

# CITY AND COUNTY OF SWANSEA

## NOTICE OF MEETING

You are invited to attend a Meeting of the

## PLANNING COMMITTEE

**At:** Council Chamber, Guildhall, Swansea

**On:** Tuesday, 5 July 2016

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

---

### Membership:

Councillors: P M Black, A C S Colburn, D W Cole, A M Cook, M H Jones, E T Kirchner, I M Richard, P B Smith, M Thomas, D W W Thomas and T M White

The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

### AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal and Prejudicial Interests.**  
[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)
- 3 **Minutes.** 1 - 5  
To approve & sign the Minutes of the previous meeting(s) as a correct record.
- 4 **Items for Deferral / Withdrawal.**
- 5 **Application to Register Land at Tirmynydd Road, Three Crosses as a Town or Village Green.** 6 - 8
- 6 **Determination of Planning Applications under the Town & Country Planning Act 1990.** 9 - 48

**Next Meeting:** Tuesday, 2 August 2016 at 2.00 pm



**Huw Evans**  
Head of Democratic Services  
Tuesday, 28 June 2016

---

Contact: Democratic Services - 636923

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,  
7 JUNE 2016 AT 2.00 PM

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

**Councillor(s)**

A C S Colburn  
M H Jones  
P B Smith  
T M White

**Councillor(s)**

D W Cole  
E T Kirchner  
M Thomas

**Councillor(s)**

A M Cook  
I M Richard  
D W W Thomas

**Also Present (Local Ward/ Cabinet Members)**

Councillors N J Davies, S E Crouch, D Phillips, R Francis-Davies, A S Lewis, R C Stewart, J A Hale & C E Lloyd

**Apologies for Absence**

Councillor(s): P M Black

6 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

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

Councillor I M Richard – Minute No.11 - Planning Application 2016/0086 (Item 4) – Predetermination – made statement under paragraph 14(2) of the code and left prior to discussion.

7 **MINUTES.**

**RESOLVED** that the Minutes of the Planning Committee meetings held on 10 & 19 May 2016 be approved as correct records.

8 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

9 **APPLICATION TO REGISTER LAND KNOWN AS THE RECREATION GROUND OR THE "THE REC", OYSTERMOUTH ROAD, SWANSEA AS A TOWN OR VILLAGE GREEN -APPLICATION NO.2733(S).**

The Head of Legal & Democratic Services presented a report which outlined the findings and recommendations of the Inspector.

The background history to the application, the legal tests undertaken, the consultation, the representations of both support and opposition received, the inquiry held, the legal advice received and the remit, findings and conclusion of the Inspector were all outlined and detailed to the Committee.

Councillor N J Davies (Local Member) addressed the Committee regarding the application.

**RESOLVED** that

1) the application for the above registration be Refused.

2) that No Part the land of the application site be added to the Register of Town or Village Greens under Section 15 of the Commons Act 2006.

10 **PLANNING APPLICATION 2014/0977 - PARC CEIRW, CWMRHYDYCEIRW QUARRY - PROPOSED CESSATION OF LANDFILL AND OTHER OPERATIONS ENABLED BY RESIDENTIAL DEVELOPMENT CIRCA 300 DWELLINGS, PUBLIC OPEN SPACE, ASSOCIATED HIGHWAY AND ANCILLARY WORK (OUTLINE).**

The Head of Economic Regeneration & Planning reported that the matter had been deferred under the two stage voting process at the Committee held on 10 May for further officer advice on reasons for refusal relating to No Affordable Housing, Highway Concerns, Loss of Amenity for Schoolchildren at Cwmrhydyceirw Primary and concerns over the long term pumping arrangements of water at the quarry .

The updated report which outlined the revised offer from the developer of 5% affordable houses and additional highway works in addition the previous contributions and potential reasons for refusal was outlined and detailed.

Abi Roberts(agent) & Mrs J Jones(objector) addressed the Committee.

Councillors R C Stewart, R Francis-Davies & A S Lewis (Local Members) addressed the Committee and spoke against the application.

**RESOLVED** that the application **BE REFUSED** for the reasons outlined below:

Highway Issues

The applicant has failed to prove that the additional traffic movements generated by the proposal will not have an adverse effect on local congestion to the detriment of the safe and free flow of vehicles and pedestrians, contrary to the provisions of policies EV1, AS2 and HC2 of the City and County of Swansea Unitary Development Plan (2008).

Affordable Housing

The proposal fails to provide sufficient affordable housing to contribute towards the demonstrable need within the area, to the detriment of community regeneration and social inclusion. The proposal is therefore contrary the aims of Planning Policy Wales (edition 8) and the Well-being of Future Generations Act 2015.

11 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration and Planning presented 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 and/or indicated below:

**#(Item 1) Planning Application.2016/0556 - Mariner Street car park, 2-3 Mariner Street, 59-60 and 63-64 High Street, Swansea**

Report updated as follows:

The description of the proposed development has been amended to delete reference to the proposed nightclub use (sui generis) from the development.

Condition 2 amended to reference latest amended drawings:

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

W152064\_SK\_19-22 Access Movements, 11149\_L01 –L05 Landscape, plans received 18 March, 2016] Verified Montage - VM1 - VM8 (x 2) before and after -

[AL\_00\_001\_P1 Site Location Plan, AL\_01\_001\_P2 Existing Site Plan AL\_20\_001 – 004 Rev P3 & AL\_20\_005-008 Rev P4 (Proposed Floor Plans), AL\_27\_001\_P3 (Roof Plan), AS\_20\_001 & 002 Rev P3 (Proposed Sections), AE\_00\_003 & 004 Rev P3 (Proposed Street Scenes), 3D Views (x 12) - (amended plans received 3 June, 2016),

AE\_00\_001 & 002 Rev P4 (Proposed Elevations), AE\_00\_005 Rev P2 (3D Views), Design and Access Statement – Addendum Rev E (amended plans received 6 June, 2016).

A visual presentation was provided.

Paul Foster (agent) addressed the Committee.

Councillors S E Crouch and D Phillips (Local Members) addressed the Committee and spoke in support of the application but suggested additional conditions to protect the amenity for local residents.

Councillors R C Stewart (Leader) and R Francis-Davies (Cabinet Member for Enterprise Development & Regeneration) addressed the Committee and spoke in support of the application.

**APPROVED** subject to the Section 106 Agreement outlined in the report and Conditions 16 & 19 being amended to read as follows:

Condition 16.

Vehicular servicing of the development along Mariner Street, including the timing of deliveries, shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the kerb line on the north eastern junction point on High Street needs to be realigned to allow the footway to be widened to 2 metres. The development including future vehicular servicing of the site shall thereafter take place in accordance with the approved details.

Condition 19.

Prior to the commencement of construction works a Site Waste Management Plan for the construction phase, together with a Waste / Refuse Management Plan for the future use of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.

The Committee adjourned following Item 1 for a five minute comfort break at 4.10pm

**#(Item 2) Planning Application.2015/2223 - Land off Fabian Way, Swansea**

A visual presentation was provided.

Dave Gill (agent) & Mrs Linda Summons (objector) addressed the Committee.

Councillors J A Hale and C E Lloyd (Local Members) addressed the Committee and spoke against the application.

**APPROVED** subject to the Section 106 Agreement outlined in the report and the following additional/amended conditions as follows:

Condition 3

The A3 units shall not be used before 06:30 nor after 23:00hrs Monday to Saturday and Sunday 09:00 and 22:00hrs. The approved tyre centre shall not be used before 08:30 nor after 18:00hrs Monday to Friday, 08:30 to 13:00 on Saturdays and shall not be open on Sundays or Bank Holidays.

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

Condition 16

Notwithstanding the submitted details a scheme of sound proofing for the proposed auto tyre centre building shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved details and the sound proofing measures shall be provided prior to first beneficial use of the auto tyre centre and retained thereafter to serve the development.

Reason: In order to prevent noise pollution and protect the amenities of the residents of Bevans Row.

**#(Item 3) Planning Application.2015/1938 - Former Wings/RAFA Club & Uplands Nursing Home (Llwynhelyg and Cilwendeg Houses), Ffynone Road, Uplands, Swansea**

A visual presentation was provided.

Report updated as follows:

5<sup>th</sup> June 2016 – Letter received from third party confirming looks forward to something being done, however, concerns about the traffic and parking in the area

Councillors N J Davies (Local Member) addressed the Committee and spoke in support of the application.

**#(Item 4) Planning Application.2016/0086 - Land at Cefn Betingau Farm, Morriston, Swansea**

A visual presentation was provided.

**#(Item 5) Planning Application.2016/0177 - Hendrefoilan Student Village Hendrefoilan Drive Killay Swansea**

A visual presentation was provided.

Tim Gent (agent) addressed the Committee.

**APPROVED** subject to the following amended condition as follows:

**Condition 5**

Notwithstanding the details in the application, the precise disposition and pattern of the external finishes to be used on the house types within the first phase of the development shall be agreed in writing by the Local Planning Authority prior to the commencement of any superstructure works. Composite sample panels 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.

**#(Item 6) Planning Application.2016/0692 - Plot D7, Langdon Road, Swansea**

A visual presentation was provided.

**APPROVED** subject to the Section 106 Agreement outlined in the report.

The meeting ended at 5.38 pm

**CHAIR**

# Agenda Item 5

## Report of the Head of Legal and Democratic Services

### Planning Committee – 5 July 2016

#### APPLICATION TO REGISTER LAND AT TIRMYNYDD ROAD, THREE CROSSES, SWANSEA AS A TOWN OR VILLAGE GREEN

<b>Purpose:</b>	To inform the Committee of the proposal to hold a non-statutory inquiry.
<b>Policy Framework:</b>	None
<b>Statutory Tests:</b>	Section 15 Commons Act 2006
<b>Report Author:</b>	Sandie Richards
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Tracey Meredith
<b>Access to Services Officer:</b>	Phil Couch

#### FOR INFORMATION

#### 1.0 Introduction

- 1.1 The Council has received an application made by the Three Crosses Community Council. The application seeks to register land at Tirmynydd Road, Three Crosses, Swansea as a Town or Village Green. A plan of the land in question appears at Appendix 1.

#### 2.0 History of the Application

- 2.1 The land in question is in the ownership of the Somerset Trust and is already registered as common land. There have been a number of objections to the application, one from Geraint John Planning Limited, on behalf of both the Somerset Trust and Edenstone Homes Limited and a separate one on behalf of the Gower Commoners' Association.
- 2.2 The Head of Legal and Democratic Services has used the delegated authority granted by this Committee on 15<sup>th</sup> February 2012 to instruct Counsel to act as Inspector to advise on the application and the appropriate procedure to be adopted in determine the application.
- 2.3 The Inspector has advised that there are issues of fact and law in dispute and that it would be appropriate to hold a non-statutory inquiry. The holding of

such an inquiry would ensure that evidence from both the Applicant and the Objectors can be heard and tested and the issues examined and argued over.

- 2.4 Once the inquiry has taken place the Inspector will issue a report with recommendations for this Committee to consider and make a decision upon.

### **3.0 Equality and Engagement Implications**

- 3.1 There are no Equality and Engagement implications to this report.

### **4.0 Legal Implications**

- 4.1 The Council in its role as Commons Registration Authority has a statutory duty pursuant to Section 15 of the Commons Act 2006 and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (Wales) Regulations 2007 to determine applications for land to be registered as a town or village green.
- 4.2 The effect of registration of land as a town or village green is that it is protected from development for ever and preserved for use by local people.
- 4.3 The application must be considered purely on the merits of the case by applying the relevant law and in accordance with the principles of natural justice. An inquiry will ensure that evidence in dispute can be tested.

### **5.0 Financial Implications**

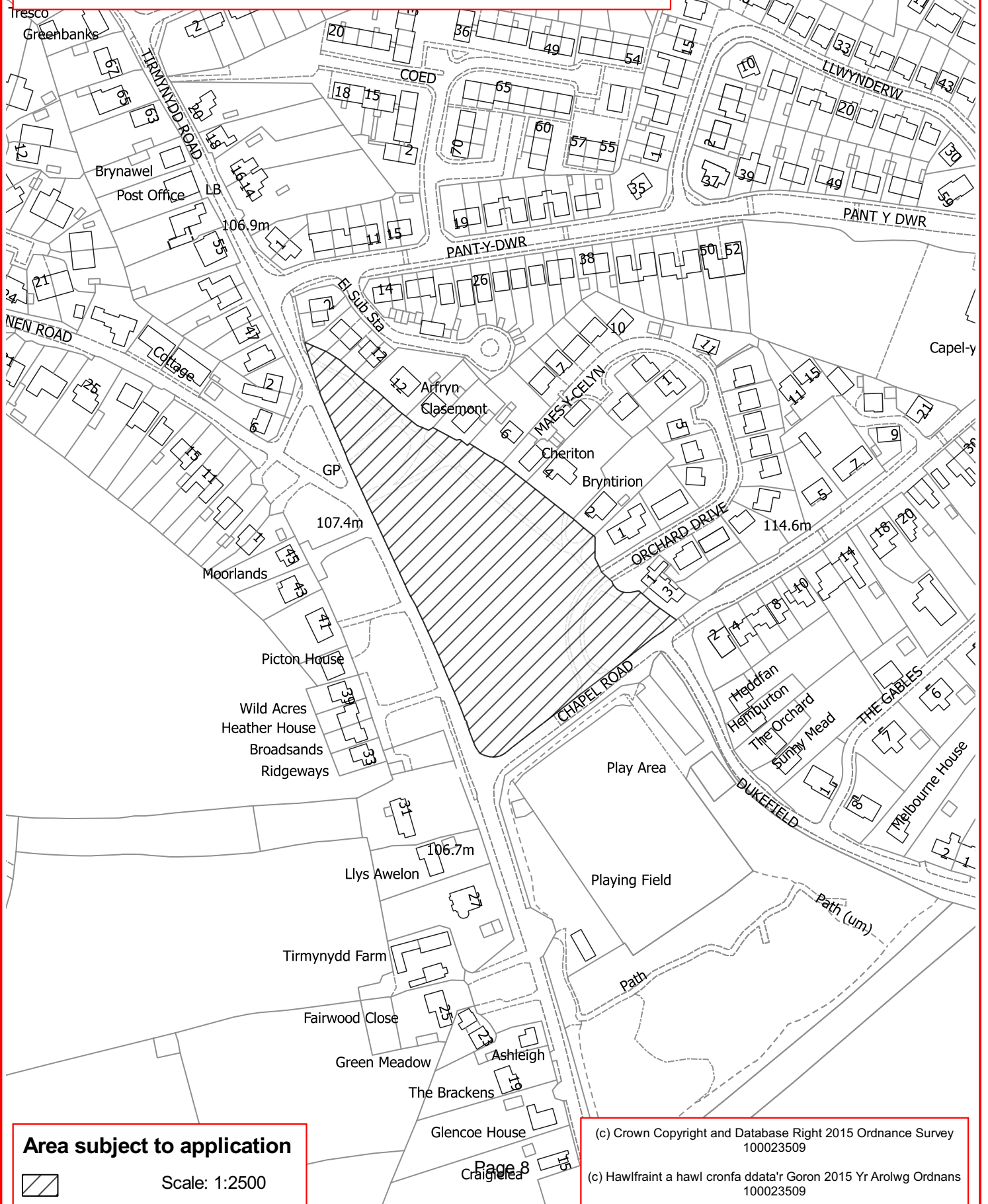
- 5.1 There is no specific budget identified for the expenditure incurred for the determination of applications. Expenditure will be incurred from existing budget provisions.

**Background papers:** Application file.

**Appendices:** Appendix 1: Plan of the application site



**CITY AND COUNTY OF SWANSEA**  
**Application for Registration of Town or Village Green**  
**Section 15 Commons Act 2006**  
**Land at Three Crosses, Swansea**  
**Application No. 2733(S)**



**Area subject to application**  
 Scale: 1:2500

(c) Crown Copyright and Database Right 2015 Ordnance Survey 100023509  
(c) Hawlfraint a hawl cronfa ddata'r Goron 2015 Yr Arolwg Ordnans 100023509

CITY AND COUNTY OF SWANSEA  
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration & Planning  
to Chair and Members of Planning Committee

DATE: 5<sup>TH</sup> JULY 2016

<b>Bay Area</b> Team Leader Liam Jones - 635735	<b>Area 1</b> Team Leader: Ian Davies - 635714	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of 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 77 and 78 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2016/0517	Block A St David's New Cut Road, Swansea SA1 2DN <b>Retention of temporary refuse store for the duration of Phase 2 construction works at St David's Student Accommodation New Cut Road Swansea</b>	APPROVE
2	2005/2644	Land off Fairwood Terrace, Gowerton, Swansea <b>Residential development comprising of 9 no. detached dwellings with garages</b>	APPROVE
3	2016/0921	Plot PD, PL and PN, Land south of Fabian Way and East of River Tawe Swansea <b>Construction of new Library and Faculty of Architecture, Computing and Engineering (FACE) &amp; Technology Building for UWTSD including associated access works, landscaping and supporting infrastructure - Phase 1 Swansea Waterfront Innovation Quarter (Details of access, appearance, landscaping, scale and layout pursuant to conditions 06, 08, 09, 15, 18, 19 &amp; 21 of planning permission 2015/1584 approved 13th May 2016)</b>	APPROVE

**PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016**

ITEM 1

APPLICATION NO.

2016/0517

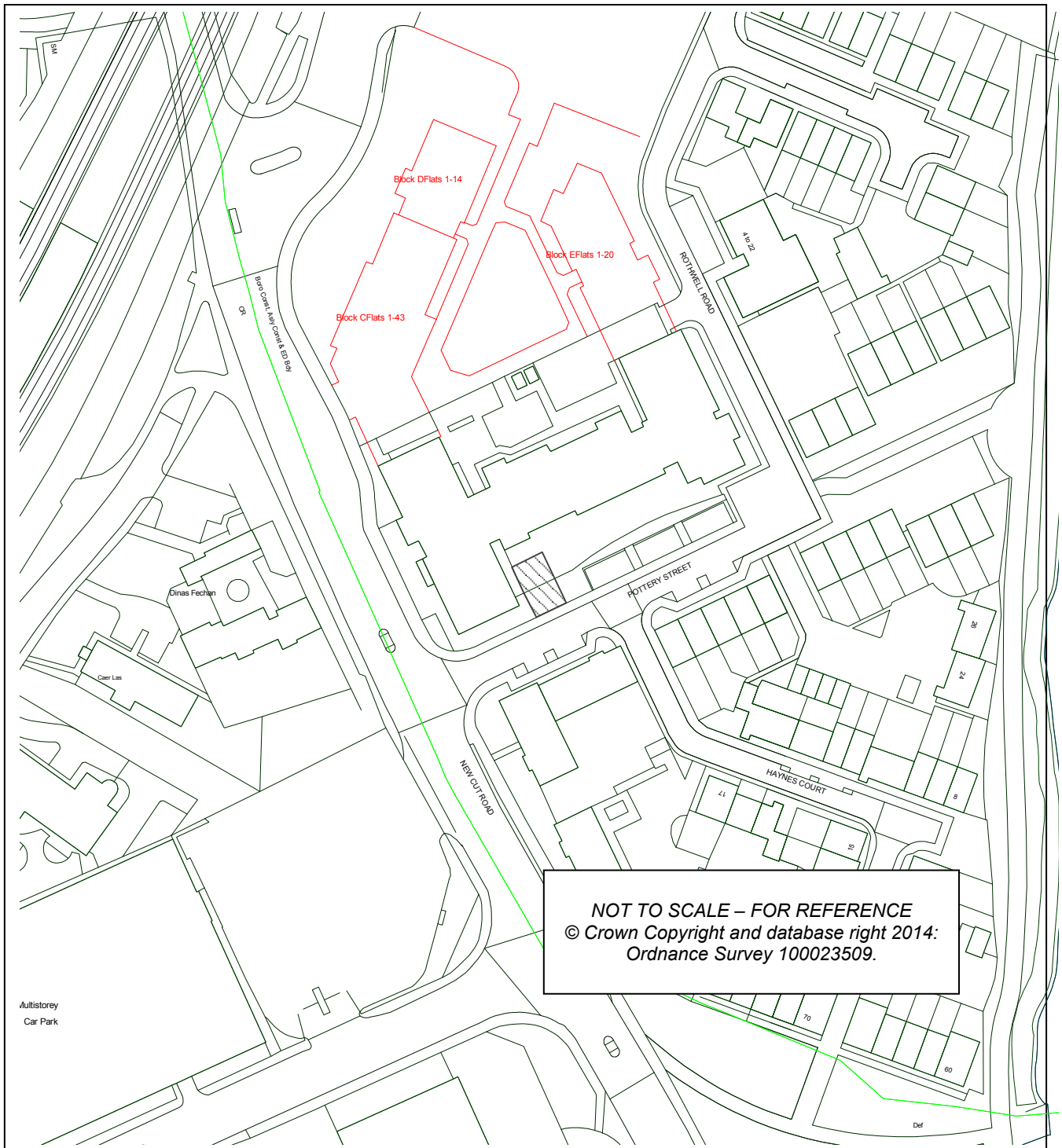
WARD:

Landore

**Location:** Block A St David's New Cut Road, Swansea SA1 2DN

**Proposal:** Retention of temporary refuse store for the duration of Phase 2 construction works at St David's Student Accommodation New Cut Road Swansea

**Applicant:** Watkin Jones Group



## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/0517

### **BACKGROUND INFORMATION**

#### **RELEVANT PLANNING POLICIES**

##### **National Planning Guidance**

Planning Policy Wales (PPW – Edition 8 (Jan, 2016)

Technical Advice Note 12 – Design

##### **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 Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access.

Policy EV4 New development will be assessed against its impact on the public realm.

Policy R16 Proposals for major new developments will be required to incorporate adequate and effective waste management facilities

##### **Supplementary Planning Guidance:**

River Tawe Corridor Study

Places to Live: Residential Design 2014

#### **RELEVANT PLANNING HISTORY**

2007/2829 Mixed use development comprising 967 student accommodation units within 1 no. part 6 storey, part 7 storey, part 8 storey part 10 storey block, incorporating ground floor retail unit (Class A1), and 1 no. part single storey part 6 storey block plus up to 349 residential units, freestanding café/restaurant (Class A3), bicycle storage, car parking, riverside walkway, reconfigured public open space, landscaping, highways and infrastructure works (outline).

2008/1990 Details of landscaping for proposed student accommodation (reserved matters approval pursuant to outline planning application ref: 2007/2829) (resolved to grant planning permission 19th August 2008)  
Decision: Grant Permission Conditional  
Decision Date: 21/05/2009

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 1 (CONT'D)	APPLICATION NO.	2016/0517
2013/1016	Revised ground floor layout to phase 1 Student Accommodation incorporating management suite/common room, refuse store, plant room and retail area; and external layout comprising additional vehicular access via residential estate road together with 5 space car park and revised cycle provision, substation relocation and landscaping (reserved matters approval pursuant to the outline planning permission 2007/2829 granted on 19th December 2008)	
2015/1293	Revised layout to phase 2 Student Accommodation (340 bedrooms) including 'handing' Block D and incorporating re-arrangement of management suite / plant room and external layout of courtyard comprising landscaping, circulation and site access, car parking and cycle provision, refuse stores and sub-station (reserved matters approval pursuant to the outline planning permission 2007/2829 granted on 19th December 2008) Planning Permission August, 2015	

### RESPONSE TO CONSULTATIONS

#### PETITION OF OBJECTION

The application was advertised on site and in the local press. A PETITION OF OBJECTION containing 34 signatures and 4 LETTERS OF OBJECTION have been received making the following points:

1. Pottery Street is a small residential street and the refuse store is directly opposite.
2. Risk to health and wellbeing should be taken into account as we have already seen rats.
3. Since the bin area was built, there have been problems with fly tipping, smells, students dumping rubbish anywhere and ripped bins littering the area.
4. The refuse store has been constructed without planning permission.
5. The refuse store was constructed in October, 2015 without any neighbour consultation.
6. The design of the store is inadequate and sub-standard.
7. For the first few months, the store had no form of overhead enclosure and following resident's complaints against seagulls a light mesh was installed.
8. The store is over-filled exposing rubbish to seagulls and vermin.
9. The wind blows lids open creating loud and repetitive banging noises.
10. Gates allow wind-blown rubbish.
11. Without a proper enclosure the neighbouring properties have clear views into the mess within the store.
12. Location of the refuse store ruins the visual aspect at the entrance to the development.
13. Mismanagement of the refuse store with bins are not emptied frequently resulting in bins overflowing and the external gates are usually not locked.
14. Location of bin store has been built across a fire assembly area.
15. Provision should have been made for waste collection within phase 1 / 2 / 3 area accessed from New Cut Road.
16. Retrospective consent should be refused even for the temporary period the application seeks.

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 1 (CONT'D)

APPLICATION NO.

2016/0517

17. If consent is granted, conditions should be enforced:
- i) Refuse store should be removed no later than 1 August, 2017.
  - ii) Full site restoration following removal.
  - iii) Store should be a higher standard with raised wall height, proper roof structure, moving external gates to face New Cut Road, and solid / self-closing external gates.
  - iv) Management of store with regard to frequent emptying of bins, removal of rubbish on the ground, locking external gates and prevention of wind-blown rubbish.

**Pollution Control** - no comments or observations to make.

**Highway Observations** – no observations

### APPRAISAL

The application seeks temporary permission for the existing refuse store whilst construction works are being undertaken on the Phase 2 St David's Student Accommodation at New Cut Road. It is anticipated that the refuse store will be required until July, 2017 when the Phase 2 works will be completed in readiness for occupation in September, 2017.

### Background

Outline Planning Permission was granted on 19 December 2008 following the completion of a Section 106 Agreement for a mixed use development comprising 967 student accommodation units within 1 no. part 6 storey, part 7 storey, part 8 storey part 10 storey block, incorporating ground floor retail unit (Class A1), and 1 no. part single storey part 6 storey block plus up to 349 residential units, freestanding café/restaurant (Class A3), bicycle storage, car parking, riverside walkway, reconfigured public open space, landscaping, highways and infrastructure works (outline (ref:2007/2829).

The phase 1 student accommodation units consisting of Blocks A & B (totalling 382 bedrooms) has been completed. The second phase comprising of 340 bedrooms in Blocks C, D & E is currently under construction and is scheduled for completion (July, 2017) before the 2017 student term commences (September). The second phase of the development has involved a re-arrangement of the external layout including the landscaped courtyard, site access, car and cycle parking and refuse store provision, and includes a permanent refuse storage facility to the north-west of the site which will be access from Morfa Road.

The phase 1 development incorporated a refuse store which was accessed by Council refuse vehicles off the bus stop on New Cut Road immediately outside the building. This area has become inaccessible during the construction of the phase 2 works and was closed for safety reasons. The temporary refuse store was therefore constructed to the east of the phase 1 development which allows access for refuse vehicles from Pottery Street via New Cut Road. The location of the temporary refuse store is largely dictated by the proximity to the phase 1 development whilst allowing satisfactory access by the Council's refuse vehicle from the public highway.



ITEM 1 (CONT'D)

APPLICATION NO.

2016/0517

### **Description**

The refuse store measures approx. 11m in length x 7m in width and 2.5 metre in height and is enclosed by close boarded timber fencing and when originally constructed had an external gated access facing onto Pottery Street. This has recently been amended to face onto New Cut Road in order to avoid a direct visible sight line from the neighbouring residents. The store also has an internal access gate to allow students / management to fill the waste bins and has been fitted retrospectively with net meshing to prevent access by seagulls etc. The bins are cleared weekly by the Council's waste disposal vehicles. Fresh Student Living are responsible for the management of the St David's Student Accommodation and are also responsible for the management of the refuse facility with respect to checking the locking of the external highway access gate and prevention of litter being stored outside of the facility.

### **Main Issues**

The main issues to be considered relate to the impacts upon the visual amenity and character of the area, the residential amenities of neighbouring occupants and the impacts upon highway safety. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

UDP Policy R16 requires that proposals for major new developments will be required to incorporate adequate and effective waste management facilities. The construction of the permanent refuse facility to the north-west of the site approved under ref: 2015/1293 would provide for satisfactory highway access from Morfa Road, and will safeguard the residential and visual amenities of the area and accord with policy R16. As indicated the temporary refuse facility is only required until July 2017 (probably before) when the Phase 2 works are scheduled for completion.

The location of the temporary refuse store facility would not be acceptable as a permanent facility having regard to its proximity to the residential properties on Pottery Street and its temporary means of construction which would adversely impact upon the long term visual and residential amenities of the area. However, there is clearly a need to provide a temporary alternative refuse store until the permanent refuse facility is constructed and available for use. As outlined above, the siting of the store is dictated by the requirement to be close to the phase 1 development whilst allowing satisfactory access by the Council's refuse vehicle from the public highway, and in this respect allows satisfactory vehicular access by the council's refuse vehicle.

The submitted representations have highlighted a number of issues over the operation of the store; however, the applicants have sought to address these issues by improving the visual appearance of the structure with additional timber cladding, the relocation of the external access gates, the provision of the overhead bird netting and the improved management of the facility. It is therefore considered that the continued operation of the temporary facility would not adversely affect the residential and visual amenities of the area.

As indicated the temporary facility will only be required until the Phase 2 works are completed and it is therefore recommended that a temporary planning permission be granted until 31 July, 2017.

**PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016**

ITEM 1 (CONT'D)

APPLICATION NO.

2016/0517

**RECOMMENDATION**

**APPROVE, subject to the following conditions:**

- 1 The development shall be carried out in accordance with the following approved plans and documents: [Location Plan 4405\_38\_C1 - received 15 March, 2016 & Temporary Refuse Store Location 4405\_37 Rev C2 - amended plan received 21 March, 2016].

Reason: To define the extent of the permission granted.

- 2 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 only, expiring on 31 July, 2017 when the refuse store structure shall be removed from the site and the land reinstated in accordance with the existing planning permission.

Reason: The refuse store is designed as a temporary structure and is only required for a temporary period until the permanent refuse storage facility is constructed.

**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 & R16).
-

PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 2

APPLICATION NO.

2005/2644

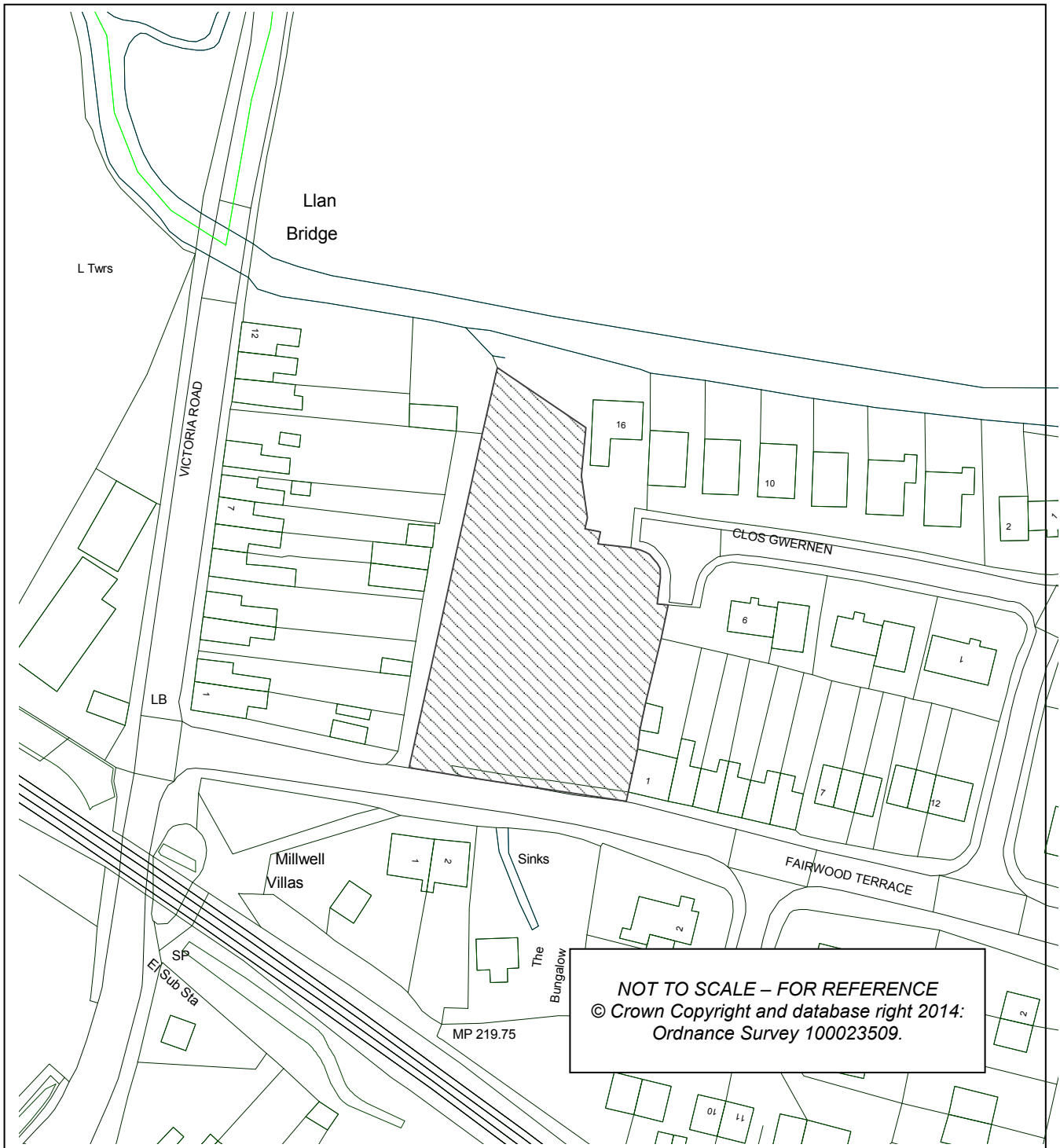
WARD:

Gowerton

**Location:** Land off Fairwood Terrace, Gowerton, Swansea

**Proposal:** Residential development comprising of 9 no. detached dwellings with garages

**Applicant:** Mr D Evans



## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
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. (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, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant 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**

<b>App No.</b>	<b>Proposal</b>
2007/0424	Two detached bungalows with attached garages Decision: Grant Permission Conditional Decision Date: 17/06/2008

## RESPONSE TO PUBLICITY EXERCISE

### Original Scheme

The application was advertised on site and one neighbouring property was consulted. This publicity exercise was carried out in October 2006. ONE LETTER OF OBJECTION was received to the original proposal which is summarised as follows:

- Property deeds confirm that the fences present on site belong to a neighbouring property.
- it is noted that other fences are proposed for plots 6 and 7
- Concern about the proximity of plot 6 to the neighbouring conservatory.

**Gowerton Community Council** – OBJECT due to the following reasons:

The proposed site does not allow sufficient space for amount of houses required.

Only sufficient car parking space for one car per house.

Restricted access for emergency vehicles.

### Amended Scheme

The application was advertised on site and 22 individual letters sent. This publicity exercise was carried out in February 2013. SEVEN LETTERS OF OBJECTION received which can be summarised as follows:

- There is an ownership dispute over the access lane to the west of the application site.
- When the former Fairwood Garage occupied the site they did not have a boundary fence. When the new owners acquired the site a boundary treatment was erected reducing the width of the lane.
- The reduction in the width of the lane will make access to the garages at the rear of Victoria Road very difficult if not impossible, which in turn will affect the insurance of vehicles no longer able to be securely parked.
- Residents of Victoria Road have maintained the lane.
- An adverse possession order and legal advice is being sought.
- No objection to the development of the dwellings, only the narrowing of the lane.
- Patrons of Gowerton Rugby Club often park in this area which causes conflict with existing residents; this will be worsened by the loss of parking currently afforded via the lane.
- The Land Registry have advised that the lane is not owned by anybody
- The proposal will result in overlooking of neighbouring gardens.
- Should the development go ahead, an assurance is sought that the access lane remains unobstructed by any plant machinery, construction vehicles or persons associated with the building works.

**Gowerton Community Council** – OBJECT due to the following reasons:

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

The proposed number of houses within the plot would create an overdeveloped, cramped and out of character development.

There is a lack of access to the development, with insufficient parking for the number of houses proposed.

### Additional Information

Following the receipt of a Flood Consequence Assessment from the application in May 2016, the application was again re-publicised by displaying a site notice and sending letters to 22 individual properties.

TWO LETTERS OF SUPPORT have been received which make the following observations:

- The proposal will remove an existing intrusive use from the site
- The existing garage causes noise and general pollution nuisance
- The existing garage does not fit in with the surrounding residential context.

### **RESPONSE TO CONSULTATION EXERCISE**

**Environment Agency Wales** – initially advised that the application site is identified, as being within Zone B as identified within TAN 15 Development and Flood Risk (July 2004). To meet the requirements of TAN 15 the applicant must submit a site level survey to ordnance datum. This should be supported by relevant cross-sections relating the site to the watercourse, a block layout plan and plan showing all water features within 200m of the application site. Application should be deferred pending the submission of additional information.

**Environment Agency Wales (post receipt of additional information)** – Having reviewed the detailed information supplied, it has become apparent that Plots 6 and 7 are located within the 0.1% flood plain as shown on the Welsh Assembly Governments development advice maps referred to under TAN 15 Development and Flood Risk (July 2004).

In accordance with guidance contained in TAN 15 the Authority is expected to refuse the application or alternatively should the applicant pursue the application, then it is will be necessary to demonstrate via the submission of a Flood Consequence Assessment that the total of the site is outside of the extreme flood outline.

### **Natural Resource Wales (post receipt of Flood Consequence Assessment) -**

We do not object to the above proposal, but wish to make the following comments.

### **Flood Risk**

As your Authority will be aware, the application site lies almost entirely within zone C2, as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004.) A revised Flood Consequences Assessment has been provided by Clarkebond (UK) Ltd, in support of the application.

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

We have also received an updated 1D-2D hydraulic model for the above site. The updated modelling was requested by NRW, due to concerns that the previous 1D modelling indicated the potential for the site to be affected by overland flow, although this was inconclusive, due to the limitations of the original model. The updated modelling gives a fair representation of flood risk at the site and uses surveyed data for the channel with floodplain topography provided by Lidar data. It is also noted that several features within the catchment may limit the actual flow that will reach the site.

The revised model results indicate that the site remains flood free in all events up to and including the 0.1% (1000yr) event. Access and egress will also remain operational under all conditions. Although the site is currently classed as C2 and the development is classed as Highly Vulnerable (which is contrary to TAN 15) the updated modelling indicates the site to be flood free.

Therefore, should your Authority be minded to grant planning permission, we would not have further comments to make in relation to this matter.

### **Memorandum of Understanding (MOU)**

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (which includes the Loughor WFD waterbody). As such, a Memorandum of Understanding (MOU) has been prepared and agreed by all relevant parties to enable development in this area to go forward. Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality. We would recommend that your Authority consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution. We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment. The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal. In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in respect of Phosphorus, the UK has an obligation under the Water Framework Directive (WFD) to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorus is removed to that expected to be produced by this development at the time of completion. This would prevent further deterioration in levels of Phosphorus in the Burry Inlet.

### **Contaminated Land**

We note from the information available that the area within the boundary or at least parts of it can be considered to be a brownfield site. As a result we recommend that your Authority considers the following condition:

Condition: 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.

Reasons: Given the nature of the site it is considered possible that there may be identified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

### **Pollution Prevention & Waste Management**

Given the location of the site and its proximity to the Afon Llan to the north of the site, we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). The biggest risk in relation to pollution occurs during construction. As best practice, we would advise the developer to produce a site specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments. We would also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website: ([www.defra.gov.uk](http://www.defra.gov.uk)). We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

### **Biodiversity**

The Afon Llan is located close to the northern boundary of the site and it is likely that this riverside corridor is utilised by bats and otter. Therefore, we recommend that an appropriate lighting strategy is developed and implemented to ensure that no additional illumination of the watercourse or bankside vegetation occurs as a result of the proposed development. This should be discussed and agreed with your Authority's Planning Ecologist.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your Authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your Authority's Planning Ecologist and/or nature conservation organizations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for section 42 habitats and species ([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)). I hope these comments are of assistance. If you have any queries regarding the above, please feel free to contact the Llandarcy office.



ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

**Head of Transportation and Engineering** – This proposal is for the redevelopment of commercial premises on land off Fairwood Terrace, Gowerton. The development will consist of three dwellings fronting directly onto Fairwood Terrace and a further 5 accessed from a proposed shared private with plot 9 served by the existing carriageway (Clos Gwernen). This aspect of the proposal is acceptable as the shared private drive accords with adopted guidelines.

The junction of Fairwood Terrace with Victoria Road is situated near the railway bridge and after close inspection of the available visibility I can confirm that visibility in both directions along Victoria Road is acceptable for the likely volume of use that would result after the development.

The redevelopment of the commercial premises into 9 residential properties will also remove the present heavy vehicles using the street and likely result in lower overall traffic volume.

In implementing any consent, the developer would need to amend the footway along the site frontage to remove the redundant access to the site and provide new access to the development. It would be necessary therefore for the entire frontage of the site to be provided with a new footway.

I recommend no highway objection subject to a replacement footway being constructed along the entire site frontage in accordance with details to be submitted and approved.

**Ecology Officer** - No objection

**Welsh Water** – No objection

## **APPRAISAL**

This application is reported to Committee for determination at the request of Councillor Susan Jones in order to assess the impact of the proposal upon the area. A Committee site visit has also been requested.

Full planning permission is sought for a residential development comprising 9 detached dwellings and garages on land at Fairwood Terrace, Gowerton. The application site was formerly occupied by a large garage/depot with industrial storage containers sited forward of the building, but has been cleared in recent years and currently lies vacant. The site is currently in a dilapidated condition.

The main issues to be considered are the suitability of the site for residential development, the proposal's impact on the character and appearance of the area, the effect on residential amenity of neighbouring residents and impact on highway safety. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

For the purposes of clarity, Councillors should note that whilst the Southern Lliw Valley Local Plan was in force when the planning application was submitted to the Council in 2005, given that the City & County of Swansea Unitary Development Plan (UDP) now forms the basis of the local policy framework, the application must be assessed against the current LDP.

Policy HC2 of the Swansea Unitary Development Plan presumes in favour of housing development on sites within the urban area subject to compatibility with amenity, design, environmental and highways issues. Policies EV1 and EV2 set objectives of good design for all new development as well as seeking appropriate regard to the physical character and topography of the site and surroundings.

Given the established “non-conforming” land use of the site (as a depot use) it is considered that the proposed residential development represents a more acceptable and appropriate form of land use at this location.

#### Visual Impact

The application site has a frontage of some 43m onto Fairwood Terrace, and an average depth of some 70m. The site is roughly ‘L’ shaped and is bound to the north and east by surrounding neighbouring residential properties along Clos Gwernen and the west by an existing access track that serves the rears of the properties along Victoria Road. The application site lies within the urban settlement of Gowerton. The pattern of development in the immediate vicinity, whilst predominantly linear, also includes more modern informal layouts of a more sporadic ad-hoc form that departs from the prevailing pattern of the older more traditional properties.

The proposal involves the redevelopment of this substantial site for 9 detached dwellings. Plots 1, 2 and 3 will front Fairwood Terrace orientated in a southerly direction while plots 4-8 will be orientated in an easterly direction and will arch around the new proposed internal shared drive. Plot 9 will be sited within the eastern portion of the site, off the turning head of Clos Gwernen, immediately to the rear of plot 3.

All of the dwellings will be two storeys in design and will comprise a combination of three different house types, which whilst not identical, share similar characteristics such as door and fenestration details and external finishes, and as such contribute towards creating a visually harmonious and attractive streetscene whilst safeguarding against the introduction of an unnecessarily regimental frontage. Furthermore, the proposed dwellings are considered to relate well to the immediate surroundings which comprises largely of more recently constructed dwellings in a range of designs and styles.

Overall in term of visual amenity, it is considered that the proposal is an acceptable form of development that whilst having a distinct identity of its own, respects the established pattern of development in the vicinity and is also considered capable of integrating satisfactorily into the surrounding streetscenes and locality in general.

#### Impact of Residential Amenity

The application site originally hosted a substantial structure, which was out of character with the residential context of the area since its demolition some years. The site has a dilapidated appearance and is currently very unkempt. With this in mind the residential redevelopment of the site is considered to introduce substantial betterment in terms of the appearance of the site and will be entirely within the prevailing residential context that surrounds the site.

Nevertheless the density of development and relationship with existing neighbouring properties must be borne in mind. The closest neighbouring property is No. 16 Clos Gwernern to the north-east. This dwelling is single storey in design and as such the design of Plot 8 has been amended such that the eastern side (closest to the neighbouring bungalow) is limited to single storey so as to minimise any excessive physical overbearance on No 16. The required separation distances between the new and surrounding dwellings can be achieved, thus ensuring that overlooking is minimised and the privacy of neighbouring residents protected.

It is however noted that the rear garden depths of Plots 4-7 are on the limits of acceptability or a little under that required for a standard two storey dwelling. However on the basis of the acceptable separation distances and relationship with properties along Victoria Road and the presence of an intervening access lane that provides a further 5m separation between the new dwellings and rear gardens of Victoria Road, it is not considered that the reduced rear garden depths will in this instance give rise to any significant detrimental impact in terms of overlooking or loss of privacy upon neighbouring properties.

Plots 1-3 and 9 are also considered to be acceptable to neighbouring occupiers in terms of overlooking, overbearance and overshadowing.

Notwithstanding the above comments, it is however considered appropriate to remove all permitted development rights normally afforded to detached properties for Plots 4-8 to ensure that an adequate building to plot ratio is maintained, together with ensuring that residential amenities are safeguarded.

Therefore, it is considered that the proposed development will respect the living conditions of existing neighbouring/local occupiers.

#### Highway Considerations

With regard to highway safety matters, each of the 9 houses has two parking spaces in accordance with adopted parking guidelines. The access off Fairwood Terrace together with the internal private shared drive is considered satisfactory. The highway network is also considered to be capable of serving the vehicular movements associated with the proposed development.

Subject to the provision of an adequate replacement footway along the entire site frontage the Head of Transportation and Engineering raises no objection to the proposal on highway safety grounds.

#### Water Quality Issues

For several years there have been major strategic delays in the processing of applications that drain into the Burry Inlet which is part of Carmarthen Bay and Estuaries Marine Site (CBEEMs) Special Area of Conservation due to water quality issues in the Burry Inlet, initially due to a possible link to a significant die back of cockles.

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

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 a 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.

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.

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. 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).

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

Flood Risk Issues

The issue of flood risk has been the main delay in the determination of this information. In summary, following the receipt of the Flood Consequences Assessment in May 2016, NRW have provided the following the following response, which is repeated verbatim. Councillors will note that NRW no longer raise any objection to the proposal.

*“As your Authority will be aware, the application site lies almost entirely within zone C2, as defined by the development advice map referred to under TAN 15 Development and Flood Risk (July 2004.) A revised Flood Consequences Assessment, has been provided by Clarkebond (UK) Ltd, in support of the application. We have also received an updated 1D-2D hydraulic model for the above site. The updated modelling was requested by NRW, due to concerns that the previous 1D modelling indicated the potential for the site to be affected by overland flow, although this was inconclusive, due to the limitations of the original model.*

*The updated modelling gives a fair representation of flood risk at the site and uses surveyed data for the channel with floodplain topography provided by Lidar data. It is also noted that several features within the catchment may limit the actual flow that will reach the site.*

*The revised model results indicate that the site remains flood free in all events up to and including the 0.1% (1000yr) event. Access and egress will also remain operational under all conditions. Although the site is currently classed as C2 and the development is classed as Highly Vulnerable (which is contrary to TAN 15); the updated modelling indicates the site to be flood free.*

*Therefore, should your Authority be minded to grant planning permission, we would not have further comments to make in relation to this matter.*

*Memorandum of Understanding (MOU)*

*As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (which includes the Loughor WFD waterbody).*

*As such, a Memorandum of Understanding (MOU) has been prepared and agreed by all relevant parties to enable development in this area to go forward.*

*Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.*

*We would recommend that your Authority consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.*

*We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.*

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

*The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.*

*In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, in respect of Phosphorus, the UK has an obligation under the Water Framework Directive (WFD) to protect sensitive water bodies from deterioration.*

*We would therefore recommend that a corresponding amount of Phosphorus is removed to that expected to be produced by this development at the time of completion. This would prevent further deterioration in levels of Phosphorus in the Burry Inlet.*

### *Contaminated Land*

*We note from the information available that the area within the boundary, or at least parts of it can be considered to be a brownfield site. As a result we recommend that your Authority considers the following condition:*

*Condition: 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.*

*Reasons: Given the nature 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.*

### *Pollution Prevention & Waste Management*

*Given the location of the site and its proximity to the Afon Llan to the north of the site, we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). The biggest risk in relation to pollution, occurs during construction. As best practice, we would advise the developer to produce a site specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments. We would also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website: ([www.defra.gov.uk](http://www.defra.gov.uk)).*

*We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.*

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

*Biodiversity*

*The Afon Llan is located close to the northern boundary of the site and it is likely that this riverside corridor is utilised by bats and otter. Therefore, we recommend that an appropriate lighting strategy is developed and implemented to ensure that no additional illumination of the watercourse or bankside vegetation occurs as a result of the proposed development. This should be discussed and agreed with your Authority's Planning Ecologist.*

*Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.*

*To comply with your Authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your Authority's Planning Ecologist and/or nature conservation organizations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for section 42 habitats and species ([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)).*

Letters of objection/support

Finally turning to the letters of observation received, which relate principally to the proposed reduction in width of the access lane running along the western periphery of the site. This access lane has always achieved a width of some 7.5m+ however, under the current proposal this will be reduced to 5m in width, which is still considered ample to serve the rear garages to the rear of the Vitoria Road properties.

Several points have been made querying the land ownership and boundary ownership in relation to this lane. The applicant is however satisfied that the extent of land indicated as within his ownership in the submission is accurate. This is in any event a separate matter to be resolved between interested parties and is not material to the consideration of this application. Critically the Head of Transportation and Engineering is satisfied that the proposal will not compromise or prejudice current highway safety standards.

Further points relating to residential amenity are addressed above and the indiscriminate and inconsiderate parking associated with the patrons of the nearby RFC is a matter for the Police.

With regard to the local Community Council objection, which refers to overdevelopment of the site and access and highway safety issues, these matters are addressed in detail above.

The two letters of support are noted and reinforce the recommendation of approval on the basis that the application will result in the removal of a non-conforming intrusive land use within a residential context.

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

### Conclusion

In conclusion therefore and having regard to all of the above it is considered that the proposed residential development of 9 houses at this location is acceptable and would not adversely affect the character and appearance of the area, the amenity of nearby residents and highway safety. The proposal therefore represent an appropriate form of development compatible with Policies EV1, EV2, HC2, EV33, EV34, EV35 and AS6 of the Swansea Unitary Development Plan. Approval is therefore recommended.

### **RECOMMENDATION**

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: C-001 Rev C - Location Plan and Proposed Diversion of Drainage Works, 4.116.04 Rev E - Site Survey and Proposed Site Layout, 04.116.02 Rev E - Plans and Elevations, 04.116.03 Rev C - Plans and Elevations, received 22nd February 2013.  
Reason: To define the extent of the permission granted.
- 3 Details/samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The development shall be carried out in accordance with the approved scheme.  
Reason: In the interests of visual amenity.
- 4 No development shall commence until the applicant/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.



**PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016**

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

- 5 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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B and E of Part 1 of Schedule 2 shall not apply on Plots 4-8.

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.

- 7 The garages indicated in the submitted plans shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 8 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the LPA. 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 Principle Contractor on Local Authority.
- l) A community and stakeholder liaison process.

The contents and recommendations contained within the CPMP shall be implemented and complied with at all times during the construction phase of the development.

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

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 2 (CONT'D)

APPLICATION NO.

2005/2644

- 9 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: Given the nature 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.

- 10 Before Plots 1-3 are brought into beneficial use, the footway fronting Fairwood Terrace illustrated on the drawings hereby approved, shall be fully provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development works commence on site.

Reason: In the interests of pedestrian and highway safety.

### INFORMATIVES

- 1 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
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 2 The Developer must contact the Network Manager City and County of Swansea, Highways Division, Players Industrial Estate, Clydach, Swansea SA6 5BJ. Tel 01792 841601 before carrying out any work in order to arrange the necessary legal agreements.
- 3 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or greywater harvesting from the new buildings, etc.
- 4 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, EV33, EV34, EV35 and HC2 of the Swansea Unitary Development Plan 2008.
-

**PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016**

ITEM 3

APPLICATION NO.

2016/0921

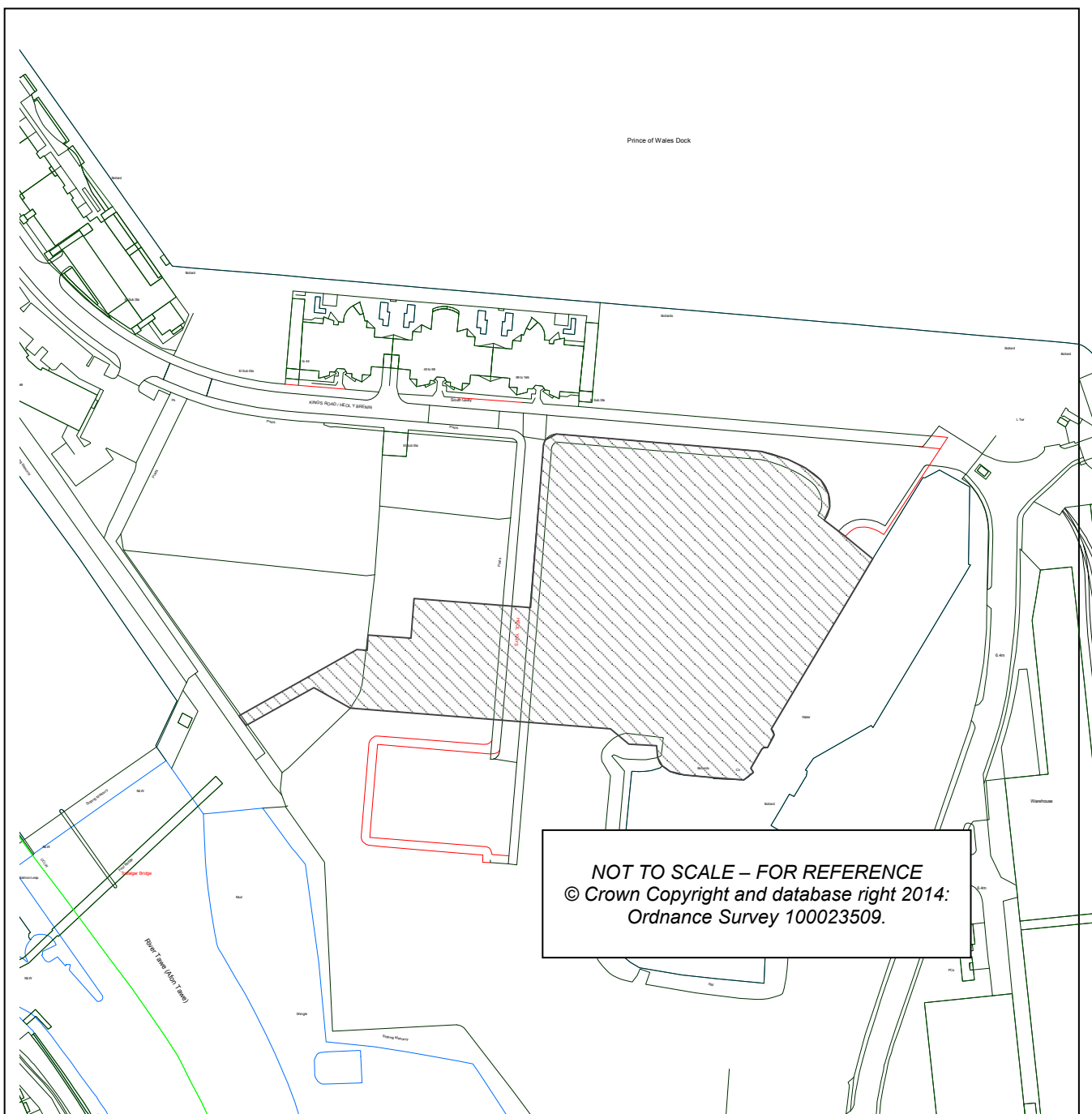
WARD:

St Thomas

**Location:** Plot PD, PL and PN, Land south of Fabian Way and East of River Tawe Swansea

**Proposal:** Construction of new Library and Faculty of Architecture, Computing and Engineering (FACE) & Technology Building for UWTSD including associated access works, landscaping and supporting infrastructure - Phase 1 Swansea Waterfront Innovation Quarter (Details of access, appearance, landscaping, scale and layout pursuant to conditions 06, 08, 09, 15, 18, 19 & 21 of planning permission 2015/1584 approved 13th May 2016)

**Applicant:** University of Wales Trinity St David & Welsh Government



**BACKGROUND INFORMATION**

**RELEVANT PLANNING POLICIES**

**National Planning Guidance**

Planning Policy Wales (PPW – Edition 8 (Jan, 2016)

Technical Advice Note 12 – Design

Technical Advice Note 23 – Economic Development

**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 Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access.

Policy EV4 New development will be assessed against its impact on the public realm.

Policy EV33 Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational.

Policy EV34 Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters.

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.

Policy EV36 Development and Flood Risk

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.

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0921

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 EC1 SA1 Strategic Mixed use Site

Policy EC2 A major redevelopment area identified at SA1 Swansea Waterfront for mixed employment and residential development together with supporting leisure, tourism, community use and ancillary services

Policy EC6 Provision of small-scale local shopping and neighbourhood facilities

Policy EC15 Urban Tourism

Policy EC16 Swansea Bay Recreational and Tourism Facilities

Policy EC18 Serviced Tourist Accommodation

Policy HC1 Land allocated in SA1 Swansea Waterfront for housing

Policy HC3 Affordable Housing

Policy HC11 Higher Education Campus Development

Policy HC17 Planning Obligations

Policy HC18 Leisure Facilities

Policy HC31 Water Based Recreation

Policy AS1 Accessibility - Criteria for assessing location of new development.

Policy AS2 Accessibility - Criteria for assessing design and layout of new development.

Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development.

Policy AS6 Provision of car parking in accordance with adopted standards.

### **Supplementary Planning Guidance:**

- Port Tawe and Swansea Docks - Supplementary Planning Guidance (12th September 2002)
- SA1 Swansea Waterfront Design and Development Framework (August 2004)
- Places to Live: Residential Design Guide (January 2014)
- Fabian Way Innovation Corridor Masterplan Framework: Working Draft (October 2015)

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0921

### RELEVANT PLANNING HISTORY

- 2002/1000 Mixed use development comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), and educational (D1/C3) uses, car parking, associated infrastructure (including new highway access and pedestrian overbridge), hard and soft landscaping  
Planning permission 19 August, 2003 subject to the completion of a Section 106 Agreement
- 2002/0743 Construction of highway infrastructure including cycle ways, footways, drainage and service  
Planning Permission July, 2002
- 2005/1420 Construction of channel and channel feature with holding basin and sea lock linking the Prince of Wales Dock and the River Tawe/Swansea Bay along with associated infrastructure requirements and engineering works  
Planning permission December, 2005
- 2008/0996 Variation of Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), 14 (air quality), 16 (noise and vibration), 20 (waste management and recycling), 21 (ecology and wildlife) and 27 (archaeology) of outline planning permission 2002/1000 granted on 19th August 2003)  
Planning Permission 11 Oct. 2010
- 2015/1584 Application under Section 73 to vary the Outline Permission for the SA1 Waterfront Development to facilitate the implementation of the revised masterplan proposals for the 'Swansea Waterfront Innovation Quarter' - principally varying Conditions 1 (review of phasing programme), 2 (land use masterplan), 3 (review of urban design framework), 5 (development capacity), 7 (scale, nature, distribution and design of Class A3 and commercial leisure uses), and other conditions to the Section 73 application 2008/0996 (granted 11 October. 2010) which previously varied the original outline planning permission 2002/1000 (granted 19 August 2003)  
Planning Permission May, 2016 following the completion of the Section 106 Planning Obligation in respect of:
- \* Each phase of residential development shall incorporate a minimum 10% provision of affordable housing of the total number of residential units.
  - \* A developer contribution of £200,000 towards the provision of at grade pedestrian crossing facility across Fabian Way to be paid prior to the occupation of the Phase 2 Academic proposals.

## PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0921

- \* An agreed developer contribution or alternative mechanism to be approved by the LPA for the future management and maintenance of the Public Realm

### RESPONSE TO CONSULTATIONS

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

**Natural Resources Wales** – We have considered the above application and offer no objection to the discharge of conditions 8, (flood levels, finished floor levels), 18 (construction waste management plan), 19, (construction management plan), which are relevant to us, of planning permission 2016/0921. Please see our comments below:

#### Flood Risk

The proposed development level of 7.2m quoted in the Design & Access Statement is consistent with that previously agreed in the latest version of the Flood Consequence Assessment (FCA) and is therefore acceptable.

#### Environmental Management

We have reviewed the Construction Methodology Plan, titled Kier UWTSD/SA1 – Plot C5 dated 30 March 2016 for this development and we would offer no objection to the discharge of Conditions 18 & 19.

**Dwr Cymru Welsh Water** – All previous drainage conditions still apply

**Drainage Engineer** – All previous drainage conditions still apply

**Pollution Control** – no objections

**Highway Observations** – no observations

### APPRAISAL

#### Background

In order to reflect the ambitions of University of Wales Trinity St David (UWTSD) and their recent land acquisitions in SA1 Swansea Waterfront, a revised development framework with a new SA1 Swansea Waterfront masterplan (in as far as it relates to the UWTSD owned plots) was revised under the Section 73 application which sought to vary the Outline Permission for the SA1 Swansea Waterfront to facilitate the implementation of the revised masterplan proposals relating to the 'Swansea Waterfront Innovation Quarter' (Ref:2015/1584). UWTSD have secured circa. 22 acres of the remaining development land in SA1, and envisages delivering approx. 33,000 m<sup>2</sup> of new university accommodation which reflects the aim to create an Innovation Quarter with the University at its heart. The area of greatest change would be centred on the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter.

The Swansea Waterfront Innovation Quarter will deliver a programme of phased academic and privately funded commercial, residential and leisure (retail / café) uses and construction projects to support the growth aspirations of UWTSD and the proposed Business District.

The proposals seek to not only redress current academic deficiencies but also to meet modest increases in student and staff numbers over the masterplan period. Establishing an 'innovation quarter' at SA1 with the University at its heart will reinforce the identity of the City Region's emerging knowledge and innovation economy by supporting a local knowledge economy along Fabian Way following the opening of the Swansea University Swansea Bay campus, which has the potential to complement the Swansea City Centre regeneration aims and provide employment opportunities and economic benefits for the City Region.

The amended UWTSD masterplan was supported by a Design and Development Framework submitted in two parts: Part 1 being the Planning Design and Access Statement and Part 2 the Design Code. Part 1 is a comprehensive document which sought to address the revised masterplan proposals, the justification for the volume and distribution of floor area across the sites, and the ways in which complimentary uses can bring forward a vibrant city centre expansion in a phased, controlled manner. Part 2 is a Design Code which sets out the principles and parameters making reference to building lines, heights, palette of materials and landscape design aspirations for the public realm and is intended to inform detailed future reserved matters submissions.

The urban design framework provided by the approved Design and Development Framework and Design Code documents, in conjunction with the other conditions of the outline planning permission and development plan policies and adopted SPG, provides an effective and sound base for the determination of future applications and significant comfort that appropriate mechanisms are in place to ensure that the design quality will continue to transform this part of the city.

### **Current Application**

This Reserved Matters application is submitted in respect of the first phase of development by UWTSD for the "Swansea Waterfront Innovation Quarter". The first phase of the development is focussed within the 'Peninsula' area and would deliver the Library and Faculty of Architecture, Computing and Engineering ('FACE') with associated central teaching and faculty space. The Library is intended to form the heart of the SA1 Peninsula and the focus for the academic uses associated with the University. The FACE building will form the eastern face of the 'Trinity Quarter' facing onto the tidal basin. The project will relocate all of the activities of the Faculty from the Mt Pleasant campus and part of the School of Digital Media to SA1.

The proposed FACE and Technology building comprises a four storey block with an adjoining single storey technology block / workshop area and would provide a total of 10,108m<sup>2</sup> of education floorspace. The internal areas will provide clusters of specialised teaching spaces for engineering, automotive and applied computing and architecture and also workshops for computing, architectural studios, engineering and automotive studies. The FACE building will incorporate a shared café / commons and open access on the ground floor of the building.

The three storey Library is proposed to have a floorspace of 2,705m<sup>2</sup> and incorporate a first floor atrium above the western entrance, with the second floor within the roof space. The Library would occupy a central position in the Innovation Quarter and designed as a focal point within the development and is intended for use by UWTSD and the wider community.



Details in respect to Condition 8 (levels), Condition 9 (external finishes), Condition 15 (integration of air quality, noise and vibration mitigation measures and Condition 20 (ecological mitigation measures) are incorporated into the detailed designs and additionally the application is supported by an Environmental Noise Assessment and a Construction Method Statement in respect of Conditions 18, 19 and 21 which require all reserved matters applications to be accompanied by a Construction Site Waste Management Plan (CSWMP), Construction Environmental Management Plan (CEMP), and Construction Traffic Management Plan (CTMP).

### **Compliance with Development Plan Policy**

The principle of development for the range of uses proposed within SA1 was originally established by the outline planning permission reference 2002/1000 referred to above and subsequent full planning applications. UDP Policy EC2 identifies SA1 Swansea Waterfront as a major redevelopment area for mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services. The development of the site should:

- (i) be comprehensive,
- (ii) integrate with the Maritime Quarter,
- (iii) Complement and not compete with the City Centre,
- (iv) Be of a high standard of design,
- (v) embrace principles of sustainable development,
- (vi) provide high quality employment opportunities,
- (vii) increase the range of housing choice,
- (viii) make appropriate provision for a network of pedestrian and cycle routes, and;
- (ix) safeguard the potential canal route corridor.

UDP Policy EC2 does not make a specific reference to education facilities, although the original 2003 permission did incorporate a significant amount of institutional / education floor space (11,920 sq m) which was reduced under the 2010 permission. Notwithstanding this, the policy supports the provision of high quality employment opportunities and the relocation of UWTSO together with the potential development ancillary R & D / office uses would accord with this policy. Moreover, the emerging planning policy within the Fabian Way Innovation Corridor Masterplan Framework focusses on the potential economic benefits provided by the development of Swansea University Swansea Bay campus, the construction of the Swansea Bay Tidal Lagoon and this proposal by UWTSO. The Framework aims to reinforce the identity of the Swansea Bay City Region's emerging knowledge and innovation economy by supporting the development of a local Knowledge Economy Cluster, which will complement the City Centre regeneration aims and provide employment opportunities and economic benefits of the City Region. The acceptability of the creation of the new 'Swansea Waterfront Innovation Quarter' campus is now established.

### **Higher Education Campus Development**

UDP Policy HC11 indicates that that Higher Education campus development will be permitted provided that:

- i) the layout, design, scale, density and use of materials is satisfactory, and reflects designing out crime principles.

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0921

- ii) the intrinsic qualities of the site are recognised and respected,
- iii) the relationship with adjacent buildings and spaces are satisfactory,
- iv) there is an acceptable means of access (including public transport, walking and cycling), and an appropriate level of parking,
- v) landscaping to an appropriate standard is incorporated as an integral element of the development,
- vi) there would be no significant adverse effect on residential and landscape amenity, natural heritage and historic environment, and
- vii) transport assessment and travel plans submitted with the application are satisfactory.

The principle of establishing the higher education campus as part of the SA1 Swansea Waterfront Innovation Quarter are discussed above, and the criteria of Policy HC11 will be satisfied through the adherence of the high quality designs through the Design and Development Framework / Design Code as each phase of development as a Reserved Matters application.

### **Urban Design**

This Reserved Matters ('RM') application represents the first phase of academic development in the 'Peninsular' area. It includes the Faculty of Architecture, Computing and Engineering (known by the University as the 'FACE' building), the new library and learning commons building, plus new areas of public realm including a space called 'Trinity Square'. The RM application is accompanied by a Design and Access statement which explains the proposals and justifies refinements from the approved masterplan/ Design Code.

### Layout

The approved masterplan safeguards the future sea lock access from the Tawe to Prince of Wales Dock as indicated in earlier versions of the masterplan. This link has been partially completed with the tidal basin and former dry dock excavated under ref:2005/1420. The water level in this area fluctuated according to the tide and the edges are protected by high quality stainless steel balustrades. The proposals respond to this area as a key public realm feature but there are no proposals to complete the sea lock work at this stage, which is intended to allow access for leisure craft / boats into the Prince of Wales Dock.

The proposed RM layout is broadly in accordance with the approved UWTSD masterplan:

- The library is sited the masterplan location as a focal point at the heart of the peninsular where it will ultimately be surrounded by public realm.
- The Trinity Gardens space is as proposed in the masterplan as the first phase of academic public realm which is publically accessible.
- The FACE building follows the masterplan with active frontages to the south onto the tidal basin and to the west onto the new peninsular street.

However the FACE building does depart from the masterplan in three areas:

- The masterplan showed a 'service' street running east west splitting the FACE building plot. This has been omitted due to the floor space requirements and is considered acceptable as the east west street was not a key movement route and its omission does not harm the permeability of the site.
- The southern extent of the FACE building footprint is 3m closer to dry dock. Whilst this reduces the public realm area, this area is still wider than the walkways and there is still sufficient space for shared pedestrian and cycle use with a minimum 6m width.
- The masterplan shows a continuous active frontage of the FACE plot facing east to the dry dock which is the future sea lock access to the Prince of Wales Dock. This has been discussed at length with UWTSO and their design team because the risk is that this area is treated as the rear of the University whilst it is a key public frontage and the dockside walkway will be well used for walking and cycling. To address this issue the FACE building does provide active frontage to the southern end of the walkway and the site plan indicates the footprint of a possible future northern extension to complete the active frontage in this area in accordance with the masterplan. With regard to the current proposals, the northern part of the dry dock walkway will be enlivened by a high quality boundary with brick pillars and railing infill that reflect the rhythm of the colonnade, plus glimpsed views into the engineering service yard.

The layout also includes an interim pedestrian/ cycle link to Trafalgar Bridge over the River Tawe which is essential for student access and public access to the wider SA1 district. The existing temporary surface car parking is retained as is the existing public walkway around the perimeter of the peninsular area. Details of the temporary boundaries between finished public realm and temporary areas will be required and this can be controlled by appropriately worded planning conditions.

#### Built form/ Architecture

The general vision for the new buildings as set out in the approved masterplan/ design code is *'elegant industrial buildings that have been sympathetically modernised, reclaimed and reshaped'*. The stated requirement is to *'find resonance with the industrial heritage of the site'*.

The Library responds to the Design Code requirement by reflecting the typical long and low pitched roof dockside/ industrial buildings such as J Shed in a contemporary manner. It has a strong repeating rhythm that is resonant of traditional industrial buildings which is emphasised by robust red brick pillars with infill cladding panels giving a contemporary feel. The west elevation facing the River Tawe will be widely visible by virtue of future public realm and this building will become a focal point at the heart of the emerging academic district within SA1. This building is a 'pavilion' set within an area of public realm and public elevations on all sides. The ground floor plan has entrances at the east and west gabled ends, whilst the north and south elevations are active frontages through the internal rooms that provide activity and natural surveillance. At three storeys, the scale of the Library is greater than the two storey building indicated within the Masterplan.

However, within the vicinity of the building, the Masterplan illustrates three, four and five storey buildings and therefore the increase in height of the building provides greater presence within the overall context and the design and architectural reference are justified in the design and access statement. Having regard to the overall scale of the existing and proposed developments, the increase in scale is considered appropriate in visual terms and would accord with the Design Code in terms of the contemporary reference to industrial buildings and as a focal building sets a benchmark for the quality of further development.

The FACE building also responds to the Design Code by making reference to multi storey warehouses and ancillary industrial buildings in a contemporary manner. Again robust red brick is a key material for the warehouse type building with flat roof and parapets plus large areas of glazing spanning the floor plates giving a contemporary feel. The active frontage at ground floor is emphasised by large ground floor windows and a colonnade to the south and east elevations with the glazed ground floor frontages set back from the main building line. The main entrance is located in the west elevation facing Trinity Gardens and the new library and is emphasised by stair tower to the side and large scale vertical signage. The southern part of the ground floor includes a café and 'learning commons area' with bi-fold doors facing the tidal basin and dry dock. It will be essential to ensure that all glazed frontages are kept clear to maximise natural surveillance of the public realm and to allow interesting views into the spaces, therefore a condition is needed to restrict the future use of window vinyls. The masterplan indicates this building to be four storeys and the RM proposals accord with this requirement.

The 'Tech' aspect adjoining the FACE building which includes the automotive courses is accommodated within a linked series of single storey industrial structures clad in corrugated sheeting and coloured doors. The masterplan requires active frontage onto Kings Road to the north and this is achieved through the orientation of the auto bays with large scale entrances and a with a taller single storey brick building to form a feature on the future street that will open up the peninsular area.

### Public Realm

The RM includes a 6m public walkway alongside the dry dock. This includes a clear 3m shared zone for pedestrians and cyclists, plus an area for planting and street furniture. The area to be kept free for movement needs to be clarified in the plan and whilst the red line runs up to the dock edge, this walkway area has split ownership between UWTSD and Welsh Government but needs to be treated holistically and a unified area of public realm. Therefore a condition is needed to ensure that the public realm is treated holistically and all works are completed prior to beneficial occupation.

The proposed public realm materials draw on the established SA1 palette which is imported granite paving and adds to this with feature natural stone paving bands plus street furniture that highlights the peninsular as a distinct area within the wider SA1 district. The existing stainless steel dockside railings are retained. Within the secondary areas of the peninsular, the proposal is for high quality concrete paving in colours that complement the existing natural stone paving of SA1. The use of high quality concrete paving is considered acceptable as the quality of the public realm is as much about the activities within the buildings/ spaces as the materials and the presence of the UWTSD in the area will bring a significantly increased level of vibrancy. The exact detail of the concrete paving can be controlled through a composite sample on site.

The proposals for Trinity Gardens follow the concept set out in the masterplan with hard paved edges, tree planting and central areas grass for informal relaxation and events. An area of shared space is shown within Trinity Gardens to provide controlled access to a car parking area and this will require appropriate demarcation for vulnerable pedestrians which can be controlled by the landscape condition.

### **Car Parking**

SA1 Swansea Waterfront currently has a number of temporary pay and display car parks available for use, including part of the application site, and these are generally intended for future development. There is an extant planning permission for a multi-storey car park on Plot A9 but has yet to be delivered, and UWTSD as part of their Masterplan are planning to construct two multi-storey car parks as part of their phased development. The Section 73 20015/1584 permission is subject to a planning condition requiring a car parking strategy to be implemented to ensure that adequate car parking facilities are provided as part of the proposed development programme to serve the academic proposals in addition to the other commercial/office/retail uses in the wider SA1 Area.

The submitted DAS indicates a maximum car parking requirement for 242 spaces for students and staff. There are currently around 400 spaces in the existing temporary surface car park (ref:2013/0289). The construction of the Library building will result in the loss of space within this area but an additional 50 space temporary car park as being granted planning permission on Plot B5/C4 (Ref:2015/2236). It is indicated that the University intends to demarcate 150-200 spaces on the existing surface level car park for its own use to be managed by the University and an appropriately worded condition is attached to control the detailed layout of this facility.

### **Flood Risk / Levels**

NRW have confirmed that part of the site is located within zone C2, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July, 2004), and that part of the site to be at risk of flooding in the 1% flood event. The Flood Consequences Assessment (FCA) submitted with ref: 2015/1584 indicates that new extreme water level estimates have now produced. The extreme flood level for T1000 year period has been assessed as 6.83m AOD, and indicates that this should form the minimum recommended floor level for the development. The FCA indicates that any areas in the proposed development with floor levels below 6.83 would need to be raised above this level. However, the FCA states that in line with NRW guidance, the finished floor level for commercial development would need to be set at a minimum 7.13m AOD and for residential development the finished floor level would need to be set at a minimum of 7.50m AOD in order to satisfy TAN 15 guidelines. The proposed development level of 7.20m AOD would be consistent with the agreed flood risk level in the latest version of the FCA and in that respect would accord with Condition 8 to ref: 2015/1584.

**Conclusion**

Planning policy supports the regeneration of the SA1 area and the development proposals to create the Swansea Waterfront Innovation Quarter are consistent with adopted Unitary Development Plan policies, emerging Local Development Plan policies and are aligned with the aspirations of the City and County of Swansea as relayed in the January 2015 City Centre Strategic Framework Review. Additionally, the proposals align with the emerging planning policy aspirations of the Fabian Way Innovation Corridor SPG.

The Reserved Matters for the first phase of the development at the Swansea Waterfront Innovation Quarter will help to facilitate the creation of the University at the heart of a mixed use commercial area of the SA1 Swansea Waterfront as a complementary area of the City Centre and the first phase of the development will comply with the Development Plan Policy for SA1 Swansea Waterfront. In urban design terms the proposal would accord with the masterplan framework set out within this Design and Development Framework Part 1: Planning Design and Access Statement, accompanied by its Part 2 counterpart: the Design Code under ref:2015/1584, which seek to inform the opportunities presented by individual UWTSD plot developments to deliver and facilitating a vibrant, economically and environmentally sustainable and attractive mixed use development which will be instrumental in shaping the future prosperity of the University and the wider Swansea Bay City Region.

In conclusion there are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended subject to a range of conditions to control the nature and form of development.

**RECOMMENDATION**

**APPROVE, subject to the following conditions:**

1 The development shall be carried out in accordance with the following approved plans and documents: (18002 PL02 Site Location Plan; 18003 PL02 Phase 1 Site Plan; 18004 - PL02 Phase 1 Site Plan; 02001 PL03 Proposed Floor Plans - Library; 03001 PL02 - Proposed Elevations; 0400 PL03 - Section A-A; 04002 PL03 Section B-B; 02002 PL03 - Ground Floor Plan - FACE and Tech; 02003 PL03 - First Floor Plan; 02004 PL03 Second Floor Plan; 02005 Third Floor Plan; 02006 PL03 - Roof Plan; 31001 PL03 - Building Levels FACE; 20001 PL03 Proposed Elevations; 20002 PL03 - Proposed Elevations; 30001 PL03 - Sections; LL(90) 90001 Rev E GA Landscape Plan; CG1000 P0 - Drainage, WA0155-X00-00-001 Rev P1 - External Services - plans received 9 May, 2016)

Reason: To define the extent of the permission granted.

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

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

**PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0921

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

Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).

- 4 Notwithstanding the details indicated in the application, samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels 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. Development shall thereafter take place in accordance with the approved details.

Reason: In the interests of visual amenity.

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

- Typical window unit within its opening;
- Typical external door within its opening;
- Ventilation louvres;
- Interfaces between materials;
- Integration of PV solar panels on roofs;
- Vehicular and pedestrian access gates and perimeter enclosure to FACE;
- Glazed roof lantern to FACE;
- PPC sliding screens & roller shutter doors to FACE;
- Roof edges/ parapets & cornices;
- Colonnade design to FACE;

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

Reason: In the interests of visual amenity.

- 6 Visual transparency shall be retained into the ground floor glazed frontages of the Faculty of Architecture, Computing and Engineering and Tech Building in accordance with details to be submitted to and approved by the Local Planning Authority prior to beneficial occupation.

Reason: In order to provide for active frontages through visual transparency.

**PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0921

- 7 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisement) Regulations, no advertisement shall be displayed on any external face of the building without the express consent of the Local Planning Authority.  
Reason: To ensure a consistent advertisement approach is adopted for the development which respects the architectural form of the buildings and which does not detract from the visual amenity of the area.
- 8 Notwithstanding the details shown on any approved plan, no superstructure works shall commence until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of all external surfaces, levels, street furniture and lighting columns and 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 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.
- 9 The walkway / public realm area along the edge of the dry dock / tidal basin within the application site boundary must incorporate a minimum width of 6 metres and must be completed prior to beneficial use of the Faculty of Architecture, Computing and Engineering and Tech Building.  
Reason: In order to facilitate public access around the site perimeter.
- 10 Notwithstanding the details indicated on any of the approved plans, the precise design and use of materials of the cycle storage and refuse storage shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of the visual amenities of the area.
- 11 The creation of any demarcated car parking facilities for use by UWTSD shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The car parking shall be laid in accordance with the approved scheme.  
Reason: In order to define the extent of UWTSD's controlled car parking and to ensure that adequate car parking facilities are provided.
- 12 The installation of any temporary means of enclosure / hoarding around the site perimeter / car parking area shall be erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity.



**PLANNING COMMITTEE – 5<sup>TH</sup> JULY 2016**

ITEM 3 (CONT'D)

APPLICATION NO.

2016/0921

**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, EV33, EV34, EV35, EV36, EV38, EV40, EC1, EC2, EC6, EC15, EC16, EC18, HC1, HC3, HC11, HC17, HC18, HC31, AS1, AS2, AS5 & AS6)
-