / sunny days, the average impact on the whole of the north facing apartments of the Swansea Point development is expected to not be significant.

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Noise

UDP Policy EV2 requires new development to have regard to the physical character and topography of the site and its surroundings and under criteria xiii, development must have full regard to existing adjacent developments and the possible impact of environmental pollution from those developments, as well as the creation of any environmental pollution to the detriment of neighbouring occupiers (including light, air and noise).

Additionally, UDP Policy EV40 states that development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. The amplification to the policy states: where proposed development is to be located in close proximity to a source of noise pollution, or includes possible noise conflicts within the proposed site, proposals will be required to incorporate design, landscaping and other measures to minimise the effects on future occupants. The layout of buildings can frequently be designed or modified to reduce the effects of noise disturbance. Similarly schemes can be designed to incorporate materials, features and landscaping which reduce the impact of noise on the surrounding buildings. Where there are potential noise implications, developers may be required to provide an assessment of noise impact, together with proposals for mitigation in support of planning applications. Planning permission will be refused if the Council is not satisfied with the results of the assessment and proposed mitigation measures. Notwithstanding the use of good design and materials, there will be some instances where new residential and other noise sensitive uses such as hospitals and schools will not be acceptable in close proximity to existing noise generating uses or activities.

In accordance with Unitary Development Plan Policy EV40, the application is accompanied by an Acoustics Report in order to measure and assess the impact of noise at the proposed site. The original report was received in June 2013 and was subsequently revised in March 2014 following the original consultation response from the Council's Environmental Health Officer (EHO), which is set out in full above.

In terms of context, the site is bounded by Fishmarket Quay to the west, which consists of 5 commercial units, one of which is a fishmonger retail unit which operates from early morning. On the other side, Swansea Marina boatyard operates during the day, 7 days a week and includes a boat hoist which is situated immediately adjacent to the site. It is indicated that the boat yard activities usually finishes by 16.00, although is not limited to set hours.

The noise survey, which forms part of the Acoustics Report, has measured predicted noise levels from 6 positions around the site including adjacent to the fishmongers extract fan and boat hoist. Whilst the boatyard usually only operates during the daytime, and the fishmonger is most active during the night time, the assessment has been conducted for daytime, evening and night time operations at the nearest on-site receptors. The Report concludes that the predicted noise levels would be classified as "complaints likely" during the day time and night time at both Trawler Road and Fishmarket Quay facades as a result of the Swansea Marina activity and fishmonger extract fan.

The Acoustics Report highlights that the likelihood of a complaint from a future resident will depend on internal noise levels. The BS8233 standard suggests that an internal noise level of 35dB L_{Aeq,T} for bedrooms is a 'reasonable' standard, whilst 40 dB L_{Aeq,T} is a 'reasonable' standard for living areas.

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Noise levels are however predicted to be between 62Db(a) and 52Db(A) during the daytime on Fishmarket Quay and Trawler Road facing rooms. To attenuate noise levels to within the 'reasonable' design range of BS823, the facades would need to be treated with acoustically attenuated passive ventilation units. The Acoustics Report concludes that mitigation measures provided by minimum performance requirements for double glazing, ventilation and external walls can satisfy the 'reasonable' internal noise level standard of BS8233.

Having considered all the facts relevant to this proposal, including the conclusions of the Acoustic Assessment, the Divisional Manager for Housing, Public Health and Pollution was originally of the view that the proposals for residential dwellings on this site should be refused.

Whilst accepting that the acoustic survey is adequate, it was advised that the logical conclusion would be that the dwellings only become reasonable to occupy by undertaking a thorough sound insulation scheme and keeping the doors and windows closed to protect the indoor environment. Whilst such schemes are used in noisy environments, it must be accepted that this requires living with mechanical ventilation and closed windows which seems unreasonable in the maritime quarter. In the view of Divisional Manager for Housing, Public Health and Pollution this type of scheme is only appropriate for sites under developmental pressure for other reasons which are close to major roads/railways/airports etc.

Having regard to the foregoing, it is important to consider not only the impact of the proposal on the future levels of amenity that can reasonably be expected by residents of the proposed development but also the impact on neighbouring commercial operations by an adjacent noise sensitive area.

Firstly, from the point of view of future residents, in order to achieve a reasonable internal noise level, it relies on a situation whereby windows and doors would be closed. It is considered that this amounts to somewhat of a contrived design/living proposition in an area where balconies and opening windows and French doors are the norm so as to embrace and enjoy the waterfront location.

From the point of view of the boat yard and existing businesses, the Divisional Manager for Housing, Public Health and Pollution has confirmed that any future resident of this development has every right to make a noise nuisance complaint whatever conditions are applied to the design. This puts neighbouring commercial operators in a very difficult position and at considerable disadvantage. At best existing operations can hope for a sympathetic court to allow the use of the "best practicable means" defence, but this will still mean that their operations are likely to be limited or curtailed in some way. Indeed it advised that the Council's Pollution Control Team have in previous years received noise complaints from these operations by existing residents located further away.

The Marina Manager also considered that there would likely be complaints from residents of the proposed development regarding noise, stating that the Marina Boat Hoist is immediately adjacent to the development and this usually operates from 0800 – 1600, 7 days a week. It is also explained that customers also work on their boats in the boatyard, often using noisy power tools. It is also identified that noise issues may also arise from early morning boat movements and lock and bridge operations as the locks and bridges are operational from 0700 – 2200 7 days a week.

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It is advised that any operational restrictions imposed on the grounds of noise pollution would seriously impact on the Marina business and the day to day activities that have been carried out since 1982.

Clearly therefore the Divisional Manager for Housing, Public Health and Pollution and the Marina Manager have concerns about the residential development at this location in respect of potential noise complaints being generated from the various boatyard activities which could result in complaints from future residents and which in turn could impact upon the operation of the boatyard as a business.

Within this context, it is important to note that one of the main planks of this Council's regeneration strategy is to maximise its waterfront location and facilities. Whilst the scheme would deliver waterside development, within this particular context the boat yard, with associated hoist is recognised as an essential facility for the operation of the marina. It is not unreasonable to conclude that its loss would seriously prejudice the attractiveness of the facility to boat users. Without a thriving marina, the attractiveness of the Maritime Quarter to residents and visitors alike is significantly undermined.

The potential impact on the operation of the boat yard and the living conditions of future residents' of the proposed development, are therefore significant material considerations for this application.

In order to address the aforementioned concerns the developer has indicated a willingness to undertake further potential mitigation measures. As indicated above, it is proposed to implement noise mitigation measures in the glazing specification in order to achieve adequate internal levels. Additionally, the revised Acoustic Report indicates that it is proposed for the façade areas closest to the location of the boat hoist, (where the highest levels of noise is likely to be experienced), to compliment the glazing specification with the addition of acoustically attenuated mechanical ventilation, such that ventilation can be provided alongside appropriate internal noise levels, during periods of hoist activity.

Moreover, the developer has offered to make a contribution of £10,000 towards the cost of modifying and improving the boat hoist, essentially to make it quieter. In this respect, the Marina Manager indicates that the hoist is in need of a complete refurbishment due to its age and the replacement / refurbishment of the engine would ease some of his concerns. The Divisional Manager for Housing, Public Health and Pollution is also of the view that the modification / improvement of the boat hoist would address the main concern. The offer from the developer of the £10,000 contribution can be secured through a Section 106 Planning Obligation.

The revised Acoustics Report also suggests that a clause could be inserted into future lease agreements to ensure that the existing boatyard could continue to operate even if those operations / activities would otherwise amount to a nuisance. However, it is not considered that this is acceptable in planning terms and would be unreasonable to remove the right of future residents to make complaints.

To conclude, the proposal introduces a noise sensitive use alongside existing noise generating uses and could result in complaints from future residents which could impact upon the operation of the boatyard as a business as indicated above.

However, subject to the imposition of planning conditions to ensure that the measures are incorporated to control the acoustic amenity of future residents and the further mitigation measure provided by the replacement / refurbishment of the boat hoist engine, it is concluded that on balance the incorporation of the additional measures would render a recommendation of refusal to be unsustainable.

Highway Considerations

A considerable number of objections have been received claiming that Trawler Road cannot handle any more traffic and that further traffic movements will hinder access onto Oystermouth Road at the Dunvant Place junction. To consider this, the application has been accompanied by a Transport Assessment (TA) in order to outline the transport issues of the proposed development and to identify the likely impact of the proposals on the local transport network.

The Transport Assessment has considered the impact on the Trawler Road (Dunvant Place) / Oystermouth Road Junction as this is the sole access in and out of the marina. The assessment has been undertaken in accordance with nationally accepted standards and best practice where committed traffic and development traffic is added to base traffic movements and the efficiency of the junctions. The output gives an indication of the degree of saturation at the junction and predicted queuing. All testing is undertaken during the am and pm peak periods. The development has been checked for the year of opening (2014) and five years later (2019); this is standard practice. The base traffic flows are factored using growth factors and the trip rates are calculated using the TRICS database which is a nationally used software package. The report outlines the transport characteristics of the proposed development and the likely impact on the local transport network.

In order to measure the traffic flows, a count was undertaken at the A4067 Oystermouth Road / Dunvant Place junction on behalf of the developer in October 2012 (during the school term).

- Flows of 4688 vehicles on Oystermouth Road were recorded in the a.m. peak (0730 to 0930) which averages out at 2344 per hour.
- Flows of 5680 in the p.m. peak (1630 to 1830) which averages out at 2840 vehicles per hour.
- Flows of 447 vehicles were recorded on Dunvant Place in the a.m. peak (0730 to 0930) which averages out at 224 vehicles per hour
- Flows of 578 in the p.m. peak (1630 to 1830) which averages out at 289 vehicles per hour.

The TA indicates that the development of 50 flats is predicted to generate 6 arrivals and 10 departures in the morning peak (16 total traffic movements), and 11 arrivals and 8 departures in the pm peak (19 total traffic movements). The Head of Transportation highlights that the additional volumes of traffic along Dunvant Place/Trawler Road would represent an increase of 7% in the morning peak (diluted to virtually zero on Oystermouth Road), with an increase of 6% within the p.m. peak, which is diluted down to virtually zero impact on Oystermouth Road. The Head of Transportation also highlights that the fall back position as a working boat yard was not included in the analysis, thus the increase in vehicular movements will be offset to a certain degree by the trips generated by the current lawful use. This would have the effect of reducing down the impact further.

The TA highlights that as the base traffic increases as a result of background growth between 2014 and 2019, the impact of the proposal on the highway and congestion is further reduced. This is accepted by the Head of Transportation. The conclusion of the TA is that the proposed development will have a negligible impact on the surrounding highway network. In this respect, whilst the proposal will add additional traffic movements onto the local highway network, the Head of Transportation is satisfied that the testing of the main junctions in the vicinity of the site indicate that there will be a very minor impact but the junction will continue to operate within theoretical capacity.

Car Parking

Car parking is provided at 49 spaces (3 of which will be designated as disabled parking bays) for 50 flats, this equates to 98% provision. Cycle parking is also indicated as 54 spaces. It is proposed to provide 39 spaces within an undercroft parking area with separate entrance and exit onto Trawler Road. The Head of Transportation indicates that this arrangement would be adequate for two way flow thus allowing vehicles to pass and reduce the likelihood of obstruction being caused on the adjacent highway.

The remaining 10 surface parking spaces will be located along the eastern boundary accessed from the boatyard access to the east of the site. Access to the undercroft parking will be controlled through automated roller shutters, whilst the surface parking will be controlled through the use of lockable bollards. It is indicated that the apartments and retail unit would be serviced from Trawler Road and the Head of Transportation recommends a condition restricting the servicing to be outside of the traditional peak hours, i.e. not between 0800 and 0900, and 1700 and 1800, in the interests of highway safety.

The TA incorporates a sustainability assessment in accordance with the Council's parking standards. The car parking standards for the proposed 40 no. one bedroom apartments and 10 no. two bedroom apartments would require 60 spaces, however, based on the sustainability criteria of accessibility to local facilities and public transport, a reduction to one space per flat is considered to be justified (50 spaces required). Whilst the site is one space short of 100% provision, the Head of Transportation considers that this would not constitute a sustainable reason for refusal. Additionally, the cycle parking is being provided at one cycle space per flat and is well in excess of the current recommended levels of provision for residential apartments and this will also reduce the dependency on cars. Whilst the proposal does not provide any visitor parking, there are a number of pay and display car parks in the area and there is some on street parking available along Trawler Road. The implementation of a Travel Plan would encourage non-car modes of transport.

Flood Risk

Under Policy EV2 new development must have regard to whether the proposal would be at risk from flooding, increase flood risk off-site, or create additional water run-off. Similarly Policy EV36 states that new development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

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A Flood Risk Assessment (FRA) has been submitted with the application, and Natural Resources Wales (NRW) confirm the site of the proposed development is situated in zone A on the development advice map and is not currently considered to be at risk in flood events up to the 0.1% (1:1000) event.

However, the FCA acknowledges that the access from Trawler Road is shown to be risk of flooding when emergency access may be restricted. In order to ensure the safety of all future residents, NRW recommend that a flood management plan be submitted to the Local Planning Authority, which should incorporate details of flood warning and emergency access / evacuation arrangements. This could be controlled by condition.

Other Issues

Site Investigation

Concerns have been raised by residents of the potential health risk should construction start on a site which may contain pollutants.

The application is accompanied by a Geo-Environmental Desk Study which is essentially a Phase 1 Preliminary Risk Assessment to provide preliminary information on potential ground hazards which could impact on the proposed development. The Desk Study has considered the potential site contaminants based on the historical use of the site including previous uses as a wharf / railway land, fish market and boat maintenance / repair yard and recommends that a Phase 2 intrusive investigation is carried out to include an analysis for potential ground contamination. It has been highlighted by residents that the developer has already undertaken intrusive testing on the site and the results of this testing should be submitted for public information in the interests of public safety. It is worth noting that Natural Resources Wales consultation response has indicated that based on the submitted study, they are comfortable that the proposal will pose no risk of pollution of controlled waters as a result of contaminated land.

The developer has been invited to submit this further information but has declined to do. However, at this stage it is not considered that this further information is required to determine the application and planning conditions are imposed to cover these issues.

Dock Wall Stability

Concerns have also been raised by the residents over the stability of the dock walls and requests that they be properly surveyed prior to the determination of the planning application. The submitted Geo-Environmental Desk Study highlights that the site is supported by the dock walls of the Tawe Basin, and whilst the report does not comment on the stability of the walls, it anticipates that they are likely to be of substantial construction and recommends that a full structural survey of the dock wall is undertaken. Additionally, the report also indicates that the site would require piled foundations. Again at this stage it is not considered that this further information is required to determine the application and planning conditions are imposed to cover this issue.

Conclusion

Having regard to the foregoing and to the objections received, overall it is considered that the final detailed proposal represents an acceptable urban design solution to the site in terms of scale, building mass and detailed elevational design. The new development would provide adequate car parking and the conclusion of the Transportation Section is that the additional traffic from the development will not significantly impact on the capacity of the local highway network.

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As outlined above, it is not considered that the development would result in an unacceptable loss of residential amenity to any existing residential property having regard to the scale and design of the new development and its juxtaposition with those properties.

The fundamental concern of the proposed development is that the proposal has potential to introduce noise sensitive residential apartments in close proximity to existing noise generating activities emanating from existing business operations, namely the marina boatyard, including the boat hoist operation and associated uses, and the commercial fish market. However, subject to the imposition of planning conditions to ensure that the measures are incorporated to control the acoustic amenity of future residents and the further mitigation measure provided by the replacement / refurbishment of the boat hoist engine, it is concluded that on balance the incorporation of the additional measures would render a recommendation of refusal to be unsustainable.

Approval is therefore recommended.

RECOMMENDATION

The application be **APPROVED**, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of:

- **A developer contribution of £10,000 towards the cost of replacing the existing boat hoist engine.**
- **The provision of affordable housing which shall meet the definition of affordable housing in Annex B of Technical Advice Note 2: Planning and Affordable Housing or any future guidance that replaces it. The scheme shall include:**
 - i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;**
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of any market housing on the site;**
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider;**
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

CONDITIONS:

- 1 The development shall be completed in accordance with the approved details of the access, appearance, layout and scale, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is completed in accordance with the plans approved by the Council.

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- 2 The application for the approval of the reserved matter (i.e. the landscaping works) shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, unless otherwise agreed in writing by the Local Planning Authority. The landscaping scheme shall include all details of the external surfaces to the undercroft and car parking areas, pedestrian areas and any external lighting.

Reason: In the interests of visual amenity, and to ensure full planning permission has been obtained for the development and to comply with the provisions of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the reserved matter, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, and to ensure that development is begun within a reasonable period.

- 4 The residential development shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (Nov, 2010 - version 3). The construction of the development hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, unless otherwise agreed in writing. The development shall be carried out entirely in accordance with the approved assessment and certification and prior to the occupation of the residential apartments hereby permitted, a Code for Sustainable Homes "Final Certificate" shall be submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit unit under Ene1 - Dwelling Emission Rate has been achieved.

Reason: To mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with the design, construction and use of the development.

- 5 Notwithstanding the details shown on any approved plan, the precise location, extent, height and design of all means of enclosure, including the vehicular entrance and exit gates, and the enclosure to the undercroft parking area, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of any superstructure works. The means of enclosure shall be built and installed in accordance with the approved details.

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

- 6 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels of fenestration and all cladding materials shall be erected on site and the approved sample panel shall be retained on site for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

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7 Prior to the commencement of any superstructure works, details at an appropriately agreed scale of the following elements shall be submitted to and agreed in writing by the Local Planning Authority:

- " A typical window unit within its opening;
- " Typical external door within its opening;
- " Typical balcony construction and balustrade detail;
- " Precise design and location of the rainwater goods;
- " Glazed shop front and fascia;
- " PPC metal fascia and soffit;
- " Louvre panels and any ventilation grilles;

The development shall be carried out in accordance with the agreed details unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of visual amenity.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 25 of Schedule 2 shall not apply, and if required, the installation of any satellite antenna shall comprise of a single satellite television system solution to serve each residential block in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

9 The vehicular crossings over the existing footpath shall be completed before any of the development is occupied and shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

10 Prior to the occupation of any part of the development hereby approved, the on site car parking shall be laid out within the development site in accordance with the approved site plan (Drg. No. AL.00.Rev. D), with the incorporation of 3 disabled parking bays and shall be retained as such for that purpose (unless otherwise approved by the Local Planning Authority).

Reason: To ensure adequate on site car parking provision in the interests of highway safety.

11 Prior to the occupation of any part of the development hereby approved, the on site cycle parking shall be laid out within the development site in accordance with the approved site plan (Drg. No. AL.00.Rev. D), unless otherwise approved by the Local Planning Authority and shall be retained as such for that purpose by the residents of the development.

Reason: To ensure adequate on site cycle parking provision in order to encourage the future residents to cycle.

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- 12 Unless otherwise agreed in writing by the Local Planning Authority, a scheme for the management of the access to the undercroft and surface car parking area, along with the servicing of the site shall be submitted to and agreed in writing by the Local Planning Authority. The roller shutter doors and other form of automated enclosure shall incorporate a manual override facility to ensure that in the event of a power failure, vehicles would be able to continue to access and egress the site in accordance with details to be submitted as part of the management scheme.
Reason: To maintain the free flow of traffic on the highway.
- 13 Servicing / deliveries to the development shall not take place between 0800 and 0900 hours and 1700 and 1800 hours, unless otherwise agreed by the Local Planning Authority.
Reason: In the interests of the free flow of traffic.
- 14 Unless otherwise agreed by the Local Planning Authority, the development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority within 12 months of the date of this planning permission or prior to the beneficial use commencing, whichever is the earlier. The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.
Reason: In order to reduce car borne traffic and encourage other modes of transportation in the interests of sustainability.
- 15 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public foul sewerage system.
Reason: To ensure a satisfactory means of drainage.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, the development shall operate in accordance with a flood management plan to be submitted to and approved in writing by the Local Planning Authority prior to the beneficial use of the development commencing. The plan should include flood warning, emergency access / evacuation arrangements and clear responsibilities.
Reason: To ensure that the consequences of flooding can be acceptably managed.
- 17 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of superstructure works, details of the sound attenuation properties of the windows and doors, ventilation and external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To ensure reasonable noise levels are met within the proposed development in the interests of the residential amenities of the future occupiers.

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- 18 Prior to the beneficial occupation of the Class A1 retail unit, a scheme for protecting residential units from noise generated by any plant requirement shall be submitted to and approved in writing by the Local Planning Authority. On approval the scheme shall be installed and thereafter be properly maintained.

Reason: In the interests of residential amenity.

- 19 Prior to the commencement of demolition/construction works on the application site, a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the Local Planning Authority. The CPMP shall include the following:

a) Demolition/Construction programme and timetable;

b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc;

c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;

d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;

e) Proposed working hours;

f) Principal Contractor details, which will include a nominated contact for complaints;

g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);

h) Details of on site dust mitigation measures having regard to BPM;

i) Details of on site noise mitigation measures having regard to BPM;

j) Details of waste management arrangements (including any proposed crushing/screening operations); and

k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by the Principle Contractor on the Local Authority.

Reason: In the interest of the residential amenities of neighbouring occupiers.

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- 20 Prior to the commencement of development, details of the proposed method of piling or other foundation design for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be completed in accordance with the approved scheme.

Reason: In order to safeguard the stability of the existing dock wall of the Tawe Basin.

- 21 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority.

1 A Phase 2 site investigation scheme, based on the Geo-Environmental Desk Study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2 The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3 A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In order to deal with any site contamination in the interests of public safety.

- 22 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to any site contamination have been met (if necessary). To ensure that there are no longer remaining unacceptable risks to public safety following remediation of the site.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EV1, EV2, EV3, EV4, EV34, EV40, HC1, HC2, HC3, AS1, AS2 & AS6)

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

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

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

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

- 3 No burning of any material to be undertaken on site.

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

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

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

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

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

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

PLANS

AS.00 Site plan, AS.01 site plan received 18th June 2013 AI.00 rev D Level 00 Plan, AI.04 Level 04 plan - Roof, AE.01 rev A elevations 03, Sections AA, BB & CC received 31st July 2013, AL.01 Rev H Level 01 Plan, AL.02 Rev G Level 02 Plan, AL.03 Rev G Level 03 Plan, AE.00 Rev B Levels 01 & 02 Elevations, AR 007_B Design Statement received 24th October 2013

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4

APPLICATION NO.

2014/0419

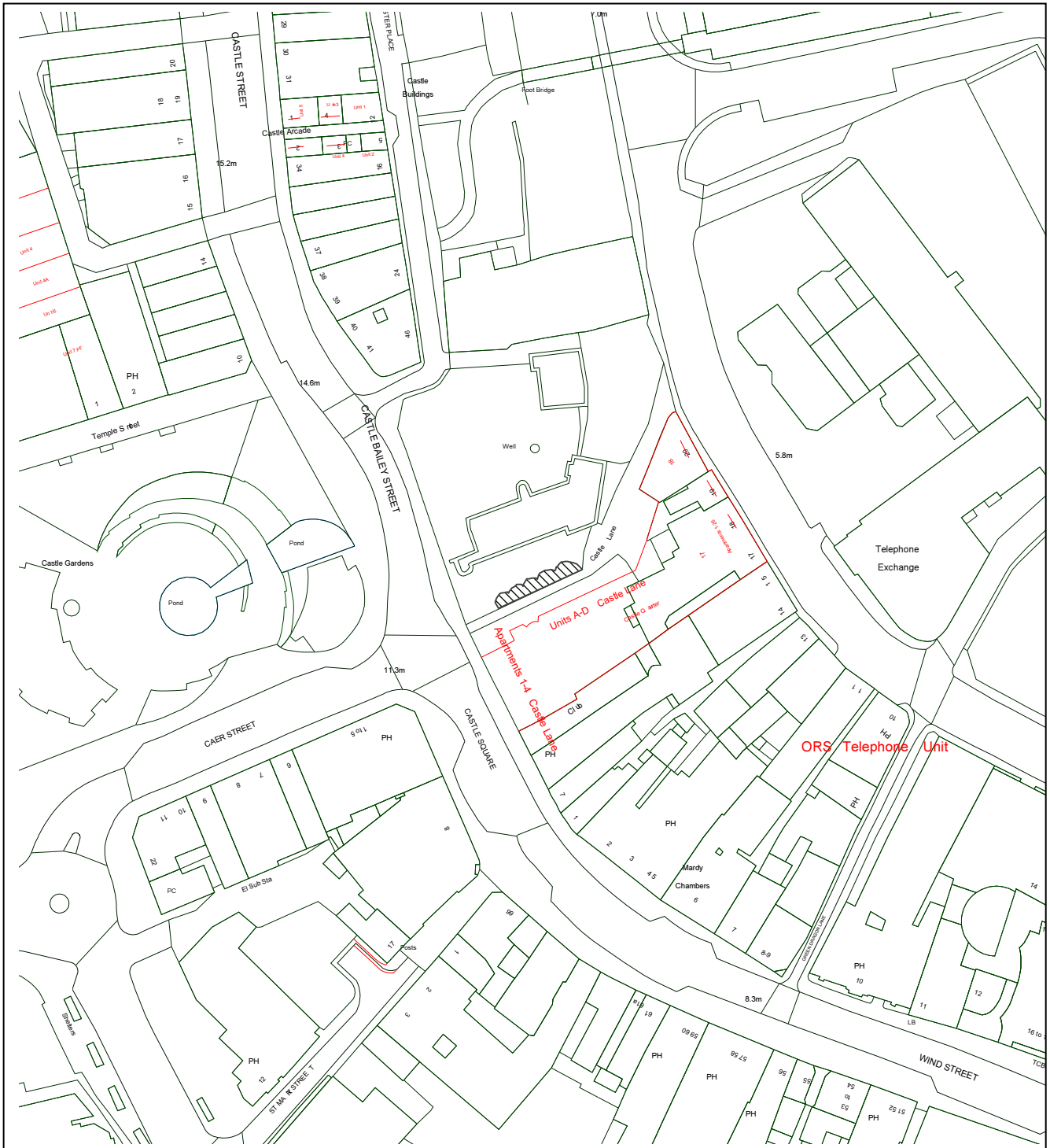
WARD:

Castle
Area 1

Location: Land north of Castle Lane, Swansea

Proposal: Construction and use of external seating area in conjunction with Class A3 uses at the site to the south of Castle Lane.

Applicant: Coastal Housing Group Limited



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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0419

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV4	New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)
Policy EV6	Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy CC1 - UDP	Within the City Centre, development of the following uses will be supported:- (i) Retailing and associated uses (Classes A1, A2, A3), (ii) Offices (B1), (iii) Hotels, residential institutions and housing (C1, C2, C3), (iv) Community and appropriate leisure uses (D1, D2, A3) (v) Marine related industry (B1, B2). Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy CC6 - UDP	Promotion of improvements to the City Centre's accessibility through specified improvements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2012/1283	Redevelopment of site for a mixed use comprising 30 residential dwellings, up to 1764 sq m of restaurant and cafe use (Class A3), a 42 sq m kiosk for retail or business use (Classes A1, A2, A3 or B1) within a building presenting 4 storeys to Castle Square and 4, 6 and 7 storeys to The strand along with associated plant room, means of access, car parking, residential and commercial servicing, external seating area and associated landscaping and infrastructure works Decision: Grant Permission Conditional Decision Date: 24/01/2013

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0419

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. No public response received.

Glamorgan Gwent Archaeological Trust - This application is for works immediately south of the medieval castle of Swansea, a Scheduled Ancient Monument Cadw ref: GM012. Consequently the impact of the proposed works on the archaeological resource will be a material consideration in the determination of this planning application. Swansea Castle provides the earliest evidence for Norman occupation in Swansea. The “old” castle (GM441) was founded in the early-12th century in the present day location of Worcester Place and formed the administrative centre for the Lordship of Gower. The surviving upstanding remains are those of the “New Castle” (GM012), which formed the later-13th/14th century residential range. Set against the ditch of the earlier castle the “New Castle” initially formed a set of apartments built by the development Braose family, which later developed into an independent and self-contained castle. Development continued in and around the area of the “New Castle” throughout the post-medieval period and into the 19th and 20th centuries.

Archaeological work adjacent to the proposed development site, at Castle Square, the top of Wind Street and along the Strand have revealed extensive and well preserved remains of medieval and post-medieval date. It has further been suggested that there is a high potential for encountering archaeological remains from the Roman period in the area of the proposed development. As such we recommend that a condition be attached to any consent granted ensuring this work is undertaken. We suggest that the condition be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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

Cadw – The advice set out below relates only to those aspects of the proposal, which fall within Cadw’s remit as a consultee on planning applications – the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government’s consideration of the matter, should it come before it formally for determination.

The proposed development is located in the vicinity of the scheduled ancient monuments known as:

GM012 - Swansea Castle

GM441 - Original Swansea Castle

The proposal is to construct a series of five overlapping semi-circular granite hard-standings alongside Castle Lane in front of the southern wall of the Swansea’ New Castle.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0419

The areas will be used for external café seating. The proposed development area is not designated although the walls of the castle are. Consequently there will be no direct impact on the designated monument and the direct impact of the construction of the hardstandings on the setting of the designated monument will be negligible. The use of the area as café seating with the resulting equipment, including tables and chairs, could have a slight adverse impact on the setting of the monument when they are in use, but this impact will be temporary with all café equipment being removed when the café is not operating.

There may be other unscheduled monuments in the area, and, if you have not already done so, we would advise that you consult the Historic Environment Record (formerly known as the Local Sites and Monuments Record) held by the Glamorgan- Gwent Archaeological Trust, Heathfield House, Heathfield Road, Swansea, SA1 6EL.

Natural Resources Wales – No objection.

APPRAISAL

Introduction

The application has been called to Committee by the Leader and Councillor Sybil Crouch.

The application seeks planning permission for the construction of external tiered hardstandings and use of the land immediately adjacent to the northern side of Castle Lane in association with the Castle Quarter redevelopment of the site to the south of Castle Lane for mixed use comprising 30 residential dwellings, up to 1,764 sq m of restaurant and cafe use (Class A3), a 42 sq m kiosk for retail or business use (Classes A1, A2, A3 or B1), within a building presenting 4 storeys to Castle Square and 4, 6 and 7 storeys to The strand. This development was approved in January 2013 under reference 2012/1283 and is currently being implemented on site.

The intention is to pre-cast the proposed seating tiers, using repeat modules to allow the depth of excavation and sub-base to be minimised, with the aim of avoiding any buried archaeology. The five seating tiers would have the appearance of granite slabs. Visually, this is intended to coordinate with the proposed Blue Pennant paving and setts being used for the Castle Lane enhancement works. The development would take the form of overlapping semi-circular shapes with a maximum depth of 3m and running for a length of 21m along the lane.

The five repeat modules would step down the natural slope with Castle Lane with levels being re-profiled to generate level access to each tiered level. Each module would be laid with a 1:80 crossfall from south to north, directing rainwater into the proposed perimeter soakaway.

It is stated that all furniture to be used on the proposed tiered seating area would be loose and taken-in over night.

The application site is located between approximately 5 and 7m south of Swansea Castle which is a Grade I Listed Building and Scheduled Ancient Monument. The site also lies within Wind Street Conservation Area.

Castle Lane is an adopted highway but is restricted in use to pedestrians only.

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0419

Material Planning Considerations

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

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Townscape and Visual impact and impact on cultural heritage;
- Impact on residential amenity;
- Access and pedestrian movements;

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

Development Plan and Supplementary Planning Guidance

In terms of the principle of development, UDP Policy CC1 supports retailing and associated uses (Classes A1, A2, A3), offices (Class B1), housing (Class C3) and community and leisure uses (Classes D1, D2 and A3) within the City Centre.

Also relevant is Swansea City Centre Strategic Framework, which was endorsed as SPG in January 2009. In defining the Vision for the City Centre, four priority themes have been identified. The first of these is to create a vibrant mixed use heart to the City Centre by improving the existing City Centre retail core area, encouraging greater mixed-use, and promoting major new retail-led development. It is envisaged that this Mixed-use heart will become a vibrant, prosperous, attractive and safe place, accessible to all. It is stated that its regeneration will occur within four priority areas including Wind Street/ Princess Way.

The Framework recognises Wind Street as a Conservation Area containing a range of attractive historic buildings which have been very effectively refurbished and converted to serve modern City Centre uses. It is noted that this area has become a major leisure and entertainment focus for the City Centre, with Princess Way and Wind Street providing two important pedestrian links between the core retail area and the cultural, leisure and commercial elements of the Maritime Quarter and waterfront.

The vision for this Priority Area is to continue to be an attractive mixed-use part of the City Centre, based on its historic character and its emphasis on leisure and entertainment.

An extension of a Class A3 use into this area would therefore in principle be accordance with Policy CC1 and the adopted Swansea City Centre Strategic Framework SPG.

Townscape and Visual Impact and Impact on Cultural Heritage

In assessing townscape and visual impact and the impact on cultural heritage, specific regard must be had to Policies EV1, EV4, EV6, EV9 and CC5 of the Council's adopted UDP.

Policy EV1 UDP sets out the council's commitment to achieving high standards of design and layout in all new developments including the desirability of preserving the setting of any listed building.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0419

UDP Policy EV4 states that where development and ancillary features impact on the public realm, designs should ensure that schemes integrate with areas to produce spaces and sequences that result in quality townscape and building frontages that actively engage with the public, are of human scale and provide effective surveillance resulting in spaces that are “people friendly” in terms of perceived and actual safety levels, and provide attractive detail through the use of high-quality, durable materials.

UDP Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings, and also unscheduled archaeological sites and monuments.

Policy EV9 states that development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

Policy CC5 states that the design of all new development schemes will be required to make a positive contribution to enhancing the City Centre’s environment.

In terms of the historical context, the application site sits just outside the southern wall of Swansea Castle, which is one of Swansea’s most important buildings. It is a Grade I Listed Building as well as a scheduled ancient monument. The “old” castle was founded in the early-12th century in the present day location of Worcester Place and formed the administrative centre for the Lordship of Gower. The surviving upstanding remains are those of the “New Castle” which formed the later-13th/14th century residential range. Set against the ditch of the earlier castle, the “New Castle” initially formed a set of apartments built by the development Braose family, which later developed into an independent and self-contained castle. Development continued in and around the area of the “New Castle” throughout the post-medieval period and into the 19th and 20th centuries.

The Council and Welsh Government have recently completed a study into the castle and as a result grant funding was awarded by Cadw to make the ruins accessible for the first time in a generation. This work has included lowering of the castle courtyard level to access lower rooms and provision of a demountable staircase to access upper rooms including the main hall on open days. Further funding has secured a hard paved space in the castle courtyard and there are also aspirations to create a visitor centre on the northern side of the castle courtyard.

Castle Lane dates from around 1400 and drops down to the old riverside following the line of a defensive ditch. Until the 1970s it was lined by 2, 3 and 4 storey buildings on both sides. The northern side at the top of the lane was cleared around 1950 exposing the Castle Walls and the southern side was cleared in the early 1990s.

The application site and Castle fall within Wind Street Conservation Area, which is regarded as the finest remaining street in Swansea with its high concentration of listed buildings.

The proposed seating area would be laid on the grassed area alongside the southern walls of the castle, which is currently fenced off from public use. Given the nature of the development and the materials proposed, which would complement an enhanced Castle Lane, it is not considered that the proposal in itself will materially impact on the setting of the Castle or any other listed building.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0419

The potential impacts would arise from the paraphernalia associated with the development such as table and chairs, brand enclosures and brand umbrellas. It is recommended therefore that for any planning permission granted, it would be conditioned that no permanent furniture is used and that all tables, umbrellas etc., are removed from the seating area every evening.

Given the likely frequency of use and the context provided by the commercial frontage of the evolving Castle Quarter development, it is not considered that the proposal, with associated paraphernalia, would result in an unacceptable impact on the setting of the Castle.

This view is shared by Cadw within their remit as a consultee on planning applications with potential impacts on scheduled monuments. In Cadw's view, the use of the area for café seating with the resulting equipment, including tables and chairs, could have a slight adverse impact on the setting of the Castle Scheduled Ancient Monument when in use, but consider that this impact will be temporary with all café equipment being removed when the café is not operating.

The application site itself does not form part of any designated Scheduled Ancient Monument or Listed building. Consequently there will be no direct impact on designated monuments and Cadw consider that the direct impact of the construction of the hard-standings on the setting of the designated monument will be negligible.

Whilst the proposal has been designed to minimise excavation and any potential impact on archaeology, Glamorgan Gwent Archaeological Trust has advised that archaeological work adjacent to the proposed development site, at Castle Square, the top of Wind Street and along the Strand, has revealed extensive and well preserved remains of medieval and post-medieval date. It has further been suggested that there is a high potential for encountering archaeological remains from the Roman period in the area of the proposed development. As such the Trust recommend that a condition be attached to any consent granted requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation to identify and record any features of archaeological interest discovered during the works and in order to mitigate the impact of the works on the archaeological resource, in accordance with UDP Policy EV6.

When considered in connection with the ongoing development at Castle Quarter it is considered that the proposal would enhance the character and appearance of the Wind Street Conservation Area in accordance with UDP Policy EV9.

In terms of the impact on the public realm, the concept of the proposal is to maximise the potential for Castle Lane to become both a route and a destination within the city, by capitalising on the proximity of the Castle whilst also increasing the prominence and exposure of the Castle itself.

At present the grassed area of the castle is fenced off from Castle Lane. The proposal will therefore provide direct access and an improved interface with the enhanced public realm of Castle Lane. It is considered that in conjunction with the Castle Quarter development, the external seating area will allow greater engagement with the castle and provide an attractive destination due to its impressive backdrop. In principle, it is considered that the proposal would contribute to a space that actively engages with the public within an area of high townscape quality, in accordance with UDP Policy EV4.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0419

It is also considered that the project would complement the vibrant mixed use scheme progressing at Castle Quarter and would further help to regenerate the area and enliven Castle Lane. In doing so, Swansea Castle will become a more active and vibrant part of the city centre and the proposal would therefore make a positive contribution to enhancing the City Centre's environment in accordance with Policy CC5 and the Swansea City Centre Strategic Framework.

Impact on residential amenity including noise impact

As stated above, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design. Criteria (iii) is that the development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements.

As detailed above, the evolving Castle Quarter scheme includes 30 residential dwellings above up to 1,764 sq m of restaurant and cafe use (Class A3).

The restaurant and café space has been designed to provide maximum flexibility for prospective tenants in that the space could be occupied as 1 unit or up to 4 units. The application also includes the potential for the insertion of mezzanine floorspace for each restaurant unit. This is included in the overall floorspace set out above.

The main restaurant and café space will front Castle Lane with windows overlooking Castle Square and an external terrace area elevated above the lane.

The residential uses will be located across the whole of the site. The private (open market) duplex apartments are to the western end of the site and will be accessed from Castle Lane and will have views towards Castle Square and Castle Lane. The affordable apartments will be located towards to the east of the site and will have views over Castle Lane and the Strand. The primary access to these units will be from the Strand.

The principle of a restaurant and café Class A3 use has therefore been established in this location along with an associated external terrace area, subject to an operating time restriction between 08.00hrs and 23.30hrs on any day and the precise breakdown and number of units within the restaurant and café (Class A3) floorspace being agreed in writing with this Authority.

The current proposal would be utilised in association with the Class A3 units of the Castle Quarter development and would therefore effectively extend their use to the northern side of Castle Lane and in doing so would amount to an intensification of the use that, if not adequately controlled, could spread further into the grassed area around the castle.

On this issue, assurances have consistently been provided by the applicant that it is not intended to seek to develop the Castle Quarter scheme as an extension to the current "wet" led premises which currently occupy and dominate the adjacent Wind Street. Rather, the remit in terms of the commercial units has been to seek to attract high quality restaurant operators who are essentially "food" led in terms of sales with the emphasis being on a more family orientated customer base. It is advised that the applicant has rejected several expressions of interest from wet operators and is currently in discussions with national restaurant operators who have expressed a keen interest in the site.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4 (CONT'D)

APPLICATION NO. 2014/0419

In addition it is advised that the applicant will seek to include within any formal lease agreement the following controls:

- External seating area to be used solely for the consumption of hot food with alcohol but not solely alcohol.
- Use of area to cease and all paraphernalia removed at 10pm.

It is also stated that it is in the applicant's own interest to control the use of the external seating area given the ongoing duty of care to residents who will occupy the Castle Quarter scheme in due course.

Whilst the above is helpful, this proposal has to be acceptable within the parameters of planning control as any lease agreement is not within the control of the Council and the applicant may decide at some future date to sell the development on. To this end the above lease clauses could reasonably be imposed as planning conditions to ensure that the area does not cause any nuisance in terms of late night noise which would adversely affect the amenity of residents within the Castle Quarter scheme.

Within the context therefore of a busy city centre location, an approved Class A3 use at the ground floor level (with external terrace) and the restriction of use of the seating area, it is not considered that the incremental impact on amenity concerns would be so sufficient to unacceptably conflict with UDP Policy EV1 (iii) and to warrant refusal of the application.

Access and pedestrian movements

The site is in a highly sustainable location being in the city centre close to all types of public transport. It is considered that the approved Castle Quarter scheme will have significant pedestrian benefits along Castle Lane in terms of improved natural surveillance and an enhanced environment. In doing so, it will also provide significantly improved links between the City Centre and Parc Tawe, via Castle Lane.

It should be noted however, that Castle Lane is an adopted public highway, albeit with a restriction to pedestrian use only. An extension of the restaurant/café uses to the northern side of Castle Lane could therefore result in potential movement conflicts as serving staff and customers move between the associated units and the seating area and pedestrians using Castle Lane. Within the context of a busy and vibrant city centre environment, this relationship is considered acceptable.

Conclusions

In principle, it is considered that the proposals accord with both UDP Policy CC1 and the adopted Swansea City Centre Strategic Framework SPG.

It is considered that the proposal would not adversely affect the setting of Swansea Castle Scheduled Ancient Monument and Listed Building and in combination with the Castle Quarter scheme would enhance the character and appearance of the Wind St Conservation Area. No objection has been received from Cadw or Glamorgan Gwent Archaeological Trust, subject to the imposition of conditions.

Again, subject to the imposition of conditions, it is not considered that the proposal would unacceptably impact on future residents' living conditions.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 4 (CONT'D)

APPLICATION NO.

2014/0419

Approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development shall be commenced not later than the expiration of 5 years from the date of this planning permission and shall be completed in accordance with the said application plans and conditions (unless otherwise agreed in writing by the Local Planning Authority) prior to any part thereof being brought into beneficial use.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990 and to ensure that the development is completed in accordance with the plans approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

- 2 The consumption of alcohol within the external seating area shall only take place in conjunction with the consumption of hot food. The external seating area shall not be used solely for the sale and consumption of alcohol.

Reason: In the interests of residential amenity.

- 3 The external seating area shall not be used by customers before 08.00hrs nor after 20.00hrs on any day.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

- 4 No permanent tables, chairs, enclosure or umbrellas or other related paraphernalia shall be fixed to the external seating area and all such items shall be cleared away when not in use and by no later than 22.30hrs on any day.

Reason: In the interests of visual amenity.

- 5 Notwithstanding the details shown on any approved plan, samples of all visible external finishes shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV4, EV6, EV9, CC1 and CC5.

PLANS

P-AL(00) 502 proposed seating area, P-AL(00) 501 site location plan received 20th March 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 5

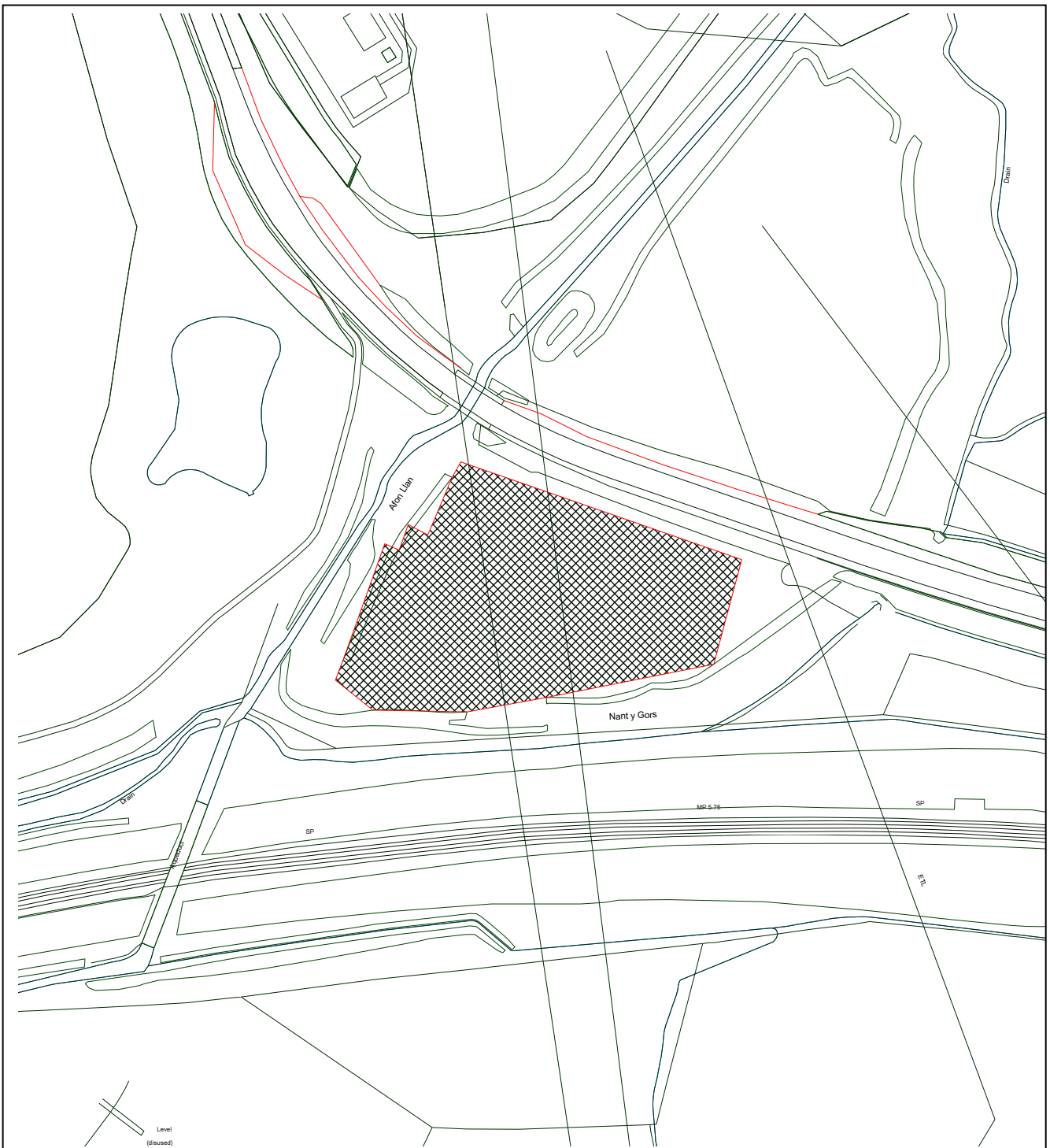
APPLICATION NO. 2013/1835

WARD: Llangyfelach
Area 1

Location: Land to east of Felindre Business Park Felindre Swansea SA4

Proposal: Construction of park and ride / share car park (approx 480 spaces) with new vehicular access, security office, toilet, engineering and associated works, including lighting, fencing, drainage attenuation and landscaping (Council Development Regulation 3)

Applicant: City and County of Swansea`



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BACKGROUND INFORMATION

POLICIES

Swansea Unitary Development Plan (UDP).

Policy EC1 Identifies the land to the west for the Felindre Strategic Business Park

Policy EV21 In the countryside non residential development will only be permitted where it can be demonstrated that:

- (i) It is beneficial for the rural economy or rural employment, or
- (ii) It meets the overriding social or economic needs of the local community, or
- (iii) It is an appropriate development associated with *farm diversification*, sustainable tourism and recreation, or nature conservation and does not adversely affect the viability of an established farm unit, or
- (iv) It provides an acceptable economic use for previously developed land or existing building(s) in accordance with Policy EC12, or
- (v) It is essential for communications, telecommunications, other forms of utility service provision, minerals or renewable energy generation.

Policy EV22 The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural, environment and agricultural and recreational value.

Policy EV25 Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site, will not be permitted unless:

- (i) There are imperative reasons of over-riding public interest, including those of a social or economic nature, which are sufficient to override the reasons for designation, and
- (ii) There is no alternative solution.

Where such development is permitted, planning conditions and/ or obligations will be used to secure all compensatory measures necessary to ensure that the overall coherence of the European Site is protected.

Policy EV35 Development that would have an adverse impact on the water environment due to:

- (i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere, and/or
- (ii) A reduction in the quality of surface water run-off, will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 5 (CONT'D)

APPLICATION NO. 2013/1835

Sustainable drainage systems (SuDS) will be encouraged wherever they would be effective and practicable, so as to ensure that development does not increase run off, and potentially damage important landscape features and protected species and habitats. Where SuDS are not provided then any conventional drainage system utilised must improve the status quo.

Policy EV38 Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment.

Policy AS8 New park and ride facilities are proposed at the following locations:

- Carmarthen Road
- Swansea West

Extended parking facilities are proposed at the existing Landore park and ride site.

Supplementary Planning Guidance

Non Statutory Development Policy adopted by the City and Council of Swansea on 6 November 1996

LAND TO THE NORTH-WEST OF JUNCTION 46 OF THE M4 MOTORWAY AT LLANGYFELACH, INCLUDING THE FORMER FELINDRE TINPLATE WORKS, WILL BE SAFEGUARD AND BROUGHT FORWARD FOR DEVELOPMENT AS A MAJOR INWARD INVESTMENT SITE.

Amplification:

The Council is satisfied that sufficient land is identified in Development Plan allocations elsewhere to meet general industrial development needs. However, a suitable site is needed to attract a large scale inward investment which will bring major employment benefits to the region.

The Felindre site provides a unique development opportunity for such use, potentially offering a developable area up to 118 ha, high quality access to the M4 and local rail network, and a mature landscape setting free from any major development constraints.

A high standard of design, layout and environmental quality will be expected, along with proposals to minimise visual intrusion and mitigate against any adverse impact upon important local flora and fauna.

Appropriate mitigation measures would need to be identified in an Environmental Impact Assessment to be submitted with any planning application.

The land will be treated as a contingency site, for development only by a large industrial land user of high employment potential.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 5 (CONT'D)

APPLICATION NO.

2013/1835

RELEVANT PLANNING HISTORY

- 2006/0773 Strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads (outline).
Planning Permission Oct. 2006
- 2007/1988 Application under Section 73 of the Act to carry out development permitted by the outline planning permission 2006/0773 dated 17th October 2006 without complying with condition 6 relating to the restriction of the minimum individual building footprint of 4,645 sq. m (50,000 sq. ft) as outlined in the Development Strategy in Section 4.2.6 of the Environmental Statement
Planning Permission Nov. 2007
- 2007/2513 Formation of a park and ride facility for DVLA staff for a temporary period of 18 months with associated portable buildings, lighting and fencing works
Temporary Planning Permission Jan. 2008
- 2009/0062 Renewal of temporary permission 2007/2513 granted on 14th January 2008 for park and ride facility for DVLA staff until September 2011
Temporary Planning Permission April 2009
- 2009/1520 Variation of condition 3 of planning permission 2006/0773 granted 17th October 2006 in order to extend period time for the submission of the reserved matters by a further two years
Planning Permission Jan. 2010
- 2009/1585 Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period until September 2011
Temporary Planning Permission Dec. 2009
- 2011/0985 Application under Section 73 of the Act to vary condition 12 under the outline planning permission 2006/0773 dated 17th October 2006 with regard to the implementation of the off-site roadworks and signal junction installation in accordance with an approved phased programme
Currently being considered
- 2011/1311 Notwithstanding the provisions of Section 91 of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 1995, this permission is for a limited period expiring on 30 November, 2012 when the use shall cease and any works carried out under this permission shall be removed.
Planning Permission June 2012
- 2011/1143 Application under Section 73 of the Act to vary conditions 1 and 3 of outline planning permission 2006/0773 (as previously varied by planning permission 2009/1520) to include the internal highway infrastructure as a reserved matter to be included in condition 1 and to vary condition 3 to allow for the phased submission of the reserved matters in accordance with the programme of phasing to be approved under condition 5 of the permission
Planning Permission 7 Oct. 2011

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ITEM 5 (CONT'D)	APPLICATION NO.	2013/1835
2011/1527	Construction of 33KV electricity sub station compound to serve Felindre Strategic Employment Site Planning Permission January, 2012	
2012/0884	Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period Temporary Planning Permission granted Nov. 2012 for a limited period expiring on 30 June, 2014.	
2012/1035	Application for the submission of reserved matters (in part) in respect of the means of access including the internal spine access road together with associated infrastructure, plot layout and the strategic landscaping of the proposed Felindre Strategic Business Park in accordance with condition 1 pursuant to outline planning permission under the Section 73 application 2011/1143 and details of roads/footpath levels (condition 8), 10 (landscaping), 13 (Japanese Knotweed), 14 (Site Investigation), 18, 19 & 21 (drainage) & 23 (Shared Access) Planning Permission Nov. 2012	

RESPONSE TO CONSULTATIONS

The application was advertised as a development which does not accord with the provisions of the Development Plan. ONE LETTER OF OBJECTION has been received from the Glamorgan Badger Group making the following points:

1. The Ecology Report states that some evidence of badger activity was noted on the site, however, no setts were identified.
2. Badgers are a protected species and any interference to a sett is illegal.
3. A detailed badger survey of the proposed site is vital.

Llangyfelach Community Council – no response

Natural Resources Wales - We have no objection to the proposal, but would like to offer the following comments. Prior to this application, we have provided pre-application advice to your Authority. The comments below reflect this previous advice.

Flood Risk

The site is situated within zone A on the development advice map (TAN15, July 2004) and zone 1 on our Flood Map. It is therefore not currently considered to be at risk of flooding. However the site is bounded to the north west by a Main River, the 'Afon Llan' and to the south and south east by the ordinary watercourse 'Nant y Gors'. There will be some flood or erosion risk adjacent to these watercourses. We would therefore recommend that no development takes place within any area adjacent to these watercourses or within areas identified as being at risk of flooding. As the Afon Llan is a designated Main River the prior written consent of NRW will be required for any works in, under, over or within 7m of the top of the river bank.

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Surface Water Drainage

We note that it is proposed to drain surface water to the main river Llan via an attenuation pond, which is to be constructed as part of the development.

We note from the micro drainage reports (produced 25/11/13), that the development has been designed for the 100 year standard. It is normal practice for developments of this lifespan to include storage of an additional 30% to account for climate change, not the 10% as stated within the document. We would recommend that you consult with your Authority's drainage engineers further in this matter to establish whether an additional 10% is sufficient. We can confirm however, that the discharge rate of 10.4 l/s/ha into the River Llan is suitable for use. If any new headwall/ discharge point into the River Llan is required, then these works (as identified above) will require our prior written consent.

Foul Drainage

We note that a septic tank is proposed to provide some welfare facilities at the site. As there is no main public sewer available at this location, then a septic tank is considered acceptable providing ground conditions for the ancillary soakaway are suitable. The discharge from the septic tank will need to be registered with NRW. Depending on the volume of treated effluent discharged a permit may be required.

Contaminated Land

We note that a Ground Investigation Report has been submitted in support of the application which has identified sources of contamination on site. We would agree with the conclusions of the report that prior to works commencing on site, contractors should submit appropriate working methodologies and mitigation measures. Furthermore, we would agree that if during the development, any contamination is encountered, then the development should stop until a remediation strategy has been agreed and implemented.

Ecology and Protected Species

We welcome the submission of the Ecology Report dated November 2013 produced by Parsons Brinckerhoff. We note from the report that Wildwood Ecology Limited was commissioned by Parsons Brinckerhoff to undertake a Preliminary Ecological Appraisal (PEA) in relation to the above proposal and that the habitat survey of the site was carried out on the 12 August 2013.

Sections 5.12 – 5.15 of the report state that a significant number of semi-mature trees are found on site and that there are good links with the wider environment. Wildwood Ecology go on to state that there are significant opportunities across the site for bat activity, including roosting, foraging and commuting. Records for a number of different bat species are identified within 1km of the site and 'a suite of bat surveys are recommended to fully determine the impacts. However, we acknowledge that following consultation with the county ecologist the requirement to undertake bat activity surveys was ruled out.

We also note the findings and conclusions relation to dormice, which are laid out in sections 5.23 – 5.25 of the report.

We would ask that all recommendations made in Section 3 of the Ecology Report are translated into, and implemented as enforceable conditions on any planning permission your Authority is minded to grant.

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ITEM 5 (CONT'D)

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The areas to be covered by planning obligation / agreement and/or conditions are as follows:

- The submission and implementation of a lighting scheme to ensure lighting measures do not conflict with potential bat use of the site, to be agreed with the LPA, prior to the start of any works on site. The scheme shall include low level lighting and, appropriate siting of lights (to ensure that vegetation along the site boundaries and any flight-paths are not illuminated). The scheme should address construction activities and the operational phase. To be implemented as agreed.
- The submission and implementation of a planting/landscaping plan to be submitted to, and agreed in writing with the LPA, prior to the start of works. This must include details of the compensation planting around the boundary of the site to ensure connectivity. To be implemented as agreed.
- The submission of pre-commencement checks of the vegetation buffer for protected species, between the site and the Afon Llan and any other vegetation buffer along the boundary; prior to the start of any works on site. These checks should be carried out by a suitably qualified ecologist. The results of the checks should be submitted to the LPA and NRW. To be implemented as agreed.

In summary, we would have no objection to the proposed development providing appropriately worded conditions are included on any planning permission your Authority are minded to grant.

Head of Pollution Control - I have no objection regarding the application for the park and share site. However I have the following observations and condition to attach please: -

If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the safety of future users is not prejudiced.

I agree with the comments made with regard to the design of minor structures on the site in that an element of gas protection should be incorporated.

Highway Observations – Construction of park and ride / share car park (approx 480 spaces) with new vehicular access, security office, toilet, engineering and associated works, including lighting, fencing, drainage attenuation and landscaping (Council Development Regulation 3)

Land to east of Felindre Business Park Felindre Swansea SA4

This application has come about as a result of the development of Felindre Business park which is taking over the area currently used as the Park and Share facility, which is a popular parking resource. The proposed site links to the M4 Junction 46 via B4489 and is approximately 0.6km from the existing site.

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The provision of this parking facility for DVLA staff is of considerable benefit as it helps to address parking difficulties in the vicinity of the DVLA offices. Its continued operation will be of benefit locally, particularly as current parking provision at the DVLA has undergone alteration and alternative provision is required. The current level of use of this existing car park is significant. The car park is also open to casual non DVLA staff and has helped reduce on street parking demand within the residential areas at Penllergaer.

The proposed scheme has increased parking provision compared to the existing one but as there is a planned relocation back to the DVLA of a significant number of staff then the parking provision is of an appropriate level.

The scheme has been designed in house by City and County of Swansea staff. The layout in the main is adequate and allows for safe vehicular access/egress as well as pedestrian movements and access to the near-by bus stop. The car parking spaces however have been incorrectly detailed at 2.4m by 4.8m and the correct sizes should be 2.6m width by 4.8m length. This will result in a loss of a small number of spaces but can be secured by condition.

There is a new bus lay-by, bus stop, footways, and bellmouth access included within the application site and these works will need to be undertaken by a section 278 agreement with the Highway Authority.

With the proposed 24/7 opening hours the arrivals/departures are spread out. Currently the maximum trip generation in any one hour is 74 vehicles (pm peak) and the proposed use will generate 102 vehicles as a maximum. I do not consider that the proposal will result in any detriment to highway safety.

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

1. The car park spaces being laid out to 2.6m width by 4.8m length.
2. The Highway works to be undertaken to Highways Authority Standards and Specification under a section 278 Agreement.

Note: The developer should contact the Network Management team on (01792) 636091 before starting any works.

APPRAISAL

Introduction

The proposed park and ride / share facility will be located to the north-west of Junction 46 of the M4 and to the east of the proposed Felindre Strategic Business Park on the site of the former Felindre Tinplate Works. The infrastructure / road layout works to the Felindre Strategic Business Park have recently been constructed (Ref:2012/1035 relates) for which outline planning permission has been granted (Refs: 2006/0773 & 2011/143) for a strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads. The application master plan for the proposed Business Park indicates the development area to be limited to 60.9 hectares and is focussed on the main brownfield area of the site formerly occupied by the Felindre tinplate works and the total floor space was to be limited to 80,065 sq. m / 861,900 sq. ft of employment floor space for specific B1 and B2 use classes.

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A temporary park and ride facility for DVLA staff has operated at the Felindre Strategic Business Park since 2008 and has been expanded to incorporate the Council's 'park and share' initiative in a bid to discourage car shares parking in the residential areas around Penllergaer, Llangyfelach and Birchgrove. The p & r facility has also been used as match day park and ride for the Liberty Stadium as part of their travel plan strategy. The existing park and ride operation granted under ref:2012/0884 has capacity for 664 spaces and has a limited temporary permission expiring on 30 June, 2014 to ensure it will not prejudice the long term aspirations of UDP Policy EC1 and the vision for the Felindre Strategic employment site. The park and ride / share facility eases traffic congestion and parking pressures in and around the main DVLA site and also within the surrounding residential areas. The proposed replacement park and ride / share facility on this alternative scheme is therefore required as a permanent site and to allow the Felindre Strategic Business Park to be developed.

Description

The proposed alternative site is located approx. 0.6km to the west of the current site, and would be accessed from the B4489 to Junction 46 of the M4. The 480 space facility would be accessed by a 7.30m wide vehicular carriageway but will be provided with off carriageway bus layby, with bus shelter, to be constructed to the east of the vehicular access which will have a segregated pedestrian access / crossing point from the car park. The buses will then be required to proceed to the Felindre Business Park roundabout for the return journey. A security gatehouse / toilet block provision will be provided and the car parking area would be enclosed with a 2.40 metre high security fence. A landscaping strip along the frontage to the B4489 is proposed and it is proposed to illuminate the car park with 11 x 8m high columns with the design specification intended to minimise light pollution. A 765m³ capacity surface water attenuation pond is proposed in the south western corner of the site. It is proposed to provide a septic tank for the proposed welfare facilities at the site. The site is traversed by high voltage electricity lines and there is also an electricity pylon within the site, and appropriate safeguarding measures are proposed within the car parking area.

Main Issues

The main issues for considerations relate to the acceptability of the proposal in land use terms having regard to its location of the development in the open countryside and the provisions of the Development Plan, the impact on highway safety, and the constraints of the site in terms of land contamination, surface water drainage and ecology. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Policy Issues

UDP Policies EV21 and EV22 seek to preserve the open countryside and restrict rural development generally to where it can be demonstrated that it is beneficial for the rural economy or rural employment, or it meets the overriding social or economic needs of the local community. The site is not allocated as part of the Felindre Strategic Business Park under Policy EC1 and therefore constitutes development within the open countryside and therefore technically is a departure from Development Plan Policy. However, the proposed park and ride facility is within the redline boundary under the outline planning permission ref:2006/0773 granted for the development of the Felindre Strategic Business Park as it was part of the former Tinplate site and therefore part of the brownfield area.

However, the application site has been excluded as part of the developable area within the Felindre Business Park Masterplan and the recently constructed infrastructure / road layout works. Notwithstanding this, having regard to the historic use of the site and also its relationship to the existing infrastructure provision within the area, namely the proposed Felindre Business Park, the B4489 and the Swansea North Electricity Sub-Station, the proposed development of the site as a park and ride / share facility is considered to be visually acceptable at this location. Additionally, as indicated the proposed replacement park and ride / share facility on this alternative scheme is required as a permanent site to allow the Felindre Strategic Business Park to be developed and therefore is considered to be a justifiable departure to the Development Plan.

Access and Highway Safety

The park and ride was first established in 2008 by the DVLA in order to alleviate on street parking issues in and around the DVLA Headquarters in Clase. Since then the park and ride facility has been extended in partnership with the Council, to incorporate a park and share facility in order to address localised problems caused by informal park and share which occurs along the M4 corridor. The current level of use is significant and helps to address parking difficulties in the vicinity of the DVLA offices and also reduce on street parking demand within the residential areas at Penllergaer and Llangyfelach. As indicated the development of the existing park and ride / share facility for the Felindre Strategic Business Park necessitates the development of an alternative site. The scheme has been submitted and designed by the Council's Transportation Dept. and is intended to serve both as a park and ride for the DVLA and also as a park and share for use by the general public.

The proposed alternative site is located approx. 0.6km to the west of the current site, and is similarly accessed from the B4489 to Junction 46 of the M4. The scheme has been designed in house by City and County of Swansea staff. The 480 space facility would be accessed by a 7.30m wide vehicular carriageway off the B4489 and would provide adequate visibility for the 40 mph highway. The facility will be provided with off carriageway bus layby, with bus shelter, will be constructed to the east of the vehicular access which will have a segregated pedestrian access / crossing point from the car park. The buses will then be required to proceed to the Felindre Business Park roundabout for the return journey. The Council's Transportation team (as consultees) confirm that the layout is adequate and will allow for safe vehicular access/egress as well as pedestrian movements and access to the near-by bus stop. The car parking spaces however have been incorrectly detailed at 2.4m by 4.8m and not 2.6m width by 4.8m length as required under the Council's adopted parking guidelines. The required larger parking spaces may be secured by a planning condition and may result in a loss of a small number of spaces.

The application is accompanied by a Transport Statement to quantify the traffic impact along the highway network. The proposed relocation of the park and ride / share has been designed to accommodate an increase in the capacity of the car park (480 spaces as opposed to 360 spaces) but is required to serve an increase in regional staff being accommodated in the DVLA headquarters in Clase. Whilst the park and ride facility is open 24 hours a day with arrivals/departures spread out, the traffic survey accompanying the Transport Statement indicates that the maximum trip generation is during the evening peak (1600hrs – 1700hrs) and is 74 vehicles. Based on the larger car park capacity this pm peak is predicted to increase to 102 vehicles as a maximum.

This relatively small increase in traffic generation may be accommodated on the existing road network without detriment to highway safety and the Council's Transportation team raise no highway objections to the proposal. Additionally, the nearest residential dwellings in Bryntwyod and isolated properties in the area are located approx. 300 – 400 metres away. The traffic generation related to the park and ride facility already access the site predominantly from M4 Junction 46 and therefore would not exacerbate the existing level of activity within the area.

Other Constraints

Flood Risk

Natural Resources Wales (NRW) confirm that the site is situated within zone A on the development advice map (TAN15, July 2004) and zone 1 on their Flood Map. It is therefore not currently considered to be at risk of flooding. However the site is bounded to the north west by the Main River 'Afon Llan' and to the south and south east by the ordinary watercourse 'Nant y Gors' and NRW indicate that there will be some flood or erosion risk adjacent to these watercourses and advise that no development takes place within any area identified as being at risk of flooding.

Contaminated Land

UDP Policy EV38 states that development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. The application is accompanied by a Ground Investigation Report which indicates that the made ground appears to have been derived from general construction arisings associated with the development of the adjacent Tin Plate works as opposed to waste / by-products from the industrial processes at the works. The Report states that laboratory testing of the made ground identified no contaminants of concern with respect to human health and the wider environment including controlled waters. The Report recommends a reactive strategy is adopted during any future construction works in order to identify and manage any previously unidentified contamination. This approach is endorsed by NRW and the Head of Pollution Control and an appropriately worded planning condition is recommended.

Ecology

UDP Policy EV2 requires the siting of new development to avoid locations that would have a significant adverse impact upon the landscape, taking into account existing site features and should undertake an assessment of species and habitats on the site and implement any necessary mitigation measures. An Ecology Report has been submitted with the application which incorporates the results of the Phase 1 Habitat Survey undertaken on the site. Additionally, specific otter and reptile surveys were undertaken.

The Report identifies the site to comprise of open scrub and grassland which is bordered by a belt of trees, with the Afon Llan and Nant-y-Gors bordering the site's western and southern boundaries respectively. The Reptile Survey identifies minimal reptile activity on the site but recommends that all clearance works should be undertaken under a watching brief by a suitably trained ecologist. The otter surveys identifies otter activity along the Afon Llan and the Report recommends that no work including the storage of materials should be undertaken within 20 metres of the Afon Llan and recommends that re-commencement checks are undertaken under supervision of an Ecological Clerk of Works along this buffer.

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The development will result in the loss of areas of habitat and in order to mitigate potential impacts recommends compensatory woodland planting should be undertaken along the boundaries of the site. The Report also recommends that any lighting is utilised with baffles / filters in order to minimise light spill. There are strands of Himalayan Balsam and Japanese Knotweed along the banks of the Afon Llan which are invasive species and appropriate worded planning conditions are recommended.

The Ecological Report highlights the site as having potential foraging opportunity for badgers, but states there were limited signs of activity and no setts were observed. The Glamorgan Badger Group has submitted a representation suggesting that a detailed badger survey of the proposed site should be undertaken. The Council's Ecologist has responded to indicate that he has reviewed the survey and has previously met the ecologist who did the survey work on the site. Whilst there is some evidence of badger activity on the site (a small number of badger runs) there is no evidence of a sett and endorses the conclusion of the Report that there is no sett on the site.

Burry Inlet Habitat Regulations Assessment

Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on an European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

Water Quality

With regard to the water quality issues in the Burry inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

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As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

Conclusion

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

Conclusions

The proposed development would have an acceptable impact on highway safety, and the constraints of the site in terms of land contamination, surface water drainage and ecology. Development Plan Policy seeks to preserve the open countryside and restrict rural development generally to where it can be demonstrated that it is beneficial for the rural economy or rural employment, or it meets the overriding social or economic needs of the local community. Whilst the site is not allocated as part of the Felindre Strategic Business Park under Policy EC1 having regard to the historic use of the site and its relationship to the proposed Business Park and the associated infrastructure in the area, the development of this site as a park and ride / share facility is considered to be a justifiable departure to the Development Plan. Approval is therefore recommended as a Departure to the adopted Development Plan Policy.

RECOMMENDATION

That for the purposes of Regulation 3 of the Town and Country Planning Regulations 1992, the application be referred to the DEVELOPMENT MANAGEMENT AND CONTROL COMMITTEE with a recommendation that the Council resolves to grant planning permission, subject to the conditions indicated below:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision and shall be completed in accordance with the said application, plans and conditions prior to any part thereof being brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990 and to ensure that the development is completed in accordance with the plans approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

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- 2 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for how this unsuspected contamination shall be dealt with.

Reason: To ensure that the safety of future users of the site is not prejudiced.

- 3 Prior to the commencement of development (or unless otherwise agreed with the Local Planning Authority) a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan Balsam will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement.

Reason: It is an offence under Section 14(2) of the Wildlife and Countryside Act 1981 to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part II.

- 4 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.

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

- 5 Notwithstanding the details indicated in the application, the dimensions of the proposed car parking spaces shall be laid out as 4.80m by 2.60m.

Reason: In order to accommodate adequate car parking width in accordance with the Council's adopted Parking Standards (March 2012).

- 6 No development approved by this permission shall be commenced until a Construction Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution to controlled waters.

- 7 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

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ITEM 5 (CONT'D)

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- 8 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

- 9 A landscaping scheme for the development shall be submitted for the written approval of the Local Planning Authority. The scheme shall be carried out within 12 months from the completion of the development, unless otherwise agreed with the Local Planning Authority. The landscaping scheme shall include compensatory planting around the site boundary. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

- 10 Notwithstanding the details indicated in the application the proposed means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.

- 11 Notwithstanding the details indicated in the application, the detailed design of all proposed lighting / floodlighting shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details. The proposed lighting scheme shall be designed in order to minimise conflict with potential bat use of the site.

Reason: In the interests of public safety, amenity and ecology.

- 12 Prior to the commencement of development, the initial clearance of the site shall be undertaken under a watching brief of a suitably qualified ecologist. A vegetation buffer of 20 metres to the Afon Llan shall be retained unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of environmental protection, biodiversity and the minimisation of likely significant environmental effects.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EC1, EV21, EV22, EV25, EV36, EV38, & AS8)

- 2 The Highway works will need to be undertaken to Highways Authority Standards and Specification under Agreement. The developer should contact the Network Management team on (01792) 636091 before starting any works.

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PLANS

G257-201 site location plan, LS21305 horizontal illuminance levels, G257-202 general arrangement, G257-203 drainage layout, G257-204 section AA, G257-206 cross sections, G257-207 cross sections 1-3, G257-208 fencing details, G257-209 tree detailG257-210 cabin details, G257-211 existing site layout, dated 16th December 2013

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ITEM 6

APPLICATION NO.

2013/1441

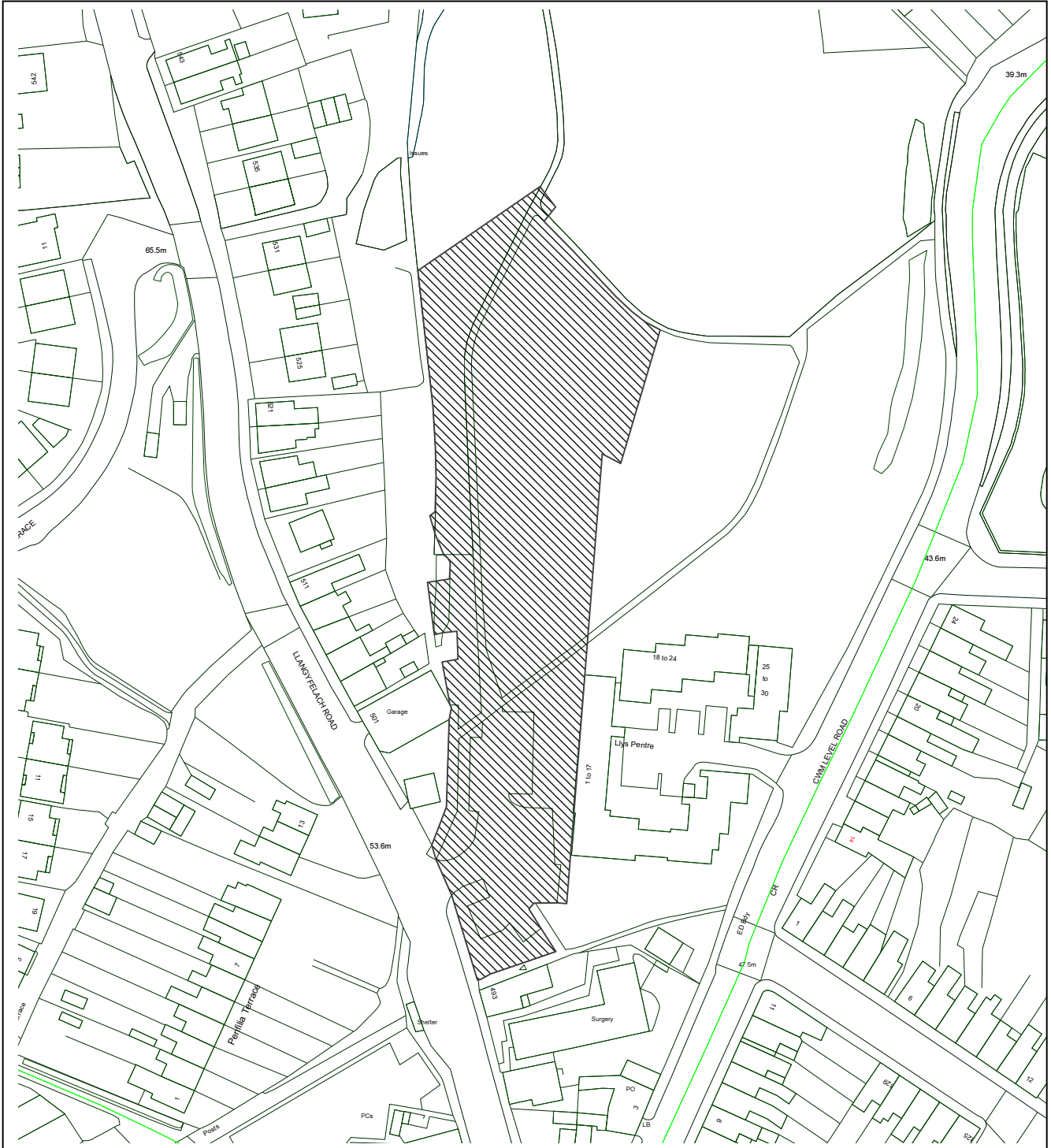
WARD:

Mynyddbach
Area 1

Location: Land adjacent to Llys Pentre Llangyfelach Road Brynhyfryd Swansea

Proposal: New primary care centre with pharmacy associated parking and works

Applicant: HPC Wales



NOT TO SCALE

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ITEM 6 (CONT'D)

APPLICATION NO.

2013/1441

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EC6	The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV24	Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
90/1025/11	ENVIRONMENTAL IMPROVEMENT SCHEME - PROVISION OF CAR PARK AND ASSOCIATED LANDSCAPING Decision: *HGDP - GRANT DEEMED PERMISSION Decision Date: 21/08/1990

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89/0703/11	RESIDENTIAL DEVELOPMENT. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/08/1989	
89/0816/11	RESIDENTIAL DEVELOPMENT. Decision: *HGDP - GRANT DEEMED PERMISSION Decision Date: 25/08/1989	
87/1017/11	PUBLIC OPEN SPACE, INFORMAL GRASS AREAS, MASS TREE PLANTING + SMALL CAR PARK. Decision: *HGDP - GRANT DEEMED PERMISSION Decision Date: 11/08/1987	
89/1160/03	30 RESIDENTIAL UNITS FOR THE ELDERLY. Decision: *HPS106 - PERMISSION SUBJ - S106 AGREEM. Decision Date: 24/05/1990	
78/0856/03	PUBLIC OPEN SPACE AND LANDSCAPING Decision: *HGDP - GRANT DEEMED PERMISSION UNCOND Decision Date: 31/08/1978	

RESPONSE TO CONSULTATIONS

The application was advertised in the press, on site and seventeen neighbouring properties were consulted. TWO LETTERS OF OBJECTION have been submitted which include ONE PETITION OF OBJECTION WITH TWENTY FIVE SIGNATURES. The letters are summarised below:

1. Concerns there may be no rear access to properties on Llangyfelach Road.
2. Concerns the proposal may cause noise, disturbance and loss of light to residents of Llys Pentre.
3. Request a palisade fence is erected running along the back of 1-24 Llys Pentre.
4. Concerns cars could roll down from the car park to Llys Pentre.

Other consultation responses:

Coal Authority

The applicant has submitted a Geo-technical and Geo-environmental Report (April 2012) which accompanies this planning application. The Geo-technical and Geo-environmental Report (April 2012) covers a wider site area than the application site and therefore identifies risks which have not been identified in the Coal Authority records for the application site.

When considering this particular proposal; whilst there are recorded mining features within the application site, the specific part of the site where new development is proposed actually falls outside the defined Development High Risk Area.

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The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

The Coal Authority would recommend that an Informative is included within the decision notice.

Pollution Control Division

Recommends a condition for the submission of a Construction Pollution Management Plan and informatives in relation to the construction period in order to minimise nuisance to neighbours.

Environment Officer

Recommends a condition for the submission of a scheme to eradicate the Japanese Knotweed on the site.

Drainage and Costal Management

The submitted strategy is entirely reliant on DCWW accepting a surface water connection from the development site and then on what rate they find acceptable. It may be that they consider the proposed rate of 5l/s too high for the receiving system which will increase the amount of attenuation storage required, our recommendation is that DCWW be contacted and agreement in principle for the connection and the rate is sought as soon as possible.

Subject to the caveat that DCWW agree to the surface water connection and the rate we recommend a standard surface water drainage condition be appended to any permission given, should DCWW permission not be given we ask to be re-consulted.

Dwr Cymru Welsh Water

Recommend, if approved, that standard conditions are included together with the specific requirement that Surface water discharges shall only be permitted to discharge to the public surface water sewerage system at an attenuated rate of 5 litres per second using a suitable flow control device.

Planning Ecologist's Comments

The surveyor found the area generally to be of low ecological value. However the surveyor did note that there are some areas around the periphery of the site that may contain reptiles. As reptiles are protected under the Wildlife and Countryside Act we should add a condition to any permission that a mitigation statement is drawn up and submitted to the LPA for approval. This should contain instructions for the reduction of the height of vegetation to encourage reptiles to leave the site, instructions for the removal of any likely refugia and the re-homing of any animals caught. The woodland edge is likely to be used by foraging bats any lighting scheme should be designed to prevent excessive light spill. Bats are deterred by increased light levels. There may be nesting birds in some of the scrub and trees to be cleared, as such a bird informative should be included with any planning permission.

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South Wales Police Crime Prevention Design Advisor

Comments have been provided in respect of a number of general security issues the majority of which have been addressed in the submission or would be outside of the control of planning.

Natural Resources Wales

The ecological report states that the works will be mainly within an area of species-poor amenity grassland, although a small amount of woodland will be lost on the eastern side of the application site. The woodland to the east boundary are likely to provide communing and foraging opportunities for bats. NRW recommend the submission and implementation of a lighting scheme to be agreed with the LPA Ecologist, prior to the start of any works on site. The scheme shall include appropriate siting of lights, to ensure that woodland and boundary features are not illuminated. The scheme should address construction activities and the operational phase.

NRW also recommend a condition in respect of the submission of a scheme to eradicate Japanese knotweed.

Highways Observations

1. Introduction

This application for the construction of a primary care centre with associated car parking works is proposed on land to the north of the existing Brynhyfryd Surgery and car park and to the rear of Brynhyfryd car sales.

The proposed health facility is located within the centre of Brynhyfryd and is supported by good public transportation links and local amenities. For a development of this size and nature, parking is an issue which must be thoroughly considered, and staffing levels (including a breakdown of practitioners and others) were needed to assess the required parking numbers in accordance with CCS adopted parking standards. The proposed staffing levels are 15 full time staff and 10 part time staff. The surgery opening hours are 08.30 to 18.00 Monday to Friday and the pharmacy will be open 09.00 to 18.15 Monday to Friday and 09.00 to 12.00 on a Saturday.

The applicants sought pre-application advice and were advised that a full Transport Assessment (TA) would be required in order to quantify the impact on the adjacent Highway Network. The subsequent Planning Application was supported by a full TA produced by Atkins.

Access to the site is directly off Llangyfelach Road using the existing priority junction access to the surgery and car park. The redevelopment of the current surgery building is not included within this application site although the existing car park is being retained and upgraded within this application. .

A pharmacy is included within the proposed uses.

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2. Transport assessment

The trip calculation for the development has been carried out by the use of TRICS which is the nationally accepted methodology for predicting trip generation. The trips have been calculated on the basis that there are 7 full time practitioners, 7 ancillary staff and 4 part time staff.

Existing development

The existing surgery traffic/car park (which has five doctors) was surveyed in September 2013 and the following observations were made.

- The existing car park was busy most of the time and was close to or at capacity for periods between 10.30 and 11.30.
- Health care users accounted for 50% approximately of all vehicular movements into the car park.
- The independent surveys undertaken compare well when comparing to the CCS documented flows on the adjacent highway.
- The maximum a.m. peak flows currently are 32, with the p.m. peak generating 29. The maximum trips in any one hour is between 10.00 and 11.00 and that generates 47 two-way trips

Given that the existing surgery building is to be retained then all trips to the new development have been treated as 'new' on the Network. This should give a robust set of results. The split between vehicles travelling north and south have been proportioned using existing surveyed data to arrive at a total number of extra vehicles on the highway network.

Proposed development

Based on the TRICS staffing levels for Health surgery the anticipated traffic flows are calculated to be 55 in the am peak, 66 in the intermediate peak between 10.00 and 11.00 and 40 in the p.m. peak. This equates to a maximum average of just over one vehicle per minute in the intermediate peak between 10.00 and 11.00.

The priority junction access/egress to the site from B4489 Llangyfelach Road was assessed using Picady 8 which is standard software package for calculating queues at Priority Junctions. Using the geometry from the submitted plans in the report and also the traffic figures the results obtained in output shows that there are negligible queues and the RFC's (Ratio Flow Capacity) are well within the threshold values of 0.85.

The priority junction assessment demonstrates that it is well within capacity because there is negligible queuing within the site and the RFC values are so low. This means that this development has very little impact on movements into and out of the site.

The main junction at Brynhyfryd Square has been also been tested and remains approaching capacity as is the current situation. The access to the site is protected by 'Keep Clear' Markings on the road and these are to be retained.

It is not considered that the traffic resulting from the proposed development will give rise to any highway safety concerns.

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3. Parking

Parking for 26 vehicles is available within the curtilage. There is disabled provision for 5 vehicles which is above the 5% minimum requirements but given the use as a surgery it is an appropriate level.

The proposed parking provision of 26 spaces is twelve spaces short of that required according to our adopted parking guidelines (38). The spaces however are incorrectly detailed at 2.4m width whereas the correct dimension should be 2.6m. This can be secured by condition although it may result in the loss of a few spaces and possibly require an amended layout. However, there is an existing car park housing approximately 20 cars (although four of the spaces are reserved for residential use) which is included within the red edged outline so it is assumed that the applicant has control over this area. On that basis it has been decided that parking provision in this instance is adequate subject to an amended layout. There is also a satisfactory cycle storage facility and disabled parking provision within the curtilage of the site.

There is parking being made available for an ambulance but no detail regarding servicing and deliveries. Since the car park is quite constrained with no through route I would suggest that a servicing management plan be submitted for approval outlining how the servicing and deliveries are to be managed. I would also suggest that this covers times of deliveries to avoid peak appointment times within the surgery

Access to the proposed development and associated car park will be via an existing public car park facility hence there are no highway safety issues regarding visibility. The current access is open plan and affords good visibility in both directions, I do not wish any changes to be made to this aspect.

4. Conclusion

I do not consider that the development will give rise to any highway safety concerns. Whilst there will be additional traffic on the road it has been shown that the relatively small scale impact of the development will not lead to any significant increase in congestion given the existing high volume of traffic movements through Brynhyfryd Square. Overall there is adequate parking taking into consideration the existing car park. The travel plan will help highlight alternative forms of transport to the site, and the proximity of the site to local bus services together with the provision of cycle parking will help provide viable alternatives to driving to the surgery.

5. Recommendations

On balance, I recommend no highway objection to this application subject to:

1. The five car parking spaces shown for disabled use to be laid out in accordance with the current British Standard.
2. The cycle parking to be implemented prior to beneficial occupation of any part of the units.
3. The car park (both the existing and proposed) to be laid out in accordance with the details to be submitted for approval to the LPA showing the car parking spaces in at the correct dimensions of 2.6m width by 4.8m length (and not as shown on the submitted drawings) prior to beneficial occupation of any part of the development.

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4. In the interests of both pedestrians and vehicles accessing the site the car parking area shall be lit in accordance with details to be submitted for approval to the LPA, prior to beneficial occupation of any part of the development.

5. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.

6. The boundary along Llangyfelach Road shall remain open plan and unimpeded in the interests of visibility and to allow two way movements into and out of the site at all times to minimise any obstruction being caused on Llangyfelach Road.

7. A servicing management plan be submitted for approval to the LPA outlining how the deliveries are to operate to avoid peak times on the highway network and at the surgery itself.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Ceinwen Thomas in order that Members can consider access and highway safety issues.

This application seeks planning permission for the construction of a new primary health care centre, including a pharmacy, with associated parking and works at land adjacent to Llys Pentre, Llangyfelach Road.

The application site forms part of a green area which runs to the rear of Llangyfelach Road it also includes the public car park which is used in association with the existing surgery. The existing Brynhyfryd Surgery is located to the south of the existing car park and would no longer be used for this purpose, should planning permission be granted and the development brought into use.

The proposal would consist of a part single storey part two storey mono-pitched design building that would accommodate Brynhyfryd Surgery, a treatment room and supporting spaces for Abertawe Bro Morgannwg Health Board together with an associated pharmacy. Externally there will be a new parking area, a re-arrangement of the existing parking area, the provision of a footpath to the west of the building, engineering works to facilitate a level platform for the development and a boundary enclosure around part of the perimeter of the site.

The application is accompanied with details of alternative sites that were considered to accommodate the proposed development and there have been extensive consultations with the Council's Estates section in this regard. According to the submission, the site is considered to be the preferred location which best meets the criteria of accessibility, sustainability, complementary adjacent uses, availability and affordability.

A public consultation event was undertaken in November 2010 and a summary of the results are outlined in the design and access statement. The consultation identified that the existing surgery is too small. The location for the development was considered by respondents to be acceptable and the inclusion of a pharmacy was considered to be of benefit.

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Main Issues

The main issues in respect of the consideration of this application are as follows: the appropriateness of the proposed development in this location given its designation as greenspace land under City and County of Swansea (UDP) policy EV24 (Greenspace System) and having regard to the appropriateness of the development and its compliance with UDP policy HC15 (Community and Health Facilities); the impact on the character and appearance of the area; the impact on the residential amenity of neighbouring occupiers and the impacts of the development on access and highway safety.

In addition to the above UDP policies the following policies are relevant to the consideration of this proposal: EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Trees, Woodland and Hedgerow Protection), AS1 (New Development Proposals), AS2 (Design and Layout), AS6 (Parking) and EC6 (Local Shopping Centres and Neighbourhood Facilities).

The site is located within the greenspace system where EV24 seeks to resist development proposals which would be likely to have a significant adverse effect on the greenspace system or which do not provide for appropriate compensatory or mitigation measures. The proposal would result in the loss of a wedge of greenspace comprising a relatively flat parcel of amenity grassland and bordering trees. There is also a large area of Japanese knotweed sited within and adjacent to the site. The site forms part of a wider EV24 designation that stretches from the rear of the car garage to the north of No.639 Llangyfelach Road.

The areas covered by EV24 have been defined on the basis of one or more values as defined in the policy. The parcel of land the subject of this application is considered to principally have nature conservation value, local amenity benefit and informal recreation potential.

The nature conservation value has been considered by the Council's planning ecologist having regard to the information submitted in the applicant's ecological assessment. The conclusions of the assessment are that the vegetation to be cleared is of low ecological value. Subject to mitigation measures as detailed in the planning ecologists comments above in relation to bats and reptiles, it is considered the proposal would not have a significant impact on the nature conservation value of the greenspace system.

Turning to the local amenity benefit and informal recreation value, the nature of the open space being flat, surrounded by trees and accessible to the local community means that the land has high value in this respect. In terms of the local impact there is a similar sized flat parcel of land abutting the site to the east which leads onto a wooded area. This parcel of land would be unaffected by the development and would be retained as greenspace area that provides local amenity and informal recreation benefit to the local community. The Council has undertaken an open space assessment to inform the Local Development Plan. This assessment identifies that Mynyddbach has a surplus of formal open space provision when assessed against the Fields In Trust standard of 2.4 hectares of open space per 1000 head of population. It is further noted that the area surrounding the application site is well served by both open space and outdoor play provision and the potential loss of the greenspace land would not result in any material deficiency in this area of the ward where the majority of properties are sited within 300 metres of open space provision.

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Notwithstanding this given the scale of the proposal, and the associated loss of an area which has amenity value and informal recreation value to the community, it is considered that the development would have a significant impact on the greenspace system. The acceptability of the development must therefore be balanced against the compensatory and mitigation proposed by the developer together with the community benefit that would arise from the proposed development in terms of providing a modern health care facility.

The mitigation proposed would amount to the treatment of Japanese knotweed within the site area, and improvements proposed to the exist car park including the provision of street lighting. The treatment of the Japanese knotweed within the application site would not result in any wider improvements to the remaining areas of greenspace within the locality. Whilst the improvements to the existing car park are noted and welcomed, these measures would not, it is considered, provide satisfactory mitigation for the loss of the greenspace area proposed.

An appropriate balance must therefore be struck when weighing up the loss the greenspace area and the associated impacts this would have on the community against the positive benefits that would arise from the development. In light of the good level of usable and accessible open space provision within the area as described above, on balance, it is considered the loss of this greenspace area would not be so significant upon the community that it would outweigh the positive benefits that would arise from the development. In making this assessment some weight has been given to the responses from the applicant's public consultation event and the responses to the planning application consultation, which have not raised any significant concerns in respect of the loss of the greenspace area.

Having regard to these material considerations, on balance, it is considered the impact of the development would not be so materially adverse to the greenspace system, or to the community which it serves, to warrant the refusal of the application for this reason. In this respect the proposed development is considered to be an acceptable departure to the provisions of UDP policy EV24.

As indicated above, UDP Policy HC15 is a key policy consideration in the determination of this application. It states that proposals for new and improved local community and health facilities will be supported provided:

- (i) The facility is accessible to the community it is intended to serve, and where practicable located within a District, Local or Village Centre,
- (ii) The proposal will have no significant impact on the amenity of surrounding uses, particularly residential, by reason of visual appearance, scale and noise,
- (iii) There would be no significant adverse impact on natural heritage and the historic environment, and
- (iv) The site and surrounding road network is capable of accommodating any additional vehicular traffic likely to be generated by the proposal without damage to the local environment or road safety.

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Dealing with the main aspect of the proposal; the development proposes a modern care facility that, in principle, would provide improved health facilities for the local and wider community.

With regards to criteria (i), the amplification to the policy states that the Council recognises the importance of locating community and health facilities in close proximity to the communities they are intended to serve, so they can be more readily reached by walking, cycling and public transport. The application site is located on the edge of the Llangyfelach Road local centre. It is close to surrounding residential areas and the shops in the local centre. The site is also highly accessible for a range of transportation modes. In this respect the proposal would accord with criteria (i) of policy HC15.

With regards to criteria (ii), the proposal is for a modern design building comprising of two mono-pitched structures connected by a small flat roof element. The building would be part single storey, part two storey in scale and the low pitched roof elements would serve to minimise its prominence and impact on the surrounding residential context. The form and the scale of the monopitched roofs mark this building as a community facility.

Brynhyfryd Surgery and staff facilities would be placed in the two storey block parallel to the eastern boundary. The pharmacy, health board treatment room, support room and ancillary facilities would be accommodated in the wider single storey block parallel to the western boundary. Between the two blocks is a wedge shaped waiting area with the Surgery's treatment room and operations room on the northern edge.

The materials for the development will comprise a mix of brick and coloured renders to define and break up the various components of the building. The Colours have not yet been finalised but the brick is intended to take local stone as a starting point and the render will inject colour to the elevations. The roof will be aluminium standing seam to give a modern but muted natural finish which will weather to a mid grey. Windows are proposed to be aluminium framed in a mid/dark grey colour.

The front (south) elevation of the building would face onto and provide natural surveillance of the new car park area. The rear (north) elevation would face onto the footpath to the rear with the greenspace beyond. The west side elevation would face a new footpath to be constructed around the western perimeter of the building with the properties on Llangyfelach Road beyond. The east elevation would face onto the woodland which stretches down to Cwm Level Road.

The modern design of the building and the choice of materials should ensure that the development is clearly identifiable as a modern community facility, whilst being sympathetic to the scale of the residential context and the natural backdrop within which the development would be sited. The Council's urban designer has noted that improvements should be made to the scheme through the provision of lighting to the footpath along the western perimeter and the provision of a more visually appropriate boundary enclosure for the development in place of the proposed palisade style fencing. Furthermore it is considered the addition of vertical panels to the front elevation (south) elevation of the building would serve to break-up the elevation and provide a contrast to the proposed brick finish. These elements can be secured by planning conditions.

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Overall in terms of its visual impact the development is considered to be of good design quality, is appropriate to the local context, and has regard to the physical features and topography of the site. In this respect it is not considered that the development would have a significant detrimental impact on the character or appearance of the area and is considered to be in accordance with UDP policies EV1 and EV2.

In terms of the impacts of the development on the residential amenities of surrounding occupiers, the development does have the potential to introduce some additional noise and disturbance to surrounding occupiers on Llangyfelach Road and Llys Pentre. This would mainly be in the form of noise from cars and other vehicles. In view of the separation distances to the properties on Llangyfelach Road to the west, whose gardens and dwelling are sited at a higher land level than the application site, it is considered that any resultant additional noise and disturbance would not be so materially adverse to living conditions of these occupiers that it would justify the refusal of the application for this reason. In making this assessment consideration has also been given to the relatively high ambient noise levels in this area given the proximity of Llangyfelach Road which is a main arterial route into Swansea together with the noise and general activity that is to be expected in such close proximity to a local centre. The nature of the use is such that it would not be open in the late evenings which would also serve to mitigate any significant impacts to neighbouring occupiers. In this respect it is recommended that the hours of opening for the development are restricted by a planning condition.

Turning to the impacts on the residents of Llys Pentre, the existing footpath from the site to Cwm Level Road separates the development and Llys Pentre. It is considered a satisfactory separation distance would be maintained from the new parking area to the flats to ensure that there would be no significant noise or disturbance to the occupiers of this development.

The siting of the proposed building at over 30 metres from neighbouring dwellings would ensure that the development would not result in any overbearing, overshadowing or overlooking impact to neighbouring occupiers. Car park users would have some views of the rear of the properties on Llangyfelach Road, given the elevated siting of these dwellings above the application site, however, in view of the separation distances achieved and the change in levels, it is not considered there would be any significant loss of privacy to the occupiers of these dwellings. Similarly it is not considered the proposed use would result in any significant loss of privacy to the residents of Llys Pentre over and above that already experienced due to the proximity of the existing footpath which runs from the site to Cwm Level Road.

In view of the above, it is considered that the proposed development would be in accordance with criteria (ii) of UDP policy HC15 and would accord with UDP policies EV1 and EV2.

In respect of criteria (iii) which relates to the impacts of the development on natural heritage and the historic environment, the impact on nature conservation are discussed above. The submission includes a Tree Report which identifies a number of trees which may need to be removed, in particular on the eastern side of the new car parking area in order to facilitate the development. These trees are identified as T1, T2, T25, T26 and T27, T28, and G5 (tree).

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Whilst these trees are not protected by a Tree Preservation Order, their removal would have a detrimental impact on the appearance of the area, although this would not be significant given the wider wooded backdrop of the development. Notwithstanding this, any loss of trees in this area would need to be mitigated through replacement planting. It is recommended that a landscaping condition is included with any planning permission to ensure there is satisfactory mitigation planting for the loss of these trees and to provide satisfactory landscaping for the site in general. Furthermore, suitable tree protection measures will need to be put in place to ensure the trees surrounding the site to be retained are suitably protected during the construction phase.

In term of the impact of the development on the historic environment, it is not considered the proposal would raise any issues in this respect.

Having regard to the above and subject to conditions it is not considered that the proposed development would have no significant adverse impact on natural heritage or nature conservation and would therefore be in accordance with criteria (iii) of UDP policy HC15 and EV30.

In respect of criteria (iv) the Head of Transportation and Engineering has considered the applicants transport assessment (TA) and accompanying plans. The trip calculation for the development has been carried out by the use of TRICS which is the nationally accepted methodology for predicting trip generation. The anticipated traffic flows are calculated to be 55 in the am peak, 66 in the intermediate peak between 10.00am and 11.00am and 40 in the pm peak. This equates to a maximum average of just over one vehicle per minute in the intermediate peak between 10.00am and 11.00am.

The priority junction access/egress to the site from B4489 Llangyfelach Road was assessed using Picady 8 which is standard software package for calculating queues at Priority Junctions. Using the geometry from the submitted plans in the report and also the traffic figures the results obtained in output shows that there are negligible queues and the RFC's (Ratio Flow Capacity) are well within the threshold values of 0.85.

The priority junction assessment demonstrates that it is well within capacity because there is negligible queuing within the site and the RFC values are so low. This means that this development has very little impact on movements into and out of the site.

The main junction at Brynhyfyrd Square has also been tested and remains approaching capacity as is the current situation. The access to the site is protected by 'Keep Clear' Markings on the road and these are to be retained.

In light of the above, it is not considered that the traffic resulting from the proposed development will give rise to any highway safety concerns.

Turning to parking considerations, the proposed parking provision of 26 spaces is twelve spaces short of that required according to our adopted parking guidelines. Furthermore the spaces are incorrectly detailed at 2.4m width whereas the correct dimension should be 2.6m. This discrepancy can be secured by a planning condition, although it may result in the loss of a few spaces and possibly require an amended layout. However, there is an existing car park adjacent to the site which accommodates approximately 20 cars (although four of the spaces are reserved for residential use) and a further public car park on the opposite side of Llangyfelach Road, accessed via Penfilia Road.

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On this basis, on balance, it is considered that the parking provision for the development is adequate subject to the submission of an amended layout. There is also a satisfactory cycle storage facility and disabled parking provision within the curtilage of the site.

There is parking being made available for an ambulance but no details regarding servicing and deliveries. Since the car park is quite constrained with no through route the Head of Highways and Transportation has recommended that a servicing management plan should be submitted for approval outlining how the servicing and deliveries are to be managed.

Access to the proposed development and associated car park will be via an existing public car park facility hence there are no highway safety issues regarding visibility. The current access is open plan and affords good visibility in both directions.

In light of the above and subject to the requirements specified in the Highways Observations detailed above, which may be secured by planning conditions and informatives, the proposed development is considered to be acceptable in terms of parking and highway safety and would be in accordance with UDP policies EV3, AS1, AS2, AS6 and criteria (iii) of HC15.

The proposal includes an associated pharmacy. Whilst this would be located outside of the local centre it would be sited in close proximity to and easily accessible from the local centre. There is an existing pharmacy in the local centre which is likely to be affected by the proposals, however, the overall impact of the development would not, it is considered, have a detrimental impact on the vitality, viability and attractiveness of the shopping centre, indeed the provision of an enlarged care facility in this location may serve to increase associated activity and footfall within the local centre. In this respect it is considered that the proposal would not be contrary to UDP policy EC6 which seeks to encourage small scale local shopping and neighbourhood facilities within local shopping centres.

Other Issues

Concerns have been raised in a letter of objection that the development may remove access to the rear of properties on Llangyfelach Road. Whilst this is not a planning matter it is noted a footpath is being provided along the western boundary of the site as such access to the rear of properties on Llangyfelach Road should not be affected by the development.

A request has been made by the residents of Llys Pentre for the provision of a fence sited to the rear of the existing car park and within the grounds of Llys Pentre. The grounds of Llys Pentre are outside of the application site area and there is vegetation at the rear of the existing car park which serves as a buffer to the flats. Therefore there is not considered to be satisfactory justification on planning grounds to require the provision of a new fence in this location.

Concerns have been raised in a letter of objection regarding the potential for cars to roll down to Llys Pentre from the development. Whilst this scenario is considered to be highly unlikely it is noted a kerb upstand will be sited at the rear of the proposed car park nearest to Llys Pentre which should serve to prevent this situation arising.

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As noted above there is Japanese knotweed on the site and it is recommended that a planning condition is placed on any planning permission for a scheme to eradicate this invasive plant within the site. However, it should be noted the treatment of the Japanese knotweed outside of the application site can not be secured by a planning condition.

In terms of drainage, the applicant has, upon request, provided additional drainage information which confirms that the applicant will be discharging surface water at an attenuated rate to the public sewer. DCWW have confirmed this is acceptable subject to conditions, which will be included, should planning permission be granted, together with a standard surface water drainage condition recommended by the Council's drainage officer.

The Pollution Control Division has recommended that a construction pollution management plan be submitted in order to ensure the development is constructed having regard to the potential for pollution and nuisance to surrounding occupiers. This is considered to be a reasonable request in view of the proximity of surrounding residential properties to the development.

The potential impact of the development on foraging bats has been noted by the Council's planning ecologist and NRW, furthermore, there are some areas which may contain reptiles. It is therefore recommended that planning conditions are included with any planning permission in respect of the requirements for a lighting scheme to be provided and the provision of a mitigation statement to address the potential for reptiles at the site.

Conclusion

The proposed development is considered to be satisfactory in terms of its impacts on visual amenity, residential amenity, access and highway safety. The proposal would be sited on a greenspace area, the loss of which must be balanced against the benefits to the community associated with the provision of a modern health care facility for the community. Having regard to all material planning considerations the development is considered to be an acceptable departure to UDP EV24 and would be in accordance with the residual UDP policies identified above. It is not considered the provision of the Human Right Act would raise any further material planning considerations as such the application is recommended for conditional approval.

RECOMMENDATION

That the application be referred to the DEVELOPMENT MANAGEMENT & CONTROL COMMITTEE prior to being advertised as departure to the Development Plan with a recommendation that it be APPROVED subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2013/1441

- 2 Notwithstanding the details indicated on the approved plans prior to any superstructure works commencing on site the materials used for the external surfaces of the development, which shall include the provision of vertical banding to the front (south) elevation, shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

- 3 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented and completed in accordance with the approved scheme.

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

- 4 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

- 5 Surface water discharges shall only be permitted to discharge to the public surface water sewerage system at an attenuated rate of 5 litres per second using a suitable flow control device, unless otherwise agreed in writing with the Local Planning Authority.

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

- 6 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

- 7 Prior to the commencement of development, or unless otherwise agreed in writing, details of a lighting scheme for the development during the construction phase and a scheme for permanent lighting at the development, which shall include the provision of lighting for the car park and along the western boundary adjacent to the footpath shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to the beneficial use of the development hereby approved.

Reason: In the interests of ecology and residential amenity

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2013/1441

- 8 Notwithstanding the details indicated on the approved plans the means of enclosing the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the development. The development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

- 9 Prior to the commencement of development a mitigation statement to address the presence of reptiles on site during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details (see Informative 7 for further details).

Reason: In the interests of ecology

- 10 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:

- a) Demolition/Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

Note: items g – j inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see Informatives].

Reason: To ensure minimal nuisance impact on local residents/ businesses from construction activities.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2013/1441

- 11 No development shall take place, unless otherwise agreed in writing, without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site which shall include the provision of replacement tree planting for any trees which are proposed to be removed during the construction of the development. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 12 No development including demolition work shall commence on site until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. This shall include full details of all works that impact on the original ground conditions within the tree's rooting area and in particular details of protective fencing, ground protection, construction method, required tree surgery operations, service trenching position and any changes in ground level within the rooting area of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works
- 13 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works
- 14 The premises shall not be used by patients before 7:00am nor after 20:00pm on any day.
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 15 Prior to their installation details of the siting and specification for the proposed condenser units shall be submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: In the interests of visual amenity and residential amenity.
- 16 Prior to the occupation of the development hereby approved, details of the refuse storage enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such at all times.
Reason: In the interests of visual amenity

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2013/1441

- 17 Prior to any superstructure works commencing on site, a revised parking layout shall be submitted to and approved in writing by the Local Planning Authority. The revised layout shall ensure that all parking spaces (with the exception of disabled spaces which shall be laid out to current British Standards) shall measure 2.6m in width by 4.8m in length. The parking area shall be laid out in accordance with the approved details and retained as such at all times.
Reason: In order to provide a satisfactory parking layout for the development.
- 18 The cycle parking as indicated on the approved plans shall be constructed prior to the beneficial use of the building hereby approved commencing and retained as approved at all times.
Reason: In order to promote alternative modes of transportation to the development.
- 19 A travel plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial use of the building hereby approved commencing. The travel plan shall be implemented as approved.
Reason: In the interests of promoting alternative modes of transportation to the development
- 20 No boundary enclosure shall be erected along the Llangyfelach Road frontage unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visibility and to allow two way movements into and out of the site at all times to minimise any obstruction being caused on Llangyfelach Road.
- 21 Prior to the beneficial use of the development hereby approved commencing a servicing management plan outlining how deliveries to the premises will be managed shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved plan.
Reason: In order to ensure that the servicing arrangements would not result in unnecessary obstruction within the site.
- 22 The footpath along the western boundary shall be constructed and available for use prior to the beneficial occupation of the development.
Reason: To provide a satisfactory footpath link through the site in a timely manner.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, HC15, AS1, AS2 and AS6.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 6 (CONT'D)

APPLICATION NO.

2013/1441

- 2 The following restrictions should be applied to all works of demolition/ construction carried out on the development site
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.
The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 3 No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 4 During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 5 During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations
- 6 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 birdYou 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.
- 7 The reptile mitigation statement should contain instructions for the reduction of the height of vegetation to encourage reptiles to leave the site, instructions for the removal of any likely refugia and the re-homing of any animals caught.

PLANS

L(00)001A site location plan, L(00)002A topographical survey, L(00)100A block plan, L(00)110B proposed ground floor plan, L(00)111C proposed first floor plan, L(00)112B proposed roof plan, L(00)120A proposed north and south elevations, L(00)121A proposed east and west elevations, L(00)130A proposed sections dated 18th February 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 7

APPLICATION NO.

2014/0183

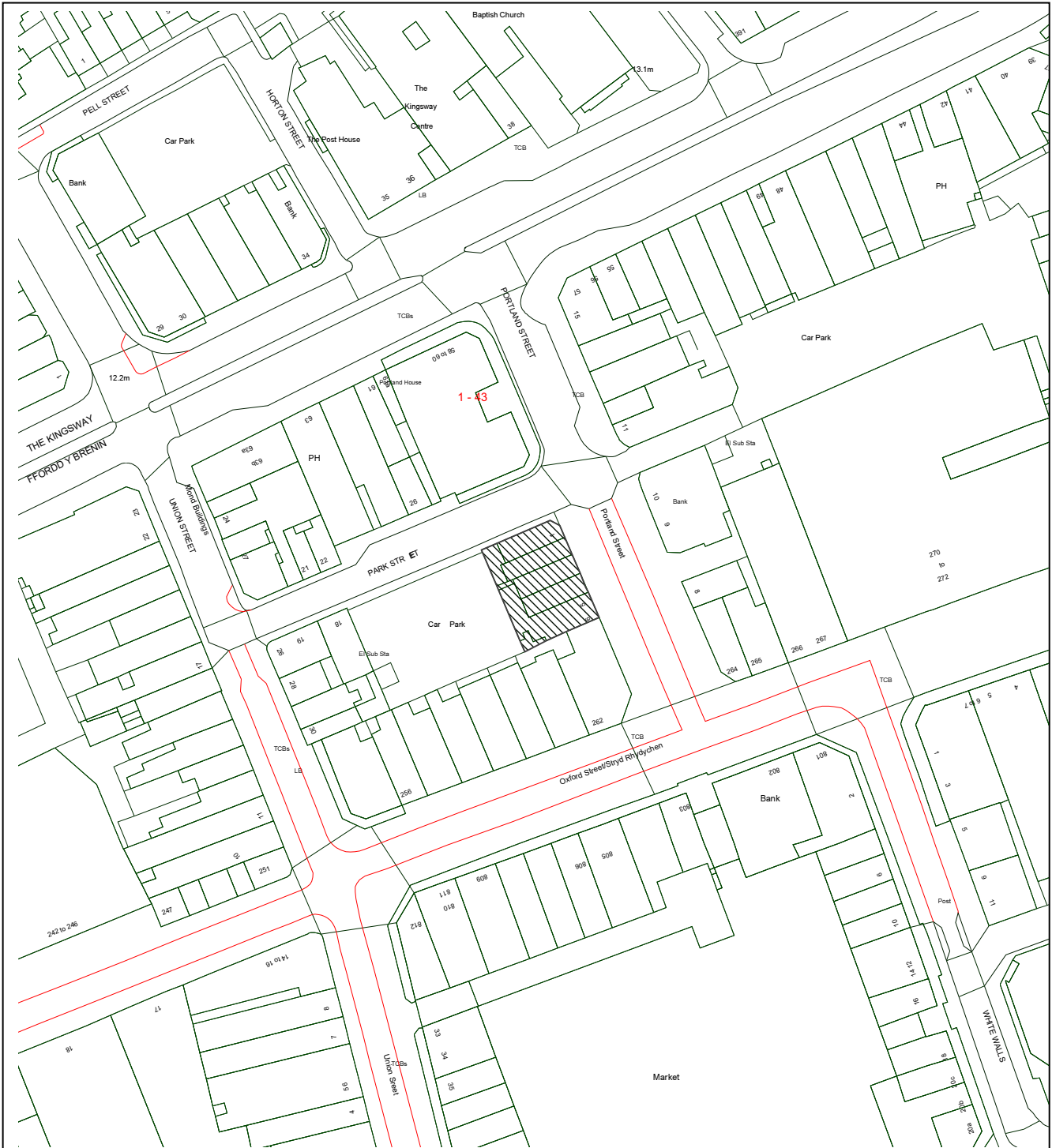
WARD:

Castle
Area 1

Location: Park Buildings, 2 Park Street, Swansea, SA1 3DJ

Proposal: Addition of a third floor and conversion of first and second floors to provide 24 self contained student bedsits with associated storage and laundry in basement

Applicant: Mr Mike Dawson



NOT TO SCALE

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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0183

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy CC1 - UDP	Within the City Centre, development of the following uses will be supported:- (i) Retailing and associated uses (Classes A1, A2, A3), (ii) Offices (B1), (iii) Hotels, residential institutions and housing (C1, C2, C3), (iv) Community and appropriate leisure uses (D1, D2, A3) (v) Marine related industry (B1, B2). Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC6	Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2013/0461	Three internally illuminated fascia signs and one internally illuminated projecting sign Decision: Grant Advertisement Consent (C) Decision Date: 17/05/2013

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 7 (CONT'D)	APPLICATION NO.	2014/0183
2013/0463	New shop front with 2 ATMs, 3 condensing units and one air conditioning unit to roof Decision: Grant Permission Conditional Decision Date: 17/07/2013	
2012/1064	Installation of new shop front Decision: Grant Permission Conditional Decision Date: 25/09/2012	
2006/2266	Rear external staircase Decision: Grant Permission Conditional Decision Date: 10/11/2006	
2008/1031	New shop front Decision: Grant Permission Conditional Decision Date: 25/07/2008	
2009/1492	One internally illuminated fascia sign Decision: Grant Advertisement Consent (C) Decision Date: 17/11/2009	
2005/0414	New shopfront and sun blind Decision: Grant Permission Conditional Decision Date: 29/04/2005	
A00/0521	RETENTION OF ROLLER SHUTTERS TO FRONT AND SIDE ELEVATIONS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 21/07/2000	
2005/0412	One internally illuminated fascia sign and one high level banner sign Decision: Withdrawn Decision Date: 28/10/2009	
2012/1542	Change of use from retail (Class A1) to financial services (Class A2) Decision: Grant Permission Conditional Decision Date: 05/02/2013	

RESPONSE TO CONSULTATION

TWO neighbouring properties were consulted and the proposal was advertised on site. NO RESPONSE has been received.

Highway observations – Addition of a third floor and conversion of first and second floors to provide 24 self contained student bedsits with associated storage and laundry in basement.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 7 (CONT'D)

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The site is located with the City Centre Core where there is not a requirement to provide parking. There is some basement cycle parking being provided which should encourage non car modes of transport. (28 cycle spaces).

The site is located in a highly sustainable location with access to amenities and public transport provision.

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

1. The cycle storage being laid out in accordance with the approved plan prior to beneficial occupation of any of the units.
2. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.
3. Before the development hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on Portland Street, Union Street or Park Street at any time.

Police Liaison Officer – Comments have been provided relating to security on site. However such issues fall outside the control of planning legislation.

APPRAISAL

This application is reported to committee for decision at the request of Councillor David Phillips to assess the impact of existing businesses, especially during construction works.

Full planning permission is sought for the redevelopment of Park Buildings (2 Park Street) to change the use of the existing first and second floor from their vacant office use to 24 self contained units of student accommodation. The proposals also seek the addition of a third floor. Each floor will include 8 self contained studio units. Alterations are also proposed to the basement level of the existing building to provide bicycle and household waste storage as well as laundry facilities. The commercial units at ground floor do not form part of the application site and as such are to remain unaltered.

The main issues to consider are the suitability of the scheme in terms of the proposed use and its compatibility with other uses in the area, the suitability of the host building to accommodate the scheme, the visual impact of the scheme on the host building and wider surrounding area, the impact of the scheme on the residential amenities of the occupiers of neighbouring properties and highway safety implications, having particular regard to Policies CC1, EV1, EV2, EV3, AS1 and HC6 of the City and County of Swansea Unitary Development Plan 2008. There are not considered to be any issues arising as a result of the Human Right Act.

Policy HC6 relates to the suitability of larger, underutilised/vacant commercial buildings and states that proposals for flats or self contained units of accommodation will be permitted subject to there being no significant adverse effect upon residential amenity by virtue of noise, nuisance or other disturbance; the development would not result in an over-intensive use of a building; there would be no significant adverse effect on the external appearance of the property or character of the area; there would be no significant adverse effect on local car parking and highway safety; and appropriate refuse storage arrangements can be provided.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0183

The site comprises of Park Buildings, a large 3 storey building lying on the corner of Park Street and Portland Street (principal elevations) within the city centre. The building is Neo-Georgian in appearance with predominately red brick walls at first and second floor levels. As a result of its corner location the building was constructed with a chamfered corner section which is detailed with Bath stone pilasters along its edges leading up to Bath stone cornice running around the entire of the 2 principal elevations. Above this lies a parapet detail which includes a name plaque above the chamfered corner. The parapet is finished in a dark, continuous material assumed to be a felt covering as per the flat roof behind this. At ground floor level the appearance of the building changes to a more modern one as a result of a past conversion to retail use. This comprises of 3 retail units (2 occupied and 1 vacant) with a white painted render finish to the surrounds around 3 shop fronts which front onto Portland Street. The largest corner shop unit also presents shop windows onto Park Street.

To the rear the building abuts a surface level car park accessed off Park Street and the building in this location comprises of tall, white painted rendered walls with no openings or detailing. However an external fire escape stairwell serving the building is located in the south western corner of the car park.

In terms of the principle of the use of the upper floor of the property as residential, the City Centre contains a wide range of uses and the City Centre Strategic Framework along with Policy CC1 encourages the reuse of upper floor of commercial buildings as residential in an attempt to reinstate vibrancy in the area during the evenings. The commercial properties below the development are in A1 retail use and there are residential properties opposite the site (above Co op). In policy terms, the principle of residential at this location is considered appropriate and, subject to satisfactory assessment of the visual implications of the scheme, the impact upon residential amenities of neighbouring properties and highway safety implications, the proposal is considered acceptable in principle.

With regard to visual amenity, the main alterations involve the addition of a third floor. The structure will increase the height of the building by approx. 2.5m, taking the ridge height from 11.1m at the top of the existing parapet wall to approx. 13.6m at the top of the new structure. The proposed third floor will be set back from the parapet wall by approx. 1.2m. Consequently, whilst the proposed third floor will be visible in the street scene, its prominence would be reduced by the set back and the presence of the parapet. Indeed the extension would not be highly visible from street level and not at all visible immediately below i.e. outside the commercial properties below, with the most prominent views being on the approach from the rear. This is partly due to the flat site (car park) to the rear and the parapet wall not extending to the rear. From this view, the rear stairwell would be visible. However, the contemporary design is considered visually appealing in an area currently characterised by a car park, blank elevation serving the application building and a large 8m+ wall forming the backdrop to the view. In this respect, this section of the scheme, whilst being visually prominent, would not have any unacceptably adverse impact upon the character and appearance of the area in terms of the scale and proportions of the proposed roof extension.

The proposed material is to be zinc coated mild steel panelling (dark grey) with double glazed aluminium fenestration.

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ITEM 7 (CONT'D)

APPLICATION NO. 2014/0183

The Council's Urban Designer has provide observations on the scheme and has indicated the dark colour may provide a 'dark and heavy appearance to the roof' and has commented that the proposed fenestration should reflect the width of the lower floors. A condition is recommended to ensure a more appropriate lighter colour is to be applied to the extension to reduce the potential for a dark and heavy structure, particularly when viewed from the approach to the rear. However, it is considered that due to the set back behind the parapet wall and the fact that the proposed windows reflect the scale and proportions of the thinner windows on the ends of the building (above the entrance), the design of the windows alone would not be sufficient to justify refusal of the application.

Other external alterations include replacement windows of a scale and design as the existing windows at first and second floor and a replacement entrance door onto Park Street. The door is of composite construction and will incorporate laminated glass to allow light into the entrance.

It is therefore considered that the proposal would have no unacceptably adverse visual impact upon the character and appearance of the host building or upon the character and appearance of the street scene and therefore is in accordance with the criteria set out in Policies EV1, EV2 and EV3 of the City and County of Swansea Unitary Development Plan 2008.

With regard to the impact of the proposal on the residential amenities of the occupiers of neighbouring residential properties, there are student flats located opposite the site above the Co op. There are no other residential properties in the immediate vicinity of the application site. The site is located within the City Centre and therefore there is a certain level of ambient noise and general disturbance associated with such sites. Consequently it is not considered that introduction of residential at this site would give rise to any unacceptable increase in general noise and disturbance over and above that currently experienced as a result of the city centre location of the residential units in the area.

Similarly, the future occupiers of the property would expect a level of noise and disturbance due to the location within the City Centre and therefore it is not considered that the potential disturbance for noise and disturbance would warrant a reason for refusal in this instance.

With regard to the potential for disruption during construction for neighbouring residents and commercial units, a condition requesting a construction management plan is recommended to ensure any impact is acceptably controlled.

In terms of the building's capability to accommodate the levels of accommodation proposed, 24 units are proposed (8 on each floor) and the room sizes are of a sufficient size to provide satisfactory accommodation. Bike and bin storage is also proposed at basement level. It is considered that the building is capable of providing adequate accommodation for future users with no detrimental harm to the occupiers' amenities.

In light of the above, the proposal is considered to have no adverse impact upon the residential amenities of future occupiers of neighbouring properties and is therefore in compliance with the criteria set out in Policies HC6 and EV1 of the City and County of Swansea Unitary Development Plan 2008.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 7 (CONT'D)

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With regard to highway safety, the Head of Transportation and Engineering raises no objection to the scheme subject to conditions relating to cycle storage, the submission of a travel plan, and a parking permits.

In conclusion therefore and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development having particular regard to the criteria laid out in Policies EV1, EV2, EV3, AS6, CC1 and HC6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 3 Prior to the beneficial occupation of the development hereby approved, the bike storage area shall be laid out in accordance with the plans hereby approved and retained for such purposes at all times.
Reason: In the interest of sustainability.
- 4 No development shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved scheme on beneficial use of the development commencing.
Reason: In the interest of highway safety.
- 5 Before the use hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force at any time.
Reason: In the interest of highway safety.
- 6 Foul water and surface water discharges shall be drained separately from the site.
Reason: To protect the integrity of the Public Sewerage System.

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ITEM 7 (CONT'D)

APPLICATION NO.

2014/0183

- 7 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

- 8 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 9 Prior to the commencement of works on the application site a Construction Management Plan (CMP) should be submitted to and approved in writing by the LPA. The CMP is to include the following:

- a) Construction programme and timetable;
- b) Detailed site plans to include indications of temporary site offices, materials storage areas, delivery and parking areas etc;
- c) Details of the management of maintaining access to the existing ground floor commercial units;
- d) Details of the siting of cranes and other heavy construction vehicles during construction;
- e) Traffic scheme (access and egress) in respect of all construction related vehicles;
- f) Proposed working hours;
- g) Principal Contractor details, which will include a nominated contact for complaints;
- h) Details of waste management arrangements and
- i) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

Reason: In the interest of amenity.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, AS6, CC1, and HC6 of the City and County of Swansea Unitary Development Plan 2008.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 7 (CONT'D)

APPLICATION NO.

2014/0183

- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 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 2010. 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. 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 (01792 634960).
- 5 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

PLANS

SW106/A(P)10 Perspective View 1, SW1064/A(E)01 site plan, SW1064/A(E)02 existing basement plan, SW1064/A(E)03 existing ground floor plan, SW1064/A(E)04 existing first floor plan, SW1064/A(E)05 existing second floor plan, SW1064/A(E)06 existing roof plan, SW1064/A(E)08 existing elevations, SW1064/A(E)09 existing sections, SW1064/A(P)02 proposed basement plan, SW1064/A(P)03 proposed ground floor plan, SW1064/A(P)04 proposed first floor plan, SW1064/A(P)05 proposed second floor plan, SW1064/A(P)07 proposed elevation to Portland Street, SW1064/A(P)08 proposed elevation to Park Street, SW1064/A(P)09 Proposed elevation to car park, SW1064/A(P)11 perspective view 2, SW1064/A(P)12 perspective view 3, SW1064/A(P)13 perspective view 4, SW1064/A(P)14 perspective view 5, SW1064/A(P)15 proposed site set up, SW1064/A(P)16 proposed roof plan, SW1064/A(P)17 proposed sections dated 6th February 2014 SW1064/A(E)07A existing elevations, SW1064/A(P)06A proposed third floor plan dated 12th February 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 8

APPLICATION NO.

2014/0236

WARD:

Castle
Area 1

Location: 71 Mansel Street, Swansea, SA1 5TN

Proposal: Change of use from offices (Class B1) to 1 maisonette and 4 self contained flats (Class C3) and addition of window at first floor level in side elevation

Applicant: Nunnerley and Walters



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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 8 (CONT'D)

APPLICATION NO.

2014/0236

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC6	Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
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RESPONSE TO CONSULTATIONS

TWO neighbouring properties have been consulted. NO RESPONSE has been received.

Highway Observations – Change of use from offices (Class B1) to 1 maisonette and 4 self contained flats (Class C3) and addition of window at first floor level in side elevation.

An amended plan has been received detailing that four spaces can be provided at the rear of the site accessed of a rear adopted narrow lane (approx width 5m).

In accordance with our adopted parking standards there should be one space per flat making five in total. Also for self contained units the spaces should be independently accessible. The proposed layout does not comply with this in terms of numbers of spaces, accessibility and room for reversing. Neither was there any proposal to supply cycle parking to reduce the reliance on cars as a mode of transport.

The lack of appropriate parking could give rise to an increase in on street parking to the detriment of highway safety.

I recommend that the application be refused on the grounds that:

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0236

1. The proposed parking levels is not in accordance with the parking standards as there are only two independently accessible spaces to serve the five units.
2. The rear lane is not of adequate width to allow for access/egress to the spaces given that the spaces fill the site right to the rear of the site boundary.
3. The spaces are not independently accessible and hence are unsuitable for self contained units.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor David Phillips to allow Committee to assess intensification of use and parking provision.

Full planning permission is sought for the change of use of 71 Mansel Street from offices (Class B1) to 1 maisonette and 4 self contained flats. (Class C3). External alterations include the addition of a window at first floor level in the side elevation.

The Development will provide a total of 5 self contained units each providing one bedroom. Two units are accessed from the rear and the remaining three units are accessed from a communal entrance to the front. An existing car parking area to the rear is to be retained.

The main issues for consideration relate to the acceptability of the proposal at this location having regard to prevailing City and County of Swansea Unitary Development Plan (UDP) Policies. There are in this case considered to be no additional overriding issues for consideration having regard to the provisions of the Human Rights Act.

Policy HC6 (Flat Conversions) presumes in favour of the conversion of vacant or underused commercial buildings to flats or other self contained units of accommodation subject to the policy criteria including: In the case of buildings with an employment use, the current or previous use is no longer viable; there would be no significant adverse impact upon residential amenity, visual amenity, local car parking and highway safety; the development would not result in an over intensive use of the building and; appropriate refuse storage arrangements can be provided.

Policy EV1 (Design) states that development should accord with good design objectives and be appropriate to its local context. Furthermore developments should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements.

Policy EV3 (Accessibility) requires new developments to provide access and facilities for all and provide satisfactory parking in accordance with Council adopted design standards.

Policy AS6 (Parking) states that parking provision will be assessed against adopted maximum parking standards.

In Policy terms, the area is mixed in character and nature and the principle of residential at this location is considered appropriate.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0236

In terms of the impact of the proposal on the appearance of the property and wider surrounding area it is proposed to insert a window on the side elevation of the rear wing, to serve a bedroom. Other alterations include the replacement of the current mix of window types (aluminium, UPVC and timber) with uniformed new UPVC units. The entrance doors are also to be replaced with composite doors.

The physical alterations are considered relatively minor and would have no detrimental or adverse impact upon the character and appearance of the building. Indeed, UPVC is widespread in its use in the area and the proposal would respect and reflect the character of the area. Overall the refurbishment and alterations at the premises are considered acceptable and would not result in an adverse visual impact upon the host building or wider surrounding area. In visual terms therefore it is considered the proposal would accord with the provisions of UDP Policies EV1 and HC6.

With regard to residential amenity the proposal would provide 5 flats with access from the front and rear. Given the mixed use of the area which includes commercial premises (offices) either side of the application site, it is not considered that the proposed development would result in any significant noise disturbance to neighbouring properties or be subject to adverse levels beyond that expected in such a location. Furthermore, there is adequate space within the building for the provision of satisfactory living accommodation and there is sufficient space to the rear for the storage of bins etc and therefore the proposal is considered to provide satisfactory accommodation in this respect.

In view of the above the proposal is considered to be in accordance with the provisions of UDP Policies EV1 and HC6.

In terms of highway safety, the Head of Transportation and Engineering has objected to the scheme due to insufficient and inadequate parking provision and a lack of cycle storage and the scheme is therefore not in accordance with the criteria set out in Policies EV1, EV3, AS6 and HC6 of the Unitary Development Plan.

In conclusion, therefore, and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an unacceptable form of development due to inadequate parking provision and lack of cycle storage, having particular regard to Policies EV1, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, refusal is recommended.

RECOMMENDATION

REFUSE, for the following reason:

- 1 The proposal, by virtue of the lack of adequate off street car parking, cycle storage and inappropriate access represents an unacceptable form of development that would result in a detrimental impact upon highway safety conditions in the area contrary to Policies EV1, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 8 (CONT'D)

APPLICATION NO. 2014/0236

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008.

PLANS

Site plan, 214 554 01 existing floor plans and elevations, 214 554 02 proposed floor plans and elevations dated 13th February 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 9

APPLICATION NO.

2014/0346

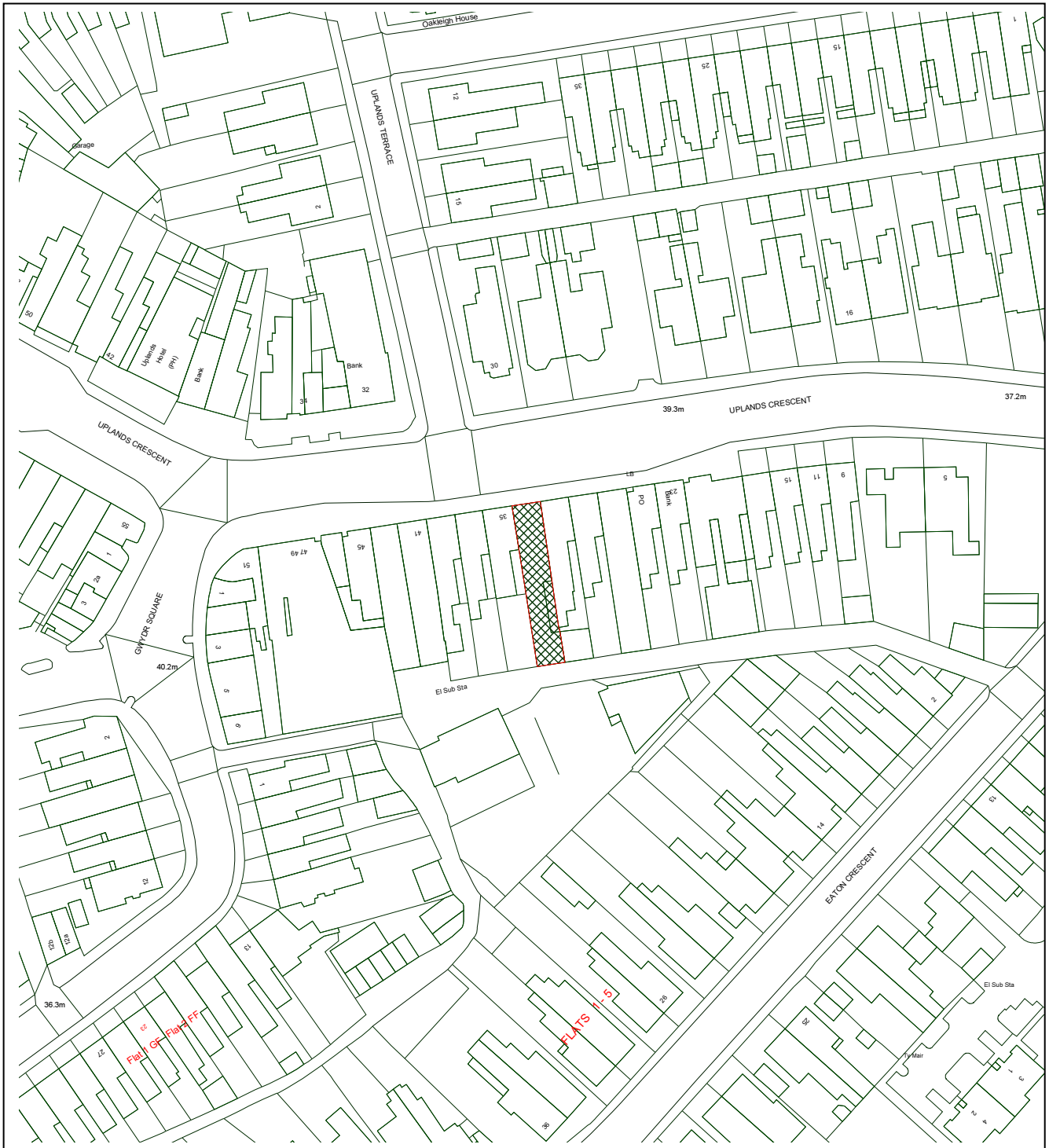
WARD:

Uplands
Area 1

Location: 33 Uplands Crescent Uplands Swansea SA2 0NP

Proposal: Variation of condition 3 of planning permission 2011/1509 granted 21st December 2011 to allow the opening hours to be extended

Applicant: Mr Bruno Nunes



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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/0346

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
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Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
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Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
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SITE HISTORY

App No.	Proposal
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2011/1509	Change of use from retail (Class A1) to a restaurant (Class A3) Decision: Grant Permission Conditional Decision Date: 21/12/2011
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2010/1415	Change of use from first floor office (Class B1) to a residential flat (Class C3) Decision: Grant Permission Conditional Decision Date: 21/10/2010
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RESPONSE TO CONSULTATIONS

The proposal was advertised on site. TWENTY TWO LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) Concerns regarding the use
- 2) Large chains should not be allowed in Uplands
- 3) Concerns regarding the existing uses in the area
- 4) Rubbish from existing uses
- 5) Issues relating to alcohol
- 6) Existing parking issues
- 7) Crime in the area

Highway Observations – There are no highway objections to the extension of time.

APPRAISAL

This application is reported to committee for decision at the request of Councillors Pearleen Sangha and Nick Davies to consider to impact on the district centre.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0346

It is proposed to vary condition 3 of planning permission 2011/1509 granted 21st December 2011 to allow the opening hours to be extended to 7am to midnight (Sunday to Thursday) and 7am to 1am (Friday and Saturday). Condition 3 of planning permission 2011/1509 states that:

'The premises shall not be used by customers before 10:00am nor after 21:30pm on any day.' Reason – to protect the amenities of neighbouring residents.

The main issues for consideration relate to the impact of the proposal on the vitality and viability of the district shopping centre, the impact upon the amenities of the occupiers of neighbouring residential properties and highway safety implications. There are, in this instance, considered no issues arising as a result of the Human Rights Act.

The property forms part of a terrace of commercial properties located within the Uplands District Shopping Centre and currently lies vacant. It is a 3 storey building with level frontage at ground floor. The property was previously in operation as a restaurant (Class A3) and has a license to serve alcohol. The use was granted under planning application 2011/1509 and as such the use is not under consideration under the current application.

The character of the immediate area is predominantly commercial with some residential uses on the upper floors of neighbouring properties. The wider surrounding area is generally residential in nature.

Policy ECNR relates to non-retail uses at ground floor level within district shopping centres and seeks to retain the viability and vitality of the centre.

Furthermore, the District Shopping Centre SPG states that consideration must be given to the impact of opening hours for non-A1 uses in district shopping centres as inappropriate opening hours can adversely impact upon the footfall and patterns of movements which in turn could result in an unacceptable impact upon vitality and viability.

The latest occupiers' survey (2014) indicates that out of the 20 units in this frontage, 10 are currently in A1 use, 1 in A2 use, 5 in A3 use, 1 in D2 use and 3 remain vacant. Of the 3 vacant premises, 1 has most recently been in use as an A3 hot food takeaway unit (vacant since 2013) one is a vacant retail unit (vacant since 2007) and the third (No. 35) is subject to a live planning application for the change of use to a mixed A1/A3 use (ref: 2013/1754). Should that application be approved, the current application property would be sited at the end of a row of four properties, 3 in non A1 and one A1/A3 mixed use (No. 35). This has to be a material planning consideration when determining this planning application.

In this respect, the proposed use in the adjacent property is that of a mixed A1/A3 and as such can be conditioned to retain the proposed uses, should permission be granted. This would ensure an appropriate element of A1 use at the premises and, due to the nature of the proposal, would ensure that daytime operation would remain and therefore there would be no unacceptable impact upon the vitality and viability of the retail frontage.

Whilst the application at No. 35 represents a material change in circumstance since the previous application at the current application site which granted consent for an A3 use, it is considered that that change of use at No. 35 would not result in a situation that would influence the current application for the reasons given above.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 9 (CONT'D)

APPLICATION NO. 2014/0346

The current use of the premises is that of an A3 unit and the Local Planning Authority cannot currently ensure that it remains open throughout the day (thereby serving to retain footfall and generate daytime activity). As such, it is considered that extending the opening hours of from 10:00 – 21:30 would not result in an unacceptable impact upon the vitality and viability of the district shopping centre beyond that currently experienced. In this respect, the principle of extending the opening hours is considered acceptable. It remains to consider, however, the impact of the proposed extension of opening hours upon the residential amenities of neighbouring properties and highway safety implications.

With regard to residential amenity, there are no residential units immediately above the application property or above the adjacent units. However there are residential properties within the district shopping centre and also opposite the application site. Following consultation with the Head of Pollution, concerns have been raised with regard to the proposed opening hours due to the potential it may have to adversely impact upon the amenities of neighbouring properties. Whilst Pollution Control have indicated a compromise position of closing times being midnight (Monday to Friday) and 23:00 (Sundays and Bank holidays) with an acceptance of 07:00 opening times everyday, it is considered that to adequately protect the amenities of neighbouring properties and also to fall in line with other planning applications for similar uses in the centre that have been granted consent with conditioned closing times, a condition is recommended that the premises shall not be open to members of the public between 07:00 – 23:00 on any day. On this basis, the proposal would not, it is considered, give rise to any unacceptable impact upon the residential amenities of the occupiers in the area and is therefore in accordance with the criteria set out in Policies EV1 and EV40 of the City and County of Swansea Unitary Development Plan 2008.

In terms of highway safety the Head of Transportation and Engineering has raised no objection to the proposal.

With regard to the issues raised in the letters of objection, the majority of points relate to concerns due to existing issues in the area e.g. litter, crime, parking etc. The proposal is for the variation of condition to extend the opening hours and therefore the use of the premises is not under consideration. In terms of alcohol licenses, this does not fall under the remit of the planning process and is covered under separate legislation. The merits of the scheme have been addressed above.

In conclusion, therefore, and having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development, having particular regard to the criteria set out in Policies EV1 and EV40 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 9 (CONT'D)

APPLICATION NO.

2014/0346

- 2 The premises shall not be used by customers before 07:00 nor after 23:00 on any day.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1 and EV40 of the City and County of Swansea Unitary Development Plan 2008.

PLANS

Site location plan dated 7th March 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 10

APPLICATION NO.

2014/0410

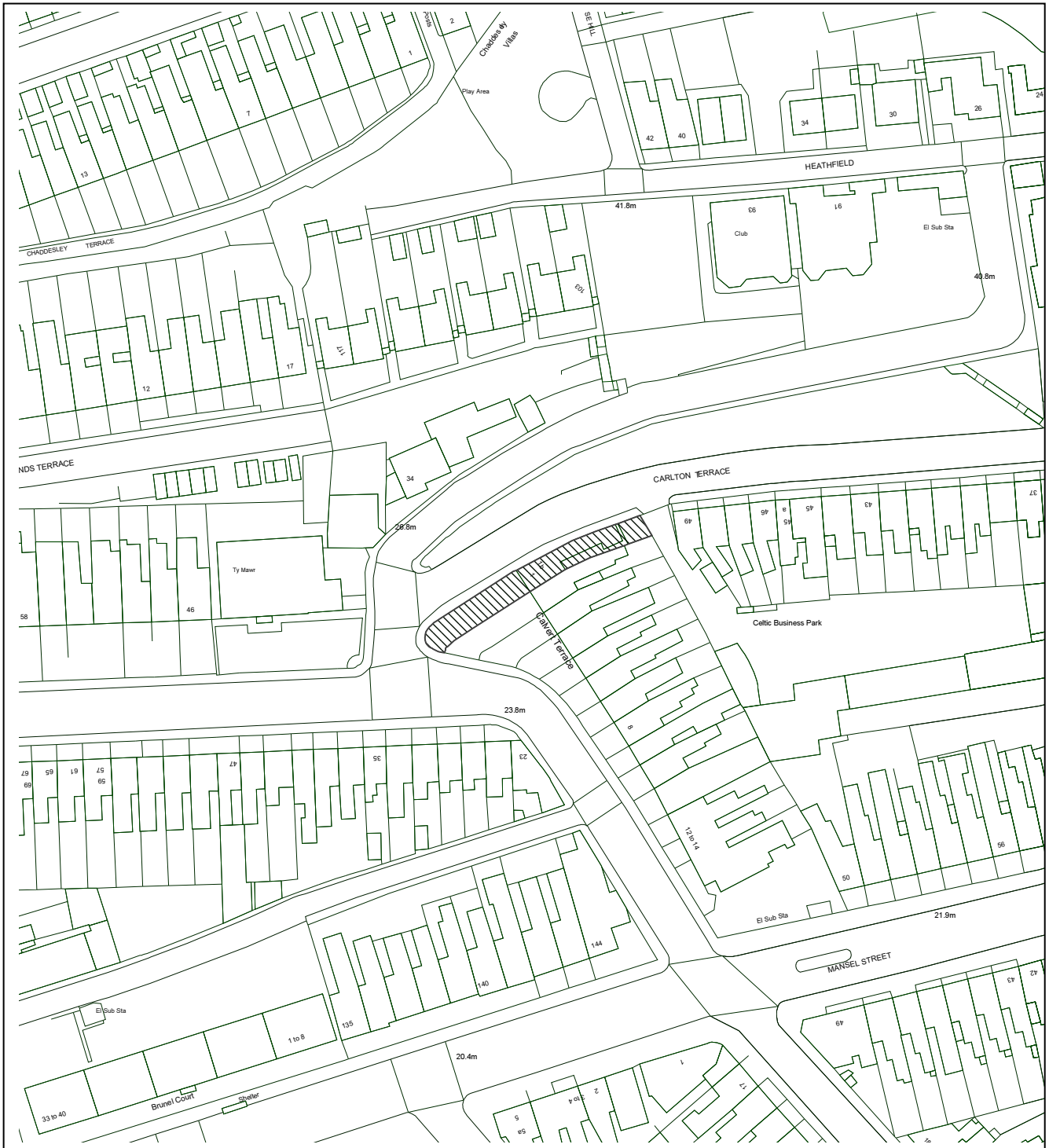
WARD:

Castle
Area 1

Location: 1A/1B Calvert Terrace, Swansea, SA1 6AY

Proposal: Retention and completion of a front hardstanding with a new vehicular exit onto Calvert Terrace.

Applicant: Mr Peter Wardman



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AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0410

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
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RESPONSE TO CONSULTATION:

One neighbouring property was individual consulted. No response.

Highway Observations:

The application is for the creation of a hardstanding with new access/egress although most of the work has already been undertaken.

The indicative plans show an entrance off Carlton Terrace with an exit off Calvert Terrace. The access is acceptable although the siting of the exit is such that its proximity to the road junction is likely to have highway safety implications given that the exit is on the radius bend.

There are no drainage details shown and problems are also arising due to lack of drainage for surface water causing problems with water running onto the highway as the surface is non porous.

I recommend that the application be refused on the grounds that:

1. The proposed siting of the exit is too close to the existing road junction to be considered safe for exiting vehicles and other highway users.
2. The lack of adequate drainage is leading to an increase in surface water run off onto the highway which is detrimental to highway safety.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 10 (CONT'D)

APPLICATION NO. 2014/0410

APPRAISAL

This application is reported to committee for decision at the request of Councillor David Phillips to assess the impact upon highway safety and the character of the area.

Full planning permission is sought for the retention and completion of a front hardstanding with a new vehicular exit onto Calvert Terrace at 1A and 1B Calvert Terrace, Swansea.

The application site is situated to the north of Calvert Terrace on the junction with Carlton Terrace. The proposal involves the provision of a tarmac parking area to the front for flats 1A and 1B Calvert Terrace with an existing entrance off Carlton Terrace and the creation of a new exit onto Calvert Terrace.

The main issues with regard the determination of this application relate to the impact of the proposal upon the visual amenities of the area, the residential amenities of adjoining neighbours and highway safety having regard for the provisions of Policies EV1, EV2 and HC7 of the City and County of Swansea Unitary Development Plan.

The main issue for concern in visual terms is the large area of hardstanding that has been created at the front of the application site. Due to the topography of the land at this end of Carlton Terrace which rises from the highway to the rear of the site, the front elevation of the site is raised above the highway. The front boundary retaining wall together with the raised garden frontage is considered an important visually characteristic element of the street scene and therefore the proposal is considered an alien feature which does not fit well with the character and appearance of the property or the street scene.

With regard to residential amenity, it is not considered that the proposal would raise concerns in respect of residential amenity.

The Head of Transportation recommends that the proposal be refused as the siting of the new exit in close proximity to the road junction on the radius bend is likely to have highway safety implications. In addition, due to the new non porous surfaced tarmac parking area there are now problems with water running onto the highway.

In conclusion and having regard to all material considerations, the introduction of the hardstanding and exit at this location adversely affects highway safety and results in an unacceptable form of development detrimental to the character and appearance of the property and streetscene in general contrary to the provisions of Policies EV1, EV2 and HC7 of the City and County of Swansea Unitary Development .

RECOMMENDATION

REFUSE, for the following reasons:

- 1 The proposal by virtue of the introduction of a hardstanding at this location results in an unacceptable form of development that has an adverse affect on the character and appearance of the property and streetscene in general, to the detriment of visual amenity, contrary to the provisions of Policies EV1, EV2, HC7 of the City and County of Swansea Unitary Development Plan.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 27TH MAY 2014

ITEM 10 (CONT'D)

APPLICATION NO.

2014/0410

- 2 The proposal by virtue of the introduction of the new exit at Calvert Terrace, too close to the existing road junction, would create hazards to the detriment of highway safety. The proposal is therefore contrary to the criteria set out in Policy EV1 of the City and County of Swansea Unitary Development Plan.
- 3 The proposal by virtue of the introduction of the impermeable surface results in an unacceptable surface water runoff onto the adjacent highway to the detriment of highway safety. The proposal is therefore contrary to the criteria set out in Policy EV1 and EV2 of the City and County of Swansea Unitary Development Plan.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, HC7 of the City and County of Swansea Unitary Development Plan and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development.

PLANS

Site location plan, block plan dated 18th March, 2014

Agenda Item 6

Report of the Head of Economic Regeneration and Planning

Area 1 Development Control Committee – 27 May, 2014

FORMER BERNARD HASTIE AND CO. SITE, MORFA ROAD, SWANSEA – PLANNING APPLICATION NO. 2008/1615

RESIDENTIAL RE-DEVELOPMENT OF SITE TOGETHER WITH NEW ACCESS ROAD, CAR PARKING, LANDSCAPING, INFRASTRUCTURE, RE-PROFILING AND ENGINEERING WORKS (OUTLINE) – AMENDMENT TO SECTION 106 AGREEMENT

BACKGROUND

- 1.0 This application for the proposed residential re-development of the site was reported to the Area 1 Development Control Committee on 9 March, 2010 (report attached as an Appendix) when it was resolved to grant planning permission subject to a Section 106 with the following Heads of Terms:
- i) Construction of proposed section of Morfa Distributor Road within the developable area
 - ii) An Affordable Housing contribution
 - iii) A contribution of £15,000 towards pedestrian improvements in the vicinity of the railway crossing / Maliphant Road tunnel
 - iv) Proposed Archaeological Investigations
- 1.1 The Section 106 has not been completed largely due to the uncertainties of the land required for the Maliphant Rail Depot and the timescale / funding issues for the delivery of the Morfa Distributor Road (MDR). Since then the Maliphant Rail Depot proposals have received planning permission and work is currently progressing which has created certainty over the 'land transfer' for delivering the MDR. Additionally, funding has now become available to the Authority for the phased delivery of the MDR. With regard to the Hasties site itself, the applicant PMG, now has an option agreement with Persimmon Homes to develop the site. The outline proposal reported to Committee in 2010 proposed a development of 136 units, the revised Persimmon layout now proposes a reduced layout of 92 units.
- 1.2 The developer contends that the current agreed Section 106 Heads of Terms render the scheme unviable and have therefore requested that they are re-considered as part of the revised proposal and the application is therefore reported back to Committee for determination.
- 2.0 **The planning application**
- 2.1 The revised proposal seeks outline planning permission for the following development for 66 no. two / three storey houses and 26 apartments. The application is submitted for outline application with matters of layout and access to be determined at this stage. The issues of appearance, scale and landscaping are reserved for future consideration.
- 2.2 The revised layout has also been accompanied by an Environmental Statement Addendum (ESA) and revised Non-Technical Summary reviewing the revised proposal in the context of:

- Alternative considered
- Ecology
- Cultural Heritage
- Air Quality
- Noise
- Highways and Transportation
- Land Quality

The general conclusion of the ESA is that the project refinements do not impact upon the findings of the original ES. This conclusion is accepted. However, following the demolition of all buildings on the site, a review of the previous archaeological report has been undertaken and this is summarised in the archaeological section below.

2.3 The accompanying amended Design and Access Statement indicates that the current economic situation has identified that the original 2008 scheme is no longer viable and the revised layout for 92 dwellings comprises a mixture of design includes 2 storey houses which are typical to the area, some 2.5 storey houses, some 3 storey houses and 3 no. 3 storey feature buildings which will house the proposed flats. The layout will provide a strong street frontage along the proposed MDR as well as providing a central vista through the site, the provision of a strong perimeter block/outer edge to the development, orientating the site towards the river. The site also provides 2 no. public viewing points to maximise the views offered across the river. The proposed development will have a single direct vehicular access off the proposed MDR located at the western end of the development. The layout also provides for pedestrian links onto the proposed MDR to allow residents to obtain pedestrian access to the south of the site linking into Morfa Road and to the proposed footbridge over the railway line.

2.4 The principle of the development at this location has not changed since the Committee resolution in 2010. The redevelopment of this brownfield site is considered to be one of the key development aspirations of the adopted Tawe Riverside Corridor Study (TRCS). Moreover, the proposed development would assist in the delivery of the Morfa Distributor Road which is one of the key aspirations of the TRCS.

3.0 Amended Section 106 Planning Obligations Heads of Terms

3.1 Unitary Development Plan Policy HC17 states in consideration of proposals for development, the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act. Provisions should be fair and reasonably relate in scale and kind to the individual development.

3.2 The Council's adopted Supplementary Planning Guidance (SPG) on Planning Obligations indicates that the use of such Obligations should ensure that the key infrastructure and other enabling requirements are provided in the first instance to allow development to proceed. Moreover, it states "*It may be necessary to determine the relative priority of different forms of provision in the context of the individual circumstances and planning objectives relative to each development proposal. The element of flexibility in the process should ensure that the viability of development schemes is not prejudiced.*"

The SPG further advises that that where a developer contends that the Section 106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs i.e. a development appraisal. The developer has submitted a Development Appraisal in support of the proposal.

3.0 Construction of Morfa Distributor Road

- 3.1 The agreed Heads of Terms required the developer to construct the proposed section of Morfa Distributor Road within their developable area. However, having regard to the Council's commitment and agreed funding for the delivery of the MDR (Cabinet approved 11 Feb. 2014) the Head of Transportation has agreed with the developer (PMG) that in lieu of the above requirement a financial contribution of £480,000 will be required together with the dedication of land (within PMG's ownership) to deliver the MDR - to be constructed by the Local Authority. The construction of Stage 2 of the MDR will provide a route from the existing park and ride access to the entrance of the PMG's site and is required in order to provide access to the residential development. The site access will therefore join the proposed Distributor Road and all traffic movements will travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road. The dedication of land will be conditional upon the procurement by the Council of a contract for the construction of the Stage 2 works.

4.0 Affordable Housing Obligations

- 4.1 The Report to the Area 1 Development Control Committee in 2010 acknowledged that the provision of affordable housing was dependant on the scheme viability with the recognition that the road construction was the highest priority. The Head of Housing has previously indicated that a minimum provision of 15% affordable housing should be provided on the site, with the mix of units and tenure to be determined. However, the developer indicates that the cost of providing affordable housing on the site would be prohibitive having regard to the abnormal costs associated with developing the site. A viability appraisal has now been submitted which indicates that the abnormal costs associated with the development of the site are estimated to cost in excess of £1.4 million. The information has been assessed by a Council Development Surveyor and is considered to demonstrate that at the current time the development cannot support the provision of any affordable housing over the contribution of £480,000 towards the priority given to delivering the MDR.

5.0 Pedestrian improvements to railway crossing / Maliphant Road tunnel

- 5.1 The approved Heads of Terms require the developer to contribute £15,000 towards pedestrian improvements in the vicinity of the railway crossing. The approved development granted to Network Rail / Hitachi for the Maliphant Rail Depot involves the construction of a new footbridge in order to close the Maliphant Tunnel to vehicular traffic due to their operational requirements. The footbridge will retain pedestrian access with the Maliphant Tunnel retained for pedestrian access only. Whilst the TRCS envisages that the link under the railway line would be for pedestrians and cyclists only and would be enhanced, the transfer of some land to the Council to enable the delivery of the MDR in lieu of the previously agreed contribution has been agreed. Additionally, it is proposed to impose an additional condition to facilitate the provision of a pedestrian link along the southern boundary of the site linking the existing path along the River Tawe to Morfa Road.

6.0 Proposed Archaeological Investigations

7.0

6.1 Glamorgan Gwent Archaeological Trust (GGAT) originally required a full archaeological investigation prior to determination of the application in order to provide an informed recommendation as to the appropriate level of mitigation required. However, the site then was still occupied which caused the developer some operational difficulty in implementing such investigation. Instead it was agreed that as part of the Section 106 Planning Obligation, archaeological investigations would be required prior to commencement of work. Since then all buildings on the site have been demolished and currently a scheme of archaeological investigation (agreed with GGAT) is being carried out to ascertain the precise resource on the site. The requirement to be included in the Sec. 106 is therefore no longer required and any further archaeological work may be secured through appropriate planning conditions.

7.0 Appraisal

7.1 Within the report to Committee in 2010 it was indicated that the scheme viability will be material to the details of the Section 106 Planning Obligation and that priority will be afforded to the construction of the MDR and the investigation of the archaeological resource within the site. The Planning Obligations SPG states where a developer contends that the proposed Section 106 requirements would render scheme unviable, developers will be expected to submit a breakdown of development costs and anticipated profits on properly sourced evidence. As indicated the developer has submitted a viability appraisal for the site using an industry recognised appraisal model (Three Dragons). The information highlights the significant abnormal costs associated with the development of the site, which are estimated to cost in excess of £1.4m and at the current time the development cannot support any affordable housing if it is to offer a contribution of £480,000 for the construction of the road.

7.2 The SPG also highlights that any reduction in the requirement for Section 106 contributions is only likely to be justified where there is planning merit and/or public interest in developing the site. In this respect, the site is identified in the Morfa Road Masterplan within the Tawe Riverside Corridor Study as residential which is a key material consideration as it was adopted as policy by the Council in October 2006. The question therefore is whether, in the absence of the provision of affordable housing, the development would be unacceptable in planning terms. In this respect the UDP and associated SPG clearly make provision for developments where abnormal costs would challenge the viability of a development and the applicant has provided satisfactory information to demonstrate that the site can not bear any affordable housing provision in addition to a financial contribution of £480,000. It is considered the development of the site is an aspiration of the TRCS and, therefore, in the balancing exercise, it is considered the proposal would constitute a sustainable development that would be in accordance with development plan policies.

8.0 Conclusion

8.1 The applicant has demonstrated through a viability assessment that the development would not be commercially viable if the previously agreed Section 106 Planning Obligations were required in full.

Notwithstanding this, a contribution of £480,000 has been offered by the developer in lieu of the construction of the section of the Morfa Distributor Road within the developable area. It is therefore recommended that the Head of Terms of the Section 106 Planning Obligation are amended accordingly.

9.0 RECOMMENDATION:

It is recommended that the application be APPROVED, subject to the following conditions and to Committee authorising officers to negotiate with the applicants / developers the applicant entering into a Section 106 Legal Agreement with regard to:

Section 106 Planning Obligation Heads of Terms

- The developer / applicant making a staged financial contribution of £480,000 together with the dedication of land (within the developer / applicant's ownership) to deliver the Morfa Distributor Road - to be constructed by the Local Authority. The dedication of land will be conditional upon the procurement by the Council of a contract for the construction of the Stage 2 works. The site access onto the proposed Distributor Road limiting all traffic movements from the proposed development to travel north until such time as the Distributor Road has been completed to provide the through link to New Cut Road.

CONDITIONS

- 1 Approval of the details of the appearance, scale and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use, unless otherwise agreed by the Local Planning Authority.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

- 5 Before any part of the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and general amenity.
- 6 Before the development hereby permitted is commenced, details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 7 Samples of all external finishes together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 8 Prior to the commencement of the development of the adoptable roads, full road engineering details of the internal road layout shall be submitted to and approved by the Local Planning Authority and shall be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 9 No part of the development shall be occupied until the proposed adoptable roads linking to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 10 No part of the development hereby approved shall be occupied until a Travel Plan for the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved scheme.
Reason: In the interests of sustainability and to reduce reliance on the car as a mode of transport.
- 11 Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

11 Reason: To ensure acceptable living conditions for future residents having regard to the existing and proposed noise environment experienced at the site.

12 Unless otherwise agreed by the Local Planning Authority, no development (which shall exclude site clearance, demolition, ground investigation and site preparation works) approved by this planning permission shall be commenced until a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas and vapour related risks, at the proposed site shall be submitted to and approved by the Local Planning Authority. The Phase 1 desktop study should include a Conceptual Method for the initial site investigation which must include a risk assessment relating to the potential affects on groundwater and surface water as a result of the works. Where the site investigation indicates the presence of such contamination, including the presence of relevant gas/vapour, a Method Statement shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified, including measures to minimise the impact on ground and surface waters. The reports shall be submitted individually. The provision of the Phase 2 (Method Statement) detailed report and Phase 3 remediation strategy/validation report will be required only where the contents of the previous [Phase 1 desk top study] report indicates to the Local Planning Authority that the next phase of investigation/ remediation is required.

Reason: To ensure that the site contamination is satisfactorily remediated in the interests of public safety and amenity.

13 Prior to the occupation of any residential unit, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

14 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 15 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- Reason: To protect the water environment. Given the size / complexity and history of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- Reason: To protect the water environment.
- 17 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.
- Reason: In the interests of the ecology and amenity of the area.
- 18 No development shall take place until a waste management plan for the control, management, storage and disposal of excavated material has been submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure sustainability principles are adopted during the development.
- 19 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.
- 20 No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
- Reason: To prevent pollution of the water environment.
- 21 No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5 m AOD.
- Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 22 No development approved by this permission shall be commenced until a Construction Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.
Reason: In order to prevent pollution.
- 23 No development shall take place within the area indicated (i.e. the area of archaeological interest) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
Reason: To safeguard this area of archaeological interest.
- 24 The proposed development shall facilitate the provision of a pedestrian link along the southern boundary of the site linking the existing path along the River Tawe to Morfa Road.
Reason: In order to facilitate pedestrian access to the walkway along the River Tawe.

ITEM	APPLICATION NO.	2008/1615
	WARD:	Landore Area 1

Location: Bernard Hastie and Co and adjacent Maliphant Sidings, Morfa Road, Swansea, SA1 2EW

Proposal: Redevelopment of site with construction of up to 52 houses (3 storey) and 84 apartments (5 storey) together with phase 2 Morfa Distributor Road, new access road, car parking, landscaping, infrastructure, re-profiling and engineering works (outline)

Applicant: Guy Hall Partnership and Network Rail

BACKGROUND INFORMATION

This application was DEFERRED FOR A SITE VISIT at the Area 1 Development Control Committee on 16 February 2010 in conjunction with the related application 2008/0919, to assess the individual and cumulative effects of the development on the heritage resource of the area.

a. Relevant Planning Policies

Swansea Unitary Development Plan

Policy EV1 New development shall accord with a defined set of criteria of good design.

Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.

Policy EV3 Accessibility criteria for new development.

Policy EV4 Creating a quality public realm

Policy EV5 Provision of public works of art, craft or decorative features to enhance major new development will be supported.

Policy EV6 Ancient Monuments and Protection of Archaeological Sites

Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.

Policy EV35 Surface water run-off

Policy EV36 New development within flood risk areas will only be permitted where flooding consequences are acceptable.

Policy EV38 Development proposals on contaminated land will not be permitted unless it can be demonstrated that measures can be taken to overcome damage to life, health and controlled waters.

- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity because of significant levels of air, noise or light pollution.
- Policy EC3 Improvement and enhancement of the established industrial and commercial areas will be encouraged.
- Policy HC2 Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.
- Policy HC3 In areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs.
- Policy HC17 In considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:
- (i) Improvements to infrastructure, services or community facilities,
 - (ii) Mitigating measures made necessary by a development, and
 - (iii) Other social, economic or environmental investment to address reasonable identified needs.
- Provisions should be fairly and reasonably related in scale and kind to the individual development
- Policy HC19 The Tawe Riverside Park will be completed to improve its role as an attractive recreation area and complete the pedestrian and cycle network
- Policy HC24 Provision of public open space within new housing developments
- Policy AS1 New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
- Policy AS2 Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
- Policy AS4 Creation or improvement of public access routes will be encouraged
- Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking
- Policy AS11 Road construction and /or improvements are proposed at the Morfa Distributor Road

Planning Policy Wales 2002

Supports in principle the redevelopment of 'brownfield' sites for new development.

Supplementary Planning Guidance:

The *Tawe Riverside Corridor Study* was adopted as policy by the Council in October, 2006.

b. Relevant Planning History

2008/0919 Construction of Morfa distribution road and widening of existing express bus route (Council Development Regulation 3)
Currently being considered

c. Response to Consultations

The application was advertised on site and in the local press as a development accompanied by an Environmental Statement and as a development which might materially affect the setting of a listed building (Former Vivian Locomotive Shed). One letter of observation has been received, making the following enquiry:

1. Is it proposed to schedule archaeological digs at the Bernard Hastie and Cambrian Pottery sites ?

Countryside Council for Wales – does not object to the proposal.

In our opinion, the development as proposed is not likely to have an adverse effect on natural heritage provided the recommendations in the ecological appraisal for reptiles are followed.

Glamorgan Gwent Archaeological Trust –

Original response

The application has an archaeological restraint.

The Historic Environment Record, and an archaeological desk-based assessment prepared for the site, shows that there has been significant activity in the area over time, including several phases of construction associated with the various uses of the site. The desk-based assessment notes, in particular, the numbers of early industrial buildings that have been in existence here, visible in historic mapping and in other pictorial sources, as well as several surviving elements of these early industrial structures in use to day as working buildings. The desk-based assessment also highlights evidence for the rapid pace of change and expansion in industry at the above site throughout the late 18th and early 19th centuries, this rapid pace of change is indicative of the innovative and groundbreaking nature of industry in Swansea at this time.

Whilst the area may have been cleared to some extent, recent archaeological work on similar sites, such as the old Addis Site (The Copper Quarter) Swansea (Our Ref: SWA0269), has shown that with substantial industrial structures such as engine houses, buried remains often survive with a high degree of integrity even though it was believe the site had been completely cleared.

It therefore can be expected that archaeological remains of significance are located in the area of the proposed development. Consequently, the desk-based assessment produced provides a series of mitigation measures, including;

Building recording, to be carried out in order to assess and record the remains of the newly identified nineteenth century industrial buildings.

Building recording, of the structures forming the remainder of the Hasties site, as this is itself a culturally significant site in the industrial history of Swansea.

Pre-determination archaeological evaluation, in order to mitigate the effects of the proposed development on the archaeological resource.

Pre-determination Written Scheme of Investigation and Plan for Mitigation, to be produced based on the results of the above evaluation, and approved by the archaeological advisors to the Local Planning Authority. In order to provide a clear outline for a programme of continuing archaeological works.

Archaeological monitoring, of any further ground investigations, geo-technical works or other works of this nature on site by an appropriately appointed archaeologist.

All of which we would agree as the professionally retained archaeological advisors to your Members are necessary in order to appropriately fulfil the requirements of Planning Policy Wales' guidance relating to the treatment of the historic environment.

The proposed development has the potential to affect archaeological remains.

Planning Policy Wales 2002 Section 6.5.1 notes that *"The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled."* The more detailed advice in Welsh Office Circular 60/96, Section 12, recommends that *"where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken."*

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such an archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members. We recommend that this work be undertaken to a brief approved by yourselves and upon request, we can provide a suitable document for your approval.

Furthermore we would recommend that a Written Scheme of Investigation be produced based on the results of such an evaluation and a detailed plan for continuing archaeological works, including details of the mitigation in place to balance the effects of the proposed development against damage to the archaeological resource. This written scheme should be approved by us, the archaeological advisors to the Local Planning Authority, prior to any decision on the planning application being taken.

A building recording survey should also be undertaken on the early nineteenth century industrial structures and those structures forming the Hasties site. We would envisage that the condition for this work be based on the model suggested by the Association of Local Government Archaeological Officers (ALGAO) in their document Analysis and Recording for the Conservation and Control of Works to Historic Buildings and that this work will ensure that the structures are fully recorded before development commences. We envisage this survey to be undertaken to a Level III standard (English Heritage 'Understanding Historic Buildings: A Guide to Good Recording Practice' 2006). The completed record should then be deposited in a suitable repository such as the West Glamorgan Archives or the Historic Environment Record so that future historians can access it.

The ALGAO model is worded:-

No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

The justification for the imposition of the condition would therefore be:-

Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate the impact of the demolition and development.

In addition we recommend that a condition should be attached to any planning consent granted to the current application requiring a programme of archaeological investigation to be approved prior to the commencement of the development, further ground investigation, geo-technical or other works of this nature. We envisage that this would take the form of an archaeological watching brief with contingency arrangements to allow sufficient time and resources for the excavation and recording of archaeological features to be undertaken, post excavation analysis and the production of a report containing the results of the work.

This recommendation follows the advice given in Welsh Office Circular 60/96, and we suggest that the condition is worded in a similar manner to the model given in Section 23 of that document:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

We note that in the Environmental Impact Assessment it is stated that the applicant does not consider that pre-application "intrusive archaeological work ... would achieve any mitigation" due to the extensive geo-technical work required to stabilise the site. On the contrary, as the regional archaeological curators it is our opinion that this geo-technical work would be in itself reason enough to require archaeological evaluation potentially followed by full resource.

Pre-determination archaeological work in this case is essential in order to mitigate the effects of the necessary ground stabilising works let alone any other aspect that the applicant, as a non-archaeological professional, has not understood the necessity of the recommended mitigation work or that the proposed mitigation detailed in the desk-based assessment is a recommendation primarily designed to protect the archaeological resource and consider only after this benefit to the smooth progress of any proposed development.

Further response

In our letter of the 12th September 2008 in response to your initial consultation on this application we noted that potentially there was a significant archaeological resource in the application area. We noted that this resource was industrial and that the recent work at the old Addis Site (The Copper Quarter) Swansea had shown that with substantial industrial structures such as engine houses, buried remains often survive with a high degree of integrity even though it was believed the site had been completely cleared. It was therefore our recommendation following the advice given in Planning Policy Wales 2002 Section 6.5.2 and Welsh Office Circular 60/96, Section 13, an archaeological field evaluation to be carried out before any decision on the planning application is taken. Ms. Cole's letter explains why access cannot be gained to carry out the required evaluation and therefore we must consider whether or not it is appropriate for the current application to be determined without more detailed information on the archaeological resource being provided. Without detailed information on the archaeological resource being available there is a risk of significant archaeological features being revealed during the development and delays occurring leading to a significant financial impact. Therefore to mitigate this potential risk and to ensure that any prospective developer clearly understands the archaeological potential of the site and the measures that will need to be carried out prior to and during any development of the site we recommend that the applicant is requested to produce a document outlining what archaeological investigations will be undertaken on the site, the timing of such works and also the type of mitigation measures that will be employed on the site if archaeological features are present. The presentation of the above document would be sufficient for us to be able to recommend conditions safe-guarding the archaeological resource to be attached to any planning consent granted by your Members.

Environment Agency

Original Response

Flood Risk

As you are aware, part of the site is classed as C2, as defined by the development advice maps (dam) referred to under TAN15: Development and Flood Risk, July 2004. We note that we have previously commented on this site in response to a request for a scoping opinion. Within this, it was stated that due to site levels submitted suggesting the site is outside the extreme flood outline, no flood consequences assessment (FCA) would be required.

It is noted however, that the current application site differs from that submitted previously and now takes in areas of lower ground closer to the River Tawe. Part of the application site now includes land that may be at risk of flooding in events up to the 0.1% event. We would therefore advise that a FCA will in fact be required in order to establish in detail, the extent of flood risk on the site and how the development will be designed to manage the risk. The flood risk to the site could be tidal, fluvial or a combination of the two and all scenarios should be assessed.

Site Contamination

The River Tawe has been classed as the receptor, rather than the ground waters beneath the site. The site is entirely covered by made ground, consisting of ash, clinker, slag and demolition rubble. No petroleum hydrocarbons were detected in the soils, however it was evident in all CP boreholes at depths greater than 5.4m This is suggested to be lateral movement from an off-site source, thought to be the railway lines. The trial pits for TP10, 11, 12 and 14 are only to a depth of 0.3m. Samples at depth would be needed as they are all on the NE of the site and no other trial pits characterise this area of the site. TP8 is only on the surface. Limited sampling has been undertaken due to the footprint of the existing buildings.

We are however satisfied, that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. In line with the advice given in Planning Policy for Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition then the following conditions must be include on any permission granted. Without these conditions, we believe the proposed development poses an unacceptable risk to the environment and we would object to the application.

Surface water drainage

With regard to surface water drainage from the site, we note that the Environmental Statement states that ground conditions and contamination make it unsuitable for a sustainable urban drainage system (SUDS) and that surface water will drain to the River Tawe.

At present, much of the site is covered and during construction and post development, there will be greater infiltration. We recognise that there is an increased potential for the pollution of controlled waters from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins. However there are SUDS options which could be incorporated, for example lined attenuation ponds, grey-water harvesting systems, green roofs and even the provision of water-butts. We would also welcome some investigation into hydro-brakes.

In order to satisfy the requirement of section 8.5 of TAN15, further evidence on why it will not be possible to incorporate any type of SUDS must be provided. Only if it can be clearly demonstrated that SUDS are not feasible, should a conventional system be utilised. If such a system is installed, them this must improve upon the current status quo.

All foul water generated from this development must be disposed to the main public sewerage system. We note that Dwr Cymru/Welsh Water have been contacted by the developer who has advised that capacity exists to accommodate the proposed flows.

Biodiversity

With regard to the biodiversity interests at the site, we note the findings of the ecological assessment undertaken. Although the ecology of the site is limited, the River Tawe is an important water body and is regarded as being high environmental sensitivity.

An appropriate development free buffer strip must be maintained between the development and the top of the bank of the river. This is to provide some protection to habitats and wildlife that may be present, as well as allowing sufficient access for maintenance purposes.

In consideration of the above, whilst we are satisfied that the majority of our concerns can be addressed via appropriate planning permission, we would ask that determination of the application be deferred until the required FCA has been submitted for review.

Further Response

Following further correspondence it has been clarified that during the preparation work for the Environmental Assessment it was found that the riverbank was not stable and that stabilisation work to the bank is required as part of the development. This has resulted in the increase in size of the development area. It was acknowledged that the bank area is within zone C2 and that the land is at risk of flooding. However, we note that there is no proposal to include built development within this area and that all development is set well above flood levels.

Based on this information we are satisfied that due consideration has been given to the flood risk at this site. In this instance, as the flood risk has been acknowledged, we will accept the correspondence as a limited Flood Consequences Assessment (FCA). The following condition is requested for inclusion:

Condition

No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5m AOD.

Reason: to reduce the risk of flooding to the proposed development and future occupants.

Head of Environmental Management and Protection –

Condition: Land Contamination

This site lies on or adjacent to a number of sites where previous historic industrial use was undertaken resulting in a likely legacy of gross contamination, including Hafod Phosphate works, Hafod Iron Foundry, Hafod Isaf Cobalt-Nickel works, Swansea High Street Station & Yard.

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site. Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified. The reports shall be submitted individually. The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Air Quality Management

The applicant shall be required to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development on the surrounding local area.

- i) The assessment shall consider the seven key pollutants within the National Air Quality Strategy and the Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002 and should pay particular attention to the 1 hour NO₂ objective and NO₂ annual mean objective.
- ii) In addition the assessment should also pay particular attention to the PM₁₀ objectives set in regulation (24 hour mean objective of 50ug/m³ - 35 exceedences and the annual mean objective of 40ug/m³ to be achieved by the 31/12/2004 and maintained thereafter) Also, an indication of the new Particles (PM_{2.5}) Exposure Reduction objective (contained within the Air Quality strategy 2007) of 25ug/m³ in 2010 and 2020 should be made.

Domestic - Sound Insulation

Require a detailed assessment of night time rail noise on development and how the site design will mitigate the effects of this.

Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Subject to the inclusion of the above the Pollution Control Division of the Environment Department has **no objection** to this application.

Highway Observations –

1. Background

1.1 This proposal is for the redevelopment of the Bernard Hastie site at the end of Morfa Road. The proposal is to erect 142 dwelling units made up of 52 houses and 84 flats together with 189 car parking spaces. A Transport Assessment has been submitted in support of the application.

1.2 The Transport Assessment has assessed the transport and traffic implications of the development and the results indicate that the proposal is acceptable.

2. Traffic Generation

2.1 Traffic generation is predicted to be 21 arrivals and 62 departures in the am peak hour and 55 arrivals with 30 departures in the pm peak hour. This equates to just over 1 vehicle a minute during the peak hour and does not give rise to any capacity issues.

2.2 No reference has been made to the traffic generated by the previous use of the site and all predicted movements have been assumed to be new, therefore a robust assessment has been undertaken.

3. Parking

3.1 Parking for the site is stated to be 189 spaces, however as this is an outline application no detail of how spaces are allocated to each dwelling is given. This aspect will be addressed at detail stage should consent be given

4. Morfa Road Improvements

4.1 The Morfa Distributor Road scheme passes through the site and therefore this development will need to accommodate this road improvement. The developer has agreed to provide this part of the Morfa Distributor where it passes through this site at his expense and this is a positive contribution to the overall scheme. The site access will therefore join the new Distributor road and all traffic movements will be down towards the New Cut Road junction until such time as the Distributor road has been completed and provides a through link.

5. Access by other modes

5.1 Walking distances between the site and access to public transport is acceptable being approximately 300m to bus stops on Neath Road. The City Centre is just under 2Km from the site which is recommended as the maximum walking distance by the Chartered Institute of Highways and Transportation.

5.2 This Council's strategy for the riverside includes the provision of a riverside walk and cycle path. This is referred to in the Transport Assessment. It will be necessary therefore to ensure that development of the site does not prejudice this and therefore a suitable condition should be imposed to safeguard the route and allow for negotiation on the developer's contribution towards its provision.

6. Recommendation

6.1 I recommend no highway objection subject to the following;

i. Prior to occupation of any dwelling within the site, the Morfa Distributor road where it passes through the site, shall be constructed in accordance with details to be submitted and agreed. All at the expense of the developer.

ii. The internal road serving the site shall be constructed in accordance with details to be submitted and agreed.

iii. Each dwelling shall be provided with suitable parking facilities in accordance with details to be submitted and agreed.

iv. Details of the treatment to the Riverside Walk shall be submitted for approval and implemented in accordance with approved details.

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

Note 1. The Developer must contact the Team Leader - Highways Management, City and County of Swansea (Highways), Players Industrial Estate, Clydach, Swansea. SA6 5BJ (Tel 01792 841601) before carrying out any work.

Note 2: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

APPRAISAL

The application has been called to Committee at the request of the Ward Member, Councillor Robert Speht.

The site and its surroundings

The application site is located on the western banks of the Rive Tawe at the northern end of the Morfa Industrial Estate. The eastern end of the site comprises the former industrial site of Bernard Hastie, whilst the western part of the site is land owned by Network Rail and consists of railway sidings. Whilst they are technically operational, they are unused. Additionally, the application site also comprises the wooded embankment above the River Tawe. This is included within the application site because of the engineering operations which will be required to stabilise the embankment to allow the re-development of the land above.

The existing vehicular access into the application site is via Morfa Road. Morfa Road runs generally parallel to the railway line to the west and serves all of the premises on the western bank of the river within the Morfa Industrial Estate. It forms a junction with the A483 New Cut Road approx. 1 km to the south of the site. Additionally, there is a vehicular access via Maliphant Street onto Neath Road which runs underneath the railway line.

The redevelopment of this brownfield site is considered to be one of the key development elements of the implementation of the Tawe Riverside Corridor Study (TRCS), adopted by the City and County of Swansea in 2006. The strategy for the Morfa Road is for a significant opportunity for redevelopment, capitalising on the riverside setting, the proximity of the area to the City Centre and waterfront and also to celebrate and interpret the heritage of the area. The strategy for the regeneration of the area is to alter the balance of uses from light and heavy industry and dereliction, which ignores the river frontage, to a high quality mixed area of residential, commercial and light industrial uses. The masterplan for the Morfa Road area envisages the residential development of the Hasties Site. The application indicates that the realisation of the residential scheme on the application site would act as a catalyst for further development, and would radically change the appearance of the area.

In addition, one of the key aspirations of the TRCS is the delivery of the 'Morfa Distributor Road', which would require the upgrading of the existing Morfa Road from its junction on New Cut Road and then providing a new road link via the existing Landore park and ride access onto the A4067 to enable to have a distributor road function. The distributor road would serve development within the area and moreover would relieve traffic congestion elsewhere on the highway network by providing an alternative direct corridor to the city centre from the north. The proposed alignment of the Morfa Distributor Road would cross the application site frontage before linking into the 'Phase 2' element which links the Landore Park and Ride to the northern boundary of the site, which is currently under consideration under Ref:2008/0919, and is also reported on this agenda.

The planning application

The planning application seeks outline planning permission for the following development:

- *58 no. three storey town houses;*
- *84 apartments*

together with:

- *open space, including play spaces, footpaths, cycle paths and areas for informal recreation;*
- *second phase of the proposed Morfa distributor road;*
- *New roads, accesses, parking areas and paths including*
- *Other ancillary uses and activities;*

The scheme as originally submitted involved the re-development of the site with the construction of up to 91 houses (3 storeys) and 134 apartments (5 storey), 225 residential units in total. However, during the consideration of the application the developable site area has been reduced as the operational requirements of Network Rail have become clearer. Network Rail have determined that they wish to retain a larger portion of the railway siding for future use and this has resulted in a smaller footprint for the proposed residential area. As a result it is now proposed to construct up to 52 houses and 84 apartments, 136 residential units in total. In addition, the reduction in the site area has meant a re-alignment of the proposed section of the Morfa Distributor Road which would be constructed through the site.

The application is submitted as an outline application with matters of siting and means of access to be determined at this stage. The issues of design, external appearance and landscaping are reserved for future consideration. The planning application is accompanied by a Design Statement which provides additional information on layout concepts and the principles of the scheme.

Design Issues

The site is currently occupied by the former Bernard Hasties buildings and is being used by small industrial users and also comprises the underused Network Rail railway land ('Maliphant Sidings'). The Swansea to London main railway line isolates the site from the housing area of the Hafod. The site is identified in the Tawe Riverside Corridor Study for housing and the vision for the Tawe Riverside Corridor is to: *'Develop a modern, attractive and vibrant riverside urban area, creating a place where people wish to live, work and visit, capitalising upon and celebrating the Tawe's unique contribution to the Industrial Revolution'*.

It is proposed for the access to the site to be formed from the 'Morfa Distributor Road' which would be created by the construction of a road extension from the northern side of Morfa Road through the application site which would then link into the park and ride extension at Landore. The submitted Design and Access Statement (DAS) indicates that owing to the existing topography it is not possible to link the site with the riverside walkway. However, it is proposed to contribute to improvements to the nearby railway underpass (Maliphant Road) as part of the proposal.

Design Strategy

The DAS indicates that the proposed form of the development is informed by the site character and that the curved layout derives from the natural sweep of the River Tawe, and the proposed Morfa Distributor Road would provide a buffer to the existing railway line. The DAS states that the design concept has reflected the aspiration to optimise the 'Riverfront', and consequently, the masterplan has been configured to promote visual permeability with the 5 storey apartment blocks positioned at 'right angles' to the curvature of the river in order to allow a large proportion of the residential units an aspect to the river. The scale of the terraced housing facing onto the proposed distributor road and internal estate road provide a sense of enclosure and legibility to the streetscape. The apartment blocks form individual pavilions whilst the terraced housing contain the development.

The DAS indicates that the density of the development responds to the guidelines set in the TRCS, as the 58 houses and 84 apartments equates to 75 units per hectare. The TRCS recommends a minimum density of 50 units to the hectare, as relatively high densities will need to be achieved having regard to the development costs of the re-development brownfield sites. Additionally, the TRCS anticipates higher density apartments on the river frontage and two or three storey dwellings elsewhere, which is considered an appropriate scale for the site. The proposed housing layout attempts to reflect the recommendations of the TRCS. The higher density 5 storey high apartment blocks are located adjacent to the River Tawe which incorporate under-croft car parking with the ground floor raised by 1 metres above the external ground level. The change in level would be masked by landscaping while level access would be accommodated between blocks via raised links. This integration of the under-croft parking reduces its visual impact whilst at the same time allows for the space between to be laid with soft landscaping.

The inner aspect is more intimate and is characterised by 3 storey houses forming streets and squares with car parking provided in front of the houses or in courtyards. The internal layout also provides a legible development pattern whilst encouraging slower traffic.

Development Plan Policy and Land Uses

National Planning Policy

In line with recent Central Government guidance provided by Planning Policy Wales 2002 (PPW 2002), the redevelopment of the former industrial site would fall to be considered as a windfall 'brownfield' site, that is a vacant site within the established urban area and that has been previously developed and is now available for redevelopment. In principle, this national policy guidance actively encourages proposals for the redevelopment on such sites, provided they do not give rise to an over-intensive form of development, or an unacceptable loss of important urban greenspace, or have an unacceptable detrimental impact on the character and appearance of the existing residential neighbourhood or on highway conditions. PPW 2002 provides up to date guidance on the Government's vision for Wales, which seeks to provide a greater choice and variety of homes in sustainable communities, and ensure that previously developed land is used in preference to green field sites. New developments are required to improve the quality of life, regenerate communities, with a mix of private and social housing that enhances where practicable the surrounding landscape and wildlife features.

Unitary Development Plan

The site is an established industrial and commercial area and is therefore afforded white land status in the adopted UDP where redevelopment proposals are considered on their merits. Whilst there is no site specific allocation in the Plan, the Tawe Riverside Corridor Strategy (TRCS) provides a relatively up to date planning policy framework for considering schemes along the Morfa Road corridor.

The TRCS was adopted as Council policy in August 2006 and it is anticipated that it will become Supplementary Planning Guidance now that the Unitary Development Plan has been adopted.

It is the TRCS rather than the UDP that sets out specific site allocations and proposed uses within the context of a wider strategy for the whole of the Tawe Riverside extending northwards. The overall concept for the Morfa Road section is to deliver a mix of uses, however the TRCS does point out that there is sufficient flexibility to enable the majority of sites to be developed for housing purposes in the longer term. However, phasing is clearly an important element in ensuring that the amenity of future occupiers is not unacceptably compromised by factors such as noise pollution and general disturbance. The UDP states that proposals for non-commercial uses at or adjacent to industrial areas should be determined on their individual merits against broad planning principles, many of which are set out in UDP Policies EV1 and EV2. Of particular relevance is the requirement to consider the level of impact caused by existing commercial uses in terms of environmental pollution to future occupiers at neighbouring sites. The TRCS also deals with 'Pollution Considerations', which states that Planning Permission may be refused at sites along Morfa Rd if – notwithstanding the use of good design – the close proximity of a site to existing noise generating uses is considered unacceptable.

UDP Policy EV1 requires that the scheme provides a safe environment for future occupiers by addressing issues of security, crime prevention, fear of crime, and giving consideration to spaces and routes around the site. There is concern whether existing connections to/from the site and areas around it are possible having regard to personal safety issues for future residents. The safety and quality of pedestrian routes from the site to the City Centre and local facilities is crucial. UDP Policy AS2 in particular states that the design and layout of new developments should provide suitable facilities and attractive environment for pedestrians and non car users. The extent to which the submitted scheme meets these requirements to provide safe, attractive direct links for the large number of pedestrian movements that would arise from residential occupiers is a significant consideration.

Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. The provision of affordable housing is a key priority for WAG and National Planning Policy in the form of Planning Policy Wales (as updated by Ministerial Interim Planning Policy Statement 01/2006 Housing – June 2006) and Technical Advice Note 2: Planning and Affordable Housing (June 2006) provides the policy guidance. Policy HC3 of the Unitary Development Plan is a strengthening of this policy and requires in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The general threshold is reduced to 25 dwellings or 1 hectare or phases of such development. The requirement to provide affordable housing will depend upon factors such as the site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives. The TRCS also indicates that a proportion of housing should be affordable.

The Housing Department has completed its Local Housing Market Needs Assessment (LHMNA) which is a key supporting document to the Council's Housing Strategy. The LHMNA was completed by consultants in accordance with WAG/Central Government Guidance. The Housing Strategy was approved by Council on 13th September, 2007 and represents a significant change in the policy framework relating to the provision of affordable housing. Whilst the LHMNA, which underpins the Housing Strategy, sets a target of 30%, a reduced provision considered to be appropriate given the other benefits which form part of the scheme.

The Head of Housing has indicated that a minimum provision of 15% affordable housing should be provided on the site, with the mix of units and tenure to be determined. However, the developer indicates that the cost of providing affordable housing on the site would be prohibitive having regard to the additional abnormal costs and as such would it unviable for the developer to incur the additional cost. As indicted above, Policy HC3 of the UDP indicates that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs. This would need to be negotiated therefore as part of the overall Section 106 contribution requirements, acknowledging that the construction of the road is the highest priority.

Environmental Impact Assessment

The application has been accompanied by an Environmental Statement (ES) due to the fact that the site is located in a sensitive environmental location adjacent to the River Tawe and it was therefore considered that the proposed uses would have significant effects on the environment. The non-technical summary of the ES is available separately.

The content and structure of the Environmental Statement

The EA provides a detailed description of the site and its surrounding area. It also provides an indication of the recent planning history of this area, and places the current proposals in the context of the overall long-term vision for the site and its hinterland, as proposed by the City and County of Swansea. It also explains the development mix and provides a more detailed description of the proposal. The indicative construction programme is also outlined, along with a broad description of the way in which the proposal contributes to the principles of sustainable development. The EA also provides an overview of the policy context within which the planning application will be assessed. It highlights the key issues arising from Planning Policy Wales and relevant Technical Advice Notes (TANs) and provides a summary of the most relevant adopted and emerging regional and local planning policies, along with other relevant plans and strategies. The EA also examines the need for the scheme and outlines the alternative options that have been considered as the plans have been developed. It explains the rationale for the selected proposal, and the reasons why the described alternatives were not pursued.

The following main issues have been identified within the EA:

- **Ecology;**
- **Archaeology;**
- **Air Quality;**
- **Noise and Vibration;**
- **Highways and Transportation;**
- **Land Quality**

It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

Ecology

The EIA indicates that an ecological assessment of the development site was carried out. This included a bat survey of the buildings at and around the Hastie factory in order to assess the extent of any bat or other protected species use of the buildings, and to identify any constraints upon the discovery of bats (or other species).

The conclusions of the bat surveys were that there was no evidence of bat use at or around the buildings and that bat roost opportunity was very limited.

An examination was undertaken of the western bank of the River Tawe adjacent to the Hasties site, in search of protected species interest which might be affected by works to the embankment. In particular, otters are known to use this stretch of river, and the examination was made for rest-site use. However, no field evidence of otter presence nor actual or potential resting-sites were found along the bank.

A survey was also conducted of the railway sidings to identify any potential protected species. This indicated limited potential for reptiles and the EIA recommends a number of mitigation measures to encourage suitable habitats. The Countryside Council for Wales have raised no objection to the proposal subject to the recommendations in the ecological appraisal for reptiles being followed. In addition, whilst acknowledging the limited ecological value of the site, the Environment Agency note the environmental sensitivity of the River Tawe, and recommend the retention of an appropriate development free buffer strip between the development and the top of the bank of the river. This is to provide some protection to habitats and wildlife that may be present, as well as allowing sufficient access for maintenance purposes.

Archaeology and cultural heritage

The EIA indicates that an Archaeological desk-based assessment was carried out. This concluded that the proposed development will have a major effect upon the Swansea Canal, Former Hafod Phosphate Works, Hafod Foundry, the Hasties site itself and the railway sidings. The report recommends that in terms of mitigation, a building survey be carried out to assess and record the remains of the nineteenth century industrial buildings and the remaining Hasties buildings.

Information regarding the remaining archaeological resource is limited although it is likely that there are significant surviving archaeological deposits below ground. The assessment therefore recommends that an archaeological evaluation is carried out prior to the commencement of development on the site. This should take the form of a written scheme of investigation and plan for further mitigation based on the results of the evaluation. Additionally, it is recommended that an archaeological watching brief is initiated during any further ground investigation and geotechnical works. Whilst acknowledging this advice, the applicants indicate that due to the extensive geotechnical work required to stabilise the site and deal with decontamination, it is not considered that undertaking further intrusive archaeological work prior to determining the planning application would achieve any mitigation. Glamorgan Gwent Archaeological Trust (GGAT) confirm the presence of an archaeological restraint on the site and requested the deferral of the planning application until an archaeological evaluation report has been submitted.

However, the applicants have responded outlining the problems of carrying out an archaeological evaluation of the site at this stage. In particular, as the buildings on the site are still in occupation and as such would place significant constraints on the operation of the business. The applicants would be willing to initiate an archaeological evaluation prior to the commencement of works on site and would accept an appropriate condition accordingly.

GGAT express concern that without detailed information on the archaeological resource, there is a risk of significant archaeological features being revealed during the development and delays occurring leading to a significant financial impact. GGAT recommends that a document is produced outlining what archaeological investigations will be undertaken on the site, the timing of such works and also the type of mitigation measures that will be employed on the site if archaeological features are present. This could be a requirement of the Section 106, to be attached to the Agreement.

Air Quality

An air quality assessment was carried out on the site. The assessment assesses the potential air quality impacts associated with the proposed residential development.

The four key aspects within the proposed development that might be subject to air quality are:

- New properties within the proposed development that might be subject to air quality impacts from nearby road traffic;
- railway locomotives impacts;
- Industrial emission impacts; and
- Operational and Construction impacts (Operational impacts on future residents and construction impacts on the local surroundings).

The assessment considered that the development would only generate approximately 1000 vehicle movements per day, which would not lead to a significant increase in traffic on local roads. The assessment has not assessed the impact of traffic generated by the proposed development on the surroundings.

The air quality impacts of all probable situations were modelled using a modelling system and data provided by the highway authority and the effects on the air quality within the development from road traffic, with and without the proposed new Morfa Distributor Road, railway locomotives and Industrial sources were found to be negligible, falling below relevant government guidelines in all these areas. Other key findings were that the air quality impacts during construction were judged to mostly comprise dust emissions from demolition and construction activities.

In term of mitigating any potential road traffic impact the assessment considers that the proposed new road is not positioned any closer to the proposed residential properties than illustrated on the submission plans. Any additional distance that can be placed to offset the road from the houses, greater than that shown in the current submitted plans would lessen the impact of the new road on this development.

The assessment also proposes a number of mitigation measures to mitigate dust emissions during the construction phase. These measures involve dampening down of dry unpaved roads on the site and regular sweeping of the site access road to avoid dust spreading. It is also proposed that all vehicles carrying material off site would be sheeted to avoid dust emissions. These measures will minimise the effects on the air quality in the local area such that they do not cause any hazard whatsoever.

Noise and vibration

The EIA incorporates an environmental noise and vibration impact assessment. The purpose of the assessment was to determine the potential noise impact of the proposed development to the local environment during construction and site operation, and to also assess the impact of the local environment on the proposed new dwellings.

Having undertaken a site survey and assessment it was considered that the following areas were investigated more thoroughly:

- Demolition and construction noise
- Noise from car parking and on-site vehicular activity
- Noise from access road traffic
- Noise from the potential Morfa Distributor road
- Noise from existing industry and business

The effect and extent of vibration carried through the ground during construction was also investigated.

Construction Noise

In general the assessment concluded that the development's construction noise and vibration would not cause disturbance to local residents. However to mitigate a potential construction noise disturbance, any construction equipment to be used will have to comply with relevant regulations regarding noise and vibration to ensure not to cause a disturbance. The assessment considers it is uncommon for the development of residential developments to be such that vibration levels are high, however consideration should be given to the demolition of buildings close to receivers directly adjacent to the development site. The levels required to be generated before structural damage occurs are high and highly unlikely to be reached in the construction of this development.

Operational Impacts

The proposed development would be in close vicinity of the Swansea Mainline railway. Additionally, the operation of the proposed Morfa Distributor Road would lead to the introduction of a new source of noise. The EIA concludes that Noise and vibration from existing surrounding road networks, from the proposed new link road (Morfa Distributor) and the existing railway line would have a negligible impact on existing residential dwellings but would have a medium to high impact on the proposed development. However, mitigation measures can be applied to reduce this potential impact to a negligible level. These measures would include the use of high quality double glazed windows to block sound indoors and screening for outside areas.

The Head of Environmental Management and Protection raises no objection to the application subject to the implementation of a scheme to ensure that all habitable rooms within the proposed development are subject to sound insulation measures.

Transport and highways

The Environmental Impact Assessment submitted with the application incorporates a Transport Assessment. The site would be accessed from the proposed Morfa Distributor Road via a priority right hand turn junction. The Head of Transportation indicates that the proposed traffic generation which equates to just over 1 vehicle a minute during the peak hour and would not give rise to any capacity issues. The developer has agreed to provide the section of the Morfa Distributor Road at their expense and is therefore a positive contribution to the overall scheme. This will be secured via a Section 106 Planning Obligation. The developer has indicated that the cost of constructing the distributor road to a point where the access to the site is anticipated to be £240,000 (based on a length of approx. 120 metres). Additionally, the developer has agreed to contribute to the remaining section of the distributor road across the land within their control at a cost of £303,000 (for a length of approx. 152 metres).

It is considered that the total cost and construction of providing the section of the Morfa Distributor Road within the application site be borne by the developer and secured by a Section 106 Planning Obligation.

The site access will therefore join the new Distributor road and all traffic movements will go down Morfa Road to the New Cut Road junction until such time as the Distributor Road has been completed to provide the through link. The completion of the section of the Distributor Road to meet the park and ride extension (currently under consideration Ref: 2008/0919 refers) and thus allow movements northwards would depend on the availability of funding for that proposal. There is also the existing single width vehicular access via Maliphant Street underneath the railway line located at the end of Morfa Road. It is the aspiration of the TRCS to close this access to vehicular traffic pending the completion of the Morfa Distributor Road.

Walking distances between the site and access to public transport is acceptable being approximately 300 metres to bus stops on Neath Road. This pedestrian access would utilise the existing Maliphant Street access underneath railway line. Network Rail have indicated the potential of closing the existing Maliphant Street access in order to facilitate their future operational requirements and that in its place they would be prepared to construct a pedestrian bridge over the existing railway line in order to facilitate / retain the existing access. The TRCS recognises that to improve pedestrian linkages from Morfa Road, the feasibility of a pedestrian linkage / bridge over the railway line may need to be considered although the engineering and cost implications are recognised. However, the TRCS also envisages that the link under the railway from Maliphant Street would be for pedestrian and cyclists only, and would be enhanced. The developers have also indicated a willingness to contribute £15,000 towards improving the pedestrian access across / under the railway line. This may be secured by the Section 106 Planning Obligation.

It is an aspiration and one of the development objectives of the TRCS to provide continuous and pleasant public access along the riverbanks of the River Tawe which would provide public access from Parc Tawe through to the Hafod site. A footpath is in place for the majority of the route and present, with the exception of the Swansea Industrial Components site (in the Morfa Industrial Estate), however, it is currently impassable in places due to overgrowth and there are no barriers to protect users along the river edge.

Land Quality

A comprehensive ground investigation has been undertaken as part of the EIA. The site lies on or adjacent to a number of sites where current and previous historic industrial use was undertaken resulting in a legacy of ground contamination by chemicals or materials that have leaked or been spilled during the industrial activity. Within or adjacent to the site, there was the Hafod Phosphate Works, Hafod Iron Foundry, Hafod Isaf Cobalt-Nickel works and also the railway line and sidings.

The ground investigation indicates that the made ground is widely contaminated by metals and contains localised hotspots of organic contamination. In order to mitigate against this a suitable thickness of clean cover will be required in gardens and other areas of soft landscaping to mitigate human health risks. Chlorinated solvent contamination has been found at two isolated locations in the south-west and east of the site and further investigation of these areas is recommended. The groundwater appears to be widely contaminated by petroleum hydrocarbons and appears to be locally contaminated by PAHs, VOCs and PCBs. Further investigation is therefore recommended to gain a more detailed understanding of the characteristics of the identified organic contaminants and to inform a more sophisticated assessment of pollution risk.

No protection measures are required in respect of radon, methane, or carbon dioxide gas. Chlorinated solvents have, however, been found on site. Conventional gas protection measures comprising of gas tight ground floor construction and passive sub-floor ventilation may, therefore, be required as a precautionary measure to mitigate such risks for properties located in the vicinity of these boreholes.

The EA indicates that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site.

The Head of Environmental Management and Protection considers that the ground contamination can be controlled by imposing planning conditions requiring the developer to submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site and the measures to be undertaken in order to remediate the contamination identified.

Additionally, the EIA indicates that the site's east boundary slope along the banks of the River Tawe appears to be only marginally stable and stabilisation works will be required. It is considered that the most robust means of enhancing the stability of the slope would be to excavate and re-compact the made ground to form a uniform slope of engineered fill. Further work will be required to inform and complete detailed design of the slope stabilisation works. This may be controlled by planning condition.

Drainage Strategy

The EIA indicates that surface water from the existing site discharges direct into the River Tawe without any attenuation and that the public sewerage system in the area is generally of a combined type. It is proposed that the site will drain surface water un-attenuated into the River Tawe, with the proviso that the proposed surface water discharge rate is not to exceed the existing rate of discharge. It is further indicated the impervious surface area of the proposed development will decrease from the existing layout, and therefore there would be a reduction in the surface water run-off rate. It is proposed that a new network of on-site dedicated surface water sewers will convey by gravity surface water to an existing outfall located within the site. The EIA considers that Sustainable Urban Drainage Systems (SUDS) are unsuitable for this site due to the prevailing ground conditions and site contamination, which would make soak-away drainage not a viable option. The Environment Agency (EA) acknowledge that there is the potential for the pollution of controlled waters from inappropriately located infiltration systems such as soakaways. However, the EA indicate there are other SUDS options which could be incorporated, for example lined attenuation ponds, grey water harvesting systems, green roofs or even water-butts. In order to satisfy TAN15 further evidence should be submitted on why it is not possible to incorporate any type of SUD, and only then if it has been demonstrated that SUDS are not possible that a conventional system may be used. It is proposed that a planning condition is imposed requiring a scheme for the disposal of surface water to be implemented.

With regard to foul drainage, the location of the combined sewer on the western boundary means that a new network of dedicated foul sewers will be constructed that drain the proposed development by gravity. Dwr Cymru Welsh Water have advised that the capacity of the existing public foul sewer can accommodate the proposed flows subject to the submission of a detailed scheme indicating a comprehensive and integrated drainage scheme for the site. This can be controlled by planning condition.

UDP Policy EV36 states that development within flood risk areas will only be permitted where it can be demonstrated that its location is justified and the consequences associated with flooding are acceptable. The EA originally objected to the proposal in order to assess the flood risk from the site. However, during the consideration of the application it became apparent that existing ground levels on the development range from 16.5 m AOD to around 18.5 m AOD and as such are well above the river flood levels. The EA are therefore satisfied that due consideration has been given to the flood risk at the site and that the proposed development will not be liable to a flood risk.

Conclusion

The proposed development would represent a strategic regeneration of a brownfield site within the urban area offering considerable benefits, in particular in facilitating the first phase of the Morfa Distributor Road and would be consistent as a more sustainable form of development being promoted by the Council and the National Assembly for 'brownfield sites', in line national and local policy guidance. Having regard to all the relevant Development Plan Policies, the adopted River Tawe Corridor Study and all other material considerations the proposal would represent an acceptable form of development.

It is considered however that conditions and a Section 106 Obligation are necessary to adequately control the development and to achieve the strategic objectives within the TRCS and the Unitary Development Plan. It is acknowledged that scheme viability will be material to the details of the Section 106, and the applicant has supplied some financial information in that respect. This will need to be given more detailed consideration in the final drafting of the Section 106, with priority being afforded to the construction of the highway and the investigation of the archaeological resource within the site.

RECOMMENDATION

It is recommended that the application be APPROVED, subject to the following conditions and to the applicant entering into a Section 106 Legal Agreement with regard to:

Section 106 Planning Obligation Heads of Terms

- **An affordable Housing contribution.**
- **The construction of the proposed section of the Morfa Distributor Road within the developable area. (estimated to be the cost of £543,000).**
- **A contribution of £15,000 towards pedestrian improvements in the vicinity of the railway crossing.**
- **Proposed archaeological investigations.**

1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

- 3 Approval of the details of the siting, design and external appearance of the building(s) and the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 The development shall be completed in accordance with the approved plans prior to any part of the development being brought into beneficial use.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Before any part of the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and general amenity.
- 6 Before the development hereby permitted is commenced, details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highways together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 7 Samples of all external finishes together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 8 Prior to the commencement of the development of the adoptable roads, full road engineering details of the internal road layout shall be submitted to and approved by the Local Planning Authority and shall be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 9 No part of the development shall be occupied until the proposed adoptable roads linking to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 10 No part of the development hereby approved shall be occupied until a Travel Plan for the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved scheme.
- Reason: In the interests of sustainability and to reduce reliance on the car as a mode of transport.
- 11 Unless otherwise agreed by the Local Planning Authority, prior to the commencement of development a scheme shall be submitted to and approved by the Local Planning Authority to provide that all habitable rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
- Reason: To ensure acceptable living conditions for future residents having regard to the existing and proposed noise environment experienced at the site.
- 12 Unless otherwise agreed by the Local Planning Authority, no development (which shall exclude site clearance, demolition, ground investigation and site preparation works) approved by this planning permission shall be commenced until a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas and vapour related risks, at the proposed site shall be submitted to and approved by the Local Planning Authority. The Phase 1 desktop study should include a Conceptual Method for the initial site investigation which must include a risk assessment relating to the potential affects on groundwater and surface water as a result of the works. Where the site investigation indicates the presence of such contamination, including the presence of relevant gas/vapour, a Method Statement shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified, including measures to minimise the impact on ground and surface waters. The reports shall be submitted individually. The provision of the Phase 2 (Method Statement) detailed report and Phase 3 remediation strategy/validation report will be required only where the contents of the previous [Phase 1 desk top study] report indicates to the Local Planning Authority that the next phase of investigation/ remediation is required.
- Reason: To ensure that the site contamination is satisfactorily remediated in the interests of public safety and amenity.
- 13 Prior to the occupation of any residential unit, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 14 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 15 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the water environment. Given the size / complexity and history of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 16 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment.

- 17 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.

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

- 18 No development shall take place until a waste management plan for the control, management, storage and disposal of demolition waste / excavated material has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure sustainability principles are adopted during the development.

- 19 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.

- 20 No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment.

- 21 No built development approved by this permission shall take place within the area defined as zone C1 / C2 on the Welsh Assembly Government's development advice map (DAM), referred to under TAN15: Development and Flood Risk (July 2004). Development shall only take place on those areas currently above 16.5 m AOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 22 No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent pollution.

- 23 No development shall take place within the area indicated (i.e. the area of archaeological interest) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To safeguard this area of archaeological interest.

INFORMATIVES

- 1 The phased land contamination condition shall incorporate the following information:

Phase 1 report: Desk Top Study
this shall:

- ☐ Provide information as to site history, setting, current and proposed use.
- ☐ Include a conceptual model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- ☐ Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation
this shall:

- ☐ Provide detailed site-specific information on substances in or on the ground,

geology, and surface/groundwater.

Provide for a more detailed investigation of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Environment Agency in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Options Appraisal/ Remediation Strategy

this shall:

¢ Include an appraisal of the proposed options for reducing the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance, and the remediation measures required and how they are to be undertaken.

Phase 3: Verification Report

¢ A verification report will be produced providing details of the data that will be collected in order to demonstrate that the approved remediation works have been c

PLANS

AS_02 site location plan, AS_00 sections, aerials and photo montages received 31st July 2008), Environmental Impact Assessment - received 31 Oct. 2008), Design and Access Statement (amended information received 21 Oct. 2009). AL 28 (amended plan received 21 Oct. 2009), AS (amended plan 21 Oct. 2009).

Agenda Item 7

Report of the Head of Economic Regeneration & Planning

To The Area 1 Development Control Committee

27^h May 2014

Land adjoining 54 Glanmor Road, Uplands, Swansea, SA2 0QB

Detached dwelling (Outline)

Planning Application Reference : 2013/1857

1.0 Background

- 1.1 This application was considered by the Area 1 Development Control Committee on the 1st April 2014. The Committee Report is attached at Appendix A.
- 1.2 Members resolved not to accept my recommendation of refusal, but to be minded to approve planning permission on the grounds that passing bays could be provided within the site rather than requiring the widening of the access along the whole of its length. Thus it was resolved that draft conditions should be reported back to Committee for consideration.

2.0 Recommendation

It was resolved that:

- (i) The application be granted outline planning permission subject to the following conditions;

Condition 01:

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

Condition 02:

Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

Condition 03:

The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

Condition 04:

The dwelling shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of sustainability.

Condition 05:

The construction of the dwelling hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

Condition 06:

Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

Condition 07:

The proposed residential dwelling shall be restricted to single storey only.

Reason: In the interests of residential amenity

Condition 08:

No development including demolition work shall commence on site until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. This shall include full details of all works that impact on the original ground conditions within the tree's rooting area and in particular details of protective fencing, ground protection, construction method, required tree surgery operations, service trenching position and any changes in ground level within the rooting area of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.

Reason: To ensure the protection of retained trees on site during construction works

Condition 09:

No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of retained trees on site during construction works

Condition 10:

Notwithstanding the submitted details regarding removal of TPO trees as indicated on the location and indicative site plan this permission expressly excludes the felling of the TPO protected trees growing on the site.

Reason: To ensure the protection of protected trees growing on the site whilst the development is being carried out.

Condition 11:

Notwithstanding the submitted details, no development shall take place until details of the widening of the junction and access road, including passing bays, have been submitted to and approved in writing by the Local Planning Authority. The development shall be not be occupied until the widening of the access road and junction have been carried in accordance with the approved details and the works shall be retained as approved at all times.

Reason: In the interests of highway safety.

Condition 12:

Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.

Condition 13:

A landscaping scheme for the site shall be submitted as part of the reserved matters, and the scheme as approved shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the Town and Country Planning Act 1990.

Condition 14:

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

Condition 15:

Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

Condition 16:

The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of visual amenity.

BACKGROUND PAPERS:

Local Government Act 1972, as amended by the Local Authorities (Access to Information) Act, 1985.

<i>Contact Officer:</i>	<i>Ian Davies</i>	<i>Extension No:</i>	<i>5714</i>
<i>Date of</i>	<i>13th May 2014</i>	<i>Document</i>	<i>54 Glanmor Road</i>
<i>Production:</i>		<i>Name:</i>	

ITEM

APPLICATION NO.

2013/1857

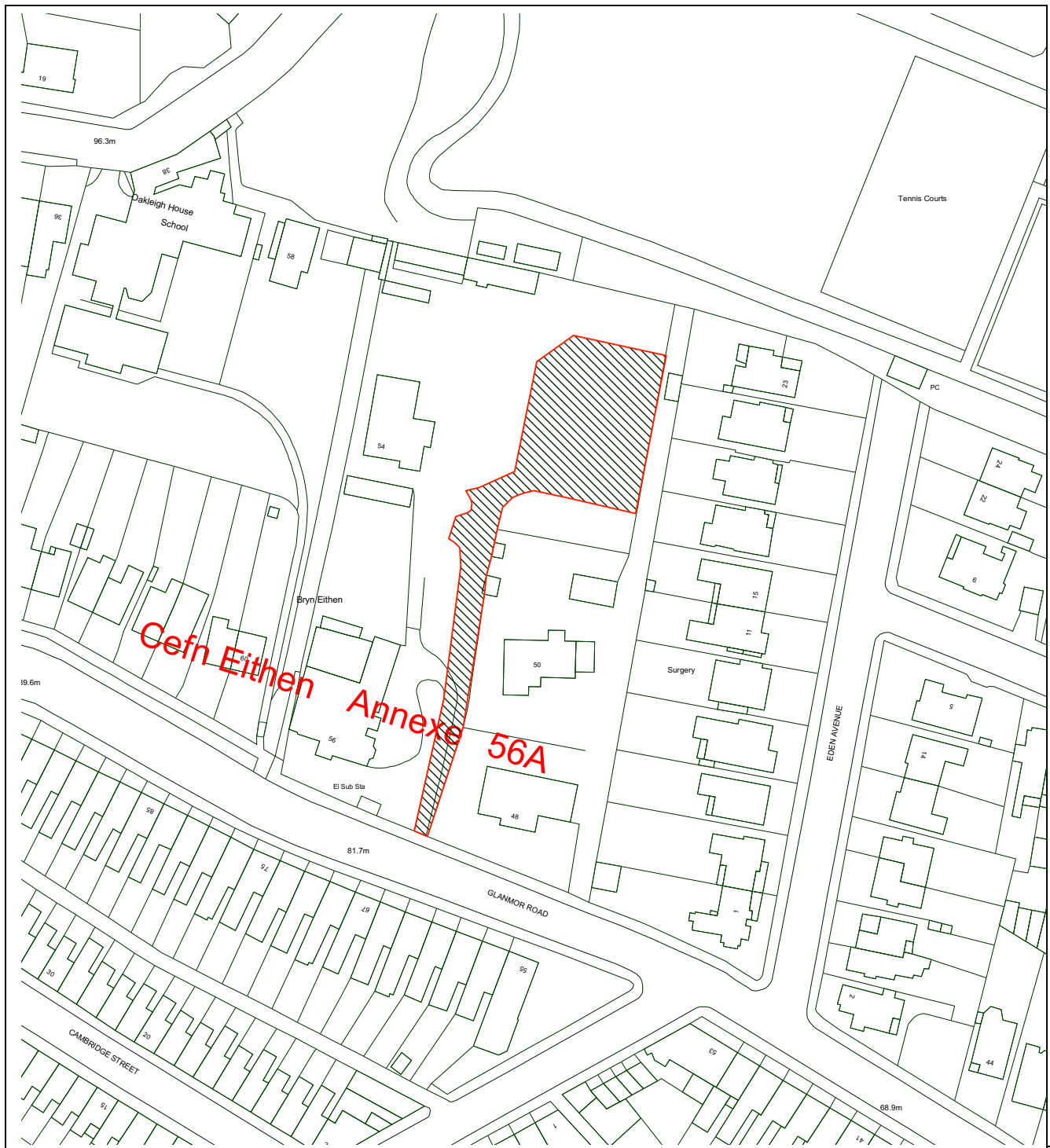
WARD:

Uplands
Area 1

Location: Land adjoining 54 Glanmor Road, Uplands, Swansea, SA2 0QB

Proposal: Detached dwelling (outline)

Applicant: Mr Ala Tahir



NOT TO SCALE

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BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, loss of residential amenity, adverse effect on the character and appearance of the area, loss of urban green space, harm to highway safety, adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2012/0704	Detached dwelling (outline) Decision: Refuse Decision Date: 18/10/2013
99/0427	TO LOP ONE BEECH COVERED BY TPO NO. 228 Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 14/05/1999
2009/0512	Retention of new access Decision: Grant Permission Conditional Decision Date: 23/06/2009
2013/1097	To lop one copper beech tree covered by TPO 228 Decision: Grant Tree Pres Order Consent (C) Decision Date: 03/09/2013

2013/0816 To fell 2 yew trees covered by TPO No. 228
Decision: Refuse
Decision Date: 12/07/2013

2012/0796 To fell 2 yew trees covered by TPO No. 228
Decision: Withdrawn
Decision Date: 01/10/2012

2009/1834 Single storey front extension and side porch
Decision: Grant Permission Conditional
Decision Date: 04/02/2010

RESPONSE TO CONSULTATIONS

The development was advertised on site and eight neighbouring residents were individually consulted. ONE LETTER OF OBJECTION has been received which is summarised as follows:

1. Concerns regarding the loss of the protected trees on the site and the impact on the amenity of the surrounding area.
2. Concerns that the structural stability of the dilapidated wall can be addressed while the trees are in situ.
3. Concerns that previous applications have been refused on the site for a new dwelling and the felling of protected trees. It would seem contradictory and unjust to approve the current application.
4. Concerns the provision of the access would result in the loss of protected trees that the applicant intends to fell.
5. Concerns regarding the loss of Leylandi trees on the site.

Highways Observations

The application is for outline consent for a detached dwelling.

The access whilst not being considered at this outline stage is shown at 4.5m width (widened from its current layout) and a formal turning head is included suitable for the shared private drive and its users.

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

1. Adequate parking/turning being provided for the new dwelling.
2. The shared private drive (including the turning head) being laid out prior to works commencing for the new dwelling.
3. The vehicular dropped kerb access being widened to Highway Authority Standards and Specification in accordance with the approved plans prior to works commencing on the new dwelling taking place.
4. Relocation of any street lighting columns at the applicant's expense

Dwr Cymru/Welsh Water

Recommend, if approved, standard conditions and advisory notes in relation to the disposal of surface water, foul water and land drainage.

Planning Ecologist

The trees on the site have ecological value and should be retained. Please include standard bird informative, should planning permission be granted.

Tree Observations

No change to the comments provided for the previous planning application i.e. there is no reason why these trees should be considered dangerous. There are no signs of movement at the bases, no structural faults and no signs of pests and diseases in the trunks and crowns. At the time of inspection I consider these trees to be safe.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor John Bayliss in order to assess the impact of the development on the character and appearance of the area.

This application seeks outline planning permission for a detached dwelling on land within the curtilage of 54 Glanmor Road, Uplands, Swansea. All matters are reserved for future consideration.

The application site is situated within the established urban area of Uplands. There are a number of protected trees within the site which are covered by Tree Preservation Order (TPO) No. 312 and three trees bounding the access to the site protected by a TPO No. 228. The site is bounded to the north by other land within the applicant's ownership, beyond which is the southern boundary of Cwmdonkin Park. To the east is a rear access lane with Eden Avenue beyond. To the south is No. 50 Glamor Road and to the west is No. 54 Glanmor Road.

The application is a re-submission of an outline planning application (2012/0704) refused in 2013 for the following reason:

'The proposed 4.5m wide access drive does not adequately provide for the retention of protected trees on the site, the loss of which would be to the detriment of the visual amenity of the area, contrary to the provisions of Policies EV1, EV2, EV3, EV30 and HC2 of the City and County of Swansea Unitary Development Plan 2008'.

There are two other planning applications on this site, which are relevant to the consideration of this proposal:

2012/0796

Application for the felling of two yew trees protected under TPO No. 228. This application was withdrawn by the applicant.

2013/0816

Application for the felling of two yew trees protected under TPO No. 228. This application was refused for the following reason:

'The unjustified removal of the two protected trees on the site would result in a significant detrimental impact upon the visual amenities of the area, contrary to the provisions of Policy EV30 of the adopted City and County of Swansea Unitary development Plan 2008'

The applicant has provided no further justification for the proposed development since the refusal of the previous applications and no further information has been provided to demonstrate that the proposed access to the new dwelling can be constructed without resulting in harm to the protected trees near the site access with Glamor Road.

This planning application will be considered on its merits having regard to all material planning considerations.

MAIN ISSUES

The main issues for consideration are the impact of the development on the character and appearance of the area which includes consideration of the loss of the protected trees; the impacts of the development on the residential amenity of neighbouring occupiers; and the impacts of the development on access and highway safety. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations.

The City and County of Swansea Unitary Development Plan (UDP) policies relevant to the consideration of this application are: AS2 (Design and Layout), EV1 (Design), EV2 (Siting and location), EV3 (Access), EV30 (Trees, woodland and Hedgerow Protection), HC2 (Urban Infill Housing).

Visual Amenity

The application site is accessed off a private drive leading off Glanmor Road. The drive currently serves No.56 and No.54. The site is bounded and well screened by mature trees many of which are protected under Tree Preservation Order No. 312. The surrounding neighbourhood is predominantly residential. The existing dwelling No.56 is a substantial detached dwelling which occupies an elevated position above Glanmor Road. To the rear of the application site lies No.54 and a 'coach house' to the rear of the site on the boundary with Cwmdonkin Park. The 'coach house' was originally ancillary to the main dwelling. However, the applicant claims that the 'coach house' is now a separate unit of accommodation and is rented independently of the main dwelling at No.54. There is no planning history for the extensions to this building or the independent residential use and this matter is currently being investigated by planning enforcement. The use of the 'coach house' as a dwelling is a material planning consideration in the determination of this application.

In terms of the impacts of the proposed development on the character and appearance of the area, this can be divided into two main considerations. Firstly, the impact of the built form of the proposed dwelling and secondly the impact of the development on the protected trees near the site access.

Turning firstly to the visual impacts arising from the proposed dwelling. The application site currently forms part of the side garden of the host dwelling No.54. Given the mix of house types in the immediate area there is no prevailing characteristic or dominant house type to suggest a specific architectural response on this site. The scale parameters provided indicate a dwelling with a floor area of approximately 200-250 square metres on two floors set within a site area of 897 square metres.

The scale parameters indicate an overall height of between 7m and 9.2m. However, given the constraints of the application site in terms of the close relationship with the adjoining dwelling No.54 and potentially 'the coach house' and the need to reduce the impact on the protected trees, it is considered appropriate to ensure that the final ridge height is kept to a minimum to reduce the physical and visual impact of the development. On this basis, it is considered that a carefully designed single storey dwelling with accommodation within the roofspace, rather than a traditional two storey dwelling, can be accommodated on the application site without resulting in any material adverse impacts on the character and appearance of the surrounding area and without having any detrimental impacts on the protected trees in proximity to the dwelling.

Turning secondly to the potential loss of protected trees near the access to the site. The indicative proposals include the felling of two protected Yew trees in order to allow the reconstruction of the failed retaining wall and the provision of a 4.5 metres access road in order to provide satisfactory access to the development.

The applicant has provided an arboricultural report for these trees and a structural survey of the retaining wall sited adjacent to the trees on the western side of the access road. The reports suggest that the mechanical action of the tree roots has caused damaged to the block wall and recommends that the protected yew trees should be removed on the basis that the trees are a danger to the occupiers of the adjacent properties and the general public using the adjacent highway. The same reports were considered when the previous applications were refused on the site.

The Yew trees proposed to be removed by the applicant (as described on TPO No. 228) are T2 (northern Yew) and T3 (southern Yew). T2 offers moderate amenity value as this evergreen tree is located at the southern end of the driveway to Nos. 54/56 Glanmor Road and is partially visible from the surrounding area. T3 offers moderate to high amenity value as this large evergreen tree is located at the southern end of the driveway to Nos. 54/56 Glanmor Road and is visible from the surrounding area. It is considered to form an attractive pair with the adjacent eastern purple Beech tree and provides winter greenery to the surrounding area. The trees have been inspected and are considered to be in good physiological and structural condition with no evident structural defects.

In assessing the trees under the previously refused TPO application the Council's Arboriculturalist noted that due to their age they would have an established branch and root structure and concluded that future growth would be limited with no rapid root growth expected. A visual inspection noted only small diameter fibrous roots visible between the retaining wall and the soil bank adjacent to the trees, which it was considered, would have little mechanical effect on the stability of the retaining wall. Critically, the Council's arboriculturalist also found no reason why the existing retaining wall, which is considered to be of sub standard single edge on block construction, could not be removed and replaced by an engineered wall whilst retaining the Yew trees. He further noted that the fibrous network of the trees would extend some distance from the trees, thus providing sufficient anchorage for the trees stability even with the failing of the retaining wall. At the time no root plate lifting or cracking was noted around the trees and it was concluded there were no signs of either tree being unstable. With reference to the applicant's arboricultural survey the Council's arboriculturalist considered that no justified evidence including any exploratory investigation had been undertaken to support the view that the Yew trees are causing the failing of the retaining wall or that either tree is structurally unstable.

In consideration of the above, the conclusions of the applicant's survey in respect of the stability of the wall are not challenged by the Council's arboriculturist. A building control officer has also visited the site and confirmed the wall is failing and was not designed as a structural retaining wall.

The applicant asserts that in order to remove the existing retaining wall and construct a new structural retaining wall the protected Yew trees must be removed. The Council challenges this view and considers a new engineered retaining wall could be designed whilst retaining the trees.

Notwithstanding the above, the fundamental issue for consideration here is not whether the existing retaining wall can be re-built without harming the Yew trees, it is whether the proposed 4.5 metre access can be constructed without resulting in harm to the both the protected Yew trees and the copper Beech. In assessing this issue it is considered the provision of the 4.5 metre access would cause considerable damage to the copper Beech on the right hand side of the drive as the tree is already on the very edge of the present narrow drive. Furthermore, it is considered the excavations to the earth bank required to widen the access would cause considerable damage to the roots of the southern Yew tree and would potentially kill it outright or undermine it to the extent that it would become unsafe. No information has been provided to demonstrate that the required access width can be accommodated without resulting in material adverse harm to the above protected trees, the loss of which would have a significant adverse impact on the character and appearance of the area. The proposal is therefore considered to be contrary to UDP policies EV1, EV2, EV30 and HC2.

Residential Amenity

In terms of impact upon residential amenity, the indicative siting provided shows a modest 'L' shaped dwelling. It is considered that there would be sufficient private amenity space to serve both the proposed dwelling and the host dwelling at No.54. With an appropriate condition to restrict any proposed dwelling to single storey with accommodation within the roof space (for the reasons discussed above), it is considered that a carefully designed dwelling can be accommodated on the application site without giving rise to any unacceptable overbearing or overshadowing issues. In terms of overlooking and loss of privacy, a dwelling can be designed to ensure that there would be no unacceptable overlooking or loss of privacy impacts. The separation distance between the proposed dwelling and no.54 is considered sufficient and this, together with appropriate boundary screening, would ensure no significant overlooking/loss of privacy impacts for the occupiers of this dwelling. In addition, the indicative siting demonstrates a separation distance of 12m minimum would be achieved to the rear boundary and a distance in excess of 25m can be achieved from the windowed rear elevation of the properties in Eden Avenue. As such, a carefully designed dwelling would not, it is considered, result in any significant unacceptable detrimental impact on the occupiers of any neighbouring dwellings.

Highway Safety and Access

The access whilst not being considered at this outline stage is shown at 4.5m width (widened from its current layout) and a formal turning head is included which would be suitable for the shared private drive and its users.

The Head of Highways and Transportation has raised no objection to the proposal subject to the requirements specified in the Highways Observations (above).

Other Issues

Concerns have been raised in a letter of objection regarding the potential loss of Leylandi trees at the site. Whilst no information has been provided regarding the location of these trees, there are no records of any protected Leylandi on the site as such there is no requirement for the applicant to inform the Council of any works to these trees.

Conclusion

In conclusion, it is considered a carefully designed dwelling single storey dwelling with accommodation within the roof space rather than a traditional two storey dwelling could be accommodated on the application site without having any significant detrimental impact upon the visual and residential amenities currently enjoyed in the vicinity. It is also considered that subject to the careful siting and retention of the high quality protected trees on the application site a dwelling could be accommodated without any significant loss or damage to any protected tree around the proposed dwelling. The Head of Transportation and Engineering has not raised any highway objection subject to conditions.

However, fundamental concerns have been raised regarding the impact on the protected trees from the widening of the shared access driveway to 4.5m. Insufficient evidence by way of an arboricultural assessment/report of the tree/roots by a suitably qualified and experienced Arboriculturist has been provided to demonstrate that the 4.5m wide access drive can be constructed without causing an adverse impact on the protected trees and the visual amenity of the area. The proposal is therefore considered to contrary to the criteria of Policies EV1, EV2, EV30 and HC2 of the City and County of Swansea Unitary Development Plan 2008. Refusal is recommended.

RECOMMENDATION

REFUSE, for the following reason:

- 1 Insufficient information has been provided to demonstrate that the widening of the access required to serve the proposed development could be provided without resulting in material adverse impacts to the protected Yew trees (T2 & T3) and Copper Beech tree (T4), the loss of which would be detrimental to the visual amenity of the area, contrary to the provisions of Policies EV1, EV2, EV30 and HC2 of the City and County of Swansea Unitary Development Plan 2008.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV30 and HC2).

PLANS

NR T13/01 sit location and block plan, NR T13/02 indicative retaining wall plan dated 19th December 2013.