

DINAS A SIR ABERTAWE

HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

PWYLLGOR CYNLLUNIO

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mawrth, 1 Tachwedd 2016

Amser: 1.00 pm

Cadeirydd: Cyngorydd Paul Lloyd

Aelodaeth:

Cyngorwyr: P M Black, A C S Colburn, D W Cole, A M Cook, M H Jones,
E T Kirchner, H M Morris, P B Smith, M Thomas, D W W Thomas a/ac T M White

Mae croeso i chi ddefnyddio'r Gymraeg. Os dymunwch ddefnyddio'r Gymraeg, rhowch wybod i ni erbyn canol dydd ar y diwrnod gwaith cyn y cyfarfod.

AGENDA

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.**
www.abertawe.gov.uk/DatgeliadauBuddiannau
- 3 Cofnodion:** **1 - 3**
Cymeradwyo a llofnodi cofnodion y cyfarfodydd blaenorol fel cofnod cywir.
- 4 Eitemau i'w gohirio / tynnu'n ôl.**
- 5 Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** **4 - 189**
- 6 2016/1249 - 26 Heol Pinewood, Uplands, Abertawe - Newid defnydd o breswyl (Dosbarth C3) i HMO ar gyfer 4 person (Dosbarth C4).** **190 - 199**
- 7 Gwarchod Coed ar Safleoedd Datblygu (Hydref 2016).** **200 - 244**
- 8 Strategaeth Adeiladau Uchel Abertawe: Adrodd yn ôl am ymgynghoriadau.** **245 - 250**

Cyfarfod Nesaf: Dydd Mawrth, 6 Rhagfyr 2016 ar 2.00 pm

Huw Evans

Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Mawrth, 25 Hydref 2016

Cyswllt: Gwasanaethau Democrataidd - 636923

Agenda Item 3

CITY AND COUNTY OF SWANSEA

MINUTES OF THE PLANNING COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON TUESDAY,
4 OCTOBER 2016 AT 2.00 PM

PRESENT: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black

A M Cook

H M Morris

Councillor(s)

A C S Colburn

M H Jones

D W W Thomas

Councillor(s)

D W Cole

E T Kirchner

T M White

Apologies for Absence

Councillor(s): P B Smith and M Thomas

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

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

Councillor D W Cole – Minute No.33 - Application to Register Land Known as Parc y Werin, Gorseinon, Swansea as a Town or Village Green - Application No. 2734(S) – Personal – as Local Member.

Councillor D W W Thomas – Minute No.33 - Application to Register Land Known as Parc y Werin, Gorseinon, Swansea as a Town or Village Green - Application No. 2734(S) – Personal – as Deputy Cabinet Member for Education.

31 **MINUTES.**

RESOLVED that the Minutes of the Planning Committee held on 6 September 2016 be approved as a correct record.

32 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

33 **APPLICATION TO REGISTER LAND KNOWN AS PARC Y WERIN, GORSEINON, SWANSEA AS A TOWN OR VILLAGE GREEN - APPLICATION NO. 2734(S).**

Sandie Richards, Principal Lawyer presented a “for information” report on behalf of the Head of Legal & Democratic Services which updated the Committee on the decision of the Inspector to hold a non-statutory inquiry as in his opinion “the dispute between the parties has now become sufficiently complex and unstraightforward that the best way of seeking to resolve it is actually to require both parties to come to a local inquiry”.

She indicated that the inquiry is likely to take place in the New Year.

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

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

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

RESOLVED that:

- (1) The undermentioned planning applications **BE APPROVED** subject to the conditions in the report and/or indicated below:

(#) (Item 1) Planning Application 2016/0662 - The Piazza, Parc Tawe, Swansea

Richard Haynes (agent) spoke in support of the application, and visuals were shown in support of his comments.

Late correspondence from the applicant was reported.

Application approved in accordance with recommendation subject to the following amendments to conditions and the completion of a new Section 106 Unilateral Undertaking/Deed of Variation:

Condition 7:

Units 1, 5A, 5B, 5C, 6A, 6B, 6C, 6D, K1, K2, K3 and K4 hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 Rev U) must not be sub-divided below 700 sq m (gross external area) or further amalgamated above 3,500 sq m (gross external area).

Condition 11

The final design and treatment of the newly exposed western and north western elevations to Plantasia shall be implemented in accordance with the approved details under condition discharge ref:2015/2367. Notwithstanding the details indicated in the approved drawing 9485 E-05 J, the precise design and location of the entrance area to Plantasia shall be submitted to and approved in writing by the Local Planning Authority acting reasonably. The details of the entrance area shall be implemented in accordance with the approved scheme.

Condition 13:

The approved landscaping scheme under condition discharge ref:2015/2513 shall be carried out by the developer (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority) prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4. Any trees or shrubs planted in accordance with this condition which are removed shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. Any trees or shrubs planted in accordance with this condition which die or 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.

(Item 3) Planning Application 2016/1416 - The Boat Yard, adjacent to Fishmarket Quay, Trawler Road, Maritime Quarter, Swansea

A visual presentation was provided.

2) the undermentioned planning application **BE DEFERRED** under the **two stage voting process** for further officer advice on the issues raised by Members specifically with regard to the reasons for refusal on grounds of noise and disturbance, refuse arrangements, car parking and the encroachment of HMO's.

(#) (Item 2) Planning Application 2016/1249 - 26 Pinewood Road, Uplands, Swansea

Prior to deferral Jayne Keeley (objector) spoke against the application and Councillor J C Bayliss (Local Member) also addressed the Committee and spoke against the application.

Additional late letter of objection reported.

35 **ANNUAL PERFORMANCE REPORT.**

The Head of Economic Regeneration and Planning presented the Annual Performance Report. The report is seen by Welsh government as important mechanism for monitoring Local Planning Authorities performance against a key set of national performance indicators

The report is also a important tool for benchmarking the performance of Local Authorities across Wales. The draft report for 20151- which was a period which saw s significant change in how the Authority dealt with planning applications including a revised committee structure and amended scheme of delegation was detailed at Annex A to the report.

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

The meeting ended at 3.30 pm

CHAIR

Agenda Item 5

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

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

DATE: 1ST NOVEMBER 2016

Bay Area Team Leader Liam Jones - 635735	Area 1 Team Leader: Ian Davies - 635714	Area 2 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 Planning & City Regeneration



TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members. The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, 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	2016/1046	<p>Land At Ta Centre, Park Road, Gorseinon, Swansea, SA4 4 Up</p> <p>Demolition of existing buildings and construction of a residential development for 37 dwellings comprising of 30 x one bedroomed flats, 6 x two bedroomed flats and one detached bungalow with associated access and landscaping works</p>	APPROVE
2	2016/1427	<p>Cwmbwrla School Stepney Street Cwmbwrla Swansea SA5 8BD</p> <p>Demolition of former school building and construction of 49 flats, with associated access and landscaping works</p>	APPROVE
3	2016/1530	<p>Pentrehafod Comprehensive School, Pentre Mawr Road, Swansea, SA1 2NN</p> <p>Demolition/removal of existing demountable classrooms and part of existing building, construction of two storey link extension, two storey extension to north elevation, sprinkler tank building, external alterations, landscaping works, replacement sports area, external lighting, bin store and boundary treatments</p>	APPROVE
4	2016/1320	<p>36 Oldway Centre Orchard Street City Centre Swansea SA1 5AQ</p> <p>Change of use of existing Oldway Centre 13-storey office building (Class B1) and upper floors of High Street block to student accommodation with construction of additional 2 storeys of new student accommodation to High Street block (556 bed spaces in total) with ancillary ground floor communal facilities/services, car/cycle parking & refuse store with external alterations to existing building envelope, and change of use of Unit No's 40, 41/42, 43/44, 45/46, 47 & 48 High Street to form a single unit - Classes A1 (Shops), A2 (Financial & Professional), A3 (Food & Drink), B1 (Business) and D2 (Assembly & Leisure)</p>	APPROVE

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
5	2016/1511	Plot A1, Swansea Waterfront, Swansea Construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm	APPROVE
6	2016/1574	Plots A15 & A16 Land East Of Fabian Way Link SA1 Swansea Waterfront Swansea Creation of temporary surface car park and associated access and engineering works for a period of 5 years	APPROVE
7	2016/1714	8 Alexandra Terrace Brynmill Swansea SA2 0DU Change of use from residential (Class C3) to HMO for up to 6 people (Class C4)	APPROVE
8	2016/1688	57 St Helens Avenue, Swansea, SA1 4NF Change of use from residential dwelling (Class C3) to HMO for 6 people (Class C4), three storey rear extension and removal of front dormer window and replacement with velux type window	
9	2016/1715	14 Mirador Guest House Mirador Crescent Uplands Swansea SA2 0QX Change of use from 7 bedroom guest house (Class C1) to 6 bedroom HMO (Class C4).	APPROVE
10	2016/1604	3 Lewis Street St. Thomas Swansea SA1 8BP Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)	APPROVE

BACKGROUND INFORMATION

POLICIES

UDP - EV2 - Siting

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).

UDP - HC2 - Urban Infill Housing

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)

UDP - EV33 - Sewage Disposal

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)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV35 - Surface Water Run-Off

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)

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO:

2016/1046

UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV34 - Protection of Controlled Waters

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)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1046	Demolition of existing buildings and construction of a residential development for 37 dwellings comprising of 30 x one bedroomed flats, 6 x two bedroomed flats and one detached bungalow with associated access and landscaping works	PDE	
2016/0101	PRE APP SCREENING OPINION Residential development for 37 dwellings	PREINI	02.03.2016
2015/2530	(Pre-application) Residential development for 37 dwellings	PREP OS	27.01.2016

This application is reported to Committee for decision as the development meets the Development Threshold set out in the Council's Constitution.

RESPONSE TO CONSULTATION

The development was advertised on site and the application was also advertised in the Press on the 13th June 2016.

THIRTY LETTERS OF OBJECTION were received and the comments are summarised below:

Traffic and Highways:

- * Additional traffic and roadside parking would cause significant traffic problems and therefore be a safety hazard for motorists and pedestrians;
- * Access off Loughor Common is dangerous as it is near to a blind corner which has seen previous accidents;
- * Insufficient parking for number of units proposed;
- * The two access roads will be used as short cuts by residents of Penrhos, Penmynydd & Loughor Common to & from Park Road – potential for accidents and nuisance to residents in the proposed development;
- * Park Road and Loughor Common are too narrow for cars to pass each other.
- * There has never been access onto Loughor Common from the TA Centre site;
- * Pedestrian access from the proposed development into Loughor Common is unnecessary as this can already be achieved via Tirmynydd to the east and the public footpath to the west off Park Road. Allowing pedestrian access onto Loughor Common may encourage an increase in criminal or anti-social behaviour;
- * The three churches in the Park Road area cause a parking problem and these new houses would exacerbate this;
- * Concerns over how delivery lorries and service vehicles would access the site

Residential Amenity/ Visual Impact:

- * Development is out of keeping with the properties of the area which are mainly privately owned one and two storey dwellings;
- * Proposed buildings would overlook properties of Park Road, Penrhos and Loughor Common leading to loss of privacy and light;
- * High density development out of keeping with the surrounding low density suburban residential owner-occupier homes;
- * Building flats would blemish what is currently an established residential area;
- * The TA Centre caused no nuisance to local residents;

Other issues:

- * The consultation was not robust enough. Residents of Kingsbridge Ward adjacent to the site were not contacted and Loughor Common is the only vehicular access route for our estate;
- * Argyle Gardens has a history of anti-social behaviour and this development could potentially increase this;
- * Development would lead to depreciation in the value of existing homes;
- * Loss of existing mature trees on site;
- * No reference to a control programme for management of Japanese Knotweed;
- * Increase in risk of local flooding due to change in levels and the drainage system will not be able to cope with excess water draining from the proposed development. No reference to mitigation measures being proposed to counter surface water flooding risk.
- * Development will lead to further problems with sewerage system which is already at capacity;
- * Noise and dust created during the construction leading to impact on health and well-being of local residents;
- * Rodent issue in existing building. Its demolition will drive the problem to nearby properties;
- * Risk of contamination of disturbed substances during demolition and construction posing an unhealthy environment and health risks

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO:

2016/1046

Gorseinon Town Council – A large delegation of 50 residents from adjoining the site were allowed to speak prior to discussion. Following a number of resident meetings over the proposal they objected to the proposal on the following grounds which were presented by spokespersons on behalf of residents:

Highway safety, drainage and flooding concerns; intensive form of development; likely problems from tenants; 3 storeys form of development being unacceptable; adverse impact upon adjoining residents and likely congestion from on street parking issues.

Following discussion the Town Council discussed the proposal and resolved to OBJECT on the following grounds:

1. Overdevelopment – The layout proposed too many properties for the size of the site, 3 storey properties were considered inappropriate in this location, and deemed more in keeping for a city centre location.
2. The mix of properties was considered inappropriate for this residential area, and would introduce an unacceptable mix of property types – residents and members preferred a layout comprising retirement bungalows for the elderly on this site.
3. Highways – The layout of the roads within the proposal was considered unacceptable, creating too many new access points onto Loughor Common and Park Road. It was noted Loughor Common led to a dead end. The intensity of the development would result in additional vehicle movements and on street parking, and would worsen the already dangerous junctions at the end of Park Road onto Alexandra Road.
The layout of the development would also lead to rat runs through the site. Park Road is already used by motorists as a short cut to avoid Gorseinon traffic lights, and highway safety concerns were raised. Additional on street parking would lead to congestion and difficulty for emergency vehicles to access the area, as the roads are restricted to single lane at present.
4. Sewerage – The existing system in this area is outdated, and at capacity and cannot accommodate the additional development without upgrading.
5. Flooding – The change in levels and layout of the development would worsen the flooding problems already experienced for residents of properties in Loughor Common adjoining the site. Removal of the trees/hedges on the site would also lead to further flooding issues.
6. Knotweed exists on the site and needs to be surveyed and removed. Specialists have advised on pollution on site.
7. The current TA centre does not create problems or concerns for residents and has been a good neighbour.

The Committee voted to support the opposition of local residents and voted unanimously to oppose the development in its current form for the reasons stated above.

Council's Head of Highways and Transportation:

PROPOSALS

Proposals are for the demolition of existing buildings and construction of a residential development for 37 dwellings comprising of 30 one bed roomed flats, 6 two bed roomed flats and 1 detached bungalow with associated access and landscaping works.

EXISTING FEATURES

The proposed development site is occupied by a former, now disused, TA Centre which lies in an established residential area on a plot of land that intersects between Park Road and Loughor Common, Gorseinon. It comprises a hardstanding and a long hipped roof brick building sited at the centre. The building was formerly used as a garaging area for the TA centre but has been vacant for some time.

The site is in private ownership and is inaccessible to the public. It has direct frontage along Park Road and benefits from 2 gated vehicular access points in the north west and north east corners. Park Road is a long straight road adjoining West Street to the east and Alexandra Road to the north west of the site. A public right of way delineates to the rear of properties fronting Penrhos along the south west corner of the site.

BACKGROUND

In terms of planning history, there have been a number of previous applications pertaining to this site comprising various alterations and erections of offices in relation to the TA Centre.

This application submission follows a formal pre application enquiry (Ref:2015/2530) in which a response from the Local Planning Authority dated 27th January 2016 highlighted that the principle of the development is supported subject to detailed considerations relating to the design of the proposal.

PROPOSED LAYOUT

The site benefits from frontage along Park Road and Loughor Common to the north and the south respectively and the proposal incorporates two 5.5m width internal roadways which intersect on a north to south axis and are bounded by 2m footways and by off street parking spaces either side. A separate access point is provided in the north-west corner which serves as a parking courtyard for residents of a 3 storey block of flats. The vehicular access points are designed with visibility splays in both directions along Park Road and Loughor Common allowing ingress and egress into the site. Vision splays from 2.4m back from the give way line at the junctions provide visibility in excess of 45m in both directions (with the exception of the south west junction with Loughor Common which allows for approximately 40m which is considered acceptable. Footways of 2m width are proposed on Park Road and Loughor Common. The development has been designed to accommodate a pedestrian friendly environment with level footways promoting ease of access for all potential users. In addition, residential and visitor parking is proposed.

In line with design standards, the development is accessible by several modes of transport with links to the wider road network and within close proximity to a number of essential services and facilities including Gorseinon bus station, facilitating a link with both the City Centre and Gowerton railway station approximately 3km to the south east.

PARKING PROVISION

Proposals are for a total of 37 dwellings comprising of 30 one bedroomed flats, 6 two bedroomed flats and 1 detached bungalow indicated as being 4+ bedroom. Proposed parking provision accords with the agreed adopted standards with provision being made for residents, visitors and to include for disabled drivers.

SUSTAINABILITY & ACCESSABILITY

The application site is located in a highly accessible location and lies approximately 0.6km to the south west of Gorseinon District Shopping Centre which has a wide range of shops, food stores, cafes, pubs and restaurants. Several local schools are within walking distance, including Gorseinon Primary, Penyrheol Primary and Comprehensive along with Tre Uchaf Primary and Gower College which are within 1.3km. The site also lies close to and benefits from convenient access to a number of public services including Gorseinon Library, the bus station, Gorseinon Hospital and a number of places of worship.

TRAFFIC GENERATION

There will obviously be an increase in vehicle movements in the vicinity during the morning and evening peak periods. In line with nationally held data, a development such as this could be expected to generate around 22 movements in the peak period which equates to approximately 1 movement every 3 minutes in each peak hour.

CONCLUSION

1. The proposals benefits from suitable access and parking arrangements in accordance with adopted standards. It is unlikely that the development would exacerbate existing highway parking issues on the surrounding network.
2. Extra movements in the peak period generated by the development are not considered to be excessive.
3. Provision of footways on Park Road & Loughor Common where there are currently verges will increase safety for pedestrians.

RECOMMENDATION

1. All internal roads are to be built to Highway Authority specification, details to be submitted and approved by the local planning authority.
2. Footways on Park Road and Loughor Common are to be built to Highway Authority specification and completed prior to occupation. Highway works are subject to an agreement under Section 278 of the Highways Act 1980.
3. Prior to any works commencing on site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

NOTES:

1. During pre-application discussions, the matter of regularising the boundaries with regard to the adopted highway was raised. There is an overlap of the proposals with the adopted highway and possibly some stopping up of the highway will be necessary. Applicants must satisfy themselves with regard to exact site/highway boundaries before carrying out any development works, in order that any necessary highway works licences are obtained, or the requirement to extinguish highway rights are addressed. Notes to this effect must be included on all submitted drawings for approval.

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

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO:

2016/1046

However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group, The City & County of Swansea, Guildhall c/o Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to tel no. 01792 636091.

Council's Drainage Section: We have reviewed the submitted application and based on the submitted reports and site details consider that the development can be appropriately drained and recommend that the following is appended to any permissions given.

Condition 1

No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how 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 and to minimise surface water run-off

Condition 2

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, C, D and E of Schedule 2, part 1 shall not apply.

Reason:

To prevent inappropriate development on site that may affect the onsite watercourse and create or exacerbate any existing flood risk issues.

Informatives

Any works to the culverted watercourse may require the prior written consent of the Lead Local Flood Authority (LLFA) irrespective of any other permissions given, please apply to the City and County of Swansea via the Drainage and Coastal Management function who can be contacted via Application forms can be downloaded from our website at

Council's Planning Ecologist: The buildings on the site have been surveyed for bat roosts, no evidence of bat use of the buildings was found. As a precaution please include standard informatives. The surveyors have suggested some ecological enhancements these are detailed in sections 10.1 to 10.8 of the Ecological Report. A condition requiring the mitigation measures to be installed should be included on the grant of any planning permission.

Council's Education Section – This is a residential development of 37 units which consist of the following:

- * 26 x 2person One bedroomed flats;
- * 10 x 3person Two bedroomed flats;
- * 1 x 5person Three Bedroomed adapted bungalow.

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 1 (CONT'D)

APPLICATION NO:

2016/1046

In view of the nature of accommodation proposed (i.e. flats) I can confirm that there will now be no request made for a Developer's Contribution at this time.

Council's Pollution Control Division – Offer no objection to the proposal but would like to attach the following condition and comments: -

Conditions: -

Land:

* Prior to the beneficial use of the development commencing, the applicant shall submit the 'Supplementary Site Investigation Report' regarding the condition of the land once the existing buildings and hardstanding's have been removed. The site investigation report is to confirm the presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified within the Integral Geotechnique (Wales) Limited report submitted.

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

* If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously 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, a detailed strategy for dealing with said contamination.

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

* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the LPA.

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

Comments: -

INFORMATIVES:

1 Construction Noise

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

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

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

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

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

3 Dust Control:

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

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

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

4 Lighting

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

Council's Japanese Knotweed Officer: The following condition must be placed upon this application.

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

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

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

Natural Resources Wales: We have significant concerns with the proposed development as submitted. However, we consider that these concerns can be overcome, subject to the following conditions being imposed on any planning permission your Authority is minded to grant.

Contaminated Land

We have reviewed the document entitled; 'TA Centre, Gorseinon: Site Investigation Report (Ref: 11682/SI/15/SI)', by Integral Geotechnique, along with the letter (Ref: 11682/PB), dated 10 February 2016, also by Integral Geotechnique.

We concur with recommendations made in the report that further investigation is required to fully characterise the site in order to;

- * Understand all sources on site,
- * to discover whether the stream is culverted and what drains on site connect to it,
- * to undertake adequate risk assessment for controlled waters.

We also note that some soakaway test have been undertaken on site and that there may be areas yet to be uncovered that may prove more suitable.

Owing to current ambiguity of the location of the surface waters on the site, the issues highlighted above, we advise that the following conditions be added to any planning permission that your Authority may be minded to grant:

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

1. A preliminary risk assessment which has identified:

- * all previous uses
- * potential contaminants associated with those uses
- * a conceptual model of the site indicating sources, pathways and receptors
- * potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

Reasons: Natural Resources Wales considers that the controlled waters at this site are sensitive and that contamination is known/strongly suspected at the site due to its previous use.

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

Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition: Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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 size/complexity 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.

Foul Water Disposal and Memorandum of Understanding

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 into the Loughor WFD water body. As such, a Memorandum of Understanding (MOU) has been prepared 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 assume that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. Please note that it is likely we would oppose any alternative proposal for a non-mains drainage system at this location.

We strongly 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.

For larger scale developments such as this, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

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 Loughor WFD water body is understood to be sensitive to nutrient enrichment, notably to Phosphorus – a constituent of sewage-related discharges. Consequently, the UK has an obligation under the Water Framework Directive to protect sensitive water bodies from deterioration.

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system.

We recommend that your Authority's Drainage Engineers are also consulted in relation to the surface water proposals. This is in order to ensure there is no connection of surface water to the main sewerage system.

The applicant should also be encouraged to investigate and implement additional forms of sustainable drainage techniques (SUDS) within the development, for example grey-water recycling, rain-water harvesting, permeable paving, etc. – wherever possible.

Protected Species and Ecology

A bat survey has been submitted in support of the above application entitled; 'Bat Report: The Old TA Centre, Gorseinon, Swansea', dated October 2015, by Richard Watkins. This report states that bats were not using the buildings and trees at the site. We therefore have no further comments to make in relation this matter.

We also note the provision of the document entitled; 'Extended Phase 1 Survey: The Old TA Centre, Gorseinon, Swansea', dated September 2015, by Richard Watkins. Section 6 of this report makes a number of recommendations, which we advise 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. We recommend that you seek further advice from your Authority's Planning Ecologist in relation to these species and habitats.

Pollution Prevention & Waste Management

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. Therefore, given the scale of the proposed development it is vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific Construction Management / Pollution Prevention Plan with particular reference given to the protection of the surrounding land & water environments. Provision of a specific Silt Management Plan, should also be considered.

We would also recommend that a site waste management plan (SWMP) for the project 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).

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.

Dwr Cymru Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

We have considered the impact of the foul flows generated by the proposed development upon the local public sewerage system and concluded that it is unlikely that sufficient capacity exists to accommodate the development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment.

We have been liaising with the developer of the proposed site and can confirm that they have instructed us to undertake a Hydraulic Modelling Assessment of the local public sewerage network. This Assessment will examine the existing network and consider the impact of the introduction of flows from the development upon its performance. Where required and appropriate, the Assessment will then identify solutions and points of communication to ensure that the site can be accommodated within the system.

At present, in the absence of known solutions to accommodate the site we are not be able to provide suitable planning conditions to protect our existing customers and the environment.

The Assessment is due for completion in August 2016 and we would request that appropriate conditions are submitted at this time.

In relation to the requirements under the Memorandum of Understanding, we are also working with the developer to seek a suitable surface water removal scheme and would request that the developer continues to liaise with us to produce an appropriate outcome.

SEWERAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Amended consultation response received 13th September 2016.

SEWERAGE

Conditions:

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

In relation to the requirements under the Memorandum of Understanding, we are continuing to work with the developer to seek a suitable surface water removal scheme and would request that the developer continues to liaise with use to produce an appropriate outcome.

SEWERAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

The Coal Authority: The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with coal that outcropped to the south of the site.

The Coal Authority notes the submitted Site Investigation Report (December 2015, prepared by Integral Geotechnique (Wales) Ltd), which confirms site investigations across the site. The Coal Authority is able to confirm that the relevant permission was obtained from us for the works undertaken (Permit 11664).

In terms of the boreholes that were advanced, whilst a coal seam was intersected, no evidence of voids or broken ground associated with former shallow workings were encountered and the Report confirms that the seam itself is sufficiently thin, insignificant and at such a depth not to be of concern. Accordingly, the site is considered to be safe and stable from a mining viewpoint.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the information prepared by Integral Geotechnique (Wales) Ltd is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

APPRAISAL

Proposal

The proposal would involve the demolition of existing buildings at the TA Centre site and seeks full planning permission for a residential development comprising a mix of 37 no. units with associated access and landscaping works. The site was formerly occupied by the Ministry of Defence, comprising the TA Centre, and has been vacant for some time. The proposal is for 100% affordable housing.

The proposal was the subject of a formal pre-application submission in December 2015 where in the principle of re-developing the site for residential development was confirmed to be acceptable in line with existing development plan policies. The design of the scheme has evolved over time taking into account comments provided by consultees including urban design following pre-application advice.

The 37 residential units will comprise of: 30 x one bedroom flats; 6 x two bedroom flats; 1x four bedroom (adapted bungalow) The units are of varying size and scale tailored to the schedule of accommodation and house type. The two person one bedroom flats are provisioned at ground and first floor level within a two storey building. The three person two bedroom flats comprise of slightly larger floor areas in accordance with DQR standards as does the adapted bungalow. The remaining 8 x two person one bed flats in the south west corner will be incorporated in a detached three storey building.

The proposal has been designed around a simple layout comprising two internal access roads on a north to south axis with a central courtyard and accommodation in the in a block of flats in the west portion of the site which benefits from a dedicated parking courtyard. The site is connected via a vista that links from the eastern boundary, through the central courtyard and onto the internal access roads.

Site & Surrounding Area

The application site has an area of approximately 0.58 hectares. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, as the application site area exceeds 0.5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

The site comprises of a long plot of land which is broadly rectangular in shape. The topography of the site is largely level with a slight incline towards the north boundary. The site is a developed plot comprising a large expanse of hardstanding with a long hipped brickwork building sited in the centre of little architectural merit. The building was formerly used as a garage for the TA Centre but is currently vacant and is in a deteriorating condition. The site intersects between Park Road to the north and Loughor Common to the south, whilst Tirmynydd borders the eastern boundary. The remaining intersecting parcel of land, bounding the western boundary of the site, comprises of Einon House which is open frontage and faces directly onto the associated yard of the TA Centre. The boundaries are formed by a mixture of metal grill and barbed wire fencing with mature hedgerows along the east and north boundaries with areas of brickwork walls and iron gate access points in the north-west and north-east corners of the site.

The site is located in a predominantly residential area defined by a varied build form. The southern boundary of the site is bounded by Loughor Common which is characterised by a mixed street-scene comprising a range of detached, semi-detached and terraced dwellings which are predominately two-storey. Park Road borders the north boundary of the site and is similarly varied in build form comprising a row of two-storey semi-detached dwellings and detached bungalows which are of hipped roof design.

The surrounding dwellings are finished in a variety of materials, including render, pebbledash and stonework facades with clay, concrete or slate roof tiles and a mix of timber and uPVC windows and doors. Given this mixed street scene, this has afforded an opportunity for the proposed development to create its own contemporary identity whilst still remaining sympathetic to the surrounding area in terms of scale and massing.

Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the principle of the development, the design/ visual impact of the proposals, impact on neighbouring amenity, highway safety, ecology, drainage and water quality issues, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Development Plan Policy and Land Uses

National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Planning Policy Wales (PPW) (Jan 2016 8th Edition), the redevelopment of the former school site for housing, would ensure that previously developed land is used in preference to a greenfield site, and seeks to ensure new housing is well designed, meets national standards for the sustainability of new homes, makes a significant contribution to promoting community regeneration to improve the quality of life, and provides a greater choice and variety of homes in sustainable communities.

Unitary Development Plan (UDP)

In terms of the principle of development, the application site lies within the defined urban area and the proposed development is consistent with the surrounding land use context which is predominantly characterised by residential dwellings. The land is not allocated for any designated land use and therefore comprises of a windfall site. The site lies in a central location with easy access to the wider road network and public transport modes. As such the principle of the development is acceptable and is considered to be in compliance with the overriding aims of national planning guidance and the provisions of policies set out in the UDP which are included below.

UDP Policy EV1 requires new developments to display a standard of design and layout sympathetic to the character and amenity of the site, its immediate surroundings and the broader area, which has regard to local amenities in terms of visual impact, loss of light or privacy, shared activity, traffic and parking implications.

Policy EV2 requires the siting of new developments to give preference to the use of previously developed land over Greenfield sites and for them to have regard to the physical character and topography of the site and its surroundings.

Policy EV3 requires proposals for new development to provide access and facilities for all, provide satisfactory parking levels, contribute to a high quality public realm, and are accessible to pedestrians, cyclists and users of public transport.

Policy EV30 seeks to encourage the protection and improved management of woodlands, trees and hedgerows.

Policy EV33, EV34 and EV35 seek to ensure proposals are served by public mains sewer; do not pose a significant risk to the quality and quantity of controlled waters, and with respect to surface water, incorporate sufficient mitigation measures.

Policy AS1, AS2, AS5 and AS6 concern the design, siting and layout of development ensuring that they have regard to sustainable modes of transport in addition to requiring satisfactory parking levels.

Policy HC2 supports housing development within the urban area where the site has been previously developed.

Policy HC3 encourages the inclusion of affordable housing in areas where a demonstrable lack of affordable housing exists and seeks the retention of affordable housing for such use through planning conditions, legal obligations and secure tenancy agreements.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance (2010) which is also relevant to the consideration of this application.

The Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide', which relates to developments of 10 or more houses. The SPG is therefore also a material consideration in this instance.

Site Layout, Character and Appearance

The proposed development has been the subject of pre-application discussions which has fed into the overall proposed design. The proposed development will comprise a mix of house types of contemporary dwelling design, incorporating high quality and robust materials (mix of brickwork and render façade) that are considered sympathetic to the mixed design context of the street-scene.

The proposed flats are provisioned within two-storey buildings which are pitched roof semi-detached properties with side gable ends and projecting front and rear wing gabled extensions. The adapted bungalow is a pitched roof detached property, which corresponds to the neighbouring bungalow adjacent to Tirmynydd. The three-storey block of flats comprises a "T" shaped footprint and predominately pitched roof design.

The development is located in the centre of a large residential area, which means it is essential that new street and footpaths align with existing routes around the site. This has been achieved via the use of short lengths of highway which link with the existing roads around the site. The site is further well connected via a vista that links from the eastern boundary, through the central courtyard and onto the local access roads, with the layout also giving priority to pedestrians, with the use of a pavement perimeter block, and the central courtyard.

The central blocks have been articulated to create a strong road side frontage whilst creating a private and discreet residential courtyard. The taller 3 storey block on the western portion of the site, creates natural surveillance for the courtyard

The development incorporates strong built frontages with buildings facing onto Park Road and Loughor Common and buildings that define focal spaces, in particular the three-storey block of flats in the western portion of the site. The orientation of the dwellings forms a loose rectangular enclosure with a central focal courtyard and ensures that suitable separation distances are achieved between neighbouring properties. The three storey block to the west is set back off the highway and benefits from a spacious setting with outlooks onto areas of greenery to the south and west.

The site will comprise a mix of soft and hard landscaping. Rear garden plots and areas of informal open space will be laid to grass, whilst the internal roadway will be laid in black asphalt boarded by parking spaces demarcated in buff block paving and internal footpaths in concrete slab paving. Parking area forecourts and driveways are delineated by areas of soft landscaping which helps to soften and break up areas of parking. The proposal will incorporate a planting schedule including a mixture of trees and shrubs to define street frontages and areas of informal open space. The details of the landscaping can be secured by way of planning condition. It is also recommended additional boundary measures are included on the intersection of the two internal access roads where they meet Park Road and Loughor Common to soften the car parking areas. It is recommended to include a condition to this effect.

Overall it is considered the proposal, whilst representing a high density form of development, achieves its own local distinctiveness with strong built frontages and a contemporary urban fabric. It is considered to be of an appropriate scale and massing and is commensurate to site coverage and the context of existing properties. Furthermore, the proposal adopts a contemporary approach to façade treatments which allows for a distinct break from the local traditional context.

On balance it is therefore considered would have no detrimental impact upon the visual amenities of the surrounding area. The proposal is therefore in accordance with UDP Policies EV1, EV2 and HC2 of the UDP and the guidance set out in Places to Live: Residential Design Guide SPG.

Residential Amenity

The surrounding land use is predominantly characterised by residential dwellings. The proposed units range from two to three storeys in height. The topography of the site slopes towards the southern boundary. Notwithstanding this, the proposed units are sited at a sufficient distance from directly opposing elevations of neighbouring dwellings, and as such it is considered that the relationship and distance of neighbouring properties to the site is sufficient to ensure there would be no unacceptable impact on neighbouring residential amenity by virtue of any overlooking, overshadowing or overbearing impacts.

Due regard has been taken with respect to separation distances between proposed residential units and these are compliant with the guidelines set out in the Places to Live: Residential Design Guide SPG.

Furthermore, the proposed units benefit from modest sized garden plots which will provide for sufficient sized amenity space for future occupiers. Overall it is therefore considered the proposal is compliant with Policies EV1, EV2 and HC2 of the UDP and the guidance set out in Places to Live: Residential Design Guide SPG.

Ecology

The planning application is accompanied by a bat survey and an extended phase 1 ecological survey. No evidence of bat use of the building was found. The surveyors have suggested a number of ecological enhancements. A condition requiring the installation of the suggested mitigation measures will be included on the grant of any planning permission.

Access & Highway Safety Considerations

Turning to access and highway safety, the proposed development will incorporate several new access routes into the site including two internal roadways linking Park Road and Loughor Common from north to south respectively. A separate access point is provided in the north-west corner which serves as a parking courtyard for the block of flats. Both internal roadways are indicated as being 5.5m wide to be bounded by 2m footways and by off-street parking spaces either side. Both include traffic calming measures at the midway point. The internal roadways are designed with visibility splays at the junctions with Park Road and Loughor Common in excess of 45m from a point 2.4m back from the give way line in both directions. The exception is the junction at the south west with Loughor Common which allows for approximately 40m into the bend. In line with agreed adopted standards a distance of 43m is recommended at a junction from a point 2.4m back from the give way line on a 30mph road. As the bend in the road onto Loughor Common from Penmynydd acts as a natural traffic calming measure, the Council's Head of Highways and Transportation has advised that a difference of 3m is considered acceptable and that the visibility splays at that junction would be no worse, and in fact better, than many existing junctions throughout Swansea.

The development has been designed to accommodate a pedestrian friendly environment with level footways promoting ease of access for all potential users. With regards to parking, the Council's Head of Highways and Transportation has advised that the levels of parking provision accords with the agreed adopted standards with provision being made for residents, visitors and to include for disabled drivers.

Notwithstanding the above, there have been numerous objections to the proposals. Those relating to highway issues are listed below:

1. Concerns with regards to development traffic exacerbating an issue of traffic using Park Road as a rat run to avoid traffic lights on Alexandra Road and an increase of traffic onto approach roads as a result of the development.
2. Concerns that a perceived lack of parking on the development will lead to an increase of cars parked on Park Road and Loughor Common. Local concerns highlight that when any services are held in the nearby churches attendees park on the former, while a lack of driveway space for properties on the latter, leads to residents parking on the highway. Concerns have also been raised that both Park Road and Loughor Common are too narrow for cars to pass each other.

3. It is felt that the internal access roads of the development are unnecessary and will act as shortcuts. Furthermore it is felt that the internal access onto Loughor Common at the south west corner is dangerous as it is close to a blind bend and that traffic leaving Penmynydd does so at speed and in the middle of the road.

4. Accidents in the area have been cited.

5. Concerns over how delivery lorries and service vehicles would access the site.

The Council's Head of Highways and Transportation has provided the following response to address highway and road safety concerns.

1. In line with nationally held data, a development such as this could be expected to generate around 22 movements in the peak period which would equate to 1 vehicle movement every 3 minutes in each peak period which is not considered to be excessive. Vehicles would not all be travelling in the same direction or all using the same junction, neither would they all be leaving the development at the same time, any additional traffic would disperse naturally.

2. Proposed parking provision within the development accords with agreed adopted standards with residents, visitors and disabled spaces being provided for. In addition to this, it has been shown that the development is in a highly sustainable location. Therefore it is unlikely that there would be any overspill parking onto the surrounding highway network. Parking for church services is considered to be a temporary, occasional occurrence. The nearby church has a car park and any resulting overspill parking on neighbouring streets would be expected to disperse within a relatively short time period. There are parking restrictions near the junction with Park Road and Alexandra Road. With regard to the width of Park Road and Loughor Common, Park Road is approximately 6.5m wide while Loughor Common varies between approximately 5m to 6.5m wide. The minimum passing width for 2 vehicles on a straight is 4.1m therefore it can be seen that there is sufficient space for 2 vehicles to pass one another on both roads. Both Park Road and Loughor Common will benefit from new footways in place of existing verges which would increase highway safety for pedestrians.

3. The internal access roads provide access to parking spaces for residents and visitors alike. They intersect the development allowing delivery and service vehicles, which would otherwise need to carry out reversing manoeuvres, to ingress and egress the site safely and in a forward gear. Both internal roadways are indicated as being 5.5m wide to be bounded by 2m footways and by off-street parking spaces either side. Both include traffic calming measures at the midway point. The internal roadways are designed with visibility splays at the junctions with Park Road and Loughor Common that allow for visibility in excess of 45m from a point 2.4m back from the give way line in both directions. The exception is the junction at the south west with Loughor Common which allows for approximately 40m into the bend. In line with agreed adopted standards a distance of 43m is recommended at a junction from a point 2.4m back from the give way line on a 30mph road. As the bend in the road onto Loughor Common from Penmynydd acts as a natural traffic calming measure, it is felt that a difference of 3m is considered acceptable and that the visibility splays at that junction would be no worse, and in fact better, than many existing junctions throughout Swansea.

4. Several references have been made to accidents in the vicinity, in particular one fatality at the junction of Park Road/Alexandra Road caused by a vehicle travelling at excessive speed on Alexandra Road colliding with a vehicle negotiating the junction with Park Road / Alexandra Road. Data from the past 3 years indicates that there have been 3 other road traffic accidents in the vicinity involving slight personal injury, two of which were on Park Road with the other being on Alexandra Road.

5. Service and delivery vehicles would access the development in the same manner the surrounding network is currently being accessed. The development site was until recently a TA centre when large traffic would have been accessing the site on a regular basis. With regard to the development itself, both internal footways are indicated as being 5.5m wide which is more than sufficient for vehicles to be able to pass them while they are in attendance. Furthermore, because the roads intersect the development, any delivery or service vehicles, which would otherwise need to carry out reversing manoeuvres, would be able to ingress and egress the site safely and in a forward gear

Overall the Council's Head of Highways and Transportation has concluded that:

1. The proposals benefits from suitable access and parking arrangements in accordance with adopted standards. It is unlikely that the development would exacerbate existing highway parking issues on the surrounding network.
2. Extra movements in the peak period generated by the development are not considered to be excessive.
3. Provision of footways on Park Road & Loughor Common where there are currently verges will increase safety for pedestrians.

Accordingly the Council's Head of Highways and Transportation has recommended no objection be raised on access and highway safety grounds and appropriately worded highways conditions are recommended to be included on the grant of any planning permission.

Drainage & Water Quality

It is understood the applicants have held ongoing extensive discussions with Dwr Cymru Welsh Water both prior to submitting this planning application and during its consideration.

The Memorandum of Understanding (MoU) sets out a hierarchy of options to achieve a set amount of betterment of surface water removal for each proposed dwellings. In addition to this it is understood there are known foul capacity issues in the public sewer along Park Road.

In order to achieve an acceptable drainage solution there is therefore a need to satisfy both the requirements of the MoU and issues with the current public foul sewer capacity. In addition to the above, surface water currently discharges into an existing watercourse along the southern boundary which removes the ability of the development to remove any surface water discharge from the public sewer system and the ability to mitigate the current foul capacity issue.

The planning application is accompanied by a Drainage Strategy Report. A Hydraulic Modelling Assessment (HMA) has also been undertaken. The Council's Drainage Section has advised that appropriately worded conditions should be included on the grant of any planning permission.

DCWW have confirmed in their amended consultation response received 13th September 2016 (following the completion of the HMA), that they recommend the inclusion of a similar appropriately worded condition.

With regards to surface water the drainage strategy proposed is to connect into the culverted watercourse crossing the site; no on-site attenuation is proposed as the contributing surface water runoff area of the proposed site is less than that of the existing site. Notwithstanding this, it is understood the applicant is working with Dwr Cymru Welsh Water regarding a suitable surface water removal scheme at the site.

It is therefore considered that subject to the inclusion of an appropriate worded drainage conditions, an acceptable drainage strategy can be achieved on site, which is compliant with the requirements of Policies EV33, EV34 and EV35 as well as the MoU to ensure no detrimental impacts are caused to the public sewer system and surrounding water environment.

Burry Inlet Habitat Regulations Assessment

Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation and 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 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 the LPA 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 as discussed below.

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the statutory 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 former Environment Agency (now NRW) 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.

The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoU has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary. Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources.

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and would 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). The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, has confirmed that they are content with the above approach.

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

In conclusion, DCWW have not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WWTW drainage network area runs up until the end of 2017.

The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would 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 2010 Environment Agency review.'

In summary, there are no known hydraulic capacity or new water quality issues to address and subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34 and EV35.

Land Contamination & Ground Conditions

The planning application is accompanied by a site investigation report and associated mining investigation briefing note. The report recommends that a limited supplemental site investigation and further chemical testing of the underlying ground is carried out once the buildings have been demolished, as well as additional samples. This can be secured by way of planning conditions as recommended by the Council's Pollution Control division. In addition to the comments from the Pollution Control Division, NRW have endorsed the submission of the site investigation reports and have also recommended standard land contamination conditions as well as those relating to unsuspected contamination.

Furthermore, in view of the scale and nature of the development it is considered necessary to require by condition the submission of a construction pollution management plan (CPMP). NRW have also requested the submission of a waste management plan in order to help the developer / contractor manage waste materials efficiently and reduce the amount of waste materials produced. Given the scale of the proposal and the amount of demolition proposed, this requirement is considered to be reasonable in the interests of sustainability and can be controlled by condition.

In view of the above the proposal is considered to be in accordance with UDP Policy EV38.

Japanese Knotweed

There is a known area of Japanese Knotweed in the eastern portion of the site. A condition requiring a scheme for its removal is proposed to be included on the grant of any planning permission.

S106 Contribution Requests

HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any proposed obligation must be: necessary, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects

The Council's Education Department has advised that in view of the nature of accommodation proposed (i.e. flats) no request is made for a developer contribution on this scheme.

Whilst the proposal is for 100% affordable housing, in order to ensure the scheme is brought forward as affordable housing, a Section 106 agreement will be necessary to ensure a minimum of 30% affordable housing, in line with Council policy, is retained in the development at all times.

Other Issues

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to the impact of the development on the character and appearance of the area, the impact on the residential amenities of existing occupiers, drainage, sewerage, previous contamination, Japanese Knotweed, parking and highway safety issues.

Concerns have also been raised in letters of objection regarding the potential impact of the development on property values in the area. This is not a planning matter and would carry little weight in the determination of this planning application.

Concerns have been raised in letters of objection regarding the impact of construction activities on neighbouring residents in terms of noise and disturbance. Whilst it is acknowledged that there may be some disturbance in this respect, this will be limited to the duration of the build programme and any potentially significant impacts should be mitigated through good building practices and site management. A construction pollution management plan will be required by condition and any statutory nuisance would be dealt with under separate legislation.

Concerns have been raised regarding the level of public consultation on the proposal. The planning application was advertised on site and in the local press. The level of consultation carried out was in accordance with the requirements as set out in the Town & Country Planning, (Wales) Development Management Procedure Order 2015.

Concerns have been raised regarding vermin at the site and the potential to relocate to neighbouring properties. This is a matter that would be dealt with under separate Environmental Health legislation.

Concerns have been raised regarding the loss of existing trees at the site. These trees are not protected under any Tree Preservation Order. Notwithstanding this the applicant is proposing a planting schedule to include a mixture of trees and shrubs within the scheme which can be secured by condition.

With regard to the request by the Drainage Division to remove certain PD rights, with the exception of the bungalow, the properties subject to this application are flats and would not therefore benefit from the PD rights identified. It is not considered necessary to remove the PD rights solely for the bungalow.

Conclusion

Overall it is considered the proposal makes efficient use of this brownfield site in a sustainable urban location and the development is considered to provide an appropriate contextual response that would have an acceptable impact on the character and appearance of the area. Moreover, the development would provide affordable housing and would not result in any significant residential amenity impacts to neighbouring properties and is considered to be acceptable in parking and highway safety terms. The proposal development would therefore accord with the above referenced UDP policies and SPG. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations, and as such the application is recommended for conditional approval.

RECOMMENDATION:

APPROVE, subject to the following conditions and the applicant entering into a Section 106 agreement to secure a minimum of 30% affordable housing within the development:

- 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: 15-031-03-02 Site Layout, 15-031-03-03 Street Scenes 1/500, 15-031-03-04, 15-031-03-05, 15-031-03-06, 15-031-03-07, 15-031-03-08 Sections, 15-031-03-09, 15-031-03-10, 15-031-03-11 3D Views, V12 Location Plan, 15-031-03-13 Proposed Site Plan, 15-031-03-14 Materials & Enclosures Layout, 15-031-03-15 Street Scenes 1/200, 15-031-03-16 Overlooking Study Ground Floor, 15-031-03-17 Overlooking Study First Floor, 15-031-07-04 Ground Floor, 15-031-07-05 First Floor, 15-031-07-06 Second Floor, 15-031-07-07 Site Plan, 15-031-07-02 Elevations, 15-031-07-08 3D Views, 15-031-07-03 Elevations, 15-031-07-09 Sections, 15-031-08-02 Elevations, 15-031-08-03 Floor Plans, 15-031-08-04 Sections, 15-031-08-05 Render, 15-031-09-02 Elevations, 15-031-09-03 Floor Plans, 15-031-09-04 Sections, 15-031-09-05 Rendered Images, 15-031-10-02 Elevations, 15-031-10-03 Floor Plans, 15-031-10-04 Sections, 15-031-10-05 Rendered Images, 15-031-11-02 Elevations, 15-031-11- 03 Floor Plans, 15-031-11- 04 Sections, 15-031-11- 05 Render, 15-031-12-02 Elevations, 15-031-12- 03 Floor Plans, 15-031-12- 04 Sections, 15-031-12- 05 Render, 15-031-13-02 Elevations, 15-031-13- 03 Floor Plans, 15-031-13- 04 Sections, 15-031-13- 05 Rendered Images, received 23rd May 2016.
Reason: To define the extent of the permission granted.

- 3 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).

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- 4 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 (as amended) 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).
- 5 No development shall take place until full engineering details of all internal roads and footways and the footways on Park Road and Loughor Common have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to first occupation of the development.
Reason: In the interests of highway safety.
- 6 No development (except demolition) shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how foul, 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.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 7 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved details prior to the commencement of work on site.
Reason: In the interests of the ecology and amenity of the area.
- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Reason: The controlled waters at this site are considered sensitive and that contamination is known/strongly suspected at the site due to its previous use.

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

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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

Reason: To ensure that the safety of future occupiers is not prejudiced & there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

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ITEM 1 (CONT'D)

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- 12 Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.
Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the Local Planning Authority.
Reason: To ensure that the safety of future occupiers is not prejudiced.
- 13 Notwithstanding the submitted plans, no development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within 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.
- 14 Prior to the commencement of development a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:
- a) Construction programme and timetable;
 - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
 - c) Proposed working hours;
 - d) Principal Contractor details, which will include a nominated contact for complaints;
 - e) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
 - f) Details of on-site dust mitigation measures having regard to BPM;
 - g) Details of on-site noise mitigation measures having regard to BPM;
 - h) Details of waste management arrangements (including any crushing/ screening operations);
 - i) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

items e - i inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].

Reason: To protect residential amenity and the environment during the construction phase.

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- 15 Prior to the commencement of development, details of a strategy to implement the mitigation measures detailed in section 6 of the 'Extended Phase 1 Survey: The Old TA Centre, Gorseinon, Swansea', dated September 2015, by Richard Watkins shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV40, HC2, HC3, HC17, AS1, AS2, AS5, AS6; Places to Live - Residential Design Guide SPG Jan 2014; Planning Obligations SPG March 2010).
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no foul, surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.
- 5 The Highways Officer has advised that a Construction Traffic Management Plan should be prepared for this development. The applicant is advised to contact the Highways Department for further information on the requirements of this plan.

NRW have advised that a site waste management plan (SWMP) for the project 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).

Waste produced during the construction phase of the development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of the applicant's waste duty of care, the waste produced must be classified:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>
<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website at:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>.

NRW have further advised that provision of a specific Silt Management Plan should also be considered.

- 7 There is an overlap of the proposals with the adopted highway and possibly some stopping up of the highway will be necessary. Applicants must satisfy themselves with regard to exact site/highway boundaries before carrying out any development works, in order that any necessary highway works licences are obtained, or the requirement to extinguish highway rights are addressed. Notes to this effect must be included on all submitted drawings for approval.

All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City & County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group, The City & County of Swansea, Guildhall c/o Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to mark.jones@swanea.gov.uk, tel no. 01792 636091.

- 8 Any works to the culverted watercourse may require the prior written consent of the Lead Local Flood Authority (LLFA) irrespective of any other permissions given, please apply to the City and County of Swansea via the Drainage and Coastal Management function who can be contacted via Drainage.Consents@swansea.gov.uk. Application forms can be downloaded from our website at <http://www.swansea.gov.uk/article/5390/Drainage-and-coastal-management>.
- 9 The Council's Pollution Control Officer has advised the following:
1. Construction Noise
The following restrictions should be applied to all works of demolition/ construction carried out on the development site
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.
The Local Authority has the power to impose the specified hours by service of an enforcement notice.
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
 2. Smoke/ Burning of materials
No burning of any material to be undertaken on site.
The Local Authority has the power to enforce this requirement by service of an abatement notice.
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
 3. Dust Control:
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.
The Local Authority has the power to enforce this requirement by service of an abatement notice.
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
 4. Lighting
During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations.
- 10 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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ITEM 2

APPLICATION NO:

2016/1427

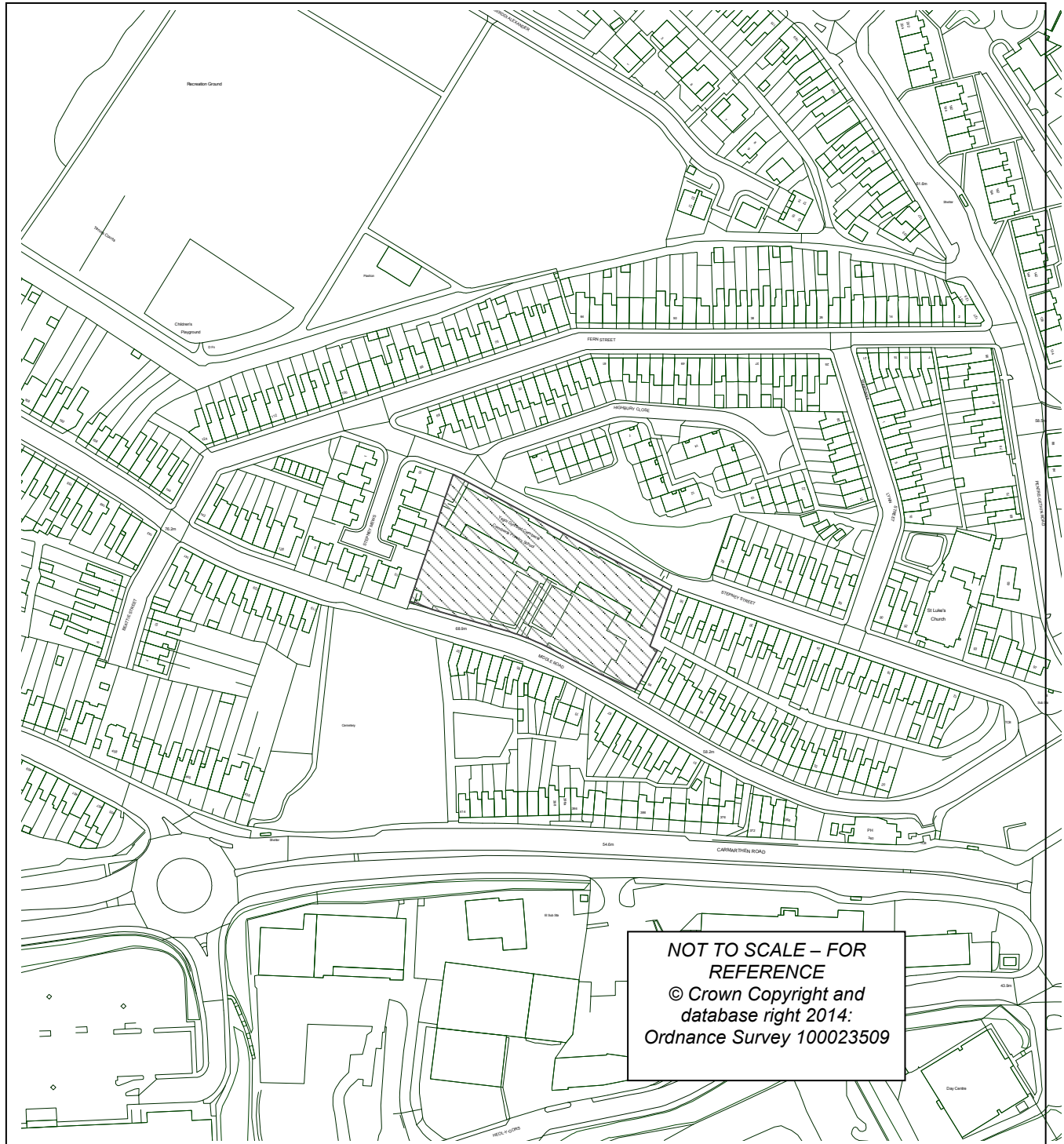
WARD:

Cwmbwrla - Area 1

Location: Cwmbwrla School Stepney Street Cwmbwrla Swansea SA5 8BD

Proposal: Demolition of former school building and construction of 49 flats, with associated access and landscaping works

Applicant: Jehu Group



BACKGROUND INFORMATION

POLICIES

SITE HISTORY

App Number	Proposal	Status	Decision Date
ENQ2014/1362	Proposed Redevelopment of Cwmbwrla Primary School Stepney Street Cwmbwrla Swansea SA5 8BD	ENQCL O	22.12.2014
ENQ2010/0832	Development possibilities at Cwmbwrla Primary School, Stepney Street, Cwmbwrla, Swansea	REC	
2016/1746	Demolition of school (application for the Prior Notification of Proposed Demolition)	PARE Q	30.09.2016
2016/1427	Demolition of former school building and construction of 49 flats, with associated access and landscaping works	PDE	
2015/2524	PRE APP for 49 flats	PREP OS	26.02.2016

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press and EIGHT neighbouring properties were consulted individually. NO LETTERS OF OBJECTION were received.

Council's Highways Observations –

Means of Access:

Currently there is no direct vehicular access off Middle Road or Stepney Street and level differences are such that it is unlikely to be gained off Middle Road. The proposed development is for 49 units and vehicular access is shown off Stepney Street, gradient details are not included but the site appears relatively flat. An additional pedestrian access is shown linking to Middle Road which should improve the permeability of the site.

Local Highway Conditions:

The site boundaries (which are of the form of high retaining walls) directly abut the highway with some footway provision. There are level differences between the site and the adjacent highways, particularly on the Middle Road Boundary.

The school and yard are currently supported by this retaining wall and at pre-application stage the applicant was advised of the need to provide a full structural assessment of this wall to ensure that it was capable of taking the revised surcharge loading of a car park and possible construction vehicles compared to the previous design which would have been purely to support a children's playground. The relevant documentation was not supplied with the planning submission and has been requested again although to date has not been received.

There is a no through road from Stepney Street to Highbury Close. The plans indicate that Stepney Street would be blocked off by the new access but we would not wish this to happen. Stepney Street should be kept open. A Highways Authority Agreement and a section 278 would need to be entered into to construct the access. No gradients are shown either and there are maximum allowable gradients that would need to be complied with in order for the access to be safe and usable.

Wider Issues / Combined effect:

The planning application was supported by a Transport Statement which quantifies trips to and from the site and compares them to those of the previous lawful use as a school. The site is entirely affordable housing and trips rates have been based on this. These have been compared to trip rates for the former educational use.

Trip rates have been derived from the TRICS database, selection criteria are seen to be appropriate and the proposed use will generate a total of 131 vehicular trips per day.

The daily rate for the educational use totalled 366 trips per day, although the PM peak hour was 15:00-16:00, the PM peak for residential use is 17:00-18:00. The proposals will result in a net reduction in vehicle trips in the AM peak of 130, and a net gain in the PM peak of 5. Also the 15:00 -16:00 period will experience a reduction in 125 trips to the site.

The proposals will therefore result in a substantial reduction in vehicle numbers, particularly in the morning peak. The site is very well served by public transport, being within 400m of a number of existing bus routes, and well located to access local services on foot.

The introduction of pedestrian access points onto different streets is welcomed.

Restrictions:

The development relies upon utilizing the existing retaining walls to support the proposed car parking area. The existing metal railings that top the wall are unlikely to be capable of restraining a vehicle and this as such there may be the requirement to provide a crash barrier or other similar method of restraint to prevent a vehicle going through the wall and down onto Middle Road. The analysis of the wall as previously requested should consider this and advise accordingly.

Layout.

The internal road has been laid out at 5.5m width with a 2m footway on the development side and a 1m footway on the car park side. It is not clear whether the road is intended to be offered up for adoption or remain in private ownership, Gradients and lighting have not been referenced with regard to the internal road layout. A turning head suitable for use by emergency vehicles has also been included so this will enable access/egress in a forward gear.

Parking

Parking has been provided at 52 spaces for the 49 flats, which equates at one space per flat plus a small element for visitors. The make-up of the flats is 43 number one bed flats and 6 two bed flats. The lack of visitor spaces is less than ideal but there is scope to accommodate visitor spaces on Stepney Street subject to the proposed site access being designed to keep that road open to traffic.

Cycle parking is also indicated as being provided in pockets on the garden area.

Recommendations

The transport statement has shown that there are less trips associated with the proposed residential use than with the use as a school. Therefore there are not any capacity issues arising.

No highway objections are raised to the proposal subject to:

1. The internal road being laid out with a maximum gradient of 1:12
2. The parking being laid out in accordance with the approved plans and the spaces being assigned to individual flats, and maintained for parking purposes only in perpetuity.
3. The visitor spaces being clearly marked as such for the avoidance of doubt.
4. A full structural analysis being provided for the retaining wall on Middle Road to ensure that the wall is capable of supporting the revised loadings. The analysis should include looking at vehicular containment on the parapet section of the wall with mitigation measures for vehicular containment if required.
5. Any boundary wall adjacent to the parking spaces to be kept below 1m in the interests of visibility
6. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
7. The bellmouth vehicular access shall be constructed under a section 278 agreement with the Highway Authority. Notwithstanding the submitted plans the access shall not close off Stepney Street but shall retain it as it is currently, i.e. open.
8. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.

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278 Note

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

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader , tel. no. 01792 636091

A travel plan will be required for this development- this can be secured by condition.

Council's Pollution Control Division – We have no objection to this application but would like to attach the following conditions: -

Construction Phase:

* Prior to the commencement of construction works on the application site detailed plans of any piling operations to be carried out shall be submitted and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring residential premises.

Reason: to ensure that a statutory nuisance does not occur for neighbouring premises.

Lighting: -

* Prior to the beneficial use of the development commencing the applicant shall submit the details for lighting scheme for the proposed site. The submitted plans are to be approved in writing by the local Planning Authority.

Reason: to ensure that a statutory light nuisance does not occur for neighbouring premises.

Unforeseen Contamination: -

* If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously 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, a detailed strategy for dealing with said contamination.

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

Informatives:

1 Construction Noise

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

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

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

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

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

3 Dust Control:

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

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

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

4 Lighting

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

Council's Housing Department – The former Cwmbwrla Primary School, Stepney Street is a 100% affordable, grant funded scheme with Pobl, for the purpose of the Section 106 the Housing Service will expect to see 30% of the site conditioned to remain affordable in perpetuity.

Council's Planning Ecologist – The surveyor found evidence of bats (common pipistrelle) using the building as a roost. The developers will therefore need a NRW protected species licence and a mitigation plan. The mitigation suggested in the bat survey generally looks suitable however we will need a detailed plan that we can use to form a planning condition. Please could we ask the developers to submit a bat mitigation plan for our approval prior to permission being given? The plan should include the exact location, dimensions and nature of bat access points and bat roost spaces, these need to be shown on architectural drawings and block plans of the buildings.

Council's Drainage Section – We have no objection to the proposed re-development of the school site and would offer the following comments. At the detailed design stage/discharge of conditions the applicant will need to demonstrate how the site will accommodate and manage the 1 in 100 year critical storm include a 30% allowance for climate change, attenuation required if any will be based on a discharge rate that needs to be agreed with DCWW who do not normally allow a free discharge of surface water into their system. We recommend that the applicant consider the impact of DCWW only permitting a 5l/s discharge rate from the site.

We recommend that DCWW are consulted with respect to the application and pending a positive response from them suggest that the following is appended to any permission given.

Condition 1

No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how 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 and to minimise surface water run-off.

Condition 2

Prior to the commencement of any development, a scheme for the ownership and maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

Reason

To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

Council's Parks Section – The Parks Division would like to request a Section 106 contribution of approx. £7,000.00 for replacing the U/S "Gullwing See Saw" and "Spinner" play equipment, and also renew the safety surface beneath these 2 pieces of play equipment with "wet-pour rubber safety surface" at the children's play facility in Cwmbwrla Park.

Council's Education Department – The Education Department will not be seeking a Developer's contribution towards any of the named catchment area schools at this present time due to the nature of the dwellings proposed.

Dwr Cymru Welsh Water – Recommend the inclusion of the following condition and advisory notes:

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

Advisory Notes

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed

Natural Resources Wales -

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach this to the planning permission.

Protected Species

We note the submission of the document entitled; 'Bat Survey and Observations, Cwmbwrla Primary School, Swansea (on behalf of the Jehu Group)', dated June 2016, by Hawkeswood Ecology. The report has identified that bats are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the above report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we would not object to the proposal, subject to:

(inclusion of a planning condition on any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant in writing that such a licence is not required.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We are also aware that several trees will be removed as part of the proposal and therefore NRW recommend that you seek the advice of your Authority's Planning Ecologist to determine if any of the trees to be removed will need survey/assessment for their potential to support bats.

Foul Water Disposal

We note that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. We also recommend that Dwr Cymru Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

Surface Water Disposal

Whenever possible, surface water should be managed by means of a sustainable drainage system (SUDS), as advocated by current planning guidance PPW and TAN15 (July 2004). Paragraph 8.2 of TAN15 states that; 'SUDS can perform an important role in managing run-off from a site and should be implemented wherever they will be effective on all new development

SUDS involve a variety of techniques, including; soakaways, grassed swales, permeable paving, grey-water recycling and attenuation ponds. The variety of techniques available means that virtually any development should be able to include a scheme based around these principles. The use of SUDS can also provide multiple benefits, reducing costs, water consumption and maintenance needs.

Ultimately, the drainage system design is a matter for your Authority's Drainage Engineers, therefore we advise that they are consulted in relation to the application.

Pollution Prevention & Waste Management

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. Therefore, given the nature of the proposed development it is vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

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As best practice, we would advise the developer to produce a site specific Construction Management / 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) for the project 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).

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.

Waste produced during the construction phase of the development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of the applicant's waste duty of care, the waste produced must be classified:

- (before it is collected, disposed of or recovered
- (to identify the controls that apply to the movement of the waste
- (to complete waste documents and records
- (to identify suitably authorised waste management options
- (to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

(<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

(<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website at:

(<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Please note we have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Amended Plans – (received 5th October 2016)

The amended plans seek to address concerns previously raised in respect of urban design issues and the location of bin stores at the entrance to the site. This has resulted in the removal of two no. parking bays at the entrance of the site to be replaced by an area of landscaping.

APPRAISAL

This application is reported to Committee for decision as the development meets the Development Threshold set out in the Council's Constitution.

Proposal

The proposal would involve the demolition of the former Cwmbwrla Primary School and seeks full planning permission to construct 49 no. one and two bedroom flats within a 2.5 storey development with associated access and landscaping works. The layout plan proposes that a single vehicular access point will be from Stepney Street in the north east of the site which broadly corresponds with the existing gate access to the former play area. A total of 50 off-street parking spaces are provided at a ratio of 1 parking space per dwelling. A secure cycle store area, as well as a number of cycle racks is to be provided as part of the layout. The proposal is for 100% affordable housing.

The layout of the proposal is simple in its form, and to a large extent replicates the scale of the existing development. The units are proposed to be constructed to two and a half storeys in height, with the third floor accommodation utilising the roof space. The scale of development, both in terms of footprint and height is in keeping with the character and built form of the previous building and surrounding area.

The proposal was the subject of a formal pre-application submission in December 2105 wherein the principle of re-developing the site for residential development was confirmed to be acceptable. The design of the scheme has evolved over time taking into account comments provided by consultees including urban design following pre-application advice and amended plans have been received during the course of processing of the application.

The site is also the subject of a separate application for the prior notification of demolition (2016/1746). The local planning authority has resolved that prior approval for demolition be granted.

Site & Surrounding Area

The former Cwmbwrla School site occupies a relatively level, rectangular site comprising of school buildings and a school yard, surrounded by residential properties fronting both Stepney Road and Middle Road in the Cwmbwrla district of the city. The old school buildings are of traditional Victorian construction and occupy the whole length of the site frontage apart from entrance points at either end. The facade is set back approx. 1m from metal railings above a low wall running along the length of the northern boundary. The buildings are two storeys. Stepney Street is single carriageway at this location and has been closed off to through traffic near the site's north-eastern boundary. A footway runs along the site frontage with a metal barrier fence on the kerb.

To the rear, along Middle Road there is a distinct change in levels denoted by a 4metre high retaining wall topped by metal railings, above which is the school yard. In the central portion of the wall is a gated access to steps which provides pedestrian access to the school yard.

The surrounding area is characterised by high density residential terraced dwellings, principally characterised by 19th and early 20th century development. However, there are examples of more modern developments in the immediate surroundings including: linked housing and OAP bungalows directly to the north at Highway Close, and a small 1980s/90s development of private detached and semi-detached housing at Stepney Mews, directly to the west. An area of open land extends from Middle Road to Carmarthen Road to the south-west of the site.

Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the principle of the development, the design/ visual impact of the proposals, impact on neighbouring amenity, highway safety, ecology, drainage and water quality issues, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Development Plan Policy and Land Uses

National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Wales (PPW) (Jan 2016 8th Edition), the redevelopment of the former school site for housing, would ensure that previously developed land is used in preference to Greenfield site, and seeks to ensure new housing is well designed, meets national standards for the sustainability of new homes, makes a significant contribution to promoting community regeneration to improve the quality of life, and provides a greater choice and variety of homes in sustainable communities.

Unitary Development Plan (UDP)

The site is unallocated land within the urban settlement boundary. As such the proposal falls to be considered as a windfall site and considered against relevant UDP Policies and Supplementary Planning Guidance.

UDP Policy EV1 requires new developments to display a standard of design and layout sympathetic to the character and amenity of the site, its immediate surroundings and the broader area, which has regard to local amenities in terms of visual impact, loss of light or privacy, shared activity, traffic and parking implications.

Policy EV2 requires the siting of new developments to give preference to the use of previously developed land over Greenfield sites and for them to have regard to the physical character and topography of the site and its surroundings.

Policy EV3 requires proposals for new development to provide access and facilities for all, provide satisfactory parking levels, contribute to a high quality public realm, and are accessible to pedestrians, cyclists and users of public transport.

Policy AS1 requires new developments to be located in areas that are currently highly accessible by a range of transport modes or in areas where a good level of such provision can realistically be achieved.

Policy HC2 supports housing development within the urban area where the site has been previously developed.

Policy HC3 encourages the inclusion of affordable housing in areas where a demonstrable lack of affordable housing exists and seeks the retention of affordable housing for such use through planning conditions, legal obligations and secure tenancy agreements.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance (2010) which is also relevant to the consideration of this application.

The Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide', which relates to developments of 10 or more houses. The SPG is therefore also a material consideration in this instance.

Character and Appearance

The proposed development has been the subject of pre-application discussions which has led to some minor design changes of the scheme. The main axis of the building runs roughly parallel with the existing building line along Stepney Street. This approach, of locating the proposed block of flats on the footprint of the current building and with a similar form, is welcomed and is considered appropriate to providing a strong frontage onto the street and to reference the former school building.

The scale of the building is broken up by varying roof heights. The use of staggered roofs helps to break up the long length of roof over the building as well as visually address the sloping topography of the site and the resulting stepped building form. At the highest point to the west, the section is reduced to two storeys rising to 3 stories in line with the site contours. At the third floor level, the windows are set in gables, reflecting arrangements in the existing school buildings.

The scale of development, both in terms of density and height, is considered to be comparable to the general scale of development in the vicinity of the site, and largely retains the legibility presented by the former school.

The finishing materials to the external walls of the building will comprise entirely of facing red brickwork (including the use of a contrasting grey/buff brick to help define building edges and to provide visual interest and break up the overall mass of the building) finished with grey concrete interlocking tiles. The structure includes a canopy structure which projects over the entrance doors. The windows are indicated to be white uPVC and rainwater goods are to be black uPVC.

The parking layout for the current scheme provides for a good level of intermediate planting between small groups of the spaces which is welcomed to minimise the visual impact of parked cars. In addition, the accompanying site plan shows indicated landscaping in the form of grassland shrubs and tree planting, including areas along the frontage and to the rear of the proposed buildings. Notwithstanding this it is considered that full landscaping details for the site can be agreed via condition.

Overall it is considered the development accords with the form of existing surrounding development, which principally comprises terraced units. In addition, the site would complement and enhance the existing vernacular through use of similar materials, including brick. Notwithstanding this, details of all external materials, boundary treatments and any external lighting will be conditioned for further consideration.

Residential Amenity

In terms of amenity issues, it is considered that the relationship to the terraced houses in proximity to the site in Stepney Mews, Stepney Street, and Middle Road, will not result in a significant increase in overshadowing and overbearing impacts given the separation distances involved. The proposed layout has been carefully considered in order to ensure the amenity of both existing and future residents is not unduly harmed. The buildings have been orientated to avoid any privacy impacts upon neighbouring dwellings between facing habitable windows.

The scale of development is considered appropriate in that the two and a half storey nature of the proposed dwellings replicates the existing school buildings and assimilates into the existing scale of surrounding housing, which are largely two storeys in height.

Overall it is considered that the proposed development would not cause a harmful impact to the amenity of the residents of existing dwellings in the local area, and as such the application complies with policy EV1 of the UDP.

Ecology

As the existing school buildings are proposed to be demolished to make way for the new development the application is accompanied by a bat survey report. This has identified that bats (common pipistrelle) are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

NRW have therefore recommended the inclusion of a planning condition that prevents the commencement of development works until the authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead, or Natural Resources Wales has informed the applicant in writing that such a licence is not required.

Drainage

A drainage strategy has been submitted in support of the planning application. The Council's Drainage Section has advised that at discharge of condition stage the applicant will need to demonstrate how the site will accommodate and manage the 1 in 100 year critical storm include a 30% allowance for climate change, attenuation required if any will be based on a discharge rate that needs to be agreed with DCWW who do not normally allow a free discharge of surface water into their system. It is recommended that the applicant consider the impact of DCWW only permitting a 5l/s discharge rate from the site. The Council's Drainage Section has recommended the inclusion of a comprehensive drainage condition and a condition to ensure the long term maintenance of surface water at the site. DCWW have offered no objection to the proposal subject to the inclusion of a similar condition requiring the submission of a comprehensive and integrated drainage strategy for the site. In respect of sewerage and water supply no problems are envisaged and no objection has been received.

Subject to the inclusion of conditions regarding the submission of an integrated drainage strategy and maintenance scheme regarding surface water it is considered the proposal is in compliance with Policies EV33, EV34 and EV35 of the UDP.

Highway Considerations

The site is well located and is well served by public transport, being within 400m of a number of existing bus routes and well located to access local services on foot. In terms of access, a new vehicular access will be created directly from Stepney Street in the north east corner of the site, which broadly corresponds with the existing gate access to the former play area. An additional pedestrian access is shown linking to Middle Road. Cycle parking is also indicated as being provided in pockets on the garden area.

The proposed access will serve the car parking area to the rear of the proposed buildings which corresponds with the existing hardstanding of the former school yard. The head of Highways and Transportation has advised that the development relies upon utilizing the existing retaining walls to support the proposed car parking area. It is recommended to include a condition requiring the submission of a full structural assessment of this wall to ensure that it is capable of taking the revised surcharge loading of a car park and construction vehicles compared to the previous design to support a children's playground.

The planning application is accompanied by a Transport Statement which quantifies trips to and from the site and compares them to those of the previous lawful use as a school. The report identifies that there will be a substantial reduction in vehicle numbers associated with the proposed residential use than as a school particularly during morning peak period.

The internal road layout has been laid out at 5.5m width with a 2m footway on the development side and a 1m footway on the car park side. A turning head suitable for use by emergency vehicles has also been included to enable access and egress in a forward gear.

The level of parking proposed was initially 52 spaces for 49 flats however, amended plans were received which removed two of the proposed bays at the entrance of the site to improve the overall layout and landscaping of the site.

Whilst the Head of Highways and Transportation has advised that the loss of these two spaces and overall lack of visitor spaces is less than ideal there is scope to accommodate visitor spaces on Stepney Street subject to the proposed site access being designed to keep that road open to traffic. In this respect all off site works will be subject to an agreement under section 278 of the Highways Act 1980.

In conclusion, the Head of Highways and Transportation indicates that the predicted traffic volume and parking provision have been assessed and are considered to be acceptable and would not result in any significant adverse effect on local highway conditions. Therefore no highway objections are raised subject to the imposition of planning conditions in respect of the details of the highway works; structural analysis of the retaining wall, the laying-out of the parking bays within the site; and the preparation and implementation of a Travel Plan.

S106 Requests

Policy HC17 of the Swansea UDP states that the Council will expect developers to make contributions under Section 106 of the Town and Country Planning Act 1990 towards:

- * Improvements to infrastructure, services or community facilities
- * Mitigation measures made necessary by a development, and
- * Other social economic or environmental investment to address reasonable identified needs

In this particular instance, the Council's Park's Department has requested a contribution of £7,000.00 for replacing play equipment, and renewing the safety surface beneath these 2 pieces of play equipment at the children's play facility in Cwmbwrla Park. Policy HC17 states that "Provisions should be fairly and reasonably related in scale and kind to individual developments; and on this basis the above figure has been accepted by all parties as a reasonable and justified contribution.

Although the proposal is for 100% affordable housing, the Council's Housing Department has requested that 30% of the site conditioned to remain affordable in perpetuity.

The application site is currently owned by the Council, and the Council cannot covenant with itself in a Section 106 agreement on land within its ownership. Therefore, as a way forward, the Council's Legal Officer recommends that an additional condition and informative be included in the planning consent instead of the requirement for the signing of a Section 106 Planning Obligation prior to the grant of planning permission. This will have the effect of securing the necessary obligations as no development can commence until a planning obligation is completed. The Council currently own the land but does not intend to develop the land itself. Planning permission runs with the land so once the Council cease to have a legal interest in the site then it will be able to covenant with the developer to secure the obligations by way of Section 106 agreement. It is not a practise that would be utilised in respect of land not owned by the Council and is only suggested here to bridge an anomalous gap in the planning legislation which only affects unitary authorities.

Conclusion

In conclusion it is considered the proposed development represents a positive and acceptable form of development on this brownfield site. It is not considered that the development would result in an unacceptable loss of residential amenity, having regard to the scale and design of the new development and its juxtaposition with existing properties. The new development would it is considered be in keeping with the character of the area, both in physical and land use terms and would provide adequate on site car parking provision. Overall it is considered the proposal makes efficient use of this brownfield site in a sustainable urban location and it is considered to represent an acceptable form of development in accordance with National Planning Guidance, prevailing Development Plan Policies and Supplementary Planning Guidance. 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: Drainage Strategy Plan (2154-500) received on 18th July 2016, Site Location Plan (2154-100 Rev. A) and Proposed Floor Plans (2154-200) received on 22nd July 2016, Proposed Elevations (2154-300 Rev. B) and Proposed Road Levels and Sections (2154-SK600) received on 5th October 2016 and Proposed Site Layout (2154-101 Rev. C) received on 17th October 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The development shall not commence until a scheme for the provision of affordable housing to contribute to the provision of local needs affordable housing and a scheme for the provision of replacement play equipment in Cwmbwrla Park in accordance with Policies HC3 and HC 17 of the City and County of Swansea Unitary Development Plan 2008 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
 - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider (if no RSL involved);
 - (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; and

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ITEM 2 (CONT'D)

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- (vi) the arrangements for replacing the U/S "Gullwing See Saw" and "Spinner" play equipment, and also renew the safety surface beneath these 2 pieces of play equipment with "wet-pour rubber safety surface" at the children's play facility in Cwmbwrla Park.

Reason: To ensure the development contributes to the provision of affordable housing and essential community facilities in accordance with policies HC3 and HC17 of the City and County of Swansea Unitary Development Plan 2008.

- 4 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).

- 5 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 (as amended) 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).

- 6 Prior to the commencement of construction works on the application site detailed plans of any piling operations to be carried out shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring residential premises.

Reason: In the interests of residential amenity

- 7 Prior to the beneficial use of the development hereby approved commencing the details of a lighting scheme for the proposed site shall be submitted to and approved in writing by the local Planning Authority. All works shall be undertaken in accordance with the approved scheme.

Reason: In the interests of residential amenity

- 8 If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously 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 a detailed strategy for dealing with said contamination.

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

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ITEM 2 (CONT'D)

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- 9 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 10 Prior to the first beneficial occupation of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before the development hereby approved is brought into beneficial use and retained as such for the duration of the use.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 11 Notwithstanding the submitted plans, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 12 No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

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ITEM 2 (CONT'D)

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- 13 The internal road shall be laid out with a maximum gradient of 1:12.
Reason: In the interests of highway safety.
- 14 The car parking shall be laid out in accordance with the approved plans and the spaces shall be assigned to individual flats, and maintained for parking purposes only in perpetuity. The visitor spaces shall be clearly marked and retained as such at all times.
Reason: To enable vehicles to enter or leave the premises with a minimum of interference to the free flow of through traffic, and to reduce the likelihood of obstruction and danger to road users when vehicles are accessing the site.
- 15 No development shall commence until a full structural analysis for the retaining wall on Middle Road has been submitted to and approved in writing by the Local Planning Authority. The analysis should include looking at vehicular containment on the parapet section of the wall with mitigation measures for vehicular containment if required.
Reason: To ensure that the wall is capable of supporting the revised loadings in the interests of public and highway safety.
- 16 A Travel Plan shall be submitted to and approved in writing by the local planning authority within 12 months of the date of the grant of this planning permission. The Travel Plan shall be implemented in accordance with the approved details prior to the beneficial use of the building commencing.
Reason: In the interests of sustainability and in order to promote alternative modes of transportation.
- 17 Prior to the commencement of any work on site, a "Bat Licence" shall be obtained from Natural Resources Wales and a copy submitted to and approved in writing by the Local Planning Authority. The mitigation measures proposed in the accompanying mitigation/method statement should form part of the "licence to disturb" application. The approved details shall be retained as such at all times
Reason: In order to ensure that the development complies with the Conservation of Habitats and Species Regulations (2010) and to secure the protection of Listed European Protected Species on site.
- 18 Prior to the commencement of development a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:
- a) Construction programme and timetable;
 - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
 - c) Proposed working hours;
 - d) Principal Contractor details, which will include a nominated contact for complaints;
 - e) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
 - f) Details of on-site dust mitigation measures having regard to BPM;
 - g) Details of on-site noise mitigation measures having regard to BPM;

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ITEM 2 (CONT'D)

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- h) Details of waste management arrangements (including any crushing/ screening operations);
- i) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

items e - i inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].

Reason: To protect residential amenity and the environment during the construction phase.

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ITEM 3

APPLICATION NO:

2016/1530

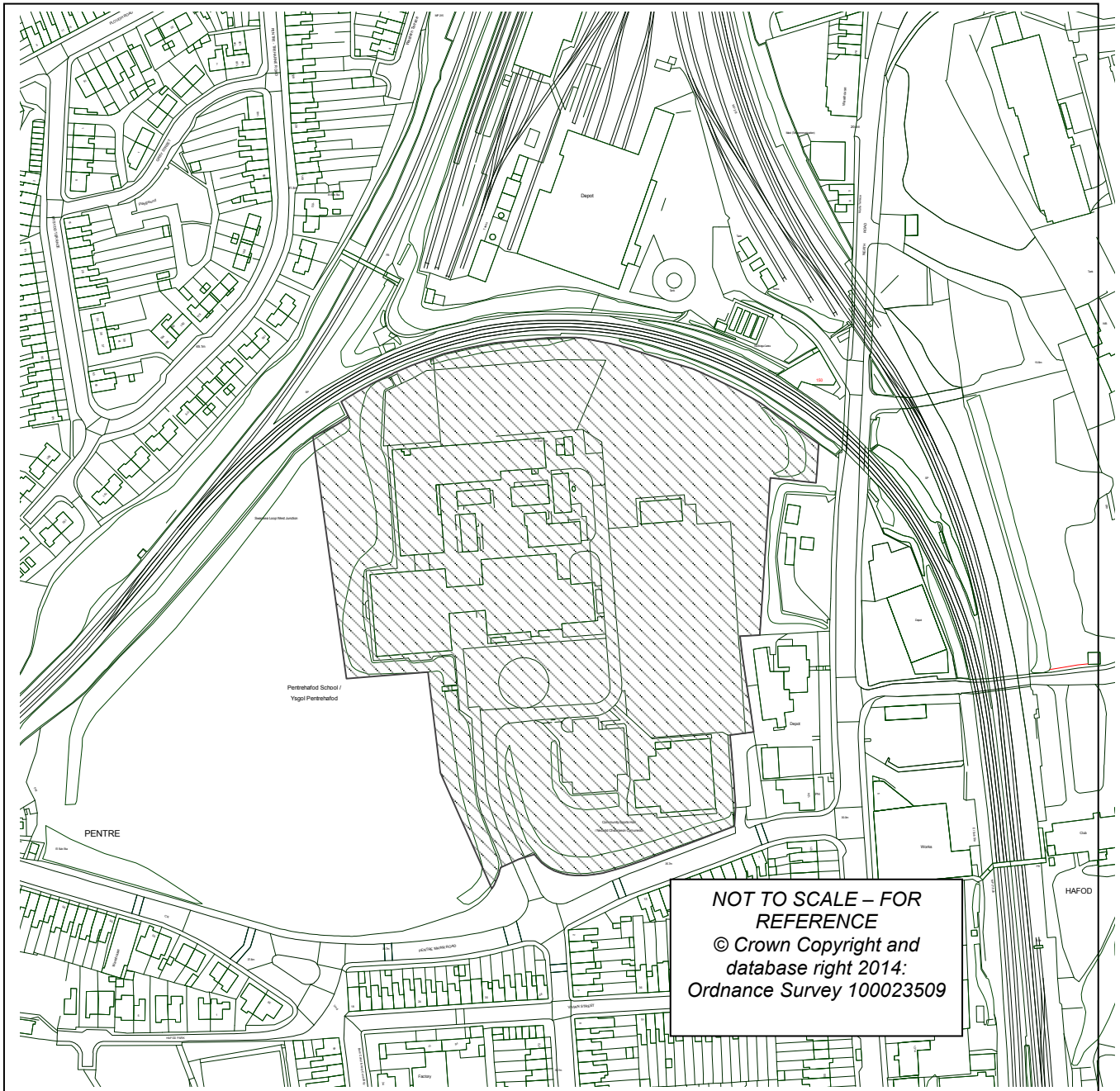
WARD:

Landore - Area 1

Location: Pentrehafod Comprehensive School, Pentre Mawr Road, Swansea, SA1 2NN

Proposal: Demolition/removal of existing demountable classrooms and part of existing building, construction of two storey link extension, two storey extension to north elevation, sprinkler tank building, external alterations, landscaping works, replacement sports area, external lighting, bin store and boundary treatments

Applicant: City And County Of Swansea



BACKGROUND INFORMATION

POLICIES

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

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)

UDP - EV35 - Surface Water Run-Off

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)

UDP - EV38 - Contaminated Land

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. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 3 (CONT'D)

APPLICATION NO:

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UDP - EV39 - Land Instability

Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1530	Demolition/removal of existing demountable classrooms and part of existing building, construction of two storey link extension, two storey extension to north elevation, sprinkler tank building, external alterations, landscaping works, replacement sports area, external lighting, bin store and boundary treatments	PDE	
2016/1164	Construction of new education and changing facilities building (PACE Unit), construction of replacement car park, new internal road layout and drop off area, installation of new boundary fencing and temporary construction access point and road.	APP	08.08.2016
2016/0950	Pre-application - Two storey link extension, two storey side extension and two storey rear extension, detached learning centre and relocation of parking area	PREP OS	07.07.2016
2010/1799	Construction of an 'Adizone' multi use games area (Council Development Regulation 3)	APP	28.01.2011
2010/0213	Creation of 18 space car park	APP	30.04.2010
2009/1554	Demolition of caretakers house (application for the Prior Notification of Proposed Demolition)	PNRE Q	26.10.2009
2003/2042	Construction of sports hall, provision of 37 space carpark and associated landscaping works (Council Development Regulation 3)	APP	08.12.2003

The application is reported to Committee as the site area for the development exceeds the development threshold.

RESPONSE TO CONSULTATIONS

Highways

Demolition/removal of existing demountable classrooms and part of existing building, construction of two storey link extension, two storey extension to north elevation, sprinkler tank building, external alterations, landscaping works, replacement sports area, external lighting, bin store and boundary treatments.

A pre-application enquiry was submitted regarding the redevelopment of the site (reference 2016/0950). The planning response was supportive.

The temporary access for construction vehicles has been considered previously under planning application 2016/1164 (phase 1) and a condition was added to agree details of the access as the details submitted were not acceptable. That condition remains outstanding although parties are currently in discussion to agree a mutually acceptable solution.

Swept paths have been provided to show that refuse, buses and fire engines can enter and turn within the site using the main existing vehicular access. Construction vehicles will not be using the main access to minimize contact with pedestrians.

The application form states that there is a marginal loss of parking associated with the development and an increase in cycle parking. No additional staff are proposed to be employed. There have been discussions ongoing as to whether the school pupil numbers would increase but it was decided that they would stay the same at approximately 1000 secondary school pupils.

The existing school does not meet recognised space standards and some elements of the building fabric have reached the end of their lifespan. The main bulk of this application is the removal of demountable units and the erection of permanent more appropriate extended accommodation suitable for the 21st century.

It is assumed that the same Construction Traffic Management Plan will apply to this as to the previous application and again this is currently being worked up between the relevant parties.

Aside from the construction phase (which is already being discussed between the Contractors and the Network Management Team) the proposals are unlikely to have any impact on the highway considering that the staff and pupil numbers are remaining broadly static.

I recommend that no highway objections are raised to the proposal subject to the highways conditions relating to 2016/1164 being fully discharged prior to any works commencing on site.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.

Natural Resources Wales

NRW do not object to the above proposal, however we wish to make the following comments.

Geoscience

We note the provision of the document entitled; 'Pentrehafod Comprehensive School, Swansea: Desk Study Report (10656/PB/10)', dated May 2010, by Integral Geotechnique (Wales) Limited.

NRW considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. However, we recommend that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.

These comments are based on our assumption that gross contamination is not present at this location. However, if during development any gross contamination is found to be present at the site then please to not hesitate to re-consult NRW.

Protected Species

We welcome the provision of the updated bat survey report entitled; 'Pentrehafod School: Bat Survey Report', dated June 2016, by Morgan Sindall. The report concludes bats are not using the buildings or trees within the application site. Therefore we have no further comments to make to the in relation to this matter.

However, we are supportive of the recommendations and mitigation proposed in Section 5 of the above report and advise that these measures are discussed and agreed with your Authority's Planning Ecologist.

Pollution Prevention & Waste Management

The biggest risk in relation to pollution, occurs during construction and 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). 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 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). 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.

Drainage and Coastal Management

We have reviewed the submitted information and recommend the following. As the impermeable areas are being connected to DCWW apparatus via existing connections we recommend that they be consulted. Pending their comments we recommend that:

Condition 1

No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how 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 1

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Dwr Cymru Welsh Water

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Planning Ecologist

The site has been surveyed for the presence of bat roosts and an extended phase one survey has been carried out. Both of these surveys have demonstrated that the site is of low ecological value. No protected species were found using the site and there were no high value habitats found. There are no ecological constraints to the proposed development. There is scope for ecological enhancement on the site including work to enhance the woodland connectivity in the area; the applicant should be encouraged to carry this out. As a precaution please include informatives (in relation to bats and birds).

Network Rail

Whilst there is no objection in principle to this proposal comments and requirements provided for the safe operation of the railway and the protection of Network Rail's adjoining land.

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- o Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- o Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- o Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

The proposal must not interfere with or obscure any signals that may be in the area.

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Glamorgan Gwent Archaeological Trust

A Rapid Archaeological Appraisal of the proposed development area has been compiled by GGAT Projects (Report no. 2012/068) and submitted in support of the application. The appraisal rapidly assessed the archaeological potential of the area and concluded that there was a significant activity within the proposed development during the Post-medieval period. Such activity took the form of re-distributed industrial waste from the surrounding works, a railway system constructed to transport such waste, structures associated with the railway system, as well as Pentre-mawr, a small housing development to the southwest.

As you may remember we previously commented on the Phase 1 application (2016/1164) in our letter dated 20th July 2016, where we recommended a written scheme of investigation be prepared, detailing an archaeological watching brief to be conducted during any ground intrusion works.

However, the current application details the demolition of demountable classrooms and various extensions to existing buildings. As detailed in the Rapid Archaeological Appraisal such proposals are located away from Post-medieval remains, such as the tramroad and engine house, that may be encountered by the Phase 1 works.

As a result, there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Pollution Control

As long as the conclusions put forward in the noise report are adhered too then I am happy with the environmental noise assessment report submitted by Mach Acoustics.

There has been some significant development of various natures on this site in the past. The site itself has an industrial history, and legacy, we know. However, the data provided by previous work indicates little in the way of contamination levels of concern other than one specific location where elevated lead levels were found. The applicant has submitted a Desk Study report from 2010 but this doesn't appear to mention the intrusive work that was done prior to this @2005 or the Soil Contamination Report [CJ Associates 2010 no. X1030] commissioned by City & County of Swansea which I am happy to provide on request.

Ultimately how this is addressed is a design issue. If the area affected is to be underneath hard cover then it becomes a non-issue as the source - receptor pathway will be severed. If, however, it is to be under soft landscaping then the affected area should be delineated, removed and replaced with a minimum of 600mm of "clean" inert material.

If the applicant can confirm the development will consist entirely of hard cover ie. buildings, car parking etc then I'm happy not to condition this but would make recommendations

APPRAISAL

This application seeks full planning permission for various works to Pentrehafod school.

The proposed development comprises the following elements:

Demolition/removal of existing demountable classrooms and part of the existing building, construction of two storey link extension, two storey extension to the north elevation, external refurbishment alterations, landscaping works, replacement sports area, external lighting, bin store and boundary treatments.

This is the second phase of the school re-development. The first phase was approved on 8th August 2016 under Planning Ref: 2016/1166 for the provision of a new education and changing facilities building, construction of replacement car park, new internal access road and drop off area, boundary fencing, temporary access point and access road.

MAIN ISSUES

The main issues to be considered relate to the impact of the development on the visual amenities of the area, the impact on the residential amenities of existing residents and the impact on highway conditions and safety.

Planning Policy

The following City and Country of Swansea Unitary Development Plan (UDP) Policies are considered to be relevant to the determination of this proposal: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV6 (Ancient Monuments & Protection of Archaeological Sites), EV33 (Sewerage Disposal), EV35 (Surface Water Run-Off), EV38 (Contaminated Land) and EV39 (Land Instability).

Visual Amenity

The school fronts onto Pentremawr Road, but the main school buildings are set back towards the northern end of the site some 120m away from the road frontage. In this respect, whilst the main buildings are visible from the road frontage, they are not a prominent feature in the street scene.

The proposal includes the demolition of four demountable buildings within the school courtyard, which is set behind the main building as you enter the school. The demountables comprise four standalone structures one of which is two storey in height. They accommodate the school's music facilities, general teaching classrooms and one of the science labs. One of the demountables is currently not used for teaching and houses a number of disused DT equipment. It is expected that the school will dispose of this as the storage space will not need to be provided.

Part of the L-shaped rearward building that surrounds the courtyard is proposed to be demolished, the existing changing rooms are also proposed to be demolished, which are currently sited in an isolated position to the north of the all-weather pitch.

In terms of the floor area, the proposals include the demolition of 1508m². The new extensions would create a total of 1989m² including a two storey atrium / teaching block and a new extension that will include an IT resource space, an art studio to the ground floor and a textiles room and further art studio on the first floor.

The broad vision for the scheme is to remove the isolated demountables and replace them with purpose built extensions that improve connections within the school.

The proposals consists of a two storey atrium with new dining facilities and library at ground floor level with teaching and staff space at first floor level. To the north the proposed atrium would open onto a newly formed landscaped courtyard and a two storey link will provide a connection to an L-shaped building.

The main feature of the atrium (in addition to the views into the courtyard) will be the new staircase and bridge accommodated in the adjacent two storey link. These will offer much improved connections between the two buildings.

The design of the new extensions would accord with the scale and form of the existing buildings and the provision of large areas of glazing to the two storey link extension will give the school a modern aesthetic. This theme is continued with the refurbishment works to the building which include areas of rainscreen cladding to provide an injection of colour that will break up the overall mass of the school buildings. Notably the main front entrance will receive a free standing solar shading canopy which will create a functional design feature that will offer shading to the offices and reception areas behind.

As part of the works the central courtyard area formed from the removal of the demountables will be landscaped. The courtyard design features a large central grass mound, this borders a central seating area delineated by the desire line to the hard play areas to the north. Three trees will be planted on the mound adding height to the scheme while offering shading to users.

Other works proposed include the resurfacing of the existing northern car park which will be marked out to provide basketball and netball courts (new parking areas have been approved under the phase 1 proposals referred to above). A new delivery yard will be created and a new bin store at the eastern end of the courtyard adjacent to the energy centre. New lighting is proposed around the school buildings and along part of the access road to the school. Finally new security fencing will be erected around parts of the perimeter of the buildings and will link into the existing fence on the northern boundary and the fencing approved under phase 1. The details of the fencing can be agreed by a condition.

In design terms the proposals will provide the school with a more functional layout and will introduce modern teaching and associated facilities. The formation of the landscaped courtyard will improve the internal appearance of the courtyard and provide a functional informal play and study area. The proposed external alterations to the existing building will give the building a modern makeover that will tie in well with the new extensions.

Overall the development will significantly improve the visual appearance and functionality of the building and grounds. The proposals are supported by the Council's urban design officer and are considered to be acceptable in visual terms in accordance with UDP Policies EV1, EV2 and EV3.

Residential Amenity

In terms of residential amenity, the proposed development would not be sited in close proximity of any residential properties, as such the proposed development is considered to be acceptable in terms of its impacts on neighbouring residential occupiers. The development would therefore accord with UDP Policies EV1 and EV2.

Access and Highway Safety

The proposed works will create a dedicated parking and drop-off area at the front end of the school which will be beneficial as it will contain the vast majority of vehicle movements within this part of the site, whereas at the moment staff vehicles travel through the site to the parking area at the rear. The drop-off area will reduce the incidences of on street parking on the roads surrounding the school, which will benefit highway safety. These elements of the scheme are considered to be acceptable.

The highways officer has expressed concerns regarding the provision of the temporary access. Whilst the highways officer recognises the benefits of segregating the construction access with the normal school traffic, the details submitted in terms of the swept paths have failed to take into account the on-site situations regarding the presence of parked vehicles on both sides of the road. As such Highways Officers consider that the swept paths are not deliverable and the temporary access road/access submitted onto Pentre Mawr Road is not fit for purpose.

Notwithstanding this, it is considered that the principal of an access is acceptable and access details can be amended to address these concerns. The requirement for further details can be secured by a pre-commencement condition in order to ensure no detriment to highway safety in the vicinity of the temporary access.

Subject to the requirements of the highways officer, which can be dealt with by conditions and informatives, the development is considered to be acceptable in terms of access and highway safety and would therefore accord with UDP Policies AS2, AS6, EV1 and EV3.

Other Issues

In terms of drainage, foul water flow rates are proposed to remain as existing, the foul water will continue to be discharged to the mains system on Pentre Mawr Road.

In term of surface water, it is proposed that surface water from the proposed extensions will connect to the existing surface water network that discharges to the main system. The design and access statement states that the surface water run off entering the network as a result of the remodelling works will be reduced and states that a net decrease in surface water run off from the development of approximately 9% would be achieved.

The Council's drainage officer has recommended Dwr Cymru Welsh Water are consulted on the development as the proposal would discharge to the mains sewer. Dwr Cymru Welsh Water have recommended no objection to the application subject to a condition requiring the submission of foul and surface water drainage details. A similar condition has also been requested by the Council's drainage officer. This condition is considered necessary to ensure there are satisfactory new drainage measures in place for the proposed development in accordance with the requirements of UDP Policies EV33 and EV35.

In terms of archaeology, the application has been accompanied by an archaeological appraisal which concludes that there was significant activity within the proposed development during the Post-medieval period. However, the proposals are located away from Post-medieval remains, such as the tram road and engine house. Subsequently Glamorgan Gwent Archaeological Trust consider there is unlikely to be an archaeological restraint to this development. It is therefore considered that the development would not conflict with UDP Policy EV6.

The application site is located within a coal mining development high risk area, the application has been supported by a ground conditions report which identifies that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken. In line with the advice of the Coal Authority it is recommended that a condition is placed on any planning permission granted for these works to be undertaken together with any mitigation measures that may be required. Subject to this condition it is considered the development would not conflict with UDP Policy EV39.

In terms of ecology, the application has been supported by an ecological survey which demonstrates that overall the sites ecological value is low and there are no habitats of significance except for the existing trees. A bat survey has been submitted which found no evidence of bat use of the buildings. The Council's ecologist and NRW are satisfied that there is no need for any further bat survey work at the site. The ecological survey has identified several ecological enhancement measures and these will be included as informatives, should planning permission be granted, together with standard bat and bird informatives. The development is therefore considered to be acceptable in terms of its ecological impacts and would not conflict with UDP Policy EV2.

In view of the former use of the site as a spoil tip the submitted ground conditions report accompanying the application considers that there is a possibility that elevated chemical concentrations may be encountered within the made ground. The Pollution Control Division has recommended a condition requiring further site investigation works and, where necessary, appropriate remediation measures. A condition has also been recommended relating to unforeseen site contamination. These conditions are considered to be necessary, given the history of the site and in the interests of public safety. Subject to these conditions it is considered the development would not conflict with UDP Policy EV38.

In terms of noise and disturbance to users of the new and refurbished buildings, the application has been accompanied with a noise survey which identifies that there are a number of noise sources surrounding the school including road noise, train noise and plant noise from adjacent businesses and within the school itself.

The noise survey submitted with the application concluded that natural ventilating through openable windows (as opposed to mechanical ventilation) will be sufficient to meet indoor ambient noise level targets for the new build and refurbished elements of the school. On the basis of the conclusions set out in the noise survey the Council's Pollution Division have raised no objection to the proposal.

Conclusion

In conclusion the proposed development would result in a significant improvement to the appearance and functionality of the school. The development would be in accordance with the above referenced UDP Policies. Therefore, subject to conditions, the development is considered to be acceptable and is accordingly recommended for approval.

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 01104 Rev PL05 - Phase 2 Site Location Plan, D1003 Rev PL05 - Site Plan Demolitions, 10007 Rev PL05 - Proposed Sprinkler Tank, 10012 Rev PL05 - Proposed Bin Store, received 28th July 2016. (90)002 Rev T6 - Site Plan, Site External Lighting (Typical Circuits), 01105 Rev PL07 - Phase 2 Proposed Site Plan, 02004 REV PL07 - Proposed Ground Floor Plan, 02005 Rev PL07 - Proposed First Floor Plan, 02006 REV PL07 - Proposed Roof Plan, 03003 REV PL07 - Proposed Elevations 1, 60756/001/B - Landscape General Arrangement Plan, 20001 REV PL07 - Proposed Elevations 1, 20002 REV PL07 - Proposed Elevations 2, received 2nd September 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 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).
- 4 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 (as amended) 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).

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5 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. On completion of remediation works a validation/verification report shall be submitted to and approved in writing by the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

Reason: In the interests of public health.

6 Notwithstanding the details indicated on the approved plans no development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how 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 and to minimise surface water run-off.

7 Prior to the commencement of development, the following must have taken place in relation to the risks posed to the development from former coal mining works:

a) A scheme for intrusive site investigations shall be submitted to the Local Planning Authority for approval.

b) The approved scheme shall be undertaken and the findings of the investigations shall be reported to the Local Planning Authority for approval.

c) A scheme for the treatment / remedial works for the mine entry shall, where identified as necessary under b), be submitted to the Local Planning Authority for approval.

d) The implementation of the works identified within c) and the submission of a validation report to the Local Planning Authority for approval to confirm the works, as approved, have been undertaken.

Reason: In the interests of health and safety.

8 Prior to superstructure works commencing on the building hereby approved details of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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- 9 If, during the course of development, contamination not previously identified is found to be present at the site no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for a detailed strategy for dealing with said contamination. The development shall be completed in accordance with the approved strategy.
Reason: In the interests of public health and safety
- 10 Prior to the occupation of the new extension hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the extension is occupied.
Reason: In the interest of maintaining a satisfactory scheme of landscaping, to protect the visual amenity of the area and in the interests of community safety.
- 11 The basketball and netball courts near the northern boundary shall not be laid out until such time that the parking areas approved under 2016/1164 have been constructed and laid out in accordance with the details approved under that planning permission.
Reason: To ensure there is sufficient off street parking provision to serve the school.

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: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV6 (Ancient Monuments & Protection of Archaeological Sites), EV33 (Sewerage Disposal), EV35 (Surface Water Run-Off), EV38 (Contaminated Land) and EV39 (Land Instability).
- 2 In terms of mitigation, there is scope to enhance woodland connectivity between the adjoining Sites of Nature Conservation Importance through the planting of new native woodland (D. Hill, City & County of Swansea, pers. comm. 13/4/2016). The most appropriate place for this planting would be around the northern edge of the school adjacent to the railway. There is also a preliminary proposal to create an area of habitat for nature study in the north-east corner of the site which could also be of new native woodland. The applicant should contact the Council's planning ecologist Mark Winder to discuss the provision of these mitigation proposals.
- 3 Despite no evidence of bats being found during the surveys of building and trees, it is recommended that at least six bat boxes and / or bat bricks are provided as part of the project. Schwegler 2FN or 1FF bat boxes or Habitat bat bricks are suggested. It is suggested that two bat boxes are provided on retained trees within the grounds of the school.

This would help demonstrate that Pentrehafod School is fulfilling its duty to have regard to the conservation of biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006 (refer to Section 1.5.1.5).

- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 5 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 6 Network Rail have provided comments in relation to precautions and safe working practices near to Network Rail land. You are advised to consider these comments, which are available to view on the Council's planning website, prior to undertaking any works near to the boundary with the railway line.
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ITEM 4

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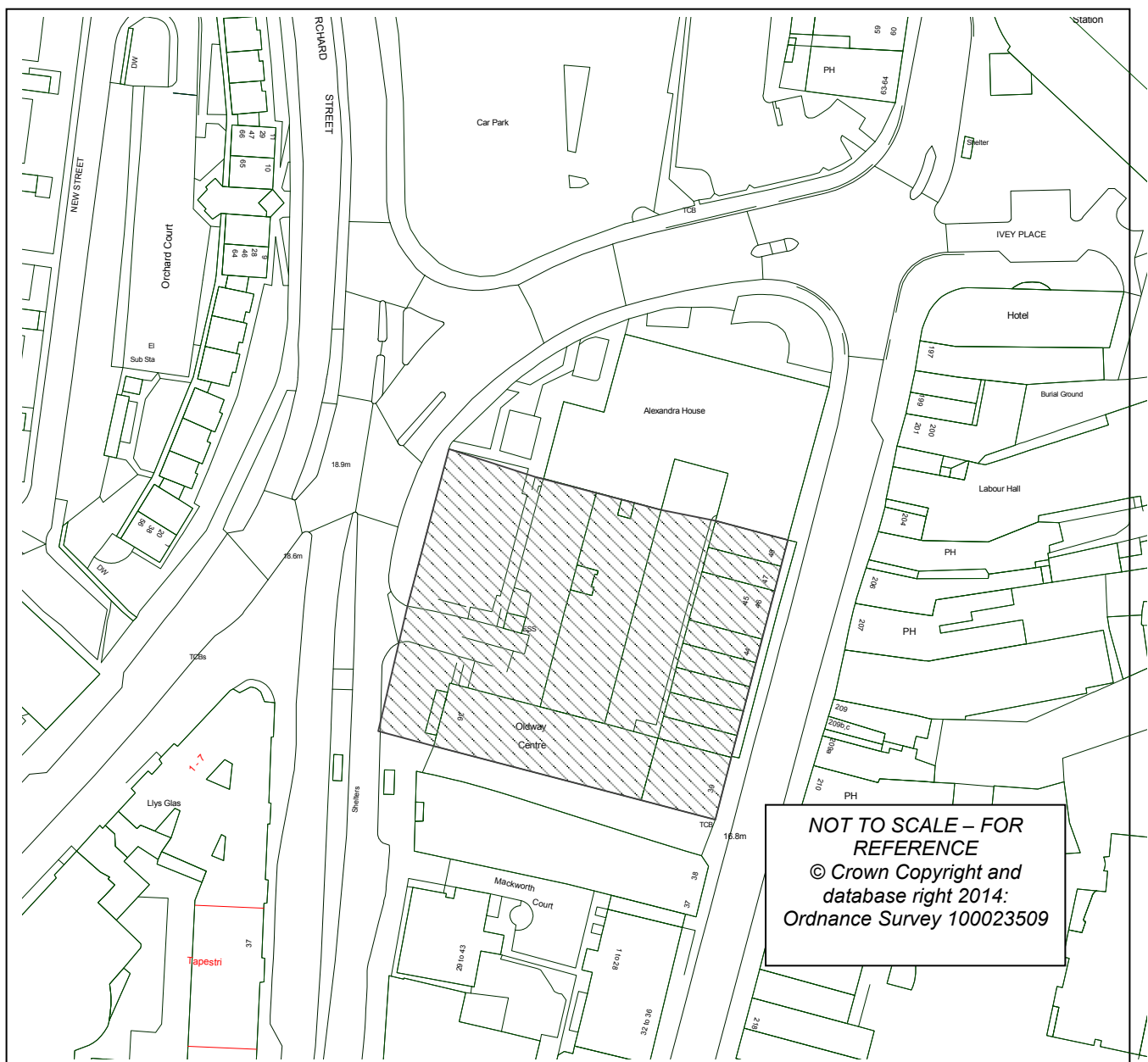
WARD:

Castle - Bay Area

Location: 36 Oldway Centre Orchard Street City Centre Swansea SA1 5AQ

Proposal: Change of use of existing Oldway Centre 13-storey office building (Class B1) and upper floors of High Street block to student accommodation with construction of additional 2 storeys of new student accommodation to High Street block (556 bed spaces in total) with ancillary ground floor communal facilities/services, car/cycle parking & refuse store with external alterations to existing building envelope, and change of use of Unit No's 40, 41/42, 43/44, 45/46, 47 & 48 High Street to form a single unit - Classes A1 (Shops), A2 (Financial & Professional), A3 (Food & Drink), B1 (Business) and D2 (Assembly & Leisure)

Applicant: Oldway Swansea Ltd



BACKGROUND INFORMATION

POLICIES

- Policy EV1 New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
- Policy EV3 Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV4 New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV5 The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV9 Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV13 Proposals for new or renovated shopfronts, including security grilles, should be sympathetic to the character of the building, adjacent properties and the surrounding area. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
- Policy EC3 Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)
- Policy EC4 All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
- Policy EC6 The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and in areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)

- Policy HC11 The use of appropriate City Centre sites for student accommodation will be favoured. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
- Policy R16 Proposals for major new developments will be required to incorporate adequate and effective waste management facilities (City & County of Swansea Unitary Development Plan 2008)
- Policy AS1 Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS2 Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS6 Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
- Policy CC1 Within the City Centre, development of the following uses will be supported:-
(i) Retailing and associated uses (Classes A1, A2, A3),
(ii) Offices (B1),
(iii) Hotels, residential institutions and housing (C1, C2, C3),
(iv) Community and appropriate leisure uses (D1, D2, A3)
(v) Marine related industry (B1, B2).
Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)
- Policy CC2 New retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

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SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1320	Change of use of existing Oldway Centre 13-storey office building (Class B1) and upper floors of High Street block to student accommodation with construction of additional 2 storeys of new student accommodation to High Street block (556 bed spaces in total) with ancillary ground floor communal facilities/services, car/cycle parking & refuse store with external alterations to existing building envelope, and change of use of Unit No's 40, 41/42, 43/44, 45/46, 47 & 48 High Street to form a single unit - Classes A1 (Shops), A2 (Financial & Professional), A3 (Food & Drink), B1 (Business) and D2 (Assembly & Leisure)	PDE	
2016/0438	Pre-app conversion of existing office building to create student accommodation (500 bedrooms) and external alterations	PREP OS	30.03.2016
2015/0196	Replacement advertisement panel fully integrated into bus shelter, including one digital display panel with one internally-illuminated panel on reverse	APP	17.03.2015
2015/0184	Replacement advertisement panel fully integrated into bus shelter, including one digital display panel with one internally-illuminated panel on reverse	APP	17.03.2015

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of site notices and advertisement in the local press dated 25 July, 2016 - no responses were received.

Dwr Cymru Welsh Water - No objection subject to conditions.

Natural Resources Wales - We do not object to the above proposal, however we wish to make the following comments.

Foul Water Disposal

The application form states that foul water flows are to be discharged to the main public sewer, via the existing connection. This is our preferred means of foul water disposal and is considered to be the most sustainable. However, we advise that your Authority also consults Dwr Cymru Welsh Water (DCWW) in order to confirm that there is sufficient hydraulic capacity within the sewer network, at this location, to accommodate the flows generated without causing pollution.

Surface Water Disposal

We note that the proposal is currently to discharge surface water to the mains. However, we recommend that the applicant investigates the use of a sustainable drainage system (SUDS), as advocated by current planning guidance PPW and TAN15 (July 2004). Ultimately the drainage system design is a matter for your Authority's Drainage Engineers and so we would advise that they are consulted in relation to this proposal.

Protected Species and Ecology

We recommend you seek the advice of your Authority's Planning Ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

Pollution Prevention & Waste Management

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. Therefore, it is vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured. At best practice, we would advise the applicant / developer to produce a site specific construction management / 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) for the project is produced.

Head of Environmental Management (Pollution Control) -

Please find comments and conditions below:

Noise: -

I have been through the noise report submitted and would agree with the comments regarding the requirement for acoustic fenestration should the application be granted. However, the locations chosen for monitoring are not truly representative for the High Street façade; they are approximately fifteen metres further back from the façade of the proposed 1st floor accommodation.

Welsh Government produced Noise Maps in 2012 to meet the requirements of the Environmental Noise Directive (Directive 2002/49/EC) and the Environmental Noise (Wales) Regulations 2006 (as amended). These maps indicate the facades of application site will be exposed to a daytime range of 65-69.9dBALeq,16hr and night time range 55-59.9dBALeq,8hr.

In order to protect the residential uses of the application, noise conditions should be attached.

Air Quality: -

Unfortunately there has been no mention of residential exposure in relation to the Air Quality objectives set out in the Air Quality (Wales) Regulations 2000, No. 1940 (Wales 138), Air Quality (Amendment) (Wales) Regulations 2002, No.3182 (Wales 198).

The local authority currently undertakes monitoring in this area and results have shown that there have been elevated concentrations at façade exposures on high street at both ground and first floor heights over recent years. Whilst this data shows a downward trend for the Mackworth court sites the Local Authority has only been monitoring at the Oldway Location since 2015. The annual mean has been back corrected from the roadside to the façade and is not breaching the Annual Mean Air Quality Objective for NO₂ (40µgm-3).

I am not in a position to object to the application on the grounds of exposure to poor air quality but would like to add the comment that the mechanical ventilation requirement for noise exposure reduction will assist with air quality as long as the air intakes are not on the High Street façade.

Highway Observations -

1. Introduction
- 1.1 This application is for a planning permission for works as outlined above on land used as offices (Oldway centre) and a variety of shops (High Street).
- 1.2 In order to assess the impact of the development, a Transport assessment was submitted with the full planning application on behalf of the applicant Oldway Swansea Ltd, prepared by ttc 'The Transportation Consultancy'. The content and scope had been advised and agreed with CCS Highways who were involved at pre-app stage.
- 1.3 The site is located at the top of High Street Swansea and is bounded by Orchard Street to the west, High Street to the east and existing commercial buildings to the north and south. There are two points of vehicle access to the site from Orchard Street and High Street. Pedestrians can also access the site via these accesses and the main pedestrian entrance from Orchard Street.
- 1.4 The site also includes the existing ground floor retail units which front onto High Street and are situated beneath the existing Oldway Centre. As part of the proposals a number of these retail units will be converted in to a reception area for student accommodation with the principle entrance to the site from High Street, with an area to be retained for retail opportunity.
- 1.5 The student accommodation will consist of 116 bedroom clusters comprising of a total of 556 bedrooms over 16 floors with ancillary uses at ground floor level.

2. Vehicular Access and Traffic

- 2.1 There is a car park at ground level situated underneath the Oldway Centre which is proposed to be retained as part of the proposals. There are 21 car parking spaces and some cycle parking existing and these are to be retained for use by the development. There is a car parking situated in the basement car park which accommodates approximately 60 car parking spaces, both of which are controlled by a barrier and access from Orchard Street and High Street. Vehicular access from High Street is also controlled by a manual barrier system. The basement parking area is being retained for use by the adjacent building of Alexandra House.
- 2.2 All the roads within the vicinity of the application site have pedestrian footways on both sides of the carriageway together with public lighting.
- 2.3 The Transport Assessment indicated that the Highway Network could accommodate the additional traffic generated by the proposal. The scheme was assessed in accordance with the National Database TRICS. The document compared those trips generated by the proposed student/mixed use development with the existing office use.

Using the TRICS Database as a reference point the TA showed that the existing office use (at full capacity) generated 277 two-way vehicular movements in the a.m. peak (08.00-09.00) compared to 9 for the proposed student development. In the p.m. peak (17.00 to 18.00) the relative figures are 173 for the office use and 18 for the proposed student/mixed use. It is seen therefore that there are substantially less vehicular movements associated with the proposed use. As the trips proposed are less than those generated by the offices it is accepted that the development will not have an unacceptable impact on traffic, nor the efficiency of the junctions in and around the site.

Multi modal trip rates have also been calculated which show an increase in walking from 60 in the a.m. peak to 105, and from 35 in the p.m. peak to 121. Also cycle usage increased but there was a reduction in public transport compared to the office use. It was advised that cycle usage locally is in excess of that generated by TRICS but given the financial contribution being made to enhance the cycle routes it is felt that this aspect is fully catered for albeit that a condition will be added to provide additional cycle parking should the need arise as the cycle parking

The proposal therefore is unlikely to generate any noticeable increase in car movements but will bring about an increase in walking, cycling and public transport usage by virtue of minimal car parking being provided.

The student accommodation will generate negligible vehicular traffic due to the limited parking facilities provided which in the main are intended to serve visitors/servicing/wardens and drop off areas. A Section 106 Agreement linking to the tenancy agreement will be required to ensure that students taking up residence do not own cars and bring them to the site or the surrounding area as there is no parking provided for this purpose.

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- 2.4 The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it. The section 106 Contributions which are being sought provide infrastructure that supports this thrust and will part fund the upgrade to the shared use path which is being constructed along Orchard Street. This contribution was requested at pre-app stage and agreed in principle. The applicant being aware of the main mode of transport for students being on foot or by cycle. The site is ideally placed for bus routes too as well as being a short walk to the Quadrant bus station with national links.
- 2.5 As has been mentioned the main thrust of the modal splits is towards non car modes of transport. In the preapp enquiry the applicant was advised of the obligation to provide a contribution towards a Highways section 106 agreement to promote/enhance cycle/walking/public transport routes. For the number of units proposed this currently equates to £96,244.
- 2.6 To determine likely travel patterns reference was made to the Swansea University Travel Plan survey which was undertaken in 2014. The survey results (for over 1000 responses) showed that foot was the main form of transport (47%) followed by bus (24%) bike 11% and car (sharing or alone) was 12%. The remainder was made up of other travel modes. This site is ideally located for these sustainable modes to continue.
3. Car Parking
- 3.1 The site is located within the City Centre core and as such there is no requirement to provide parking. Notwithstanding this there are 21 spaces being provided within the curtilage.
- 3.2 Access to the existing car parking area for use by the student element is off Orchard Street and this will remain for the proposed uses also.
- 3.3 The student accommodation is planned to be essentially car-free. 21 car parking spaces are provided for visitor and disabled use. 6 of the spaces are laid out for blue badge users. To ensure that this car free arrangement works satisfactorily and does not cause overspill parking problems there is a need to ensure that students do not have cars, and that alternatives are in place. The tenancy Agreement will have to form part of the Section 106 agreement which will tie the student residents into not bringing cars to the site.
- 3.4 Car parking within the site is provided for pick up /drop offs and servicing only and no long term parking is available for student users (in line with the tenancy agreement referenced earlier).
- 3.5 Due to the lack of parking for the student element there is a requirement for a management scheme to ensure that all the limited parking spaces are managed effectively (including for the ancillary uses) and to ensure that maintenance/servicing can be satisfactorily accommodated. This parking management scheme should also include the start of term drop offs and end of term pick ups as there will be a significant increase in cars that cannot be accommodated within the site.

- 3.6 There is a small element of parking available for the retail use located within the courtyard at the rear of the unit fronting High Street.
4. Pedestrian and Cycle Access
- 4.1 Pedestrian/cycle facilities are to be enhanced by the development. A sum of £96,244 will be requested. This will be put towards provision of a car free segregated cycle route along Orchard Street with the rest of the monies already having been agreed and secured under a section 106 Agreement from the recent planning application on the opposite side of the road at Mariner Street car park.
- 4.2 There is a room provided on the basement level to cater for 90 cycles so cycling will be a viable sustainable mode of transport particularly in view of the proximity of the site to the NCN Routes. However the cycle storage provision falls short at only 90 spaces. The parking standards require one stand per two bedrooms so it can be seen that this is inadequate.
5. Public Transport
- 5.1 The site is currently served by frequent bus services along High Street and Orchard Street. The site is located within a short walk to the Quadrant Bus station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision.
- 5.2 The Train Station can be reached on foot as it is located within 100m of the site.
6. Highways Infrastructure
- 6.1 The applicant will be required to make a contribution of £96,244 towards works to provide a segregated cycle route along Orchard Street.
- 6.2 The change of use proposed is unlikely to have any impact on existing infrastructure.
- 6.3 Existing access points are to be utilized so there are no highway safety issues arising from continued use of the points.
- 6.4 Accident data showed that there were no obvious issues in and around the site.
7. Conclusions
- 7.1. The Transport Assessment indicated that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership. The vehicular movements were shown to be less than those associated with the office use.
- 7.2 Pedestrian and cycle facilities will be catered for within the development in conjunction with the contents of the Section 106 and the proposed building layout and the provision of cycle storage and new pedestrian footways

7.3 The use of the incorporation of the tenancy agreement into the Section 106 agreement should ensure that car use is minimized.

8. Recommendations

8.1 No highway objection subject to the following;

- i. The Section 106 to include details of a parking management scheme for the parking both within the area designated for student/visitor use, and also in the adjoining servicing area. The document should make specific reference to general day to day management as well as the pick ups and drop offs which have the potential to bring more vehicles than can be accommodated at once.
- ii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
- iii. The Section 106 to include the financial contributions as outlined above (96,244) for the works to provide a contribution to the cycle route on Orchard Street.
- iv. I recommend that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- v. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- vi. The applicant to provide an annual review of cycle usage to the LPA and if it is deemed that the cycle storage availability is oversubscribed then the applicant will be required to find additional storage facilities in accordance with details to be submitted to the LPA for approval.

APPRAISAL

Introduction

The planning application is for the change of use of existing Oldway Centre 13-storey office building (Class B1) and upper floors of High Street block to student accommodation with construction of additional 2 storeys of new student accommodation to High Street block in order to provide a total of 556 bed spaces. The ground floor will provide communal facilities/services, and there is an existing facility at ground floor to provide car/cycle parking & refuse store.

It is also proposed to carry out extensive alterations to the external alterations to the existing building envelope, and also seeks change of use of the existing commercial units at No's 40, 41/42, 43/44, 45/46, 47 & 48 High Street possibly to form a single unit within Use Classes A1 (Shops), A2 (Financial & Professional), A3 (Food & Drink), B1 (Business) and D2 (Assembly & Leisure).

Application Site and Surroundings

The Oldway Centre / Alexander House comprise of a significant building at the top end of High Street / Orchard Street opposite Swansea Train Station. This application relates to the conversion of the Oldway Centre only and Alexander House will be retained for Class B1 office purposes. The building was constructed in the early 1970's as an autonomous office block over 13 storeys, approached from an entrance at the southern end of the Orchard Street frontage. The property includes a three-storey block fronting High Street with retail units to the ground floor and two floors of office space over. A pedestrian walkway runs between Orchard Street and High Street to the south of the application site.

The proximity of Swansea train station provides sustainable transport links for local and national rail travel, and there is a regular bus route which passes the site. There are also opportunities to improve the existing cycle linkages in the vicinity of the site, with running from along Orchard Street and to the city centre, and is within walking distances to most city centre facilities and services.

High Street has become a secondary area for shopping, and has a number of vacant units with inactive upper floors, but remains a key route from the Railway Station towards the retail core of the central core. Recent developments in High Street have seen significant improvements to the built fabric of the area, notably by the Urban Village scheme frontage to High Street, and new infill developments on derelict sites below along The Strand. This has begun to redefine the character the area based on mixed uses including the arts and creative industries, with live/work opportunities for start-up and artisan businesses. Some ground floor space has also been let to new retail and commercial businesses, but more is required to encourage appropriate upper floor residential uses which to generate a new community as well as ground floor commercial occupation. The Urban Quarter development in High Street will further contribute to the regeneration of the area.

The Oldway Centre has been divided into a number of office suites, but the applicants indicate that occupancy has reduced significantly over recent years, leaving the building with very few tenants. The applicant has therefore identified an opportunity to change the use of the building to student accommodation in response to the growing demand for bespoke student accommodation. This demand has resulted from the recent and continued expansion programmes of the nearby Swansea University and Trinity St David University. Swansea University is establishing the College of Engineering and School of Management in new buildings at the Swansea Bay campus, while Trinity St David has plans to expand in the SA1 Waterfront Innovation Quarter. The proposed re-development of the Mariner Street car park was resolved to be granted planning permission (subject to the completion of a Section 106 Planning Obligation) for the construction of a purpose built student 22 storey building accommodating 725 bedrooms (ref:2016/0556).

The implementation of both developments would therefore create a significant student population at this location. It is also indicated that the proposed conversion provides the opportunity to improve the acoustic, thermal and environmental performance of the existing building and to enhance its visual appearance in terms of distant views and its presence in the street scene.

Proposed Development

The student accommodation scheme, providing a total of 556 bedspaces in total within 116 cluster flats of between 3 and 5 bedrooms off a single cluster corridor located on the upper floors of the development, with shared common/ancillary accommodation to the ground floor including a controlled entrance / reception area from the High Street elevation. It is proposed that the existing commercial units at ground floor on the High Street elevation could accommodate a variety of uses.

As indicated the principle entrance will be obtained from High Street and an alternative level access under the under-croft car park will provide direct access from the disabled parking spaces. Part M compliant internal lifts will provide access to all levels of the building the whole of the ground floor accommodation. It is proposed to provide 12 accessible studios close to the main lifts (one each per accommodation floor). These will be designed to accommodate disabled/wheelchair use and will be specifically customised to respond to the needs of individual disabled residents. Cluster flat kitchen/living rooms are designed for disabled persons to visit friends and family.

The existing under-croft car park area which can either be access from High Street or Orchard Street would accommodate 21 car parking spaces (including 6 disabled), 5 no. motorcycle parking spaces in addition to a secure cycle parking (90 spaces). There are also 5 no. car parking spaces to serve the commercial unit(s). This area will also provide an enclosed waste / recycling storage facility within the under-croft area. There is an existing entrance to the building from this area which will be retained.

The planning application has been supported by a Design and Access Statement, Environmental Survey and a Transport Assessment / Travel Plan.

Material Planning Considerations

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

- o Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- o Townscape and visual impact;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Noise & Air Quality
- o Refuse Storage

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

Development Plan Policy and Supplementary Planning Guidance

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Policy Wales

PPW states that there is a preference for the re-use of previously developed land compared to greenfield sites and Paragraph 4.9.2 goes on to state that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This is especially so where there is vacant or underused land. PPW (para 4.2) states that sustainable development means the process of improving the economic, social and environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

TAN23 (Economic Development)

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

In managing the retention and release of existing employment sites authorities should aim to ensure that the integrity of remaining employment sites is not compromised. Whilst office are not specifically mentioned, TAN23 indicates that existing employment sites should only be released where they have poor prospects of being re-occupied for their previous use; the use is oversupplied; the existing employment use has unacceptable adverse impacts on amenity or the environment; the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained; other priorities, such as housing need, override more narrowly focussed economic considerations; and/or land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.

Swansea Unitary Development Plan

The primary focus of the UDP Spatial Strategy is to encourage a sustainable approach to the development of a prosperous region focused on a cosmopolitan and multi-cultural City and County, which capitalises on its waterfront location. Strategic Policy SP1 states that sustainable development will be pursued as an integral principle of the planning and development process. Development proposals designed to a high quality and standard, which enhances townscape, landscape, sense of place, and strengthens Swansea's Waterfront identity will be favoured.

Goal 2 of the UDP is to help promote the sustainable growth of the local and regional economy and a high priority is placed on raising economic prosperity in the region. PPW states that the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes and the planning system should support economic and employment growth alongside social and environmental considerations. The development will provide significant economic benefits to the City of Swansea.

The application site is located within the City Centre Action Area where the objective is to reinforce and improve the City Centre as a vibrant regional focus for business and administration, shopping, culture and leisure. UDP Policy CC1 (City Centre Mixed Use Development) of the UDP states that within the City Centre, development of numerous uses will be supported and these include retail, offices, hotels and housing, community and leisure uses. In terms of the proposed use, the UDP sets out the different uses that are considered acceptable within the City Centre. Although purpose built student accommodation is not listed specifically under Policy CC1, student accommodation is similar to both hotels and residential apartments in terms of format and operation, however, UDP Policy HC11 specifically states that the use of appropriate City Centre sites for student accommodation will be favoured. The student accommodation use would generate a large number of city centre residents that would add footfall and activity in the city centre. The residents would positively contribute to how the city centre functions by taking advantage of its facilities and amenities. In addition, the ancillary commercial uses would create active frontages and would attract additional footfall to the area. As promoted by PPW, the proposed use would make efficient use of a plot of land that is currently underutilised.

The development would result in the loss of the existing office accommodation, however, as indicated, the office building has had very few tenants in recent years, and the applicants have further indicated that Swansea's total office stock is currently 20% vacant. Moreover, that the City Centre office stock is of poor quality and highly unlikely to be re-occupied attracting poor rental values. In particular, they indicate:

The 9th and 10th floors of the Oldway Centre have been vacant for over 10 years (last occupied by DVLA) and with the remaining tenants leaving. The cost of refurbishment to provide quality Grade A/B space required to facilitate lettings will be prohibitive, as achievable rentals will not underwrite the capex and any office scheme refurbishment and would not be financially viable. The building floor plates at 9000 sq ft are also too large to cater for the local market place requirements and there has historically been a lack of true inward investment in the City, other than to service the DVLA operations, which over recent years have been in decline. With the continued trend of reducing square footage per employee head (30 - 40% reduction over the past 20 years) the issue with the re-let ability of Oldway will be ongoing.

The development of the Swansea University Bay Campus and the University of Wales Trinity St David's Swansea Waterfront Innovation Campus are providing the drivers for the regeneration of Swansea and the requirements for new affordable student accommodation within the City Centre, provides the opportunity to re-generate functionally obsolete property and introduce vitality via people into the City Centre having the knock on effects of re-generating small businesses like shops, café's pubs and leisure facilities which, by their presence will eventually drag back business users into the City Centre from their currently "preferred" out of town locations.

As referred to in more detail below, the Swansea City Centre Regeneration Framework has sub-divided the central area concept plan into areas, and the key vision for the Kingsway / Orchard Street Complimentary Area is focused on providing a new Business District which would accommodate significant new office / employment space. The loss of the office accommodation is therefore considered to be acceptable and the principle of development of this site is therefore considered to be policy compliant.

On the basis of the above, and taking into consideration the Council's acknowledgement within the recently published Regeneration Framework that the site is suitable for significant amounts of living accommodation, the principle of a student accommodation development at this site is acceptable.

Swansea Central Area Regeneration Framework (SCARF)

The site is located within the Swansea City Centre Regeneration Framework area which has been defined to encompass all of the main retail and commercial areas of the City Centre. The Framework states that a priority for the City Centre is that it develops as an attractive, distinctive, mixed-use, higher density urban core. The regeneration framework for Swansea city centre (SCARF) has recently been updated and has been the subject of public and stakeholder consultation and was adopted as informal planning guidance in February 2016 by the Council's Cabinet. It is informing the drafting of the Local Development Plan and will ultimately become SPG to updated Development Plan.

The current regeneration framework for the city centre designates High Street as a 'complementary area' with the vision theme of 'living, working and learning'. The SCARF seeks to continue the diversification of the High Street started under the earlier regeneration framework. This recognises that the retail heart of the city has shifted to the area around the Quadrant and that the new role of High Street should focus on the 'living, working and learning' theme with an emphasis on creative industries and culture. The SCARF states that High Street has the capacity to build a resident community which supports a thriving economy in the Central area and play a significant role in complementing the retail leisure led mixed use core. The catalyst effect of the Urban Village is recognised: this has set a positive benchmark for quality of design and unique local businesses but a critical mass is required to generate the revitalisation necessary to make it a busy, vibrant street.

Therefore the proposal is considered to be fully compliant with the SCARF requirements. Whilst the Urban Village project has significantly regenerated High Street, the further introduction of 556 students and high quality commercial offerings will further revitalise the street with significantly increased footfall and vibrancy. This is likely to encourage the reuse of other vacant buildings and will help dilute/ discourage the antisocial behaviour that has become associated with High Street. This project also has the potential to link the upper and lower High Street areas.

Places to Live Residential Design Guide SPG (2014)

Whilst this adopted design guide is generally aimed at housing developments, it is relevant to this proposal in terms of high density city centre living considerations and the residential amenity tests.

The relevant requirements of the Residential Design Guide include:

- o Maximise density in accessible location - as indicated above the, site is in a highly accessible location. It is well served by public transport, walkable to the city centre and a cycle ride to the various university areas. The Residential Design Guide sets the objectives of maximising densities in accessible locations.

- o Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are easy to locate, and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design. The proposed main student entrance will be from a glazed lobby facing High Street and will be highly visible and legible. This is supplemented by an additional side entrance direct from the car parking area.

Townscape and Visual Impact

Oldway House has a monolithic form with dated appearance which detracts from the quality and character of High Street, Orchard Street and Alexandra Road conservation Area (including the setting of listed buildings). The building also detracts from the sense of arrival in the city when exiting the rail station. Furthermore the under occupancy of the building for office accommodation means that it does not contribute sufficiently to the vibrancy and footfall in the area.

Tall Building Strategy SPG

The tall building SPG was adopted in 2008, although this has been updated and was subject to public and stakeholder consultation in 2015, the 2008 version remains the adopted SPG until superseded. In respect of existing tall buildings, the strategy for the refurbishment of existing tall buildings involving the change of materials may provide an opportunity to improve the design quality and functioning of existing tall buildings. The key principles from the tall building SPG relative to this application are:

- o Ensure public uses including entrances at ground floor to provide active frontages
- o Address issues of safety and security
- o The scale aspects should address plot widths and human scale
- o Forms should have slender proportions and not be slab like
- o The top should contribute to the skyline
- o High quality materials and details are expected

Guidance for proposals in this area is also set out in the Swansea Central Area Regeneration Framework (2015) within the section on High Street:

- o Ensure that new developments include reference to the plots that underlie the area by means of vertical frontages of joined buildings.
- o Ensure that all developments along High Street include active frontages to bring vitality to the street;
- o Ensure development and refurbishment achieves a positive impression and points of activity to Orchard Street

The use of a cladding system is welcomed in principle given the weathering issues with recent projects finished in render. The final cladding system, including colours, will need to be agreed and controlled through the planning conditions. Additionally, the ground floor area shopfronts will require a robust material instead of cladding panels.

There are three distinct elements to this building which warrant different architectural treatments:

- o High street frontage - this has an 'urban scale of three floors' at present with office space above ground floor active frontage (shop units) and forms part of the continuous frontage abutting the rear of the western footway. The objective for this element should be to integrate the scale and form with the valued character of High Street.
- o East west tower abutting lane - this is highly visible (13st) from the south looking up High Street. The objective for this element should be to break the form down into two 'slender' linked towers.
- o North south slab - this is highly visible (13st) from Fabian Way when crossing the River Tawe and forms part of the key view on entering the city and is also viewed from elevated hill side looking east. The objective for this element should be to break the slab form down to reduce the monolithic appearance.

Entrances

The student accommodation is proposed with two entrances, creating a new primary entrance off High Street which will access into the main reception area and using the existing entrance from the car parking area as a secondary entrance. The DAS addendum explains that the intention is to increase activity and footfall on High Street by focussing the new entrance onto this area. It is proposed to close the existing entrance to the main building from Orchard Street. This is unfortunate, however this internal area will become a communal seating area with windows overlooking the street to provide natural surveillance. Furthermore the secondary entrance off the car parking area will provide a link for students to the bus stop on Orchard Street. Therefore whilst the closure of the Orchard Street is disappointing, it is acceptable on balance.

High Street block

The application as originally submitted proposed two additional floors taking the High Street frontage to 5 floors. The general scale of High Street is 3-4 storeys under pitched roofs and this is acknowledged by the neighbourhood character assessment section of the DAS. There was therefore concern that the proposed scale on High Street would have been inappropriate. The amended proposals have responded to the character of High Street and to reduce the apparent scale for much of the frontage by inseting the top floor above the four storey frontage. This is now considered to be appropriate.

It was intended to re-clad and divide the High Street frontage into three blocks with two linking sections. However the width of the three blocks was considered to be out of scale to the established frontage widths on High Street, which did not respect the valued character of the area. The SCARF states that the underlying historic plots and vertical frontages should underpin all proposals in this area. Additionally, the use of materials should break the High Street frontage into a corner blocks to reflect the typical wider frontage on the street). The amended façade design has broken this elevation into four elements to reflect the traditional frontage widths in the area. The end block is retained as the full five storeys to turn the corner onto the lane, and all bedrooms have full height windows to maximise natural lighting and ensure natural surveillance of the street, plus the varied window positions gives the elevation a vibrant and contemporary appearance.

The retention of the ground floor commercial unit fronting High Street is welcomed, and it is important that the design of the ground floor needs to maximise active frontage. The extent of shopfront glazing at ground floor is increased to maximise active frontage with a masonry surround to ensure robustness at street level. These changes are all welcomed to reflect the positive aspects of High Street in a contemporary character. The details of the materials and fixings etc can be controlled by condition.

Tower abutting lane

This elevation is highly visible from the city core and High Street looking north. The main requirement is to break down the monolithic form and instead create the appearance of two linked towers of slender appearance. The proposed recladding concept to create the appearance of two linked towers is appropriate and the DAS indicates that the proposal draws on the materials proposed for the recently approved Mariner Street scheme. The use of a Trespa cladding system would be acceptable. The recladding proposals have been amended to create the appearance of two linked towers. This has been achieved through the use of different cladding colours and by accentuating the difference in parapet heights on the skyline. The use of colour wraps around the separate east and west towers to provide continuity of appearance. The west tower incorporates paired windows spanning floors with coloured side panels to lift the elevation visually.

North south slab block

The original proposal indicated using darker cladding to the upper 4 floors of the slab block, in order to try and break up the visual mass of the building. However, it was not considered that this would be effective in reducing the monolithic form and as such would not have satisfied the guidance within the Tall Buildings SPG. It was proposed for the elevation of the slab block to be broken into two parts with expanses of glazing and infill panels split by a stack of vertical punched windows to the stair core. This would had the effect of making the slab appear more monolithic contrary to the tall building SPG and is harmful to the setting of the Alexandra Road conservation area and listed building (Llys Glas) opposite.

The amended recladding proposals to the east and west elevations of this block have broken down the monolithic appearance by dividing it into two unequal sections, using the current location of the central stair core to divide the composition. The scale of the two resulting sections of the east and west elevation are further reduced by grouping the windows vertically with a contrasting coloured side panel, which allows pairs of windows to be seen as a single opening, thereby reducing the apparent scale of the existing building. This will also help enhance the visual relationship to the adjacent Alexandra Road Conservation Area and the setting of the listed former Central Police Station.

Overlooking

There is approximately 10.5m between the windows in the rear of the High Street block and lower level windows in the internal east elevation of the slab block. This would have resulted in privacy and amenity issues for the future student occupiers of the proposed development. This issue has been addressed in the amended plans through the addition of controlled aspect oriel windows to the rear of the High Street block. This avoids direct overlooking between bedroom windows in close proximity whilst allowing all rooms to have clear glazed full height windows.

Impact on Cultural Heritage

Policy EV1(x) of the UDP states that new development shall have regard to the desirability of preserving the setting of any listed building. Policy EV2 (vi) states that new development must have regard to the physical character and topography of the site and its surroundings by avoiding detrimental effects on the historic environment. Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings as well as unscheduled archaeological sites and monuments and their settings. Policy EV9 relates to Conservation Areas and states that development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting.

The Alexandra Road Conservation Area lies immediately to the south-west of the site. There are a number of Listed Buildings in the City Centre. Those closest to the application are the Llys Glas (former Police Station) Grade II, which lies in the Alexandra Road Conservation Area to the west and the Grade II* Ebenezer Baptist Chapel and Chapel Hall which are located approximately 100m to the north of the application site. Oldway House has a monolithic form with dated appearance which detracts from the quality and character of the Alexandra Road Conservation Area including the setting of listed buildings. It is considered that the opportunity to re-clad the building in a more a contemporary nature would have a beneficial impact on the relationship to the surrounding heritage assets.

Highway Observations - Highways, traffic, car parking, access and pedestrian movements

PPW aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

UDP Policy AS1 of the UDP requires that new development associated with housing, employment, shopping, leisure and service provision is located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling.

Policy AS2 states that new development should be designed to:

- o promote the use of public transport and facilitate sustainable travel choices;
- o provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport;
- o Allow for the safe, efficient and non-intrusive movement of vehicles, and
- o Comply with the principles of accessibility for all.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Whilst Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

A Transport Assessment (TA) has been submitted in order to assess the impact of the development, the content and scope of which was agreed by CCS Highways during pre-application discussions. The TA compared those trips generated by the proposed student/mixed use development with the existing office use, and concluded that the Highway Network could accommodate the additional traffic generated by the proposal as the proposal is unlikely to generate any noticeable increase in car movements but will bring about an increase in walking, cycling and public transport usage by virtue of minimal car parking being provided. The site is located in an extremely sustainable location being opposite Swansea rail station and along a major bus route and so as excellent access to public transport both bus and rail and a number of local amenities within a short walk.

There is a car park at ground level situated underneath the Oldway Centre which is proposed to be retained as part of the proposals. There are 21 car parking spaces and some cycle parking existing and these are to be retained for use by the development. There is additional car parking situated in the basement car park which accommodates approximately 60 car parking spaces, both of which are controlled by a barrier and access from Orchard Street and High Street. Vehicular access from High Street is also controlled by a manual barrier system. The basement parking area is being retained for use by the adjacent building of Alexandra House.

Car Parking

The student accommodation will generate negligible vehicular traffic due to the lack of parking facilities provided, which in the main are intended to serve visitors / staff and disabled student parking. It is proposed, however, to require the implementation of a parking management plan through a Section 106 Agreement link to the tenancy agreements which will be required to ensure that students taking up residence do not own cars as there is no parking provided for this purpose. This is discussed below.

Notwithstanding the above, the site is located within the City Centre core boundary area under the Central Area Parking Standards policy which indicates that proposals designed to increase the residential provision will not be required to make off-street parking provision. Whilst the proposed conversion scheme is intended for student occupancy it is considered that the policy should equally apply. As such there is no requirement to provide parking, although 21 car parking spaces are proposed to be retained.

Additionally, regard should be had to the newly adopted Swansea Central Area Regeneration Framework regarding car parking which acknowledges that developments within the city centre will not be able to provide car parking and will be supported where they will make a significant regeneration impact. In such circumstances, developers will be expected to make contributions towards transportation initiatives to enhance alternative modes of transport or off-site parking provision secured through a Section 106 Agreement. As indicated the student accommodation is designed to be 'car-free' and the 13 car parking spaces are provided for servicing, by management and disabled use. This approach is considered to be acceptable where adequate support measures are put in place to prevent cars being brought to the site, and to secondly enhance walking and cycling measures to support the alternative forms of transport. To ensure that this car free arrangement works satisfactorily and does not cause overspill parking problems there is a need to ensure that students do not have cars, and that alternatives are in place.

This will be secured via a Section 106 Planning Obligation which will tie the student residents into agreeing not to bring cars to the site. It is envisaged that if a student fails to comply with his tenancy agreement then as a worst case scenario that the tenant would be evicted. This arrangement will be controlled through the parking management plan.

Pedestrian and Cycle Access

It is proposed that pedestrian and cycle facilities are to be enhanced by the development. A sum of £95,244 has been agreed with the developer in line with the Council's Supplementary Planning Guidance on Highways contributions. This will be put towards provision of a car free segregated cycle route along Orchard Street with the rest of the monies already having been agreed and secured under a section 106 Agreement from the recent planning application (ref:2016/0556) on the opposite side of the road at Mariner Street car park for the proposed student development.

There is a capacity within the proposed ground floor parking provided on the basement level to cater for 90 cycles so cycling will be a viable sustainable mode of transport particularly in view of the proximity of the site to the NCN Routes and would encourage students to use this sustainable mode of transport. However, this potential provision falls short of that recommended within the parking standards, and the Head of Transportation recommends that an annual review of cycle usage is undertaken to ascertain whether additional cycle storage facilities should be provided. This could be undertaken as part of the travel plan should be subject to periodic review.

Public Transport

The site is currently well served by a number of frequent bus services along High St. and Orchard Street, and the site is also located within walking distance of the Quadrant Bus Station. The Head of Transportation indicates that it is not considered that there are any improvements needed to improve the frequency given the existing high levels of service provision. The site is also conveniently located opposite Swansea Rail station.

Highways Infrastructure

As indicated the developer has agreed to make contributions of £96,244 towards works to provide a segregated cycle route along Orchard Street. As indicated in the Transport Assessment the additional traffic generated by the proposal is unlikely to generate any noticeable increase in car movements and as such the conversion is unlikely to have any impact on existing infrastructure.

Conclusions

The Transport Assessment indicates that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership is secured in a Section 106 Planning Obligation. The vehicular movements were shown to be less than those associated with the office use.

The Section 106 Planning Obligation will also secure the financial contributions of £96,244 as outlined above for the upgrade the cycle network within the vicinity of the development. These contributions are considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010. Planning conditions will also be imposed to require the implementation of a travel plan and a construction traffic management plan and subject to these measures and conditions the application is considered to comply with the aims and requirements of UDP policies AS1, AS2, AS5 and AS6.

Noise and Air Quality

A Noise and Vibration Assessment has been prepared to accompany the application which has considered how the proposed site will be impacted by road traffic noise and railway noise and has also had regard to noise from the developed site in terms of mechanical service plant. This concludes that the proposed building would be located in a relatively noisy location. However, subject to the installation of acoustic glazing and controls on the mechanical ventilation system then the noise levels would be within an acceptable level.

An Air Quality Assessment has been undertaken and the conclusions are that air quality at potential future locations of relevant exposure for short-term (commercial use) and long-term (student residential use) averaging periods at the proposed development are predicted to be below the relevant Air Quality Assessment Levels. The operational phase of the scheme is not considered to lead to an adverse impact on air quality given that the development will result in an overall decrease in vehicle trips to and from the application site. The impact on air quality during the construction phase may be mitigated against in order to reduce any impact.

Waste Storage

Policy R16 states that proposals for major new developments will be required to incorporate adequate and effective waste management facilities. The supporting text states that when assessing proposals for major new developments, the provision of waste management facilities for the collection, recycling and other management of all waste likely to be generated must be included. The building accommodates refuse facilities within the car parking area of the building and allows for refuse vehicles to pick up from Orchard Street. The Head of Waste Management has expressed concerns about accessing this area but the current office use is successfully serviced in this manner and the precise means of refuse collection can be controlled through a planning condition.

Conclusion

The proposed conversion of the Oldway Centre to student accommodation would conform to the prevailing Development Plan Policies and also the aspirations of the Swansea City Centre Regeneration Framework. The opportunity to re-clad the façade of the building in a more contemporary form would have a beneficial visual impact on the appearance of the building and the wider area in general. The traffic generation from the proposal would not have an adverse effect on the public highway subject to the student parking being controlled through a the Section 106 Planning Obligation and the highway infrastructure payment will make a valuable contribution to enhancing the city centre cycle network within the area.

Approval is recommended subject to the following conditions:

RECOMMENDATION:

APPROVE, subject to the completion of a Section 106 Planning Obligation to prevent prospective tenants from owning a car to include the following clauses:

1. Car Parking Management

- a. The residents of the development shall be registered students only attending a Swansea based educational establishment.
- b. The Owner shall not permit any student accommodation unit to be occupied other than by persons who prior to the commencement of Occupation have entered into a tenancy agreement in writing which contains a tenant's obligation not to keep or use a motorized vehicle within one mile of the boundary of the student accommodation (unless otherwise permitted within a public car parking facility such as High Street MSCP) .
- c. The owner shall not permit any student accommodation unit to be occupied or continue to be occupied by any person who does not comply with the tenant's obligation.
- d. The Owner shall upon written request from the Council produce to the Council evidence of the Owner's compliance with the parking restriction.

2. Highway Infrastructure

Financial contributions of £96,244 towards works to provide a segregated cycle route along facilities Orchard Street. The contribution to be made at an agreed point in the development and tied into the beneficial occupation of any of the units.

3. Sec106 Management and Monitoring Fee

Costs incurred against the management of the obligation based on 2% of of the value of the obligations = £1,924.88.

If the Section 106 Planning Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies AS1, EV1 and HC17 of the City and County of Swansea Unitary Development Plan (November 2008).

and to the following planning conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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- 2 The development shall be carried out in accordance with the following approved plans and documents: [S124(LP)01-Location Plan, S124(EX)02-07 Existing plans received 4 July, 2016; S124EX(01) Rev A - existing site plan, S124(PL01-09 Rev A - amended plans received 5 Oct. 2016; S124(SK)034 - amended plan received 19 Oct. 2016; S124(SK) 030A & 031A - amended plans received 24 Oct. 2016)
Reason: To define the extent of the permission granted.
- 3 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).
- 4 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).
- 5 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 works to the external building envelope. 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.
Reason: In the interests of visual amenity.
- 6 Prior to the commencement of any external works, details at an appropriate scale shall be submitted to and agreed in writing by the Local Planning Authority:
- Typical window unit;
 - Typical external door within its opening;
 - Shopfronts;
 - A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
 - Corner and soffit details of the cladding materials including fixing details.

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

Reason: In the interests of visual amenity.

- 7 Notwithstanding the details shown on any approved plan, unless otherwise agreed in writing by the Local Planning Authority, precise details of the location, extent, design and finish of all visible external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works.
Reason: In the interests of visual amenity.

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- 8 Unless otherwise agreed in writing by the Local Planning Authority, prior to the beneficial occupation of any Class A3 unit, a method of ventilation and fume extraction shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: To prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises.
- 9 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority prior to any beneficial use of the development commencing.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 10 Prior to the commencement of construction works a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved CPMP.
Reason: To enable the developer to present a coherent plan addressing all environmental pollution issues likely to impact on the public.
- 11 Prior to the occupation of the development, a Refuse and Recycling Strategy (including the provision of storage facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in accordance with the approved Refuse and Recycling Strategy.
Reason: To enable the developer to present a coherent plan for the provision of waste management and collection from the site.
- 12 The development shall not be occupied until a facility for cycle storage is provided within the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In order to encourage cycling and to ensure adequate cycle parking is provided within the site.
- 13 Prior to occupation of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.

- 14 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.
Reason: to protect the proposed residential use against noise emanating from the commercial activity on the ground floor.

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, EV5, EV9, EV13, EV40, EC3, EC4, EC6, HC11, HC17, R16, AS1, AS2, AS5, AS6, CC1 & CC2]
- 2
- 1 Construction Noise
The following restrictions should be applied to all works of demolition/ construction carried out on the development site
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.
The Local Authority has the power to impose the specified hours by service of an enforcement notice.
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 2 Smoke/ Burning of materials
No burning of any material to be undertaken on site.
The Local Authority has the power to enforce this requirement by service of an abatement notice.
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 3 Dust Control:
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.
The Local Authority has the power to enforce this requirement by service of an abatement notice.
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 4 Lighting
During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations

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ITEM 5

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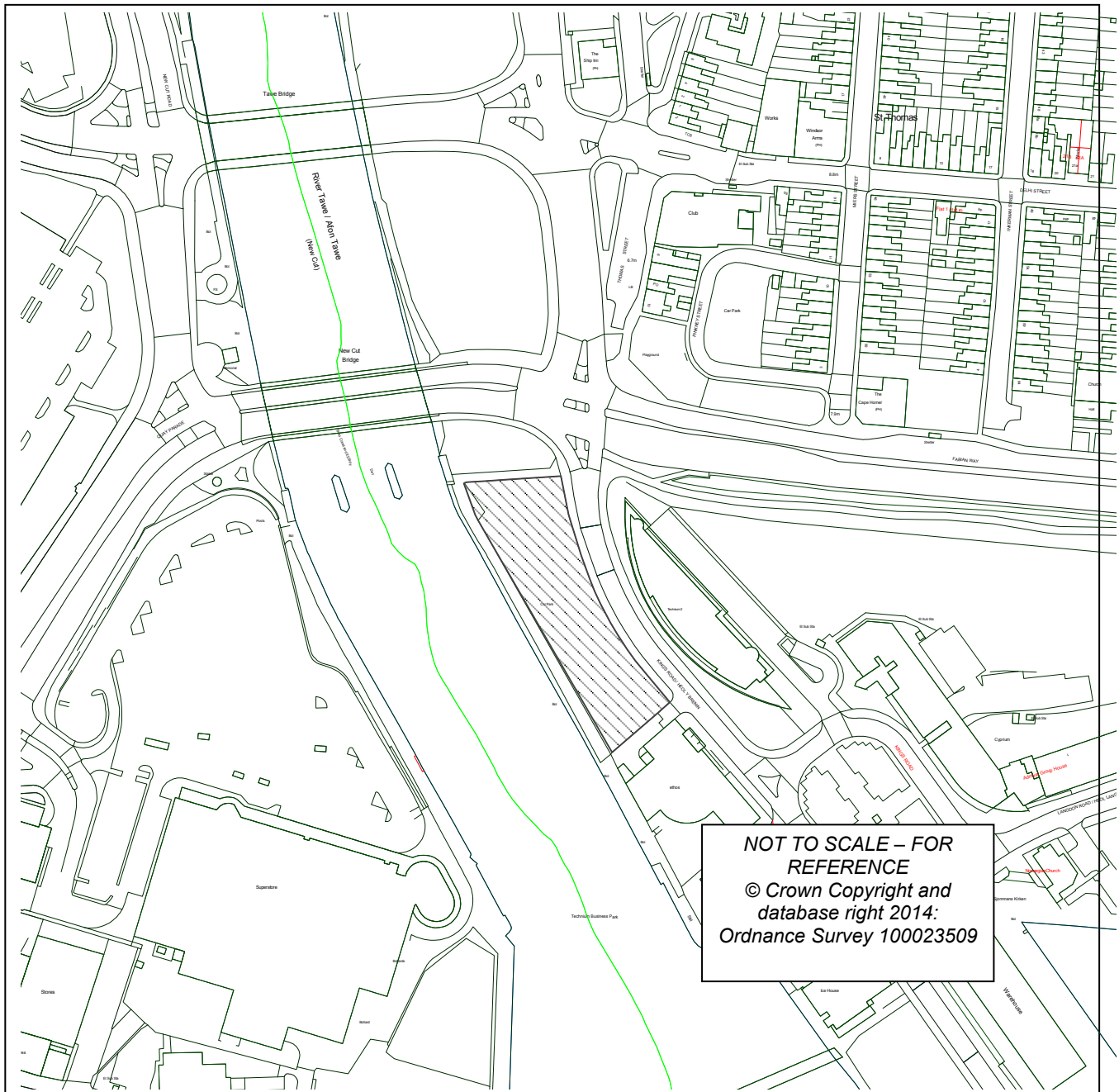
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WARD: St. Thomas - Bay Area

Location: Plot A1, Swansea Waterfront, Swansea

Proposal: Construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm

Applicant: NMJ Property Developments Limited



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

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)

UDP - EV35 - Surface Water Run-Off

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)

UDP - EV36 - Development and Flood Risk

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV38 - Contaminated Land

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. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC11 - Higher Education Campus Development

Higher education campus development will be permitted subject to compliance with the defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

UDP - R16 - Major New Development Waste Management Facilities

Proposals for major new developments will be required to incorporate adequate and effective waste management facilities. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC1 - General Employment Sites

Allocation of employment land to meet the needs of the local economy. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC2 - SA1 Swansea Waterfront

Development within the SA1 Swansea Waterfront defined area shall accord with specific criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - EC6 - Local Shopping Centres and Neighbourhood Facilities

The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

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UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - Creating and Attractive City Centre Environment

The design of all new development schemes will be required to make a positive contribution to enhancing the City Centre's environment. A program of improvements will be implemented and where appropriate, developer contributions will be sought towards this process. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1872	PRE-APP - Construction of Construction Wales Innovation Centre (CWIC) - 3 Storey Building	PCO	
2016/1603	Construction of Phase 1 Swansea Waterfront Innovation Quarter (UWTSD) - Discharge of condition 12 (means of enclosure/site perimeter hoarding/car parking area) of planning permission 2016/0921 granted 19th July 2016	NOBJ	07.09.2016
2016/1511	Construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm	PDE	
2016/0826	Change of use from Class A3 to Office (Class B1)/ University Exhibition Centre (Class D1).	APP	15.06.2016
2013/1017	Proposed application for development consent to construct a tidal lagoon for the purpose of generating renewable energy (consultation under Section 42 of the Planning Act 2008)	APP	25.08.2015

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2013/0291	Retention of existing surface car park and associated access for a temporary period of 5 years	APP	23.04.2013
2013/0289	Retention of existing surface car park and associated access for a temporary period of 5 years	APP	23.04.2013

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of site notices on 8th August 2016 and following receipt of amended plans on 17th October 2016. Furthermore the application was advertised in the Local Press (South Wales Evening Post) on 8th August 2016.

Following consultation TWENTY SEVEN LETTERS OF OBJECTION have been received to the application. The following is a summary of the points raised:

- o Site Density/Mass - the building is excessive for the size of the site.
- o Employment - The site is allocated for employment use yet the proposed development provides no employment.
- o Demand for Student Housing - Presently the supply of student housing exceeds the provision which is available.
- o Demand for good quality offices exists
- o Car Parking - developing Plot 1 will remove further parking opportunities from SA1 without any new parking provided in its place. Additionally, the number of car parking spaces proposed for the students is totally inadequate.
- o Parking - multi storey car park has never materialized.
- o Destroy the atmosphere, leading to less people visiting the eateries, forcing them to close.
- o Values of offices in area will decrease and businesses would have to move out of Swansea.
- o A 7 to 9 storey building would look dreadful.
- o Security - cannot believe anyone would consider locating a hall of residence for students so close to a busy main road, with all the noise, smoke and activity which would disturb student' work. More importantly, its proximity to the river, which has also seen a number of deaths as people fall/jump in and drown.
- o Inappropriate for the site A1 both in its design and use
- o Overbearing shape, dwarfing surrounding buildings and its form size extending the building to the plot A1 boundary limits.
- o Stark contrast to the surrounding buildings and does not fit in with the surrounding vista.
- o Impact on natural light and privacy afforded to tenants of Ethos.
- o Inappropriate that this prime office location is given to student accommodation. Will detract from the desirability of this space.
- o student accommodation would not only distract from this ideal but would reduce the attraction for existing and new companies from investing in this picturesque and peaceful location.

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- o Would disrupt not just our patients that require nearby parking but many business in the area
- o Goes against the stated aim of the UDP to promote sustainable growth of the local and regional economy.
- o Does not accord with any of the Master Plans prepared for the SA1, City Centre, Fabian Way or Region.
- o Insufficient car parking spaces within the development and SA1 area.
- o No provision for the long awaited Multi Storey Car Park on plot H9.
- o Despite claim there will be an increase not reduction of two way trips on SA1.
- o Does not provide any employment.
- o Is unacceptable as it is in conflict with non-residential uses.
- o Danger of oversupply of student accommodation.
- o Does not respond to the deposit LDP - Developments at the City eastern gateway should respond to the gateway location, including active frontages, and making strong architectural statements with enhanced public realm which creates a sense of urban approach.
- o Does not support the knowledge economy.
- o Control of refuse and waste is likely to be extremely problematic.
- o It has the appearance of a large warehouse or barrack block of the 1950s and dominates the location, the river frontage and gateway to the City and the frontage onto Kings Road.
- o Lack of privacy from the development.
- o Position of bin store will be in full view at street level to all office workers, visitors and other passers-by and will set a poor impression. Potential for odours.

Natural Resources Wales - NRW have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the following conditions, in relation to Geoscience / Contaminated Land are attached to any permission. Without these conditions we would object to the proposed development

Geoscience

We note the submission of the document entitled; 'NMJ Property Developments Limited: Swansea SA1 Student Residential - Geotechnical Desk Study (Job Number: 247733-00)', dated 22 July 2016, by Ove Arup & Partners Ltd.

We also welcome the provision of the document entitled; 'NMJ Property Developments Limited: Swansea SA1 Student Residential - Geotechnical and Geo-Environmental Interpretive Report (Job Number: 247733-00)', dated 5 August 2016, by Ove Arup & Partners Ltd.

As there is a considerable amount of made ground on the site and the intention is to remove this from site, this will greatly reduce the soil source on site. We also understand that there are to be further investigation in the area of the heptane pipe.

We consider that planning permission should only be granted for the proposed development as submitted, if the following planning conditions are imposed as set out below:

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

1. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reasons: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity, being, adjacent to the River Tawe and contamination is known/strongly suspected at the site due to its previous industrial uses.

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

Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition: Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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 complexity 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.

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Contaminated Land

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the: CL:AIRE Definition of Waste: Development Industry Code of Practice.

This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays. Advice regarding permits and exemptions can be found at the following link:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Please contact Natural Resources Wales for advice regarding an Environment Permit application on: 0300 065 3000, or use the link below:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/?lang=en>

Flood Risk

The Drainage and Flood Risk Strategy (Job Number: 247733), dated 22 July 2016, by Ove Arup and Partners Ltd, states that while the site itself is located within Zone A of the Development Advice Maps, the adjacent existing walkway along the riverside is located in Zone C1.

It is also noted that the proposed Finished Floor Level of 7.5m AOD will be sufficient to comply with the recommended guidance in TAN 15, that residential development should be flood free in a 0.5% AEP (1 in 200yr) Tidal flood event, including an allowance for Climate Change.

We also note that the 7.5m AOD floor level will comply with the tolerable conditions shown in Appendix A1.15 of TAN 15

The report also states that although the proposal will include a basement for car parking, no residential accommodation will be allowed within the basement. Furthermore, analysis of existing ground levels indicate there would be no overland flow routes for tidal floodwaters to enter the basement.

Flood Risk Activity Permit

Given the proximity of the site to the Afon Tawe the applicant should be made aware that they will need to apply for a Flood Risk Activity Permit. Further information can be found at: <http://naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>

Protected Species

We note the provision of the document entitled; 'NMJ Property Developments Limited: Swansea SA1 Student Residential - Phase 1 Habitat Survey Report with Ecology input to BREEAM Assessment (Job Number: 247733)', dated 22 July 2016, by Ove Arup & Partners Ltd.

The report has identified that bats and otter were not using the application site. Therefore, we have no further comments to make in relation to these matters.

Pollution Prevention & Waste Management

As your Authority will be aware there can be no deterioration of water bodies under the Water Framework Directive. Therefore, given the scale of the proposed development it is vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific construction management / 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) for the project 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).

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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

Please note, we have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

I hope these comments are of assistance. If you have any queries regarding the above, please feel free to contact the Llandarcy office.

Planning Ecologist - Any residential development on the site is unlikely to have any significant ecological impact. There are no ecological constraints to the development. There is plenty of scope for improving the wildlife value of the site with the landscaping. The developers should be encouraged to use wildlife friendly plants.

Dwr Cymru / Welsh Water - No objection. Standard Conditions recommended.

Council's Drainage Engineer - We have reviewed the submitted Drainage and Flood Risk Strategy dated 22 July 2016 and subject to a positive response from Natural Resources Wales recommend the following. Condition 1:

No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how 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 and to minimise surface water run-off.

Highway Observations - Recommend Refusal.

Construction of purpose built student accommodation between 7 and 9 storeys (506 bedspaces comprising 150 studios & 59 cluster units) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm

Plot A1, Swansea Waterfront, Swansea

1. Introduction

- 1.1 This application is for a planning permission for works as outlined above on land currently used as a car park of 94 spaces (temporary until 2018) to support the development at SA1.
- 1.2 In order to assess the impact of the development, a Transport Statement was submitted with the full planning application on behalf of the applicant NMJ Property Development Ltd., prepared by Ove Arup & Partners Cardiff.
- 1.3 The site is located on Site A1 of the Swansea SA1 development. It is bounded by the river Tawe to the west, Fabian Way to the north, and Kings Road to the east. The site is located approximately 850m east of Swansea City Centre.
- 1.4 The ground floor uses are intended to be ancillary to the student accommodation.

2. Vehicular Access and Traffic

- 2.1 The access to the site is currently gained off an existing highway with a single direct vehicular access off Kings Road, operating as a priority junction. The site is located in a reasonably sustainable location with access to public transport (bus) and a number of local amenities within a short walk.
- 2.2 Kings Road has pedestrian footways on both sides of the carriageway. There is a road bridge with pedestrian provision near the site crossing the River towards Swansea City Centre.
- 2.3 The Transport Assessment indicated that the Highway Network could accommodate the additional traffic generated by the proposal. The scheme was assessed in accordance with the National Database TRICS. The document compared those trips generated by the proposed student/mixed use development with the existing car park)

The TA showed that the existing car park generates 71 two-way vehicular movements in the a.m. peak (08.00-09.00) compared to 25 for the proposed student/mixed use development. In the p.m. peak (17.00 to 18.00) the relative figures are 51 for the car park use and 21 for the proposed student/mixed use. The site was included within the outline consent as office accommodation and the relative figures for this use class are 151 vehicle trips in the a.m. and 104 vehicle trips for the p.m. peak. It is seen therefore that there are less vehicular movements associated with the proposed use.

Overall in terms of the period from 0700 to 1900 there are 269 vehicular movements predicted yet only 23 parking spaces are being provided.

Multi modal trip rates have been calculated and as expected there is an increase in cycle, pedestrian and with public transport trips but given the low number of trips generated by cars then it is evident the majority of trips will be via cycle, public transport and on foot. .

The proposal therefore is likely to generate a decrease in car movements compared to the existing car park use, or the consented office use but will bring about an increase in walking, cycling and public transport usage by virtue of minimal car parking being provided. The relative trips between (0700 to 1900) are 1392 trips on foot, 141 using public transport and 9 on cycles although the Swansea cycle figures have been proved to be significantly higher than the TRICS data would suggest

It is agreed that the student accommodation will generate less vehicular traffic due to the limited parking facilities provided and nature of the end users. A section 106 Agreement linking to the tenancy agreement will be required to ensure that students taking up residence do not own cars and bring them to the site or the surrounding area as there is no parking provided for this purpose.

- 2.4 The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it. The section 106 Contributions which are being sought provide infrastructure that supports this thrust.
- 2.5 The proposed site layout has a single parking spaces available for drop offs with direct access off Kings Road. I am unsure as to what this is meant to serve and it is only car size.
- 2.6 As has been mentioned the main thrust of the modal splits is towards non car modes of transport. For the level of development proposed then under the Highways Section 106 contribution a sum of upto £147,000 can be requested to enhance cycle/walking/public transport routes.

Following internal discussions it has been determined that there are two broad sectors that require investment, namely to improve pedestrian connectivity and also for public transport enhancements.

The contributions are set out as follows:

Improving Pedestrian Connectivity.

1. Fabian Way / King's Rd junction. Relocation of the Fabian Way pedestrian crossing phase to a more conventional location to the East side of the junction.
Budget Estimate £30 - £35k.

Public Transport Enhancements

2. Fabian Way / King's Road junction. Introduction of bus priority, for buses exiting King's Road.
Use of pole mounted card reader, to enact priority call for buses serving SA1
Budget Estimate £15-£20k

3. Amendments to inbound Fabian Way bus lane. Remove the dedicated bus stage, and remodel the island to create a give way arrangement to allow buses to reach the front of the queue. Budget Estimate £40k

4. Eastbank Way / Delhi St: Modifications to triangular island in centre of junction to allow vehicles from Second Tawe bridge to progress towards Fabian Way when right turn link is full. Budget Estimate £8-10k

Thus the total contribution that would be requested if planning were minded to approve the application is £99,000. The development could fully fund these items in their entirety with no need to pool resources from any other related development.

2.7 The junction of Kings Road with Fabian Way is going to be restricted to public transport use only so any cars will have to arrive/depart via Langdon Road.

3. Car Parking

3.1 The development has been assessed against adopted parking guidelines and fails to meet the standards for 'managed student accommodation' with provision of 23 car parking spaces. For the level of development 71 spaces should be provided. The applicant has justified this reduced level of parking by referring to other developments that have been consented with lesser levels of car parking that the standards advise. He also referenced the availability of parking local to the site. I do not consider that this reduction is appropriate at this location and the applicant was advised of this prior to the planning application be submitted.

3.2 There are ongoing parking issues in Port Tennant and St Thomas wards due in part to workers from the SA1 development using the residential streets for parking during the day time. Given that the parking for the student accommodation is below CCS standard it is reasonable to assume that the parking problems already evident could be compounded by this shortfall. The use of the 'managed student' category is in itself a significant reduction from the normal C3 Category

3.3 Due to the lack of parking for the student element there is a requirement for a management scheme to ensure that all the limited parking spaces are managed effectively (including for the ancillary uses) and to ensure that maintenance/servicing can be satisfactorily accommodated. This parking management scheme was referenced within the supporting documentation and can be included as a condition should consent be granted. The document should also include the start of term drop offs and end of term pick ups as there will be a significant increase in cars that cannot be accommodated within the site confines.

3.4 The car parking area (which is at basement level) is accessed using a shared ramp which currently serves the adjacent building. The ramps allows for two way flow so the risk of obstruction being caused on Kings Road in minimized.

3.5 Whilst a lot of objections have been received regarding the loss of the parking facility and the impact that will have on business in the area. This car park was put in as a temporary measure and is a development plot.

4. Pedestrian and Cycle Access

4.1 Pedestrian facilities are to be enhanced by the development. A sum of £99,000 in total will be requested (which is less than the maximum that could be requested) in line with the SPG on Highways contributions. The full details of the proposed works have been outlined above (section 2.6). Whilst Highways are not supportive of the application on that basis of insufficient parking being provided it is considered prudent to include relevant and necessary conditions that could be applied if Planning Committee were minded to approve the application on the basis of city centre regeneration.

4.2 There is a room provided on the ground floor level to cater for 160 cycles. This is short from the cycle parking standards which require one stand per two bedrooms (253 stands), hence significantly short on provision. A condition could be added to tie into the travel plan so that if the ongoing student travel surveys show that demand is outstripping supply then additional facilities can be provided to meet the increasing demand.

4.3 In terms of pedestrian routes, the requirement for section 106 contributions has been covered previously. The monies will be used to enhance the route from the site across Fabian Way towards to wards of St Thomas/Port Tennant.

5. Public Transport

5.1 The site is currently served by a frequent bus service. The site is located within a short walk to the Quadrant Bus station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision.

5.2 The train Station can be reached on foot but it would be more convenient to catch a bus for the short trip upto High Street Station with links to UK and beyond.

6. Highways Infrastructure

6.1 If the application receives planning consent then the applicant will be required to make a contribution of £99,000 towards works as outlined in section 2.6

6.2 The redevelopment of the site will also require reinstatement of the existing vehicular crossing and a new dropped kerb crossover for the single car parking space. The ramp access will remain as existing. The road is not adopted but is subject to a section 38 Agreement between the Welsh Government and CCS. These works will need to be undertaken to Highway Authority Standards and Specification.

7. Conclusions

7.1. The Transport Assessment indicated that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership. The vehicular movements were shown to be less than those associated with the current car park use or with the consented office use.

7.2 Pedestrian and cycle facilities will be catered for within the development in conjunction with the contents of the Section 106 and the proposed building layout and the provision of cycle storage and new pedestrian footways

7.3 The use of the incorporation of the tenancy agreement into the Section 106 agreement should ensure that car use is minimized.

7.4 The parking provision however falls substantially short of that outlined in the parking standards. The applicant justification for lower levels to be suitable is not accepted. I consider that the low levels of parking provided could give rise to overspill parking in the associated wards to the detriment of the existing residents provision. The parking standards for student managed accommodation already takes into consideration the use of tenancy agreements so a further reduction from the already reduced standards cannot be justified.

8. Recommendations

8.1 I recommend that the application be refused on the grounds that insufficient parking is being provided to support the proposed development. The current parking provision in St Thomas and Port Tennant is already under pressure and any further encroachment by non residents could be detrimental to highway safety by virtue of indiscriminate parking.

Note: Being mindful of the aspiration to regenerate Swansea City Centre if the resolution is to approve the development then I suggest the following conditions as per Highways Appendix 1 in order to mitigate for the impact of the development:

HIGHWAYS APPENDIX 1

i. All reinstatement and new vehicular accesses being completed to Highway Authority Standards and Specification.

ii. The Section 106 to include details of a parking management scheme for the parking within the basement area. The document should make specific reference to general day to day management as well as the pick ups and drop offs which have the potential to bring more vehicles than can be accommodated at once.

iii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.

iv. The Section 106 to include the financial contributions as outlined above in section 2.6 for the works to provide the pedestrian and public transport enhancements at a value of £99,000.

v. I recommend that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.

vi. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

vii. The applicant to provide an annual review of cycle usage to the LPA and if it is deemed that the cycle storage availability is oversubscribed then the applicant will be required to find additional storage facilities in accordance with details to be submitted to the LPA for approval.

viii. The development should be occupied by registered students only, in the interests of highway safety.

Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader (Development) , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Glamorgan Gwent Archaeological Trust Ltd - We identified a possible archaeological issue for this planning application while inspecting your weekly planning list and have consulted the detailed information contained on your website.

You will recall that previous archaeological studies carried out in the wider area encountered the remains of structures, buildings and features shown on the historic mapping. Historic mapping indicates that industrial buildings and rail sidings extend in to the development area. Given our recent experience on industrial sites, it can be surmised that there is a strong potential that further elements of these may survive in as buried features. Parts of the construction and enabling processes for the development may disturb the previous ground surface, thus having a potential impact on any archaeological features located in the area.

As noted above, in previous responses to development in the wider SA1 redevelopment area we have recommended that a condition should be attached to any consent that was granted ensuring that the archaeological resource was investigated and where necessary protected.

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

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

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

Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

We also recommend that a note should be attached to the planning consent explaining that:

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

Pollution Control - Please attach the following conditions: -

Air Quality:

o Prior to the beneficial use of the development commencing a 'Quantitative assessment of NO₂ pollutant concentrations at the façade of the proposed development should be undertaken (in line with National Air Quality Objectives) in parallel with the assessment of the on-site combustion plant to ensure the combined effects of both pollution sources on future residents are fully assessed'. The assessment shall be submitted too and approved by the Local Planning Authority.

Comment:-

The application makes reference to mechanical ventilation being utilised in order to mitigate potential exceedences of the air quality objectives. Could the applicant please submit the details for the system and how it will be installed within the development?

Construction Phase:

o No development shall take place until The Construction Environmental Management Plan referred to within the Air Quality Assessment submitted with the application has been submitted and approved by the Local Planning Authority.

o Prior to the commencement of construction works on the application site detailed plans of any piling operations to be carried out shall be submitted and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring residential premises.

Reason: to ensure that a statutory nuisance does not occur for neighbouring premises.

Ventilation/Extraction:

o Prior to the beneficial use of the development commencing a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

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o Prior to the beneficial use of the development commencing a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Noise:

o Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: - To protect the proposed residential use against noise arising from the existing traffic use of the area.

o Unless otherwise agreed in writing by the Local Planning Authority, prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum $D_{nT,w} - (Ctr)$ of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.

Reason: - to protect the proposed residential use against noise emanating from the commercial activity.

o Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:
All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Reason: - To protect the existing and proposed residential uses against noise from building services plant.

Contaminated Land:

Validation/verification Report

o On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved in line with the Remediation Strategy set out in Section 9 of the ARUP Geotechnical and Geo-Environmental Interpretative Report. Doc Ref: 2016/9478. Issue 5 August 2016; submitted with the application.

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

(This condition is not intended to cover any groundwater requirements that Natural Resources Wales may wish to comment upon).

Unforeseen Contamination

o If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously 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, a detailed strategy for dealing with said contamination.

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

Comment: -

Could the applicant confirm that they have contacted the water authority regarding the water supply pipes and whether further protection is required?

Informatives

1 Construction Noise

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

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

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

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

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

3 Dust Control:

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

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

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

4 Lighting

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

APPRAISAL

Introduction

This planning application has been submitted following a pre-application submitted in February 2016 seeking advice on the construction of purpose built student accommodation at the site. During the pre-application submission meetings were held between the applicant's agent and officers with open dialogue about the key planning considerations and focus on the design of the scheme. At that time initial options presented revolved around the provision of three distinct towers extending substantially above existing surrounding buildings. The applicant's agent has sought to respond to the pre-application advice as part of this planning application.

Application Site and Surroundings

The application site, known as plot A1, lies within the SA1 region of the City Centre and provides an important gateway when approaching the City Centre from the East. It comprises of a roughly rectangular parcel of brownfield land located south of the A483 and to the West of Kings Road extending to a total area of 0.51 hectares.

The site is currently utilised for car parking purposes with the access being directly from Kings Road.

Proposed Development

The planning application submitted proposes the redevelopment of the site from a carpark with outline planning approval for A1 office accommodation to a mixed use development of student residential accommodation and an A3 cafe unit.

The scheme comprises:

- o A total of 500 bed spaces (amended from 506 bedspaces).
- o communal ancillary space including study spaces, meeting rooms, a prayer room, cinema, games room and accessible WCs

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- o Building management facilities including a reception/security desk, office, staff room and kitchen
- o covered, secure cycle storage for 180 bicycles
- o laundry facilities
- o 70.51m² commercial unit (A3 use class) on the ground floor level
- o 23 parking spaces including 3 accessible spaces
- o a refuse and recycling store
- o associated plant and servicing areas
- o landscaped external public realm

In addition to the submitted application plans supporting documents submitted with the application include:

- o Design and Access Statement
- o Planning Statement
- o Landscape and Visual Impact Assessment
- o Visually Verified Montages Report
- o Series of Photomontages (A-F)
- o Landscape Strategy
- o Outline Travel Plan
- o Transport Statement
- o Sustainability Appraisal
- o Microclimate Wind Assessment
- o Geotechnical Desk Study
- o Ecological Appraisal Report
- o Drainage and Flood Risk Strategy Report
- o Air Quality Assessment Report
- o Acoustics Planning Report

Following external consultation and discussion with officers the applicants submitted amended drawings and supporting information on 17th October 2016. The amendments provided for included:

- o Alteration of the massing and storey heights through the stepping of the building has been pronounced with the reduction of accommodation upon the eighth floor. Refinement of the indentation of the eighth and majority of accommodation at the seventh floor reduces the scale of the proposal when viewed from Fabian Way.
- o Clarification on material choice of brickwork and its lighter colour tone.
- o Areas identified as 'ancillary' with reference to 'front of house' will retain active glazed facades to offer interaction between public and private space.
- o Submission of a wind analysis
- o Revised ground floor fenestration on Kings Road
- o Revised elevations demonstrate proposed positions of passive vents
- o Rationalisation of fenestration positions with the defining of linear glazing elements allowing for integration of passive vents at floor junctions.
- o Additional glazing along River Tawe elevation brings solar gain
- o Layby for drop off of package deliveries provided within the application site boundary

Material Planning Considerations

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

- o Principle of development having regard to Development Plan Policy and Supplementary Planning Guidance;
- o Townscape and visual impact;
- o Impact on residential amenity;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Impact on archaeology and cultural heritage;
- o Flood risk and Drainage;
- o Pollution and ground contamination;
- o Impact on ecology;
- o Waste Storage

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

Principle of Development

The outline planning permission for the mixed use development at SA1 Swansea Waterfront (Ref:2002/1000) established the principles of the development through the Development Framework and Land Use Masterplan. A significant proportion of the SA1 Swansea Waterfront infrastructures together with a significant number of buildings have been completed in accordance with the original outline planning permission.

The permission was varied under ref:2008/0996 which essentially sought to allow changes for the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the Section 73 permission indicates that the development shall accord with the SA1 Swansea Waterfront Masterplan presented as Figure A2.1 within the Addendum Environmental Statement (April, 2010) and that any departures from the Masterplan will be considered on its merits having specific regard to the provisions of UDP EC2 and other related policy. Within the SA1 Swansea Waterfront Masterplan - Figure A2.1, the land use for plot A1 is allocated for office use with an indicative storey height of 4 to 6 stories.

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

The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996. Additionally, under the revised SA1 Masterplan UWTSD were not proposing to provide student accommodation within the SA1 development; however, it was acknowledged that there was the possibility of private student providers wishing to respond to market demand on some of the development plots within SA1.

In view of the above history it is clear that the principle of a substantial development of the site, albeit referred to as office accommodation in line with the original aspirations for the SA1 waterfront area, is acceptable. Furthermore the site is a brownfield site, previously development land and comprising of an existing temporary car park, and is therefore available for redevelopment.

Given that the use of the proposed development now being proposed differs to that of the original Swansea Waterfront masterplan the key issue is to consider whether the proposed use, that being as student accommodation, is acceptable as an alternative to office accommodation.

In terms of the planning policy position Unitary Development Plan Policy EC2 indicates that a major redevelopment area is identified at SA1 Swansea Waterfront for mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services. Policy HC11 (Higher Education Campus Development) indicates that the use of appropriate City Centre sites for student accommodation will be favoured with the view to encouraging City Centre living, and contributing towards its revitalisation.

Within the context of its allocated office use, there is some evidence to suggest that there is limited market demand for office use in SA1 Swansea Waterfront and across the City as a whole and that without Welsh Government grant assistance such a use would not be financially viable. The applicant's 'Planning Statement July 2016 (page 31) sets out that the site has been actively marketed for commercial/office uses over an extended period of time (i.e. since the original concept for SA1 and over the last 4 to 5 years). It refers to there being no viable interest received for an office development. Notwithstanding this, the emerging planning policy position within the Local Development Plan (which is at Deposit Stage and has recently been subject to consultation which closed on 31st August 2016), and also within the Swansea City Centre Strategic Framework Review is to encourage office use within the City Centre and to create a new business district along The Kingsway / Orchard Street area.

Taking into account the revised position in relation to the UWTSD taking a major land holding within the SA1 quarter near the application site, and the emerging policy position related to directing office related uses to the City Centre, it can be regarded that the development of a further office building on plot A1 would prejudice the aspirations of the above emerging policy position.

Within the context of Policy HC11, which relates specifically to Higher Education Campus Developments, whilst the site is not a City Centre site, it is adjacent to the City Centre and its proximity to the proposed UWTSD Innovation Quarter makes it an attractive and sustainable location for student accommodation.

On the basis of the above it is considered that the scheme is acceptable in principle for student accommodation and complies with the requirements of Policy EC2. Given that it is a key site along the main route into the City, and having regard to the existing advice within the SA1 Swansea Waterfront Masterplan - Figure A2.1 regarding indicative building heights, the fundamental issue is considered to be designing a building of an appropriate scale and architectural quality.

Townscape and visual impact

The proposed building which is set to be located on the gateway approach into the city along Fabian Way would be a key element and therefore needs to be appropriate in terms of its mass, form and design and respond to the context of the surrounding urban environment in a positive manner. The policy position, set out primarily in policies EV1, EV2, EV4, EC2, AS2 and CC5, and supported through Supplementary Planning Guidance requires that new development be, amongst other criteria, appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. Furthermore development should integrate effectively with adjacent spaces and the public realm to create good quality townscape.

The scheme now before the Council for determination has evolved following initial pre-application advice given in July 2016, and following negotiation during the application phase with Council officers. The Council's Design and Conservation Team Leader has been consulted throughout the process and following the revisions made to the scheme raises no objection to the development.

Previous concerns had related to the height and monolithic appearance of the elevation facing Pentre Guinea Road approach. This was addressed through the inseting of the top floor of the building to form a 'cap' which will reduce the perceived scale and improve the overall appearance of the building. This north elevation has also been broken up visually by the addition of a number of coloured panels alongside windows.

The scale of the eastern elevation onto Kings Road which will also be visible above the Technium 2 building looking along the Fabian Way was also a concern. The inset top floor with 'cap' at the northern end has helped reduce the perceived scale, as has the removal of the top floor from the metal clad link section as well as the middle gable (this results in the loss of 17 student rooms). This height reduction creates a better step down in scale from the 9 storey northern end down to the 7 storey element of the proposal adjacent to the Ethos building. This reduction of scale is also aided by the inseting of much of the top floor in the southern area which reduces the perceived scale and creates a visual top to the building.

Taken together these amendments are a significant actual and perceived reduction in scale as well as an improvement to the appearance. This improves the relationship to Kings Road and provides a more gradual step up in scale as the backdrop to the Technium 2 Building when viewed on Fabian Way. The proposed building will still be widely visible and with these amendments to the actual and perceived scale it will integrate more effectively with the existing context of the application site and surroundings.

Elevations

Additional details have been provided to confirm the juxtaposition of brickwork columns/ infill panels and details of windows which are linked across floors. This allows the openings to be perceived as large scale vertical pairs which helps to reduce the apparent visual scale of the building. The broad approach of robust brick elevations is welcomed to reference the industrial character and further details can be secured through planning condition. The windows have been amended in the metal clad link element to ensure adequate day lighting and natural ventilation. This has not diminished the treatment of this area as a contrast to the brick elevations.

Ground floor

At the ground floor level, the extent of active frontage at the northern end of the building onto the main walkway and sustrans cycle route has been increased by expanding the glazed footprint of the café. It is accepted that the electrical rooms are also needed in this location given the location of incoming services and this is an acceptable balance.

The amended ground floor proposals also clarifies the intent of the 'indoor garden'; this will be the main communal space for student life within the building with glazing so it will be an key active frontage onto Kings Road and the Tawe walkway and should be kept visually open. A suitable planning condition can be imposed to secure future visual transparency.

Public realm

The revised information confirms that the proposed external areas are flush with the existing River Tawe walkway. This is important to provide access for all and to ensure positive integration with the existing public realm.

Amended landscape proposals have been provided in an attempt to address the significant wind effect issue that has been identified at the north west corner. The updated technical note on the wind effects indicates that the general intent could address this issue but that this isn't the full detail. Therefore a further condition is needed to ensure that the landscape proposals fully address the wind effects.

The Kings Road streetscape proposals have been amended to omit the two laybys which would have disrupted the streetscene and resulted in the removal of 3 street trees. However it is not clear what the amended proposals are for parking of the refuse truck. It is important that the servicing requirements do not disrupt the streetscene and this issue should be condition for future resolution.

Sustainability

The DAS addendum confirms that PV panels will be concealed on areas of roof behind the parapets. This should be covered by condition to ensure that the panels are not a discordant feature on the skyline.

Summary of amended scheme

The proposal would introduce a significant level of student accommodation which will increase the vitality of the SA1 regeneration area in very close proximity to the city core. It is an independent proposal that complements the UWTSD proposals for the Innovation Quarter in the southern area of SA1.

Discussions with the applicants design team have sought to move the design away from a series of feature taller towers in this location to a lower linked urban block which addresses Kings Road and the Tawe frontage. This building will form a key element of the gateway approach into the city along Fabian Way. The scale is broadly in accordance with the approved SA1 masterplan.

The taller elements of the proposal are in accordance with approved SA1 masterplan which indicates maximum heights for individual plots. This is expressed as the maximum number of floors, so this is open to some interpretation because the floor heights of office developments are typically more than residential developments. On the basis that the A1 plot is allocated in the approved SA1 masterplan for office developments, the masterplan heights have been interpreted as office floor heights. The applicants have used the upper end of office floor heights (4.5m) to establish the height volumes (whereas the average floor height of the adjacent Ethos building is 4.25m). Using the 4.5m floor heights this converts the masterplan heights of 6 floors at the northern end to 27m and 4 floors at the southern end to 18m. Residential floor heights are much lower than office developments (typically 2.5m per floor) so this is why a 9 storey residential building (27.3m high) can be accommodated within the masterplan height volume of a 6 storey office building (27m). To demonstrate the difference in floor heights between residential and office developments, the proposed contextual elevation shows the 4 storey Ethos office building is approximately the same height as 6 stories of the proposed student accommodation.

This part of the SA1 regeneration area is defined as a welcome zone for tall buildings in the Council's adopted tall building SPG. As indicated above the proposed upper height in the northern part of the site accords with the approved masterplan and the contextual elevations show that the 9 storey block is approximately twice the height of the 14.1m high 3 storey element of the adjacent Technium 2 building. Therefore this development could be considered to be a tall building at the northern end and in this regard it meets the tests set out in the tall building strategy SPG; namely the need for active frontage at street level and the requirement for a distinctive skyline as part of a quality building.

At the southern end the proposed building exceeds the 4 commercial office floors (17m) indicated in the SA1 masterplan by approximately 4.85m with an overall height of 21.85m. However this is considered to be acceptable as a gradual step up in scale from the adjacent Ethos building which is 17m high as demonstrated by the elevations showing the surrounding context. Although the proposal exceeds the height of the masterplan in this area, it is some 9m further away from the Ethos building than the indicative footprint shown in the masterplan (15m separation is proposed as opposed to 6m separation in the masterplan). Therefore the separation between the buildings avoids an overbearing effect on the occupants.

The proposed footprint extends some 10m further north than the masterplan footprint and rather than narrowing to a point as per the masterplan, the proposal widens to 35m to form the 9 storey gateway block aspect of the proposal. It should be noted that the masterplan footprint was indicative and reflected the original aspiration for office development. A development of student accommodation has a different simpler footprint. Whilst there is more building mass proposed at the northern end, this forms a 'gateway' which reinforces the sense of arrival along Fabian Way. Furthermore there is still space outside the site boundary adjacent to the bridge and the visual testing demonstrates that there is still an expansive view which opens up of the city scape with the slope of Mount Pleasant rising up behind. Therefore whilst the northern footprint departs from the SA1 masterplan, the proposal is considered to be acceptable to create a gateway building whilst making better use of centrally located brownfield site.

Although the site is linear orientated north south alongside the Tawe, the building is successfully broken down with architectural features and the form kinks to follow the shallow curve of Kings Road. The building is 'bookended' by cross wings and the length of the frontage is further broken down by an intermediate cross wing which emphasise the main entrance.

The elevations are based on large scale brick framing to provide an elegant repetition that makes reference to traditional industrial and maritime buildings in a contemporary manner. This framing is translated into colonnades in key parts of the building which ensures a positive relationship to the public realm. The applicant indicates that inspiration for the proposals in terms of the scale and elevation design is taken from dockside buildings from Swansea and further afield. This fits with the aspirations of the SA1 Innovation District being developed by UWTSD in the south of the SA1 area. Furthermore the design of the elevations with windows joined vertically across follows that they are read as pairs that reduces the apparent scale.

The grade II listed Ice House and J Shed buildings are located some 130m to the south of the site boundary adjacent to the Sailbridge. The proposed building would be visible on the Tawe frontage in the context of the Ice House building with two intervening buildings (Ethos and Technium 1). The site would be viewed in the streetscene looking north from the J Shed across Technium Square. Therefore given the separation and intervening urban development it is considered that the proposals would have a neutral effect on the setting of these Listed Buildings.

As indicated above, the proposed building will have a significant presence and it will be visible in the round from all angles. The application is supported by a Landscape and Visual Impact report including photomontage visual testing from key views. Currently this shows the original proposal not the amended scheme with reduced massing and improved articulation of the top floor areas.

The visual impact of the amended (reduced) scheme are as follows:

View along Fabian Way (2 locations)

These approach views are currently open due to the undeveloped nature of plot A1 and the undeveloped areas of SA1 fronting Fabian Way. There is no specific focus of the approach view, rather it is an overall townscape which includes the triangular form of Plantasia, the city scape of High Street, the developed slope of Mount Pleasant rising up to the skyline and the BT tower visible above the roof of the Technium 2 building.

The proposed building would be a key aspect of this view with the proposed massing stepping up from left to right reflecting the rising nature of the Mount Pleasant skyline. The upper floors would be clearly visible above the Technium 2 building and much of the townscape to the left would still be visible, plus a reduced part of the BT tower would be visible above the proposed roofline.

View from north on approach from Pentre Guinea Road

Currently this view is open due to the development nature of the application site. The proposed building that opens up to be to 35m wide would be a key aspect of the view as a gateway building. It would have a significant presence and the inset top floor with 'cap' and coloured panels alongside the windows would avoid an overbearing monolithic appearance.

Looking along Kings Road from Technium Square

This view focusses on the relationship to the existing Ethos building and illustrates the street scale of the proposals. The bookends and off centre gable help to break up the linear form and it can be seen that parts of the building are cranked to follow the shallow curve of Kings Road. The proposed building is clearly taller than the Ethos building and Technium 2 building. The inset top floor helps to reduce the perceived scale and this considered appropriate as an urban relationship.

Looking across the Tawe (from the Sailbridge)

The Sailbridge is a key walking and cycling route between the city centre and SA1. Again the proposed building would be a key aspect of this view looking north up the River Tawe. The openness of the river corridor would benefit from the scale of the proposed building to provide definition to one side. The bookends and off centre gable help to break down the linear form and the scale gradually increases from the Ethos building to step up to the gateway element at the north end adjacent to the Tawe Bridge.

Looking down river from the southern Tawe Bridge

This is a key route for vehicles, pedestrians and cyclists entering and leaving the city and again the scale of the building responds to the openness of the river corridor. From this view the scale drops towards the Ethos building with lower buildings such as the Technium 1 and the Listed Ice House building beyond to the south.

The earlier proposals were subject to review by the expert impartial Design Commission for Wales, their view was that the height was appropriate and the stepping up of the massing from the south to north was supported. The north end was seen as an appropriate location for a taller element. They did highlight the need to refine the top of the building and this has been addressed in the latest proposals

The public realm proposals associated with the application seeks to positively integrate with the existing public areas. New spaces are proposed on the river frontage to provide space for student and the public alike to relax. The Kings Road frontage incorporates planting as per other SA1 projects to soften the streetscene. The adjacent council owned area of grass to the north is a key gateway space that has a poor quality appearance.

This area would benefit from a planting scheme that relates to the setting of the building and removal of the out dated SA1 marketing sign.

Summary

The proposed student accommodation building accords with the overall vision to create an urban place through the SA1 regeneration, it also creates a gateway on a key approach into the city centre. It will be widely visible and is considered to be a well designed large building in accordance with the policy requirements set out in the Unitary Development Plan and supporting Supplementary Planning Guidance.

Impact on residential amenity

With regard to potential impact upon residential amenity the relevant policy within the UDP is Policy EV40. This refers to development proposals not being permitted where they 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.

As part of the application the scheme was supported with both an 'Acoustics Planning Report' and an 'Air Quality Assessment'. The Acoustics Planning Report includes a Noise Survey carried out as part of the development. This had regard to internal ambient noise levels and noise emissions limits and measurements were taken from 5 points around the application site. In relation to air quality the submitted report identifies that the proposed development has the potential to cause air quality impacts during the construction and operational phases and has the potential to affect future residents of the proposed development. It recognises that the proposal also has the potential to generate odour from the proposed café unit.

Pollution Control Officers have been consulted as part of the application and have raised no objections to the application subject to conditions requiring additional details on air quality, a Construction Environmental Management Plan as referred to in the Air Quality Assessment, details of any piling operations, a scheme to control ventilation and fume extraction, a scheme to control any condensing units, a scheme relating to sound proofing, details of the restriction of the flow of sound energy through party walls and floors between the commercial and residential uses within the development and a scheme to deal with all building services plant noise.

It can be noted that the site lies adjacent to existing office uses, the A483 highway and the nearest residential uses are positioned to the North East in the St Thomas Area. Given the position of the application site siting alongside the river, adjacent to the A483, and in proximity to existing office uses it is not considered that the development will have an adverse impact upon residential amenity of any neighbouring residential occupiers in the surrounding area.

Comments received from third parties raise objection on the basis of the relationship of the proposed development to that of the surrounding office buildings with particular the distances between the buildings (Ethos building and proposal) likely to result in an adverse impact upon the outlook from offices, result in students peering into office suites at less than 20 metres and result in loss of sunlight.

Having considered the former positioning for a proposed office building as set out in the masterplan, which was actually closer to the Ethos building, and having regard to the siting of the development subject of the application it is considered that the relationship between the proposed student accommodation and offices will be acceptable having regard to residential amenity. Whilst separation distances, in guidance terms, should usually be 21 metres, this relates to back-to-back residential housing and is not applicable to the proposed application. In fact page 56 of the Residential Design Guide SPG states "There is no need for building frontages across a street or public area to be 21m apart. This is an outdated standard which does not make the best use of lane, and can compromise the sense of place created by enclosing and defining strong edges to streets. The minimum front to front separation distance across the public realm and streets should be 10m." Whilst it is noted that the relationship between the ethos building and the proposal is not a front to front relationship or across a street it nevertheless relates to separation between an office and student accommodation use. No harm would arise from the relationship which is between 15m and 22m separation. Whilst the development will likely result in further sunlight loss to the offices their north facing position does not result in existing good levels of sunlight. Furthermore the former office use as set out in the masterplan would have formed a closer relationship than the proposal scheme.

On the basis of the above it is considered that the development will result in no adverse impact upon residential amenity and accordingly complies with Policy EV40.

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

The application has been supported with a Transport Statement and Outline Travel Plan and details of parking provision have been provided on the submitted drawings.

Vehicular access to the site is proposed to be provided directly off Kings Road, from an existing access, into a shared ramp which provides access to the existing Ethos building. From this ramp access into the lower ground floor a total of 23 car parking spaces are proposed to be provided. A layby for the drop off of package deliveries has been provided within the application curtilage. Pedestrian access is proposed to be achieved through the footways along Kings Road and the existing shared footway/cycleway which lies adjacent to the River Tawe. Step free entrances will provide access to the lifts within the building itself.

The submitted Transport Statement assesses the proposals in relation to the highway network with respect of trip generation. The Statement concludes that the student accommodation would result in a net reduction in two-way trips in comparison with the existing temporary car park use, as well as the consented office development specified in the SA1 masterplan.

For example, based upon comparable sites identified the proposed development would generate 877 daily arrivals and 1005 daily departures. Of these trips 654 arrivals and 738 departures are pedestrians. Based on the sites selected it is forecast that the site would generate 25 two-way vehicle movements in the AM peak hour and 21 two-way vehicle movements in the PM peak hour. However, it notes that given the no-car policy for students it would expect these trips to be the worst case scenario.

In relation to existing trip generation, for the car park, this is observed to generate 71 two-way trips in the AM peak hour and 51 two-way trips in the PM peak hour.

Dealing with the original outline planning permission for SA1 and the allocation of a 4-6 storey office development and using the data held within TRICS an office development of 5000m² is expected to generate 151 two-way vehicular trips in the AM peak hour and 104 two-way trips in the PM peak hour.

The figures presented demonstrate that the student use would result in less two-way trips than the original outline scheme for an office or that of the existing car parking use.

Planning Policy Wales sets out that car parking is a major influence in terms of the choice of means of transport and the pattern of development. It states, in paragraph 8.4.2, that "local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate." Furthermore it advises that new developments should be consistent with "minimising the need to travel and increasing accessibility by modes other than the private car" (Para. 4.7.3).

UDP Policy AS1 of the UDP requires that new development associated with housing, employment, shopping, leisure and service provision is located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling.

Policy AS2 states that new development should be designed to:

- o promote the use of public transport and facilitate sustainable travel choices;
- o provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport;
- o Allow for the safe, efficient and non-intrusive movement of vehicles, and
- o Comply with the principles of accessibility for all.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

The Parking Standards Supplementary Planning Guidance specifies that for purpose built student accommodation, within all zones, there is a need for 1 car parking space for every 25 bedrooms for servicing, wardens and drop-off areas. Based upon the original scheme for 506 bedspaces this amounts to a total of 20 car parking spaces. However, as the site lies outside of the Core the requirement also reflects that, in addition to the above, parking is needed for students and visitors and that equates to 1 space per 10 bedrooms. Based upon the original scheme this relates to the need for 50 car parking spaces in addition to the 20 resulting in a total need for 70 spaces. The revised scheme of 500 bedrooms would also result in a requirement for 50 car parking spaces, in addition to the 20 spaces required for servicing and this results in a total requirement for 70 car parking spaces.

The application drawings indicate a total of 23 car parking spaces within the lower ground floor. Whilst this would comply with the 20 space threshold for developments within the 'core' area, as the site lies outside of this area it does not comply with the guidance.

In their report the Highway Authority recognise that the Transport Assessment indicated there would not be a material increase in car usage and associated congestion, and that a robust tenancy agreement would prevent car ownership, however, recommend that the application be refused on the grounds that insufficient parking is being provided to support the proposed development. They state that current parking provision in St Thomas and Port Tennant is already under pressure and any further encroachment by non-residents could be detrimental to highway safety by virtue of indiscriminate parking.

Whilst the objection of the Highway Authority is noted officers consider that whilst the level of parking does not strictly accord with the Parking Standards SPG, the development is within a sustainable location directly along the A4067 and a short walk from the city centre. The site lies opposite the 'Central Area' referred to in the SPG and offers the opportunity to support sustainable transport and shifting modes of transport from private car along with supporting the Councils regeneration aspirations for the City as a whole.

The Highway Authority refer to the imposition of a Section 106 agreement to control the management of car parking and officers consider this to be a reasonable approach for this form of development. Furthermore planning obligations to provide for enhancements to the transport network, particularly in relation to improving pedestrian connectivity and public transport enhancements could be utilised to mitigate for the additional activity resulting from this development. This is considered to be a reasonable requirement as part of the development proposal and in the planning balance of material considerations would outweigh the lack of parking cited by the Highway Authority which represents a reason for refusal.

Of relevance to this consideration is that the Design Commission for Wales (DCFW), when considering the development prior to the planning application in June 2016, set out that the site is a sustainable location which is close to the city centre and good public transport links. They identified the presence of alternative car parking in close proximity to the site which should help to build the argument for a reduced number of parking spaces. They further considered that the requirement for more parking on site could be threat to the viability of the scheme or may result in a reduction in the quality of the building to compensate for additional cost. They therefore considered that a lower level of parking provision was supported.

Furthermore the applicant has provided justification in the submitted Planning Statement which identifies the local facilities and areas of commerce that can be accessed by foot and cycle by potential students residing at the accommodation. A number of restaurants and cafes including a superstore, cinema, health clinic, dental clinic are within 500m distance of the application site whilst the railway station is 1000m from the site. In addition the consented University of Wales Trinity St Davids Quarter is within 600m of the site. Taking into account best practice found in the IHT guidance 'Providing for Journeys on Foot' the applicant notes that the preferred maximum walking distance for town centres is 800m. Given the close proximity of the site to these uses as well as the site being adjacent to the National Cycle Route 4 the applicant considers that the scheme lies within a sustainable location thus to provide justification for the scheme.

Having regard to the Car Parking – SPG it can be noted that a general reduction in the amount of car parking for schemes can be awarded through sustainability points. In the case of this development it can be regarded that the scheme does have a range of facilities within 200m, 400m and 800m as set out in the SPG to benefit from a parking reduction amounting to 20%. This adds weight to the position that the development is a sustainable development in good proximity to local services.

Officers consider that whilst the scheme does not accord with the SPG in relation to Parking Standards this shall be taken as guidance in assessing individual applications and each application considered upon its individual merits. In this case the scheme cannot provide the full extent of car parking specified in the SPG, however, it has been demonstrated that the site is within a sustainable location and suitable mechanisms can be imposed through a Section 106 to deal with car parking management and improvements to pedestrian and public transport connectivity in the area. Whilst the Highway Authority has cited that the development will lead to pressure upon the St Thomas and Port Tennant wards by virtue of indiscriminate parking, there is no supporting evidence to demonstrate that this development will directly harm highway safety in those areas. The mechanisms suggested by the Highway Authority, and agreed to by the applicant, would, on balance, result in an acceptable development having regard to highway considerations and the policies contained within the Unitary Development Plan. The provision of the planning obligations would be a course of action considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

Impact on archaeology and cultural heritage;

Planning Policy Wales (Edition 8, January 2016) sets out that the desirability of preserving ancient monuments and nationally important archaeological remains, whether scheduled or not, and their settings is a material consideration in determining a planning application.

GGAT have provided comments on the application to confirm that previous archaeological studies carried out in the wider area encountered the remains of structures, buildings and features shown on the historic mapping. They advise that historic mapping indicates that industrial buildings and rail sidings extend in to the development area. Given their recent experience on industrial sites, it can be surmised that there is a strong potential that further elements of these may survive in as buried features. They note that parts of the construction and enabling processes for the development may disturb the previous ground surface, thus having a potential impact on any archaeological features located in the area. They have suggested a condition in the form of a watching brief be imposed as part of any planning permission in order to identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Subject to the provision of a suitable condition it is considered that the application is acceptable having regard to its impact upon archaeology and cultural heritage.

Flood risk and Drainage;

The application has been supported with a Drainage and Flood Risk Strategy to consider and assess the drainage and flood risk implications.

Review of the TAN15 - Development Advice Map for the site identifies that the site is positioned within Zone A flood plain, and therefore at little or no risk of flooding. As the scheme proposes a basement, it has been recommended that the ground floor threshold is above 7.5m AOD in order to ensure that it is above a 1 in 200 year tidal flood event with allowance for climate change.

Natural Resources Wales have been consulted as part of the application and note in their response, in specific reference to flood risk, that the development will comply with the tolerable conditions shown in Appendix A1.15 of TAN 15. Accordingly they raise no objections in relation to flood risk.

Welsh Water have been consulted and raised no objection subject to the imposition of conditions to deal with foul and surface water discharges from the site.

The Council's Drainage Engineer has noted the submitted information and raised no objection subject to the provision of a condition requiring the developer to prepare a strategy for the comprehensive and integrated drainage of the site. In view of the scale of the development and to ensure a comprehensive means of drainage is achieved such a condition is necessary.

Pollution and ground contamination;

The application was supported by a Geotechnical Desk Study produced in July 2016 and a Geotechnical and Geo-Environmental Interpretative Report produced in August 2016.

Natural Resources Wales have raised significant concerns that without specific conditions being imposed in relation to Geoscience / Contaminated land, they would object to the proposed development. They note that there is a considerable amount of made ground on site and the intention is to remove this which will greatly reduce soil source on the site. The conditions recommended relate to a risk assessment being identified, in order to prevent contamination of the controlled waters at the site given it is adjacent to the River Tawe. A condition requiring the submission of a verification report, a condition requiring reports on the monitoring, maintenance and any contingency action to be provided, a condition relating to controlling of any non-identified contamination and a condition relating to no infiltration of surface water drainage, a condition relating to any piling or any other foundations designs to be agreed.

In view of the nature of the concerns raised by NRW and the proximity of the site to the adjacent River Tawe it is considered reasonable that specific conditions be imposed to deal with matters relating to protection of the controlled waters.

Impact on ecology;

The application was supported with a Phase 1 Habitat Survey of the site and the report confirms that a limited range of common habitats are present within the surveyed area. These are disturbed by public use of the site with very little potential to support protected and/or notable species. As such the development will have no adverse impact upon ecology.

Waste Storage;

Policy R16 states that proposals for major new developments will be required to incorporate adequate and effective waste management facilities. The supporting text states that when assessing proposals for major new developments, the provision of waste management facilities for the collection, recycling and other management of all waste likely to be generated must be included. The building proposes a waste storage area on the ground floor which lies near the ramp access. The applicant has sized the waste storage area according to the Residential Design Guide SPG requirements and used the SPG requirements for 'flats' when sizing the store. The area can accommodate 40 bins and a drawing has been provided by the applicant to illustrate this. Whilst comments from objectors are noted in relation to the siting of the waste storage and its potential visual impact on the area the drawings show that this is to be contained within the building. A suitable planning condition can be used to secure the full details of the storage and through a waste management scheme to prevent any potential adverse impacts upon visual amenity or the amenity of those living and working in the area.

Response to consultations

Turning to the representations received it can be noted that the majority of objections cite the lack of compliance of the scheme with the masterplan and have been submitted by businesses within the SA1 area. In response it can be noted that the principle of the scheme, having regard to the relevant policy considerations, has been addressed above. The concerns raised about the scale and design of the building have been addressed in the above paragraphs and during the course of the application the overall design of the scheme was amended. Comments have been received in relation to the demand for student accommodation suggesting that there is no demand for this development. There is no evidence to suggest that there is not a demand for the accommodation and the expansion of the existing universities suggests that there is demand for new student accommodation. Lack of car parking has been raised as an objection and a full consideration of this and other highway considerations has been provided in the above paragraphs.

Conclusion

Having regard to the submitted application it can be considered that whilst the proposed use is not one of office use as set out in the Masterplan for SA1 the use does comply with the provision of the Swansea Unitary Development Plan in that it provides a comprehensive scheme which will integrate with other developments within SA1 including the expansion plans of Trinity St Davids. The scheme respects the existing character of the area and is of a high design standard which embraces the principles of sustainable development. Concerns relating to the lack of car parking spaces is noted, however, it is not considered that the scheme will result in harm to highway safety in the area that could justify refusal of the application on the basis of the controls that can be imposed on the development. Approval is therefore recommended subject to the developers entering into a Section 106 Agreement in relation to future car parking management, provision of a planning obligation amounting to £99,000 for specific enhancements to the pedestrian and public transport network and subject to a schedule of planning conditions to control the development and its form.

RECOMMENDATION

APPROVE, subject to the completion of a Section 106 Planning Obligation to prevent prospective tenants from owning a car to include the following clauses:

1. Car Parking Management

- a. The residents of the development shall be registered students only attending a Swansea based educational establishment.
- b. The Owner shall not permit any student accommodation unit to be occupied other than by persons who prior to the commencement of Occupation have entered into a tenancy agreement in writing which contains a tenant's obligation not to keep or use a motorized vehicle within one mile of the boundary of the student accommodation (unless otherwise permitted within a public car parking facility).
- c. The owner shall not permit any student accommodation unit to be occupied or continue to be occupied by any person who does not comply with the tenant's obligation.
- d. The Owner shall upon written request from the Council produce to the Council evidence of the Owner's compliance with the parking restriction.

2. Highway Infrastructure

Financial contributions to the sum of £99,000 to fund:

- a. Fabian Way / King's Rd junction. Relocation of the Fabian Way pedestrian crossing phase to a more conventional location to the East side of the junction in order to improve pedestrian connectivity.
- b. Fabian Way / King's Road junction. Introduction of bus priority, for buses exiting King's Road. Use of pole mounted card reader, to enact priority call for buses serving SA1 in order to improve public transport.
- c. Amendments to inbound Fabian Way bus lane. Remove the dedicated bus stage, and remodel the island to create a give way arrangement to allow buses to reach the front of the queue in order to improve public transport.
- d. Eastbank Way / Delhi St: Modifications to triangular island in centre of junction to allow vehicles from Second Tawe bridge to progress towards Fabian Way when right turn link is full in order to improve public transport.

3. Section 106 Management and Monitoring Fee

Costs incurred against the management of the obligation are based upon 2% of the value of the planning obligations = £1980.

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO:

2016/1511

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies AS1,AS6, EV1, EV3 and HC17 of the City and County of Swansea Unitary Development Plan (November 2008).

and 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:

Site Location Plan AP100/A, Existing Site Plan AP101/A, Existing Block Plan AP102/A, Proposed Site Plan AP103/B, Proposed Lower Ground Floor Plan AP104/F, Proposed Ground Floor Plan AP105/H, Proposed First Floor Plan AP106/F, Proposed Second Floor Plan AP107/F, Proposed Third Floor Plan AP108/D, Proposed Fourth Floor Plan AP109/D, Proposed Fifth Floor Plan AP110/D, Proposed Sixth Floor Plan AP111/D, Proposed Seventh Floor Plan AP112/D, Proposed Eight Floor Plan AP113/D, Proposed Roof Plan AP114/C, Proposed Roof Plan AP114/C, Elevation A including Context AP115/C, Elevation B including Context AP116/C, Elevation C including Context AP117/C, Elevation D including Context AP118/D, Sectional Elevation AP120B, Sectional Elevation C AP121B, Sectional Elevation D AP122/C, Proposed Block Plan AP123/B, Elevation Sectional Detail AP132, Landscape Section AA EDP3244-09B, Landscape Masterplan EDP3244-10A, Landscape Section BB EDP3244-10A, Landscape Section CC EDP3244-11A, Acoustics Planning Report - Rev 1, received on 17 October 2016.

Air Quality Assessment Report received 24 August 2016, Design and Access Statement Received 27 July 2016 (as amended by DAS Addendum received on 17 October 2016), Microclimate Wind Assessment, Planning Statement, Sustainability Appraisal, Travel Plan, Transport Statement, Geotechnical Desk Study, Ecological Appraisal Report and Drainage and Flood Risk Strategy Report Received 27 July 2016.

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

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

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

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 5 (CONT'D)

APPLICATION NO:

2016/1511

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

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

- 5 Prior to the development of any superstructure works samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved in writing by the Local Planning Authority. Composite sample panels shall be erected on site for the duration of works and the development shall be completed in accordance with the approved details.

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

- 6 Prior to the commencement of any superstructure works, details of the following at a scale of 1:10 or other appropriate large scale shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window in its opening (including vent and spandrel panel)
- o Colonnade (including soffit)
- o Parapet
- o Inset top floor including cap
- o Typical door opening

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

Reason: In the interests of visual amenity

- 7 Prior to the commencement of development full details of all public realm works, including details of the parking for a refuse truck, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

- 8 Notwithstanding any detail shown on the approved plans, details of all wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures shall be referenced to a revised wind analysis and shall be implemented in accordance with the approved scheme and retained thereafter to serve the approved development.

Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

- 9 Prior to the occupation of the development, a Refuse and Recycling Strategy (including the provision of storage facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in accordance with the approved Refuse and Recycling Strategy.
Reason: To enable the developer to present a coherent plan for the provision of waste management and collection from the site.
- 10 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reasons: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity, being, adjacent to the River Tawe and contamination is known/strongly suspected at the site due to its previous industrial uses.

- 11 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority
Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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ITEM 5 (CONT'D)

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- 12 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 13 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 14 Prior to the commencement of construction works on the application site detailed plans of any piling operations to be carried out shall be submitted and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring residential premises. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: In order to protect residential amenity and to prevent pollution of controlled waters from inappropriate methods of piling.
- 15 No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how 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 thereafter to serve the development.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 16 Notwithstanding the submitted information provided in the DAS Addendum that confirms that PV panels will be concealed on the areas of roof behind the parapets full or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) full details of all PV panels and their siting shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be retained thereafter in their approved position.
Reason: In the interests of visual amenity to ensure that the panels are not a discordant feature on the skyline.

- 17 No development shall take place until the developer has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 18 Prior to the commencement of construction works a Construction Pollution Management Plan (CPMP), as referred to in the Air Quality Assessment, shall be submitted to and approved in writing by the LPA. The CMP shall include the following:
- a) 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 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 on site vibration mitigation measures having regard to BPM;
 - k) Details of waste management arrangements (including any proposed crushing/screening operations);
 - l) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - m) wheel washing facilities; and
 - n) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice to be served by Principle Contractor on Local Authority;

The development shall be implemented in accordance with the approved CPMP.

Reason: To enable the developer to present a coherent plan addressing all environmental pollution issues likely to impact on the public.

- 19 Prior to the beneficial use of the development commencing a 'Quantitative assessment of NO₂ pollutant concentrations at the façade of the proposed development shall be undertaken (in line with National Air Quality Objectives) in parallel with the assessment of the on-site combustion plant to ensure the combined effects of both pollution sources on future residents are fully assessed'. The assessment shall be submitted to and approved by the Local Planning Authority.
Reason: In the interests of amenity having regard to air quality.

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20 Prior to the beneficial use of the development commencing a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction shall be submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained thereafter to serve the development.

Reason: In the interests of the amenity of future occupiers.

21 Prior to the beneficial use of the development commencing a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products shall be submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: In the interests of the amenity of future occupiers.

22 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.

23 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.

Reason: To protect the proposed residential use against noise emanating from the commercial activity.

24 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Reason: To protect the existing and proposed residential uses against noise from building services plant.

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- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply shall not apply, to the development.
Reason: In the interests of amenity and to prevent unacceptable discordant features within the skyline.
- 26 Notwithstanding the details submitted as part of the application no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and soften the urban environment.
- 27 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and soften the urban environment.
- 28 No vinyls or other obscure glazing shall be applied to the ground floor A3 unit or space listed as Ancillary Space on the approved plans in order to provide for visual transparency.
Reason: To ensure active, attractive and transparent shopfront and spaces which will maintain and enhance vitality at street level and avoid dead frontages.
- 29 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority prior to any beneficial use of the development commencing.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 30 Notwithstanding the submitted details the development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained as approved at all times.
Reason: In the interests of providing suitable facilities for sustainable transport.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV4, EV33, EV35, EV36, EV38, EV40, HC1, HC11, HC17, R16, EC1, EC2, EC6, AS1, AS2, AS5, AS6.

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ITEM 6

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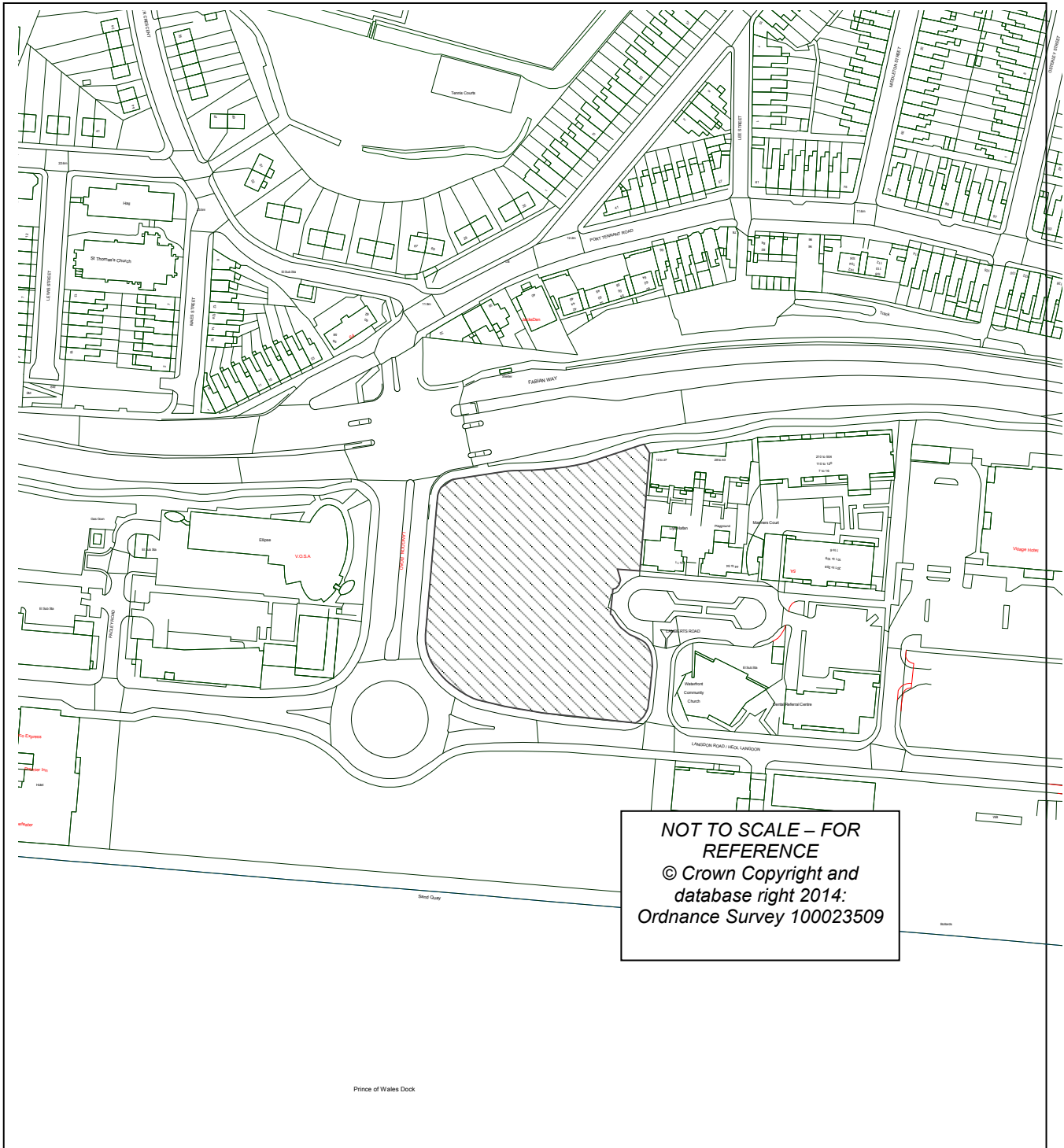
2016/1574

WARD: St. Thomas - Bay Area

Location: Plots A15 & A16 Land East Of Fabian Way Link SA1 Swansea Waterfront Swansea

Proposal: Creation of temporary surface car park and associated access and engineering works for a period of 5 years

Applicant: The Welsh Minsters



BACKGROUND INFORMATION

RELEVANT PLANNING POLICIES

Swansea Unitary Development Plan

Policy EV1 New development shall accord with a defined set of criteria of good design.

Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.

Policy EV3 Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access.

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 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 HC1 Land allocated in SA1 Swansea Waterfront for housing

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

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

Fabian Way Innovation Corridor Masterplan Framework: Working Draft (Oct. 2015)

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
- 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 13 May, 2016 subject to a Section 106 Agreement

RESPONSE TO CONSULTATIONS

PETITION OF OBJECTION

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of site notices dated 24 August, 2016. A PETITION OF OBJECTION containing 66 signatures and 12 LETTERS OF OBJECTION have been received making the following points:

1. The proposal should be rejected in its present form.
2. Use of Plot for temporary car park is not disputed.
3. Other possible entrances / exits off Langdon Road and Fabian Bay link Road should be investigated - single access not suitable.
4. There should be full resident's consultation and traffic survey.
5. Lamberts Road can already become jammed with cars from the Waterfront Church and Parkway Dental car park.
6. Road is single width around the roundabout.
7. Ambulances and delivery vehicles often block resident's access to Mariners Court and Llys Hafen is often blocked.
8. There is already a serious back up of traffic when office workers leave SA1.
9. Lamberts Road is unsuitable for further traffic.

Natural Resources Wales -
Flood Risk

The site is located partly within zone B, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). We note from the information provided that the proposal is for a temporary car park for a period of 5 years, which would be classified as a less vulnerable development.

The flood risk to the site is from tidal inundation and the latest still water tide levels (2008) give a 0.5% (1:200 year) level of 6.2m AOD and a 0.1% (1:1000 year) level of 6.4m AOD. Our recommended lifetime of development for all proposals, other than residential development is to use a 75 year lifetime when assessing climate change. This would add approximately 0.73m to the tide level figures. However, if the proposed permission for car parking is strictly limited to 5 years, then this allowance will not be required.

The Flood Consequences Assessment (FCA) for the original SA1 Development was carried out in 2005/6 and as a result the information it contains will now be outdated. Normally this would need to be revised, if the proposal was for a more permanent development of the site. However, in this instance although not all the required information is available, notably the proposed car park level; we would advise that your Authority obtains the car park level and compares these with the tidal levels provided in this letter. This is in order to inform your decision as to whether flood levels and risk can be acceptably managed to ensure the safety of users.

Council's Drainage Engineer - no objection subject to car park surfaces being permeable.

Highway Observations - Sites A15/A16 have been identified (and consented at outline stage) in the SA1 Masterplan as being for office use. Thus a certain level of trips would have been associated with that office use as parking would have needed to have been accommodated within the curtilage.

The need for a temporary car park has come about as other parking sites have been lost to development. The car park is needed to maintain the existing level of provision in SA1.

The application form details a temporary car park laid out with spaces for 165 cars which includes 10 that are designated as being suitable for blue badge holders. There is also an area for motor cycle storage. The car parking layout consists of a mixture of tarmac aisles and chipping spaces all clearly defined with drainage facilities. Pedestrian links are also included to increase the permeability of the site.

An existing vehicular access will be re-used so there are no new infrastructure works required to implement the plan as shown (off Lamberts Road). However there are level differences to contend with and the existing ramp that goes down to the lower level would not be able to be accommodated within the proposed layout. The ramp need to be designed to ensure that vehicles would not ground either at the top of the ramp or the bottom. These additional details can be secured via condition.

Local Concern has been raised about possible problems with overspill parking and obstruction being caused for the residents. Lamberts Road and Langdon Road are currently owned by Welsh Government although a Highways Act Section 38 Adoption Agreement is in place with Welsh Government. The problem of any potential overspill or illegal parking can be mitigated for by the use of TRO'S to prevent stopping at any time. Civil Enforcement could then be used if necessary if any contraventions were seen to be evident. Until such time as the adoption is completed, the agreement of the land owner would be required to implement any such approved scheme.

Comments have also been made about use of the access and possibility of using a new access off Langdon Road or Fabian Way Link Road but I consider that the existing as built access is acceptable

Given the previous office use assigned to the site under the outline consent for SA1 I consider that the use as a temporary car park would not give rise to any highway safety issues subject to conditions.

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

1. A scheme of Traffic Regulation Orders to be implemented (at the applicant's expense) in and around the site in accordance with details to be submitted for approval to the LPA, prior to beneficial use of the car park commencing.
2. Details of the access ramp (from Lamberts Road to the car park level) should be submitted for approval to the LPA ensuring that the gradients are such that 'grounding' does not occur for accessing/egressing vehicles. The ramp should be double width to allow for cars arriving/leaving at the same time to be accommodated without obstruction being caused. This may necessitate an amended car park layout.
3. The blue badge holder spaces should be laid out in accordance with the current British Standard.

APPRAISAL

The application seeks planning permission for the creation of an additional surface car park and associated access at Plots A15 & A16 in SA1 Swansea Waterfront, for a temporary period of 5 years.

The site is located immediately to the east of the main SA1 access / gateway roundabout from Fabian Way. The site covers an area of 0.57 hectares and is indicated to provide 165 spaces. The temporary car park would be accessed from the cul-de-sac of Lamberts Road which currently serves the residential apartments of Mariners Court and Llys Hafen, the 'Waterfront' Church and the Dental Referral Centre.

SA1 Masterplan / Development Framework

As detailed above, outline planning permission was granted in August 2003 for a mixed-use development of SA1 Swansea Waterfront, comprising employment (Use Class B1, B2) residential (C3), retail (A1), commercial leisure (D2), food and drink (A3), hotel (C1), educational (D1/C3) uses, car parking and associated infrastructure. The general land use principles within SA1 have therefore been established.

Section 73 application reference 2008/0996 sought permission to vary Conditions 1, 2, 3, 5, 7, 14, 16, 20, 21, and 27 of outline planning permission 2002/1000. The application was made principally to allow changes to the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the outline planning permission as varied requires development to accord with the SA1 Masterplan presented as Figure A2.1 within the Addendum Environmental Statement (April 2010). Any departures from the approved Masterplan are to be considered on their merits having specific regard to the provisions of the adopted City & County of Swansea Unitary Development Plan Policy EC2 and relevant and related policy.

More recently, a further Section 73 application has been resolved to be approved (ref:2015/1584) to further amend the SA1 permission to incorporate the aspirations of UWTSD and in particular, to deliver the 'Swansea Waterfront Innovation Quarter'. The application was submitted to vary the conditions to 2002/1000 / 2008/0996 specifically relating to the site masterplan and development capacities in as far as it relates to UWTSD owned plots. This means there will be effectively two masterplans in operation in SA1.

Notwithstanding this, the application site is allocated in both approved SA1 Masterplans for an Office use (Class B1). This application would therefore depart from the approved SA1 Masterplan and would not amount to an acceptable permanent use for this site. As a temporary permission, however, pending redevelopment of the site the existing use provides valuable parking provision to existing SA1 business and is therefore considered acceptable in principle. The need for the surface car park is also acknowledged pending the provision of the MSCP on plot A9 to serve visitors and existing development at SA1. In addition it is acknowledged that parking provision in SA1 helps to prevent or reduce overspill car parking into neighbouring residential areas of St Thomas and Port Tennant.

Further support is given by Policy EC2 of the adopted UDP to the principle of a major redevelopment area at SA1 for mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services. Appropriate levels of public car parking are clearly required in support of the redevelopment/regeneration of SA1.

It is indicated in the planning submission, that an important driver for this application is the University of Wales Trinity Saint David (UWTSD)'s proposed university development at SA1 (application no. 2015/1584). The planned Swansea Waterfront Innovation Quarter would develop facilities for learning, teaching and applied research as well as social, leisure and recreation land uses. As referred to above, the revised SA1 masterplan which accompanied the outline planning permission (ref. 2008/0996), identified two multi-storey car parks (MSCP) and more recently, the revised masterplan for UWTSD identified the need for a third MSCP, none of which has been delivered to date. In addition, the acquisition of land by UWTSD for the proposed University campus at SA1, including sites that currently benefit from planning permission for parking, would limit car parking provision at SA1. The deficit of parking provision would be reduced in the short term by the use of this site for surface car parking, and would also help to prevent potential over-spill parking into neighbouring areas including Port Tennant, thus avoiding social nuisance.

SA1 Car Parking Strategy

The SA1 car parking strategy within the approved Design and Development Framework (Aug. 2004 - Version 5) is to encourage the majority of car parking to be under buildings (undercroft) or concealed in courtyards with limited car parking numbers on individual development plots to the minimum necessary for viability with the provision of general public parking on strategically located plots. With regard to the latter, the approved SA1 Masterplans (Figure A2.1 under ref:2008/0996) identifies two sites for a multi-storey car park (MSCP) and whilst planning permission has been granted for a scheme on Plot A9, under reference 2010/0693, this has not been implemented.

The first objective is primarily related to visual amenity and seeks to avoid significant and unsightly surface car parking. The second objective reflects new car parking standards for such a sustainable location. The third objective is manifested in the allocation within the WG SA1 Masterplan for two strategically located multi-storey car parks on Plots on A9 and B9 to serve developments to the north and south of the Prince of Wales Dock respectively. As indicated, the UWTSD Masterplan proposes to retain a MSCP within the vicinity of plot B9 (Peninsula area) and also proposes a second MSCP on the south eastern area of Prince of Wales Dock, and could therefore result in three MSCP's. The majority of existing developments therefore have acceptable/required levels of car parking within those individual developments. For other developments, such as the J Shed or other public attracting businesses, public parking is required, and is provided by a number of temporary surface car parks.

As indicated reserved matters approval was granted for the construction of multi storey car park (MSCP) on adjacent Plot A9 in July 2011 (planning permission 2010/0693 refers). Importantly for the consideration of this application, this approval has not been implemented and the permission has now expired (July, 2016). The WG lease agreement with the developer to deliver the MSCP has also expired and Welsh Government intend to re-market the site with a view to a delivering a 400 - 600 space MSCP on Plot A9. A property development grant may be available to support this.

The recent permission granted to UWTSD incorporates a parking strategy condition, however, WG have stated that they would not be working on a joint strategy with UWTSD. This was imposed having regard to the reliance on the temporary surface car parking arrangements which will gradually diminish as development of the remaining SA1 plots progress.

Pending the provision of the multi-storey car parks in SA1, a series of temporary permissions have been granted for a number of surface car parks on development sites, prior to their development.

- o Plot A1 - 94 spaces for a period of 5 years from April 2013 (2013/0291)
- o Plot A11B - 27 spaces for a period of 5 years from April 2013 (2013/0290)
- o Plot A14B - 122 spaces for a period of 3 years from April 2013 (2013/0285)
- o Plot B13 - 416 spaces for a period of 5 years from April 2013 (2013/0289).
- o Plot A7 - 196 spaces for a temporary period of 3 years from May 2014 (2014/0044)
- o Plot A9 - 110 spaces for a temporary period of 5 years from Feb. 2016 (2015/2234)
- o Plot A17-110 spaces for a temporary period of 5 years from Feb. 2016 (2015/2235).
- o Plot B5 / C4 - 50 space for a temporary period of 5 years from Feb. 2016 (2015/2236).

As indicated an important driver for this application is UWTSD's proposals for the development of the SA1 Swansea Waterfront Innovation Quarter, and the development of the UWTSD Innovation Quarter (especially on Plot B13) would potentially limit car parking provision at SA1 and this could be off-set by the use of this site together with the other further temporary surface car parks until a MSCP is delivered.

UDP Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. The amplification to this policy explains that parking charges and the availability of parking spaces are key tools in facilitating a reduction in journeys by private car and affecting change in mode choice towards more sustainable means of travel. Higher charges for long stay parking in particular are highlighted as a crucial element of an integrated approach to encouraging more journeys by public transport, walking and cycling. It is acknowledged that this approach needs to be balanced in this area with avoiding over spill car parking or high parking charge avoidance which would impact into neighbouring residential areas such as St Thomas and Port Tennant.

A further significant issue for this application relates to the strategic vision to develop the multi-storey car parks at SA1. As explained above, planning permission was granted in July 2011 for a 416 space multi-storey car park at Plot A9, but has yet to be implemented and has since expired (July, 2016).

The issue of the provision and amount of the surface car parking potentially threatening the viability and development of the multi storey car park has previously been considered.

In this respect it is advised that the financial viability of a MSCP is based on two fundamental factors, these being, the price for parking, and secondly that there is a critical mass of people on the SA1 development requiring car parking spaces.

The potential impact on delivering the strategically located multi-storey car park at Plot A9 is a significant material consideration in this instance. An application which would jeopardise this long standing master-planning requirement would run contrary to UDP Policy EC2 which seeks to ensure that development at SA1 is comprehensive in land use and urban design terms, with the aim of achieving a suitably integrated mix of land uses, rather than a disjointed collection of unrelated development. It would also conflict with the approved Design and Development Framework for SA1 and the strategic land use and sustainable transport vision for SA1. This is sufficient in its own right to warrant a recommendation of refusal. However, as set out in Welsh Government Circular 016/2014 and PPW, conditions on a planning permission can enable many development proposals to proceed where it would otherwise be necessary to refuse planning permission. Notwithstanding therefore that a surface car park would not be acceptable as a long term solution on visual amenity grounds, it is in principle possible to resolve the viability concern by way of a condition requiring the use to cease upon operation of the multi-storey car park. This is consistent with the existing temporary planning permissions granted within SA1 referred to above

Visual Impact

In considering the details of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 addresses the siting and location of new development and gives preference to the use of previously developed land over greenfield sites, having regard to the physical character and topography of the site and its surroundings. UDP Policy EV4 states that where development and ancillary features impact on the public realm designs should ensure that schemes integrate with areas to produce spaces and sequences that result in quality townscape and building frontages that actively engage with the public.

As noted above, as a permanent feature to this key site, the proposal would not be acceptable as a permanent proposal. However, as a temporary use and having regard to the interim benefits, it is not considered that the proposal would unacceptably conflict with UDP Policies EV1, EV2 and EV4. To minimise the duration of any impact, a condition is considered necessary to limit any planning permission granted to 5 years.

As stated above, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design. Criteria (iii) is that the development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. Having regard to its mixed use context, the separation to the nearest existing or proposed residential unit and the temporary nature of the car park, it is not considered that the proposal would unacceptably impact on the amenities of residents living in SA1 or St Thomas, so as to conflict with UDP Policy EV1(iii).

Highway Access

As indicated above, Plots A15/A16 have been allocated, as identified in the SA1 Masterplan, for office use with buildings of three to four storeys in height, and in accordance with the SA1 parking strategy, the Masterplan indicates the provision of on-site car parking either under buildings (undercroft) or within a courtyard and indicates a single access from Lamberts Road. It can therefore safely be assumed that the office use would generate a certain level of associated traffic generation.

It is proposed for vehicular access to the car park to be obtained from Lamberts Road which will obviate the need to create new infrastructure works. However the levels across the existing site are below those of the existing access, and the existing informal ramp into the site that goes down to the lower level would not be able to be accommodated within the proposed layout. The ramp need to be designed to ensure that vehicles would not ground either at the top of the ramp or the bottom. These additional details can be secured via condition.

Local residents have expressed concerns about existing parking congestion issues in Lamberts Road caused by overspill parking obstructing the highway. Lamberts Road and Langdon Road are currently owned by Welsh Government although a Highways Act Section 38 Adoption Agreement is in place with Welsh Government. The problem of any potential overspill or illegal parking can be mitigated for by the use of TRO'S to prevent stopping at any time. Civil Enforcement could then be used if necessary if any contraventions were seen to be evident. Until such time as the adoption is completed, the agreement of the landowner would be required to implement any such approved scheme. In this respect, Welsh Government have indicated they would support the implementation of a TRO and that any enforcement (prior to adoption) would be carried out by the current SA1 car parking operator.

The local residents have also made comments that the temporary car park should incorporate a second access directly off Langdon Road or the Fabian Way Link Road, however, the general SA1 highway strategy is to restrict the number of vehicular access points off the central spine road (Langdon Road) and in this respect, the Head of Transportation considers the existing road layout / proposed access to be acceptable.

Having regard to its allocated use for offices within the SA1 Masterplan, it is considered that the temporary use of the car park would not give rise to any highway safety issues subject to the implementation of planning conditions referred to above. Pending the provision of MSCP's at SA1, there is a requirement for surface parking to serve the SA1 Developments in the short term, and therefore no highway objections are raised to the proposal subject to a condition requiring the use to cease upon beneficial use of the proposed multi storey car park commencing, or the expiration of the five year period, whichever is the sooner.

Flood Risk

NRW have advised that the site is located partly within zone B, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). To support the application, a Flood Consequences Assessment (FCA) has been submitted. This FCA, prepared by White Young Green (project no. A011960, issue 4) is dated June 2006. This is now considered to be out of date. The flood risk to the site is from tidal inundation and the latest still water tide levels (2008) give a 0.5% (1:200 year) level of 6.2m AOD and a 0.1% (1:1000 year) level of 6.4m AOD. NRW recommended lifetime of development for all proposals other than residential development is to use a 75 year lifetime when assessing climate change which would add approximately 0.73m to the tide level figures. The submitted car park levels range from 8.976 - 10.101m AOD, which are above the flood risk levels for SA1 and it is not considered that the proposal would result in conflict with the provisions of UDP Policy EV36, which relates to development and flood risk.

Drainage

The SA1 FCA indicates that surface water run-off can discharge directly to either the Prince of Wales Dock (POWD) or the River Tawe without attenuation. The existing adoptable surface water drainage system outfalls into the POWD at a number of locations. The surface car park would comprise of tarmac aisles with gravelled parking bays and the submitted site layout plan indicates that surface water will run into an infiltration drain, and would satisfy the requirement for the site to be permeably drained.

Conclusion

In conclusion, whilst it is not considered that a surface car park would be appropriate at this site as a permanent facility, as a temporary measure pending redevelopment of the site it is considered that the proposal provides important car parking facilities for SA1 that is acceptable in visual terms and would not unacceptably impact on existing levels of amenity.

There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 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 maximum period of 5 years only, expiring upon beneficial use of a multi-storey car park within the SA1 Swansea Waterfront commencing or 5 years from the date of this decision notice, whichever is the sooner. Thereafter the use shall cease and any works carried out under this permission shall be removed and the land reinstated in accordance with a scheme to be agreed in writing with the Local Planning Authority.
Reason: To permit reconsideration in the light of circumstances then prevailing in terms of the deliverability of a multi storey car park and in the interests of highway safety.
- 2 The development shall be carried out in accordance with the following approved plans and documents: [drg. No. 2005 - Location Plan, 2006 - application plan, 2003 - car park layout, 2004 - car park details, Planning Statement received 8 August, 2016).
Reason: To define the extent of the permission granted
- 3 The access ramp (from Lamberts Road to the car park level) shall be completed before the car park is brought into beneficial use in accordance with details to be submitted to and approved by the Local Planning Authority. The ramp must be designed with a gradient to ensure that 'grounding' of accessing/egressing vehicles does not occur and must be double width to allow for cars arriving/leaving at the same time to be accommodated without obstruction being caused.
Reason: In the interests of highway safety.
- 4 A scheme of Traffic Regulation Orders to be implemented (at the applicant's expense) in and around the site in accordance with details to be submitted for approval to the Local Planning Authority, prior to beneficial use of the car park commencing.
Reason: In order to prevent on street parking congestion within Lamberts Road.

- 5 The blue badge holder spaces should be laid out in accordance with the current British Standard.
Reason: To ensure the car parking are laid out to an accessible standard.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV4, EC2 & AS6).
-

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 7

APPLICATION NO:

2016/1714

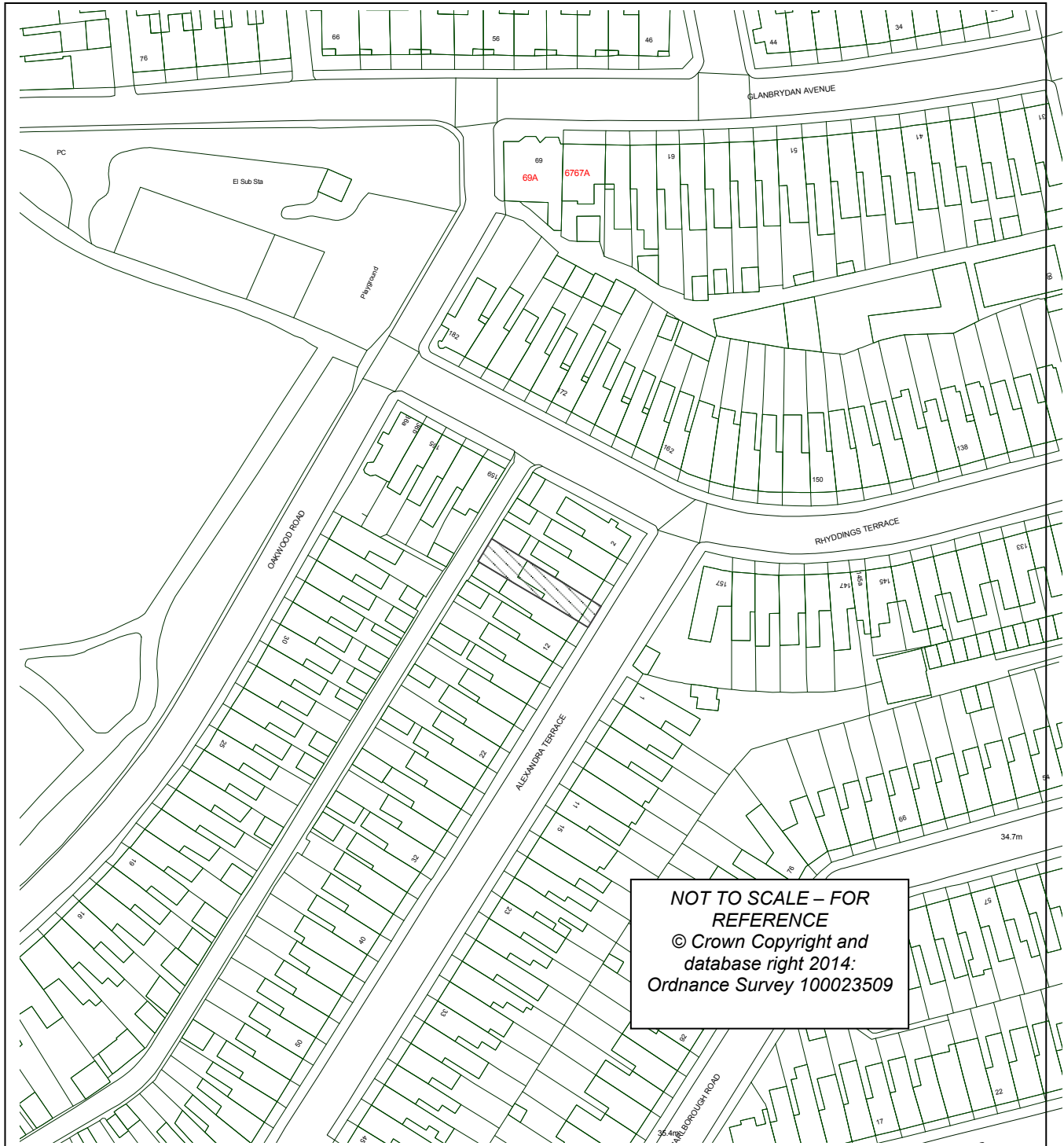
WARD:

Uplands - Bay Area

Location: 8 Alexandra Terrace Brynmill Swansea SA2 0DU

Proposal: Change of use from residential (Class C3) to HMO for up to 6 people (Class C4)

Applicant: Mr Michael Hooper



BACKGROUND INFORMATION

POLICIES

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1714	Change of use from residential (Class C3) to HMO for up to 6 people (Class C4)	PDE	
2016/0873	Change of use from residential (Class C3) to HMO for up to six people (Class C4)	REF	11.08.2016

RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 7th September 2016. In addition to this all adjoining properties and previous objectors were individually consulted. A PETITION OF OBJECTION containing 31 signatures and 3 INDIVIDUAL LETTERS OF OBJECTION were received which raised the following concerns:

1. Over-density of HMOs in the area.
2. Parking issues.
3. Increase in refuse.
4. Impact on residential amenity and quality of life.
5. Access for buses.
6. Devaluation of the area.
7. Vacant during the Summer.
8. Unbalanced community already.
9. Noise and disturbance associated with HMOs.
10. Defer decision until an SPG is in place.

11. Proposed parking space unacceptable.
12. Removal of wall will create security risk.

Highways: No comment.

APPRAISAL

This application is reported to Committee for decision at the request of Councillors Peter May and Nick Davies and due to the fact petitions in excess of 31 signatures have been received objecting to the proposal.

Description

Full planning permission is sought for the change of use from residential dwelling (Class C3) to HMO for 6 people (Class C4) at No 8 Alexandra Terrace, Swansea.

The application property forms one of a row of terraced two storey properties which is situated within the Brynmill area of Swansea. No external alterations are proposed and as such the proposal will have no impact upon visual amenity. This issue is not addressed further in my report.

Site History

Planning permission was refused by Committee contrary to Officer recommendation under Ref: 2016/0873 for the change of use from residential dwelling (Class C3) to HMO for 6 people (Class C4), for the following reasons:

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within Alexandra Terrace will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.
2. Insufficient information has been provided to demonstrate that additional off-street car parking provision can be provided within the site curtilage to serve the use of the property as a HMO. Accordingly the proposal, for up to 6 residents, would increase the demand for on-street parking in an already congested area and as such would be detrimental to the existing residents / car owners and the free flow of traffic, contrary to the requirements of Policy HC5 criterion (iv) and Policy AS6 of the Swansea Unitary Development Plan (2008).

An appeal is currently under consideration by the Planning Inspectorate. In order to try and address the Members concerns the proposal incorporates a parking layout for 2 off street parking spaces.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use and the development upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards' and the site history.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC7 of the Swansea UDP allows for appropriate forms of extensions to domestic properties subject to compliance with the set criteria.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will result in the creation of 4 bedroom HMO to serve up to 6 people. A family could occupy this property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced which could warrant the refusal of this application.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there is a high level of multiple occupation in Alexandra Terrace. The street comprises of rows of terraced two storey properties. Alexandra Terrace runs vertically northwest to southeast and intersected horizontally by Rhyddings Terrace to the north and Park Place. Using evidence held by our Environmental Health Department as of the 17th October 2016 there are currently 24 HMO licenses active between No's 1 and 70 Alexandra Terrace (57 properties) which is approximately 42% of dwellings within this road. The approval of this application would take the % of properties within the road operating with a HMO license to 44%.

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

There would be no significant adverse effect on local car parking and highway safety,

No comment has been received by the Councils Highways Officer, however, it is acknowledged that the highways officer previously raised no objection to the previous application subject to a condition requiring the provision of one off street parking space. The proposal indicates that 2 off street parking spaces can be provided to the rear of the property. Residents parking is also in operation and this will be unaffected as the dwelling will only remain eligible for two parking permits. There is a small rear area where cycle parking is also indicated to be provided. A condition can be added to ensure the provision of cycle parking as an alternative means of sustainable transport is provided.

The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Therefore subject to an appropriately worded condition the proposal if anything will provide off street parking which could help reduce parking demand in and around the area. As such the proposal is considered to have less of an impact on highway safety and parking than the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins and as such it is reasonable to suggest these could be provided and agreed via an appropriately worded condition.

Response to Consultations

Notwithstanding the above a petition of 31 objectors and 3 individual letters of objection were received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, access, social cohesion, residential amenity, impact on character of an area. The issues pertaining to which have been addressed above.

Concern has been raised with respect noise and litter issues associated with HMO properties, however this is a matter covered under Environmental Health Legislation and not something which could be taken into account during the consideration of this planning application.

Conclusion

Whilst the previous committee decision for refusal is acknowledged, the provision of an additional HMO at this location is considered acceptable in principle, as the Local Planning Authority has no evidence to suggest that the use of this property as a HMO would result in a harmful concentration of HMOs within this area. As such the development is considered an acceptable form of development which respects visual amenity, residential amenity and highway safety in accordance with the provisions of Policies EV1, AS1, AS6 and HC5 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'. Approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Block Plan and Site Location Plan received 26th August 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the proposal being brought into beneficial use the proposed parking spaces shall be implemented in accordance with the 'Block Plan' received on the 26th August 2016. The parking spaces shall be retained for parking in association with the use in perpetuity.
Reason: To ensure adequate off street parking spaces are provided to serve the development.
- 4 Details of facilities for the secure and undercover storage of six cycles and refuse facilities shall be submitted to and approved in writing by the Local Planning Authority.
Reason: The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, HC5 and AS6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 8

APPLICATION NO:

2016/1688

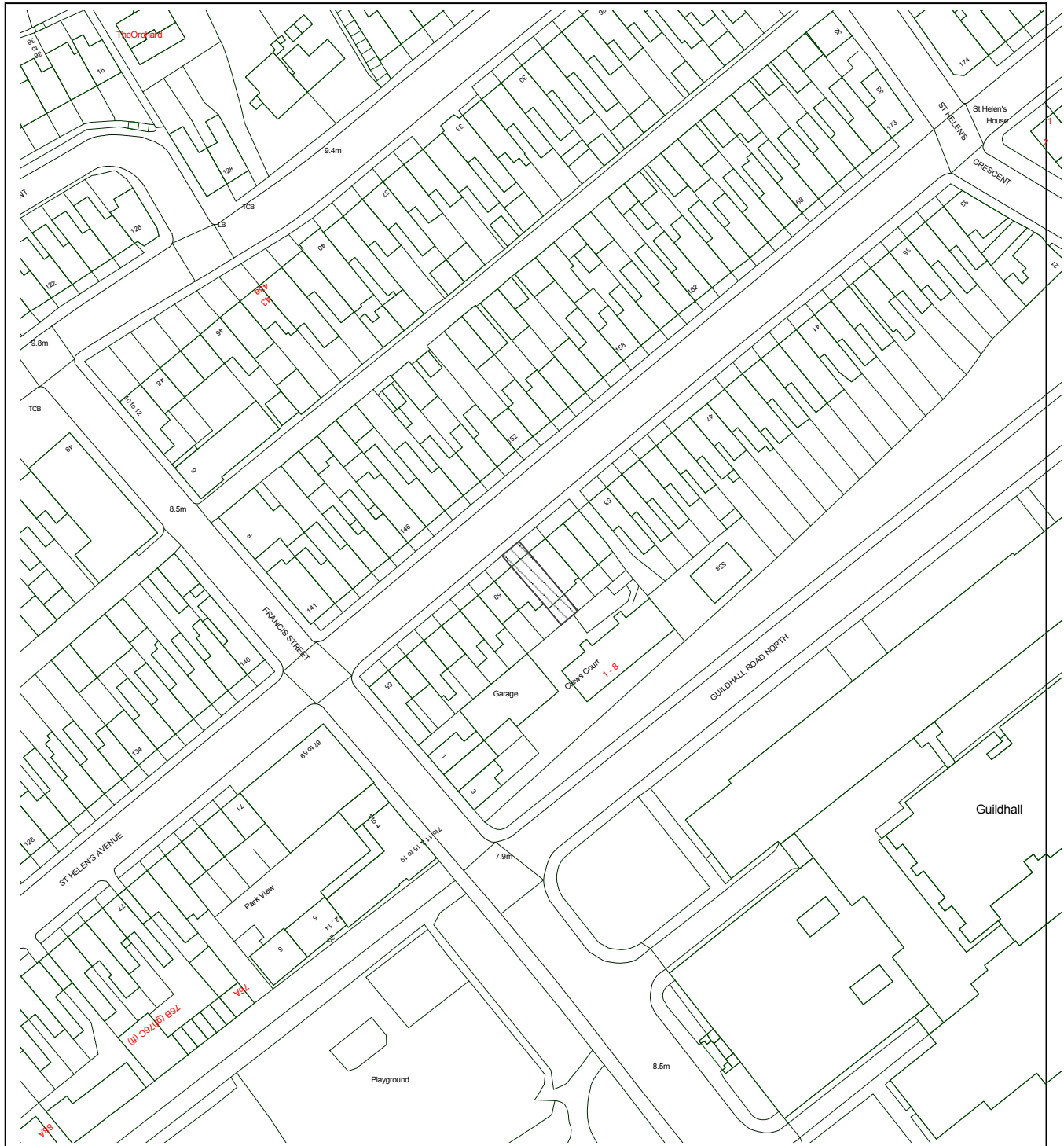
WARD:

Uplands - Bay Area

Location: 57 St Helens Avenue, Swansea, SA1 4NF

Proposal: Change of use from residential dwelling (Class C3) to HMO for 6 people (Class C4), three storey rear extension and removal of front dormer window and replacement with velux type window

Applicant: Mr Marc Beresford



BACKGROUND INFORMATION

POLICIES

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1688	Change of use from residential dwelling (Class C3) to HMO for 6 people (Class C4), three storey rear extension and removal of front dormer window and replacement with velux type window	PDE	
2016/1248	Change of use from residential dwelling (Class C3) to HMO for 7 people, four storey rear extension and removal of front dormer window and replacement with velux type window	REF	09.08.2016

RESPONSE TO CONSULTATIONS:

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 6th September 2016. In addition to this all adjoining properties were individually consulted. TWO PETITIONS OF OBJECTION were received one containing 13 and the other 40 signatures which raised the following concerns:

1. Over-density of HMOs in the area.
2. Parking issues.
3. Increase in refuse.
4. Impact on residential amenity and quality of life.

Highways: The current Parking Standards allow for upto six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 upto six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4 and based on recent appeal decisions I do not consider that a refusal from highways could be justified at appeal despite my ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

As part of the HMO SPG currently being drafted a review of the existing parking standards which specifically relate to HMO's and purpose built student accommodation will be included. This should be in place by March 2017 and will take into account data specific to Swansea and not generic information for Wales as a whole. In the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

This application is for a change of use from C3 to C4 (For 6 persons) hence it is still below the six person threshold.

No dedicated car parking is available for use by the dwelling.

Residents parking is in operation but there is no impact on residents parking in the area as there are no new units being created. The dwelling will remain eligible for two permits as it currently the case.

There is a rear yard area where cycle parking could be provided to mitigate for the lack of car parking facilities.

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

1. The dwelling being used by no more than 6 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with details to be submitted for approval to the LPA, to mitigate for the lack of car parking availability.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Nick Davies and due to the fact petitions in excess of 43 signatures have been received objecting to the proposal.

Description

Full planning permission is sought for the change of use from residential dwelling (Class C3) to HMO for 6 people, three storey rear extension and removal of front dormer window and replacement with velux type window at No 57 St Helens Avenue, Swansea.

The proposal seeks to provide 2 bedrooms and bathroom at lower ground floor level, bedroom, sitting area and kitchen/dining room at ground floor level, 2 bedrooms and bathroom at 1st floor level and 1 bedroom and bathroom at 2nd floor level.

The extension will facilitate the provision of the additional accommodation proposed by this development and will involve the creation of a modest 3 storey extension which measures approximately 4m in depth 4.6m in width and 8.8m to eave height.

Site History

Planning permission was previously refused under Ref: 2016/1248 for the change of use from residential dwelling (Class C3) to HMO for 7 people, four storey rear extension and removal of front dormer window and replacement with velux type window for the following reason:

1. The proposed rear extension by virtue of its design and projection into the roof space would result in the introduction of an incongruous form of development which is at odds with the character and appearance of the existing dwelling and will compromise the roof form contrary to the provisions of Policies EV1 and HC7 of the Swansea UDP.

In order to address the above reason for refusal the fourth storey element of the rear extension has been removed and the number of bedrooms reduced from 7 to 6.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use and the development upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards' and the site history.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC7 of the Swansea UDP allows for appropriate forms of extensions to domestic properties subject to compliance with the set criteria.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will result in an increase in the number of bedrooms from 3 to 6, however two of the existing communal rooms could be converted to bedrooms to make the property a 5 bedroom house relatively easily. A large family could occupy this large four storey property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced which could warrant the refusal of this application.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls.

The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there is a very high level of properties in multiple occupation along St Helens Avenue. The street comprises of rows of terraced two storey properties (some of which have additional basement levels and accommodation in the roof space). St Helens Avenue runs horizontally southwest to north east and intersected vertically by Gorse Lane, Francis Street, St Helens Crescent and Catherine Street. Using evidence held by our Environmental Health Department there are currently 86 HMO licenses active (as of the 20th October 2016) between No's 1 and 211 St Helens Avenue (approximately 213 properties on this road) which is approximately 40% of dwellings within this road. The approval of this application would take the number of HMOs within the street to 87 which is approximately 41% of the properties on the road.

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Head of Transportation and Engineering it is acknowledged that the current Parking Standards allow for upto six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 upto six people could share without the need for planning permission.

The proposal states that no dedicated parking is available for use by the residents and as such all parking will have to take place on street as is currently the case. Residents parking is in operation and this will be unaffected as the dwelling will only remain eligible for two parking permits. There is a small rear area where cycle parking could be provided and this will help to mitigate for the lack of car parking availability. A condition can be added to ensure the provision of cycle parking as an alternative means of sustainable transport is provided.

The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Therefore subject to an appropriately worded condition the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins and as such it is reasonable to suggest these could be provided and agreed via an appropriately worded condition.

Visual Amenity

In order to facilitate the provision of the additional accommodation the proposal will involve the removal of the front dormer window and its replacement with a rooflight which is considered minor and acceptable in visual terms and the erection of a large three storey rear extension. As stated above the rear extension has been reduced in size from what was previously refused and the proposal now omits the 4th floor accommodation and is now considered proportionate to and in-keeping with the character and appearance of the host property. As such the proposed rear extension is considered an acceptable addition which complements the design and character and appearance of the existing property in compliance with the provisions of Policies EV1 and HC7 of the Swansea UDP and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development.

Residential Amenity

Turning to the impact on residential amenity, whilst it is acknowledged that the development is not technically a householder proposal, the property will be in residential use and so the design of the extension should have regard to best practice guidance. With this in mind, the Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development' suggests rear extensions to traditional terraced properties such as this should be no more than 4m in length. The proposal is 4m in length and as such complies with the guidance set out within the Design Guide. To this end it is considered that the extension will not give rise to unacceptable overbearing or overshadowing impacts which could warrant the refusal of this application. The development is sited within an urban area where there are existing degrees of mutual overlooking between properties. With this in mind it is not considered that the rear windows serving the extension or the access platform proposed to the rear of the property would give rise to harmful impacts. As such the development is considered to respect the residential amenities of the neighbouring properties in compliance with the provisions of Policies EV1 and HC7 of the Swansea UDP.

Response to Consultations

Notwithstanding the above two petitions of 43 objectors were received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, residential amenity, impact on character of an area. The issues pertaining to which have been addressed above.

Concern has been raised with respect litter issues associated with HMO properties, however this is a matter covered under Environmental Health Legislation and not something which could be taken into account during the consideration of this planning application.

Conclusion

The provision of an additional HMO at this location is considered acceptable in principle, as the Local Planning Authority has no evidence to suggest that the use of this property as a HMO would result in a harmful concentration of HMOs within this area. Furthermore the amended scheme has addressed the Council's concerns from a visual amenity perspective through the reduction in scale of the rear extension. As such the development is considered to be an acceptable form of development which respects visual amenity, residential amenity and highway safety in accordance with the provisions of Policies EV1 and HC7 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'A design Guide for Householder Development. Approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 02 - Site Location, Block Plan, 1st & 2nd floor plans, 04 - Proposed Ground & Lower Ground Floor Plans, 05 - Proposed 1st and 2nd Floor Plans and 06 - Proposed Elevations received on 16th August 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure storage of 6 cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interest of highway safety and sustainability.

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: AS6, EV1, HC5.
-

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 9

APPLICATION NO:

2016/1715

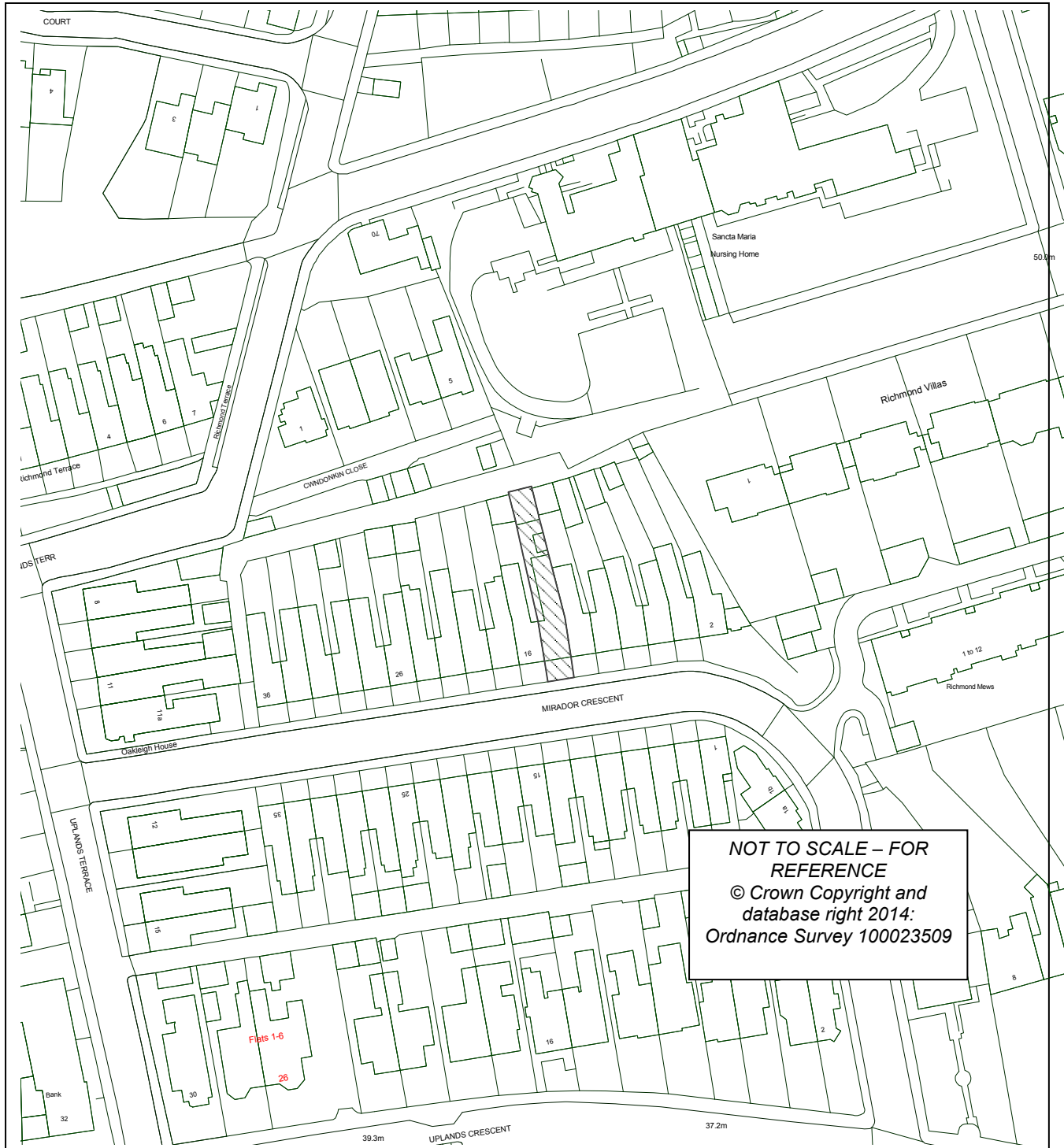
WARD:

Uplands - Bay Area

Location: 14 Mirador Guest House Mirador Crescent Uplands Swansea SA2 0QX

Proposal: Change of use from 7 bedroom guest house (Class C1) to 6 bedroom HMO (Class C4).

Applicant: Mr Philip Henry-Dean



BACKGROUND INFORMATION

POLICIES

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
ENQ2006/1157	General	REC	
76/0414/11	CHANGE OF USE TO A GUEST HOUSE	APP	29.07.1976
2016/1715	Change of use from 7 bedroom guest house (Class C1) to 6 bedroom HMO (Class C4).	PDE	
2016/0142	Change of use from guest house (Class C1) to a HMO	INV	
2014/1816	Variation of condition 01 of planning permission 2010/1238 dated 5th December, 2010 to allow the outbuilding to be used as ancillary overnight accommodation	INV	
2010/1238	Retention of detached outbuilding for use as a garden room and storage	APP	05.11.2010
2009/0625	Retention of detached outbuilding	REF	21.10.2009

RESPONSE TO CONSULTATIONS:

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice dated 19th September 2016 and the press as development within a Conservation Area. In addition to this all adjoining properties were individually consulted. 12 letters of objection and a petition containing 32 signatures were received which raised the following concerns:

1. Too many HMOs in the area.
2. Parking issues.
3. Rubbish and litter issues.
4. Detrimental impact on character of the street.
5. Oversupply of HMOs in the area.
6. Impact on the Conservation Area.
7. Anti-social behaviour.
8. De-valuing of property.
9. Increase in levels of noise.
10. Impact on local businesses.
11. Site history.

Highways: The current Parking Standards allow for upto six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 upto six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4 and based on recent appeal decisions I do not consider that a refusal from highways could be justified at appeal despite my ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

As part of the HMO SPG currently being drafted a review of the existing parking standards which specially relate to HMO's and purpose built student accommodation will be included. This should be in place by March 2017 and will take into account data specific to Swansea and not generic information for Wales as a whole. In the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

Change of use from 7 bedroom guest house (Class C1) to 6 bedroom HMO (Class C4). It is still below the six person threshold. In addition there are less bedrooms available for the HMO (6) than there are for the guest house use (7).

No dedicated car parking is available for use by the dwelling although there is access to the rear of the site but it is gated. Parking on the street is partly controlled by resident only bays. The owner of the guest house has a current resident parking permit issued but in order to safeguard the provision for the existing residents it will be a requirement to prevent future occupiers from applying for a parking permit by a suitable condition.

There is a rear yard area where cycle parking could be provided to mitigate for the lack of car parking facilities.

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

1. The dwelling being used by no more than 6 persons in the interest of highway safety.
2. Cycle Parking to be provided in accordance with details to be submitted for approval to the LPA, to mitigate for the lack of car parking availability.
3. Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on Mirador Crescent at any time.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Nick Davies and due to the fact there has been a petition submitted containing 32 signatures of objection which meets the identified threshold.

Description

Full planning permission is sought for the change of use from Guest House (Class C1) to HMO for 6 people (Class C4) at No 14 Mirador Crescent, Uplands, Swansea. The existing property is a large 3 storey property which is situated in a row of traditional terraced properties.

The proposal will involve internal alterations only to facilitate the change of use.

Site History

Planning permission was originally granted for the use of the property as guest house under Ref: 76/0414 and is therefore a well established commercial operation. A further application was submitted for the retention of a detached outbuilding to the rear of the property which was being used as managers accommodation under Ref: 2009/0625 and refused for the following reasons:

The outbuilding by virtue of its scale, inappropriate design and materials is an unacceptable and over-intensive form of development that fails to preserve or enhance the character and appearance of the Ffynone Conservation Area. The use of the building as habitable living accommodation has a detrimental impact on the amenity of the occupiers by way of substandard living accommodation, and has an undesirable overshadowing impact on the garden area of the adjacent property. The use is not an appropriate use of the outbuilding, and also it would set an undesirable precedent for the use of other outbuildings in the area, contrary to Policies EV1, EV9, HC7 of the Unitary Development Plan and the Design Guide for Householder Development.

The applicant subsequently appealed to the Welsh Government and whilst the Inspector considered the proposal had an acceptable impact upon the visual amenities of the area and wider Conservation Area, it was considered that the level of accommodation was substandard and the approval of the application would result in the creation of inappropriate housing contrary to the provisions of Chapter 4 of Planning Policy Wales.

A further application was submitted under Ref: 2010/1238 for the retention of the outbuilding and its use as a garden room and storage. This application was approved subject to the following condition:

1. The outbuilding hereby approved shall be used as an ancillary garden room and storage area only and shall not at any time be used as a unit of accommodation or for use as overnight accommodation.

Due to the substandard nature of the rear outbuilding it is essential that any consent at this site is subject to the above condition.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use and the development upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea Unitary Development Plan (UDP) and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards' and the site history.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in Uplands which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and

- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will actually result in a reduction in the number of bedrooms from 7 to 6 which could result in a less intense form of use. The property could be utilised by up to 7 different groups of residents under the extant lawful use of the premises as a Guest House and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced and as such it is not considered that the Council could warrant the refusal of this application on intensification grounds.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there is a relatively high level of properties in multiple occupation along Mirador Crescent. The street comprises primarily of rows of terraced three storey properties. Mirador Crescent is a curved street which links Uplands Terrace to Uplands Crescent. Using evidence held by our Environmental Health Department there are currently 12 HMO licenses active (as of the 3rd October 2016) between No's 1a and 36 Mirador Crescent (approximately 38 properties on this road) which is approximately 32% of dwellings within this road. The approval of this application would take the % of properties in multiple occupation to 34%.

It is clear that approval of the application would result in the addition of a further HMO into a ward area that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street.

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

There would be no significant adverse effect on local car parking and highway safety,

Having consulted the Councils Highways Officer it is acknowledged that the existing building is a lawful guest house which has operated for a number of years and has no designated parking. The existing premises comprises 7 bedrooms. There is currently no designated off street parking for the proposed or the existing use. The Supplementary Planning Guidance document entitled 'Swansea Parking Standards' requires hotels to provide off street parking for 1 commercial vehicle space, 1 space per 3 non-resident staff and 1 space per bedroom which would equate to a minimum of approximately 8 parking spaces. The proposed use requires approximately 3 parking spaces and therefore the proposed use would potentially result in less parking pressure than the extant lawful use of the premises as a hotel. Residents parking is in operation and a dwelling would only be eligible for two parking permits. It is acknowledged that the Councils Highway Officer has recommended the removal of the capability of the property occupiers applying for 2 parking permits, however this is considered unreasonable in planning terms as a residential house would be eligible for 2 permits. There is a small rear area where cycle parking could be provided, however bicycles would have to be brought through the house. A condition can be added to ensure the provision of cycle parking as an alternative means of sustainable transport is provided and this will assist in mitigating for the lack of car parking availability.

The site is in a sustainable location and is well served by public transport and local amenities as well as being located within walking distance of Swansea University.

Therefore subject to an appropriately worded condition the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins and as such it is reasonable to suggest these could be provided and agreed via an appropriately worded condition.

Visual Amenity

The proposal will involve no alterations to the external fabric of the building and as such the proposal will have no impact on visual amenity. The existing property is in a good state of repair and there is nothing to suggest that the approval of this application would have a detrimental impact upon the character of the Conservation Area. Therefore the proposal is considered an appropriate form of use within the Conservation Area.

Response to Consultations

Notwithstanding the above 12 LETTERS OF OBJECTION and a PETITION containing 32 signatures were received which raised concerns relating to the impact of the proposal upon the number of HMOs in the area, parking, residential amenity, impact on character of an area and wider Conservation Area. The issues pertaining to which have been addressed above.

Further concerns were raised with respect of litter, noise and anti-social behaviour orders. This is a stereotypical assumption to make and the planning process cannot legislate for the behaviour of residents. Alternatively the occupiers of this property could be model citizens and it is for other bodies to legislate the behaviour of residents. As such these issues raised are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

In terms of the impact HMOs have on property prices are not material planning considerations which can be taken into account during the determination of an application.

Concern has been raised that the approval of this application would affect local business. There is no evidence submitted or held by the Local Planning Authority that the approval of this application would undermine local businesses. The approval could increase footfall to the nearby District Centre which would improve the vitality and viability of the centre. There are only a small number of vacant units within the centre and therefore there would appear to be no link between the high concentration of HMOs in the area and the viability of the shopping centre.

Conclusion

The provision of an additional HMO at this location is considered acceptable in principle, as the Local Planning Authority has no evidence to suggest that the use of this property as a HMO would result in a harmful concentration of HMOs within this area. As such the development is considered an acceptable form of development which respects visual amenity, residential amenity and highway safety in accordance with the provisions of Policies EV1, EV9, AS6 and HC5 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

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: Site Location Plan and Existing & Proposed Elevations received on 27th August 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The development shall not be occupied until facilities for the secure storage of 6 cycles and refuse facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained as approved at all times.
Reason: In the interests of providing facilities for sustainable transport and recycling.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV3, EV9, HC5 and AS6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 10

APPLICATION NO:

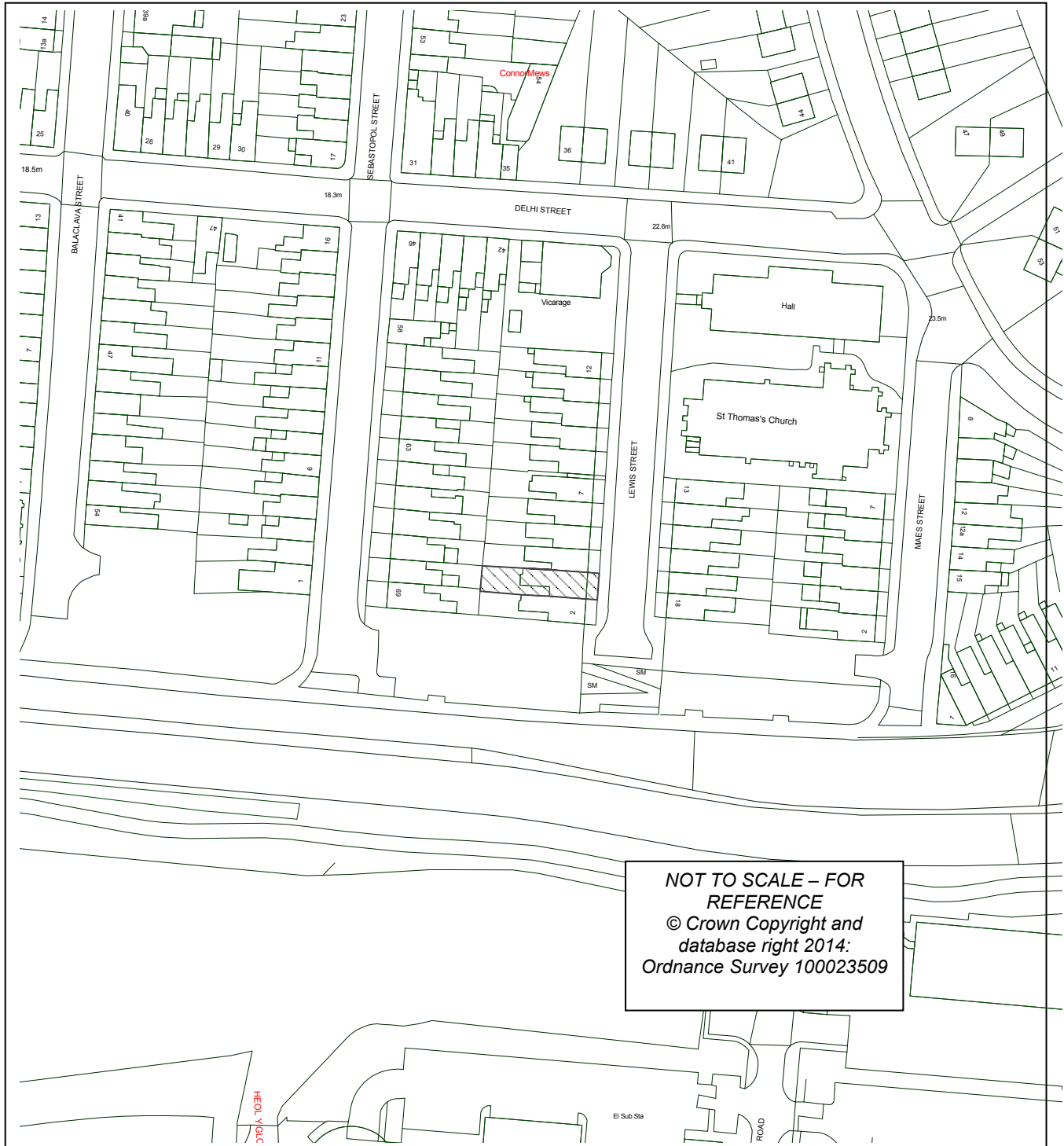
2016/1604

WARD: St. Thomas - Bay Area

Location: 3 Lewis Street St. Thomas Swansea SA1 8BP

Proposal: Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)

Applicant: Mr Brian Harris



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1604	Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 67, 68 & 69 Sebastopol Street and Nos. 2 & 4 Lewis Street and through display of a site notice dated 24th August 2016. FIFTEEN LETTERS OF OBEJCTION have been received which are summarised as follows:

1. Noise and disturbance;
2. Antisocial behaviour including litter;
3. Increased on-street car parking pressure;
4. Highway safety;
5. Health implications;
6. Loss of community spirit and cohesion;
7. Change in the character of the area;
8. Loss of value of properties; and
9. Precedent for similar development.

THREE PETITIONS OF OBECTION were also received with 50, 44 and 33 signatures which reiterate concerns above.

Dwr Cymru/Welsh Water: Request for standard condition and informative.

Pollution Control Division: I have viewed the application and have the following comment to make:

In 2012, Welsh Government carried out strategic noise mapping to meet the requirements of the Environmental Noise Directive (Directive 2002/49/EC) and the Environmental Noise (Wales) Regulations 2006 (as amended). The maps show that the proposed development is exposed to noise levels in excess of 65dB LAeq,16 and 60dBLnight. According to TAN11: Noise (1997) the development falls into Category C. In Category C planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

In this circumstance, it would not be reasonable to request acoustically treated active ventilation units but if during renovations the façade windows are being replaced it would be advisable for the applicant to contact the Division regarding any mitigation measures.

Highways:

The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 use class (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4 and based on recent appeal decisions I do not consider that a refusal from highways could be justified at appeal despite my ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

As part of the HMO SPG currently being drafted, a review of the existing parking standards which specially relate to HMO's and purpose built student accommodation will be included. This should be in place by March 2017 and will take into account data specific to Swansea and not generic information for Wales as a whole. In the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

This application is for a change of use from C3 to C4 (For 4 persons) hence it is still below the six person threshold.

No dedicated car parking is available for use by the dwelling. Parking on the street is laid out but is not restricted.

There is a rear yard area where cycle parking could be provided to mitigate for the lack of car parking facilities.

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

1. The dwelling being used by no more than 4 persons in the interest of highway safety.
2. Cycle parking to be provided in accordance with details to be submitted for approval to the LPA, to mitigate for the lack of car parking availability.

APPRAISAL

Description

Full planning permission is sought for the change of use from residential (Class C3) to a 4 bedroom HMO (Class C4) at No. 3 Lewis Street, St Thomas, Swansea.

The existing dwelling is two storey 3-bedroom terrace property which is situated on the edge of the suburban area of St. Thomas in close proximity of Fabian Way and SA1 beyond. The area comprises rows of traditionally designed terraced properties.

No external alterations are proposed and as such the proposal will have no impact on visual amenity.

Main Issues

The main issues for consideration during the determination of this application relates to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however the Local Planning Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area

PLANNING COMMITTEE – 1ST NOVEMBER 2016

ITEM 10 (CONT'D)

APPLICATION NO:

2016/1604

- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal would result in an increase of one bedroom to provide a four bedroom property. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

As such, the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015, the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

From viewing the Councils own HMO register, there are currently no known HMOs along Lewis Street, however that is not to say that there aren't any in this location which have been used pre March 2016. Given the Local Planning Authority has no record of any other HMO properties on Lewis Street, the use of this property as a HMO would not result in a harmful concentration of HMOs in this particular area.

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are limited numbers of HMOs in this area, without empirical evidence it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

There would be no significant adverse effect on local car parking and highway safety

No dedicated car parking is available for use by the dwelling. Parking on the street is laid out but is not restricted.

There is a rear yard area where cycle parking could be provided to mitigate for the lack of car parking facilities.

In view of the above, the Head of Transportation and Engineering has recommended that no highway objections are raised to the proposal subject to:

1. The dwelling being used by no more than 4 persons in the interest of highway safety; and
2. Cycle parking to be provided in accordance with details to be submitted for approval to the LPA, to mitigate for the lack of car parking availability.

Appropriate refuse storage arrangements can be provided

An area for bin storage is proposed to the rear of the property.

Response to Consultations

Notwithstanding the above, fifteen letters of objection have been received and three petitions of objection which raised concerns relating to noise and disturbance, local car parking and highway safety and the concentration or intensification of HMOs in the area. The issues pertaining to which have been addressed above.

Issues in respect of antisocial behaviour including noise and the management of refuse collection are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application. With regard to concerns in respect of impact of the proposal on health and loss of value of properties, these issues are not material planning considerations.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions;

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: block plan, site location plan received on 10th August 2016. Existing and approved floor plans, dated 22nd August 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of five cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose
Reason: In the interests of providing facilities for sustainable transport, highway safety and general amenity.
- 4 No more than four residents shall live at the property, as part of the HMO hereby approved, at any one time.
Reason: In order to control the density of the development, in line with the proposal, having regard to the scale of the existing use and parking provision within the locality.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, HC5 and AS6.
-

Agenda Item 6

Report of the Head of Planning and City Regeneration

Planning Committee – 1 November 2016

PLANNING APPLICATION REF: 2016/1249

Change of use from residential (Class C3) to HMO for 4 people (Class C4)

26 Pinewood Road Uplands Swansea SA2 0LT

1.0 Background

- 1.1 The application was reported to Planning Committee on the 4th October 2016 with the recommendation that planning permission be approved subject to conditions. Members did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that further advice and guidance could be given as to the lawfulness or otherwise of the reasons for refusal raised by Members and the potential implications for the Council for possible awards of costs in the event of an appeal. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.
- 1.2 In reaching a decision Members will need to consider advice on the award of costs in planning appeals in Welsh Officer Circular 23/93 : 'Award of Costs incurred in Planning and other (including Compulsory Purchase Order) Proceeding'. The circular states that Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. However, they will be expected to show they had reasonable planning grounds for taking a decision contrary to such advice, and be able to produce relevant evidence to support the decision. If they fail to do so, costs may be awarded against the Authority.
- 1.3 A copy of the report to Planning Committee on 4th October 2016 is attached as Appendix A.

2.0 Main Issues

- 2.1 Members identified the following areas as grounds for refusal of the application: noise and disturbance, refuse arrangements, car parking and the encroachment of HMO's into the area.
- 2.2 More detailed comment is provided in each of the sub-headings below.
- 2.3 Noise and Disturbance
- 2.4 There is no evidence before the Council to suggest that the proposed use as a HMO would generate significant noise and disturbance over and above that of a family home. Whilst concerns regarding the anti-social behaviour of certain individuals or groups are acknowledged the resolution of such matters is outside of planning control.

- 2.5 In this respect Members must consider the potential impact of the proposed C4 use rather than the behaviour of any potential future occupants. Whilst noise and disturbance may be a lawful ground upon which to base a reason for refusal Committee will need to consider whether sufficient evidence can be provided to demonstrate that the proposed HMO for 4 people would have an unacceptable impact upon the residential amenities of neighbour properties.
- 2.6 Refuse Arrangements
- 2.7 In physical terms a sufficient level of space to provide refuse storage is available to the rear of the property and the provision of this can be adequately controlled via an appropriately worded condition.
- 2.8 Concerns were expressed at the previous Committee meeting regarding the siting of refuse storage to the rear, however, the requirement to bring refuse through the property to present on the roadside for collection would be no different whether the property was occupied as a dwellinghouse or as a HMO.
- 2.9 There is no evidence to suggest that the use of the property as the proposed HMO would generate specific refuse issues over and above the extant use of the property as a residential property. Again, whilst inadequate refuse storage may be a lawful ground upon which to base a reason for refusal the absence of any evidence to sustain such a reason for refusal would expose the Authority to an award of costs in the event of an appeal
- 2.10 Car Parking
- 2.11 With regard car parking, the Council's adopted Supplementary Planning Guidance entitled " City and County of Swansea Parking Standards" March 2012 provide that the parking requirements for a HMO of up to 6 people living together will be the same as that for a large single household.
- 2.12 Whilst it is lawful to refuse an application on grounds of insufficient car parking, in this instance there is no off street parking for either the existing or the proposed use. Committee will therefore need to consider, in the context of the above referenced car parking guidelines, whether sufficient evidence can be provided to demonstrate that the proposal for a 4 bed HMO will have an unacceptable impact upon highway safety over and above that of the existing use as a single dwellinghouse.
- 2.13 Recent appeals decision have clearly indicated that in the absence of any evidence to prove a proposal will be detrimental to highway safety, an appeal will be allowed. Failure to do so will result in the Authority being exposed to an award of costs at appeal.
- 2.14 Encroachment of HMOs into the area
- 2.15 The approval of this application would result in approximately 8% of properties along Pinewood Road being in use as a HMO which is considered to be a relatively low figure.

- 2.16 Policy HC5 of the City & County of Swansea Unitary Development Plan provides that proposals for the conversion of dwellings to HMO's will be permitted subject to a number of criteria, including the impact upon visual and residential amenity, refuse storage, car parking and of specific relevance to the current issue raised by Members whether the development would contribute to the harmful concentration or intensification of HMO's in a particular area.
- 2.17 In this instance of the 63 properties in Pinewood Road only 4 properties are currently HMO's. It would not, therefore, appear reasonable to argue that the addition of one further HMO would contribute to a harmful concentration or indeed an intensification of such uses within this area.
- 2.18 Whilst it is recognised that there are concerns about the encroachment of HMO's into an area which may currently have a limited concentration of such uses, Committee must consider the impact of this and whether this would be sufficiently detrimental in material planning terms to justify a reason for refusal.
- 2.19 In this respect there would not appear to be any evidence to indicate that the proposed 4 bed HMO would have any greater impact in terms of visual or residential amenity, refuse storage and car parking than the existing use as a dwellinghouse.
- 2.20 In view of the above and in the absence of any evidence of unacceptable impact in material planning terms it is not considered that "encroachment" can form a reasonable reason for refusal which could be sustained at appeal. To refuse the application for this reason would, it is considered, leave the Council open to an application for an award of costs at appeal.

3.0 Conclusion

- 3.1 My original report to Planning Committee on 4th October 2016 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that the Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account the advice given above in relation to each possible reason for refusal Committee identified previously.

4.0 Recommendation

- 4.1 The application be approved in accordance with the recommendation set out in Appendix.

If however the Committee does not consider that the application should be approved, the reason(s) for refusal should take into account the advice given above.

Background papers:

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:

Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Contact Officer: *Liam Jones*

Extension No: *5735*

Date of *21.10.16*

Document Name: *26 Pinewood Road*

Production:

ITEM 2

APPLICATION NO.

2016/1249

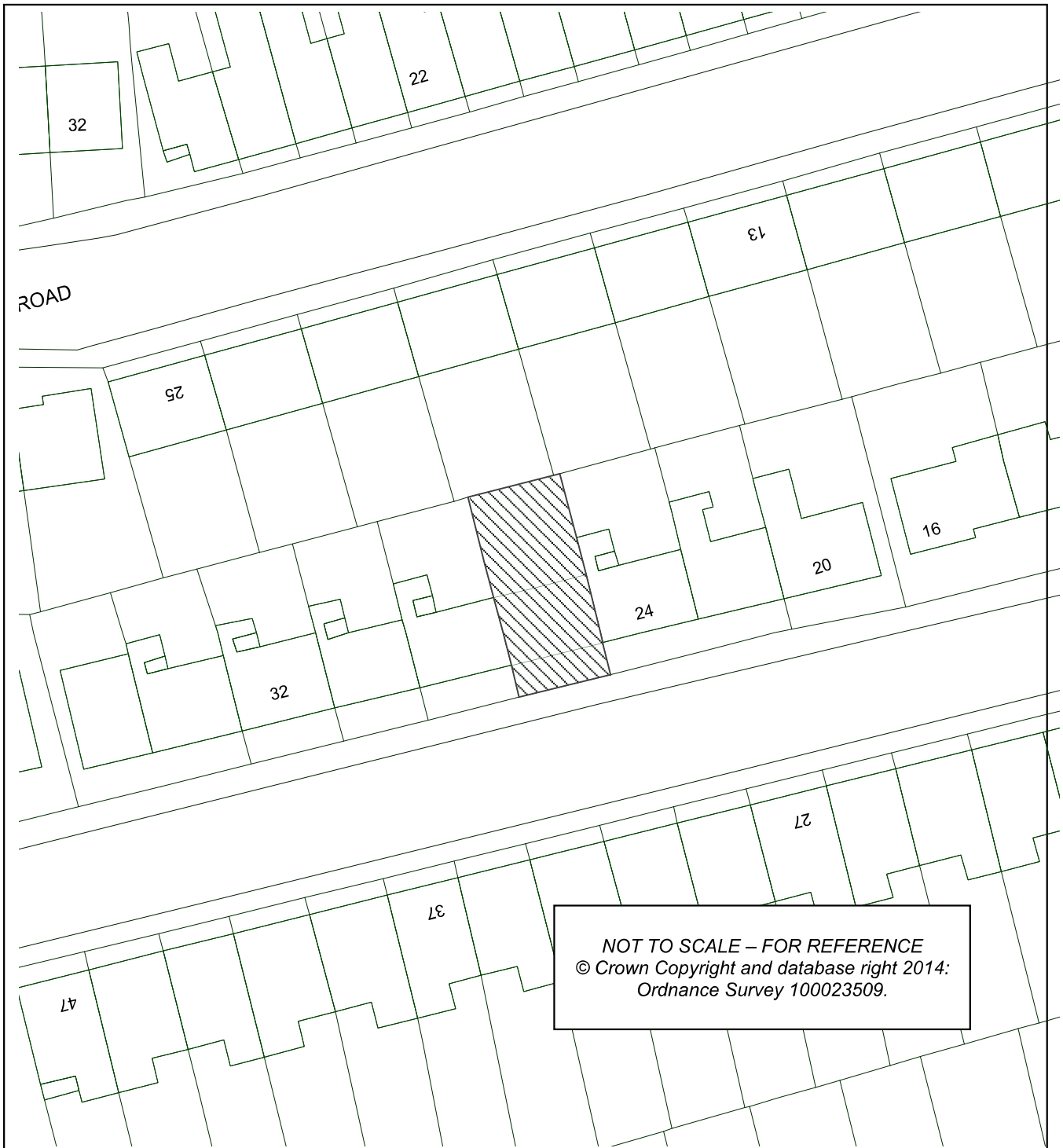
WARD:

Uplands

Location: 26 Pinewood Road Uplands Swansea SA2 0LT

Proposal: Change of use from residential (Class C3) to HMO for 4 people (Class C4)

Applicant: Mrs Sharon Davies



ITEM 2 (CONT'D)

APPLICATION NO.

2016/1249

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

NO RELEVANT PLANNING HISTORY

RESPONSE TO CONSULTATIONS:

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to 4 individual neighbouring properties and through display of a site notice dated 1st July 2016. 30 individual letters of objection were received and a petition of 75 signatures received raising concerns relating to:

1. Too many HMO's.
2. Parking issues.
3. Noise.
4. Litter problems.
5. Anti-social behaviour.
6. Community is in decline.
7. Need for the development.
8. Decline in the care of properties.
9. High turnover of residents has a detrimental impact on area.
10. Bins and recycling issues.
11. Properties not looked after which affects house prices.
12. Letting signs are being left up all year around.
13. Bus issues with navigating the streets.
14. Impact approval would have on Councils drive for City Centre regeneration.
15. Character of area is moving away from families to slums.
16. Concern over the quality of the report.
17. Discrepancies within the report.
18. Accessibility of cycle storage.

ITEM 2 (CONT'D)

APPLICATION NO. 2016/1249

Dwr Cymru/Welsh Water: No objection.

Highways: Change of use from residential (Class C3) to HMO for 4 people (Class C4)

No car parking is available but there is a rear yard area which could provide cycle storage.

I recommend that no highway objections are raised to the HMO for 4 persons, subject to cycle parking being erected in accordance with details to be submitted to the LPA, and implemented prior to beneficial occupation of the HMO.

Pollution Control: No objection.

APPRAISAL:

This application is reported to Committee for decision at the request of Councillor Nick Davies due to concerns relating to the concentration of HMOs in the area and in light of the fact there is a petition in excess of 30 individual signatures.

Description

Full planning permission is sought for the change of use of No 26 Pinewood, Uplands from a residential dwelling to a HMO for up to 4 people (Class C4). The existing dwelling is a two storey mid link terrace property which is situated within the suburban area of Uplands. Uplands is a suburban area of Swansea. The area comprises a mix of rows of traditionally designed terraced properties and large detached properties.

No external alterations are proposed and as such the proposal will have no impact on visual amenity.

Main Issues

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

ITEM 2 (CONT'D)

APPLICATION NO. 2016/1249

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will not result in an increase in the number of bedrooms and as such both the existing and proposed units would accommodate 4 bedrooms. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

ITEM 2 (CONT'D)

APPLICATION NO.

2016/1249

The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there are a number of houses in multiple occupation in and around Pinewood Road. The street comprises a mixture of rows of terraced properties, semi-detached and detached properties. Pinewood Road is situated towards the northern end of Uplands Ward and runs horizontally east to west through the area. The street is also crossed vertically by Glanmor Park Road, Llythrid Avenue, Le Breos Avenue and Hawthorne Avenue. Using evidence held by our Environmental Health Department (accessed 15th September 2016) there are currently 4 HMO licenses active between No's 1 and 69 Pinewood Road (approximately 63 properties) which is approximately 6% of dwellings within this road. These properties being No's 1, 4, 28 and 55 Pinewood Road.

It is clear that approval of the application would result in the addition of a further HMO into the Uplands Ward that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street. In terms of the street it can be noted that a low percentage of properties would be occupied as HMO's as a result of the approval of the application (8%).

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

There would be no significant adverse effect on local car parking and highway safety

ITEM 2 (CONT'D)

APPLICATION NO. 2016/1249

Having consulted the Head of Transportation and Engineering it is acknowledged that there is no car parking available to support this application. However, the absence of car parking in itself is not a reason for refusal of a planning application. There is a need to demonstrate that the lack of car parking results in harm to highway safety within the immediate area.

It can be noted that the site is located in a sustainable location with access to amenities and public transport. It is not considered the use of the premises for up to 4 residents (or 6 residents within a C4 Use Class) would result in significant additional parking demand over and above the extant consent. A condition will be added to ensure the provision of cycle parking as an alternative means of sustainable transport is provided.

Therefore subject to an appropriately worded condition the proposal to provide for sustainable transport it is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins and as such it is reasonable to suggest that appropriate refuse storage arrangements can be provided and agreed via an appropriately worded condition.

Response to Consultations

Notwithstanding the above 30 individual letters of objection and a petition of 75 objections were received which raised concerns relating to the number of HMOs in the area, parking issues, community impact, impact on character of an area, bins and recycling, highway safety. The issues pertaining to which have been addressed above.

Further concerns were raised with respect of litter, noise and anti-social behaviour orders. This is a stereotypical assumption to make and the planning process cannot legislate for the behaviour of residents. Alternatively the occupiers of this property could be model citizens and it is for other bodies to legislate the behaviour of residents. As such these issues raised are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

In terms of the impact HMOs have on property prices are not material planning considerations which can be taken into account during the determination of an application.

In addition to this concern has been raised with respect landlords leaving letting signs up all year around. This is a Licensing and Enforcement issue and would need to be pursued separately.

Concern has been raised with respect discrepancies within the Officer report which was reported to Committee on the 6th September 2016. Officers acknowledged that there were errors within the report and these have been addressed. It should be noted that the errors contained within the report had no bearing upon the decision reached and as such the application is reported to Committee for decision with a recommendation of approval.

ITEM 2 (CONT'D)

APPLICATION NO.

2016/1249

With respect the cycle storage to the rear, the Local Planning Authority cannot force residents to cycle to their place of work or study etc, however it can offer alternative means of transport which Condition No 3 seeks to achieve.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Plan received 22nd June, Existing and Proposed Plan and Site Location Plan received 27th June 2016.
Reason: To define the extent of the permission granted.
- 3 Details of facilities for the secure and undercover storage of four cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interest of highway safety and sustainability.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, HC5 and AS6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

Agenda Item 7

**Report of the Head of Planning and City Regeneration
Planning Committee – 1 November 2016
Adoption of Supplementary Planning Guidance for
“The Protection of Trees on Development Sites (October 2016)”**

To consider the revised Supplementary Planning Guidance (SPG) “The Protection of Trees on Development Sites October 2016” as an update to the current guidance adopted in 2008, and for adoption as SPG to the Local Development Plan (LDP).

Recommendation:

1. “The Protection of Trees on Development Sites October 2016” incorporating responses to the public consultation be approved as an update to “The Protection of Trees on Development Sites” (2008) SPG in the Unitary Development Plan
2. That the Protection of Trees on Development Sites October 2016” as approved is included as Supplementary Planning Guidance in the Local Development Plan for adoption.”

For Decision

1. Introduction

- 1.1 Following a report to Scrutiny Committee Working Group of 21st April 2016 resultant actions required a review and update of:
Guidance notes “The Protection of Trees on Development Sites” to ensure the public is provided with current best advice. This should also be included as SPG when the new LDP is adopted.
- 1.2 “The Protection of Trees on Development Sites” (2008) is listed in the UDP as SPG. However at present this document is not made available on the Councils website.
- 1.3 Following the reporting of the revised Supplementary Planning Guidance (SPG) “The Protection of Trees on Development Sites (2016)” as an update to the current guidance adopted in 2008, and for adoption as SPG to the Local Development Plan (LDP) to Planning Committee on 2nd August 2016 with a recommendation that the document be consulted upon and the findings reported back to Planning committee for approval, which is the purpose of this report.

2. Discussion

- 2.1 The current guidance originally drafted in 1995, updated in 2008, refers to several documents that have been superceded, most notably by two British Standards relating to trees. In addition a new British Standard has been introduced in relation to planting trees.
- 2.2 The current guidance was not subject of public consultation and therefore carries little weight as a material planning consideration when considering proposals. It also refers to outdated best management practices.
- 2.3 New legislation relating to the Council's obligations in the planning process has also been introduced in relation to biodiversity (Environment (Wales) Act 2016). Trees are closely linked to the biodiversity of a site.
- 2.4 Consultation was undertaken through the Council's web site with notifications and reminders given to councillors, public bodies, planning agents and developers that have recently corresponded with the Council in relation to development sites for the minimum 6 week prescribed time.

3 Appraisal

- 3.1 A six-week period of public consultation on the revised document has been undertaken with any amendments incorporated into the revised document (Appendix 1), with the responses appended (Appendix 2) for ease of reference. This report and document are submitted for approval in order to be used as an update to current guidance and adopted in due course as SPG to the emerging LDP.
- 3.2 As the guidance is in need of updating the content has been extended to give the public more information on how to successfully integrate trees into proposed developments.
- 3.3. The updated guidance (Appendix 1 refers) gives advice on what information is required to accompany a planning application in relation to trees and will improve customer service during the planning process. The objective of the new document is to improve the retention of trees on development sites.

4. Recommendation

1. "The Protection of Trees on Development Sites October 2016" incorporating responses to the public consultation be approved as an update to "The Protection of Trees on Development Sites" (2008) SPG in the Unitary Development Plan
2. That the Protection of Trees on Development Sites October 2016" as approved is included as Supplementary Planning Guidance in the Local Development Plan for adoption."

Officer Contact: *Jeff Saywell* **Extension No:** 5752

Appendices:

1. "The Protection of Trees on Development Sites" (2016). Amended October 2016
2. List of comments and actions following public Consultation on the draft document submitted to Planning Committee for Consultation on 2nd August 2016

Response to Public Consultation on “The Protection of Trees on Development Sites” (2016).

Comment by	Summary of content of observation(s)	Action
Cllr. Wendy Fitzgerald	Fully endorses what is proposed, gave examples of ‘trees on development sites’ within her ward in particular in relation to soil denudation and damage to tree roots	This has been addressed in paragraphs 3.4, 3.6, 4.6, 7.0
Cllr Linda Tyler-Lloyd	Following completion of developments new residents find reasons for tree removal.	This is addressed in paragraphs 6.0 that relate to conditions on Planning approvals and 8.7 that relate to protection of trees after the development is complete
Mike Harvey (Designing out Crime Officer)	Delighted with the document, need to change sentence to read ‘Secured by Design’	Updated in para 4.6
Cadw	Need to include a sentence on the cultural and heritage value of trees in the context of a historic park, garden or designed landscape	Incorporated into the introduction in paragraph 1.3



City & County of Swansea

The Protection of Trees on Development Sites October 2016

The steps that need to be considered at the Planning and Design Stages and during Construction to ensure that significant existing and proposed trees are kept healthy and become an asset to a new development.



An example of the retention of existing and the planting of new trees in the creation of 'Place'.

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1.0 INTRODUCTION



Example of the retention of existing and the planting of new trees © getmapping.com

- 1.1 This guide has been produced to give developers basic information on how trees are dealt with in the planning system. The document provides clear and consistent guidance to applicants on the requirements of the Local Planning Authority (LPA) with respect to trees and development.
- 1.2 This document relates primarily to trees, woodlands, hedges, hedgerows and large shrubs (hereafter 'Trees'). 'Trees' provide habitat for protected species such as birds and bats that require consideration in the planning process and are protected by other legislation.
- 1.3 'Trees' are of vital importance to the landscape. It is now widely accepted that trees in and around towns and cities have a vital role to play in promoting sustainable communities and make a significant contribution in the cultural and heritage value in the context of a historic park, garden or designed landscape. Trees and large shrubs make a positive contribution to the scenic character and diversity of

the landscape and are important in the creation of 'place', provide vital habitat for dependant wildlife populations and substantial environmental benefits such as improving quality of life, attenuation of noise and improving the climate and air quality. Trees can also help protect buildings from the elements, provide shade and assist in energy conservation. Trees can enhance the setting of new development, its character, sense of maturity and overall quality thus helping with the saleability and profitability of properties. Their positive effect on the environment also helps to attract businesses and visitors to an area, thereby boosting the economy. In addition to legislative protection of trees and wildlife the public's awareness of environmental issues and the health benefits of being near or seeing trees is also increasing. Developers are therefore under increasing pressure to focus attention on trees and their role in providing a more pleasant and healthier environment.

- 1.4 A tree may take a century to reach maturity but it can be damaged or felled in a few minutes. Such damage is frequently caused unwittingly because of a failure to appreciate the vulnerability of trees, particularly the root system, and how easily they can be damaged. Where trees are damaged during development of a site and subsequently decline and die, or where inappropriate or poor design leads to conflict, trees become a constant source of complaint and ultimately, any positive benefits are lost. **Early erection of tree and landscape protection measures to form construction exclusion zones before work commences on site is essential. (See 6.1)**

2.0 LEGISLATIVE AND POLICY CONTEXT

- 2.1 Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, wherever it is appropriate, that in granting planning permission for any development, adequate provision is made by the imposition of conditions, for the preservation or planting of trees. If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, Section 198 of the Act provides the power to make a Tree Preservation Order (TPO) for that purpose. Under Section 211 of the Act, trees in conservation areas are subject to similar controls as trees to which a TPO applies.
- 2.2 This guide has been prepared in accordance with guidance contained in Planning Policy Wales, Technical Advice Notes issued by Welsh Government, the City and County of Swansea Unitary Development Plan and emerging Local Development Plan⁴.
- 2.3 **Planning Policy Wales (PPW) Edition 8.** Planning Policy Wales makes it clear that "Trees, woodlands and hedgerows are of great

importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. They also intercept rain fall slowing the rate water enters rivers and drains, preventing soil erosion, whilst also taking water up through their roots. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage” (PPW Edition 8, para 5.2.9).

- 2.4 It is the responsibility of Local Authorities to ensure that adequate provision is made for the planting or preservation of trees through imposing conditions through a planning permission and /or Tree Preservation Orders.
- 2.5 **Technical Advice Note (TAN) 10: Tree Preservation Orders.** TAN 10 supplements Planning Policy Wales and states that under the Town and Country Planning Act 1990 (section 198) Local Planning Authorities are empowered, in the interests of amenity, to protect trees and woodlands by making Tree Preservation Orders (TPOs). As such, any tree or woodland that has a TPO attached to it is legally protected from cutting down, uprooting, topping, lopping, wilful damage or destruction without consent from the Local Planning Authority.
 - 2.5.1 Tree Preservation Orders should be considered where provision should be made for the preservation of trees or woodlands in the interest of amenity (TAN10; para 14). TPOs should be made where the removal of trees and woodlands would have a significant impact on the environment and its enjoyment by the public. TPOs cannot be made on bushes, shrubs or hedgerows (however they can be made on trees within hedgerows).
 - 2.5.2 The Draft City and County of Swansea Protected Tree Policy details the approach of the Council in protecting trees and how the guidance in TAN 10 is interpreted.
- 2.6 **City and County of Swansea Unitary Development Plan.** Policy EV30 states that: “Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged, with priority being given to:
 - i. Protecting the remaining areas of ancient semi natural woodland and planted ancient woodland sites.

- ii. Promoting new planting with species appropriate to the location, where there is no conflict with other land uses or nature conservation interests, and
 - iii. Ensuring that where management involves commercial felling and replanting, protection of amenity interests is achieved.”
- 2.7 The emerging Swansea LDP has a more detailed approach to sustaining tree cover within the City and County of Swansea. (Policy ER 11: Trees and Development)⁴

3.0 PREVENTING DAMAGE DURING CONSTRUCTION

- 3.1 In addition to the obvious parts of the tree (canopy, branches and stem), the hidden roots can also be damaged during construction. In general terms tree roots are found in the upper 600mm of soil, although root distribution can be deeper dependant on site conditions and tree species. They consist of structural roots which anchor the tree and a network of smaller roots that uptake water and nutrients.
- 3.2 **Maintaining soil structure.** An ideal soil for root growth and development contains about 50 percent pore space for water and air movement. Heavy construction equipment and/or repeated pedestrian movements can compact topsoil and subsoil dramatically reducing pore space. Compaction inhibits root growth, limits water penetration, and decreases oxygen needed for root survival. (See 4.4)
- 3.3 **Maintaining a healthy root structure.** Digging, grading, and trenching associated with construction and underground utility installation can be very damaging to roots. A tree’s root system can extend horizontally a distance one to three times greater than the height of a tree. Excavation in a tree’s root protection area can reduce tree vitality leading premature death of the tree(s). Cutting roots close to the trunk can severely damage a tree and cause it to fail in high winds. (Refer to section 4.3)
- 3.4 **Maintaining original soil levels.** The majority of fine water-and-mineral-absorbing roots are in the upper 15 to 30 cm of soil where oxygen and moisture levels tend to be best suited for growth. Even a few centimetres of soil piled over the root system to change the grade can smother fine roots and eventually lead to larger root death and the loss of trees.
- 3.5 **Avoiding root / soil contamination.** Spillages of fuels, construction chemicals or uncontrolled cement run off can change soil pH or poison tree roots.

- 3.6 **Avoiding physical impact.** Construction equipment can injure the above-ground portion of a tree by breaking branches, tearing the bark, and wounding the trunk. These injuries are permanent and, if extensive, can be fatal.
- 3.7 **Avoiding exposure.** Trees in a group grow as a community, protecting each other from the elements. Trees can grow tall with long, straight trunks and high canopies; removing neighbouring trees during construction exposes the remaining trees to increased sunlight and wind which may lead to sunscald or breakage of limbs and stems and potentially windthrow of remaining trees.

4.0 INCORPORATING TREES INTO THE DEVELOPMENT

- 4.1 **British Standard 5837:2012 - Trees in relation to design, demolition and construction – Recommendations**, will be regarded as the overriding document detailing the standard and guidance for a balanced approach on deciding;

- Which trees are appropriate for retention;
- The effect of trees on design considerations; and
- The means of protecting these trees during development.

Variation from the guidance in BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, will require justification on a site specific basis.

- 4.2 **Design Stage:** A tree survey in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, provides important information to enable decisions to be made about which trees should remain and consequently the location of development on a site. For this reason **a tree survey should be commissioned as early as possible in the process to inform the design.** Early arboricultural advice in some cases will also highlight if a scheme is viable or not.
- 4.3 When identifying trees for retention regard should be taken of their quality and condition, their potential for future growth, longevity and where applicable, their value as a group.
- 4.4 Principally a tree constraints plan should show the root protection areas and canopy spreads of the trees. The root protection area (RPA) is the **minimum** area that a tree requires to ensure that it can continue to survive. **For a single stem tree this area is a circle with a radius of 12 x the stem diameter, measured 1.5m above ground level.** The RPA should be modified from a circle if the topography dictates or if there is an obstruction preventing root

growth in a particular direction. Tree roots can extend further than this area and at times should be protected beyond it (See 4.8).

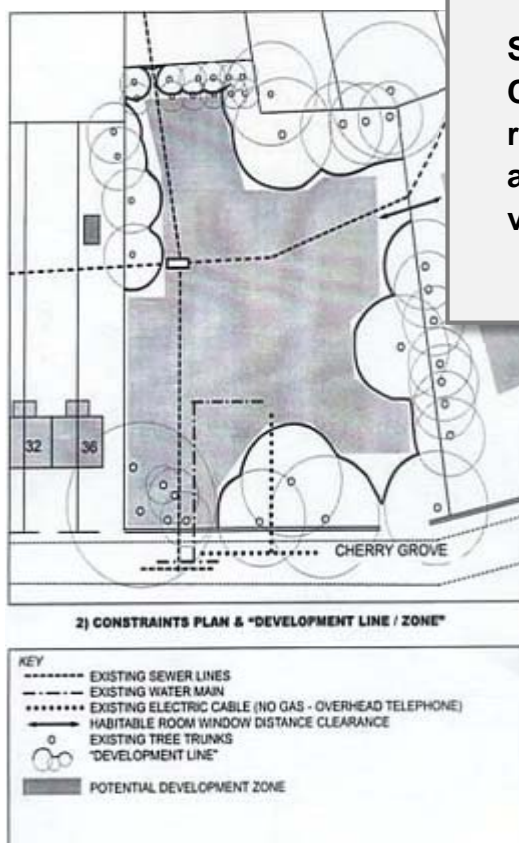
- 4.5 Any development, excavation or access within a RPA will not usually be permitted unless measures are taken to prevent damage to the tree(s) and agreed in writing by the LPA prior to development.
- 4.6 During the design and planning stages various factors must be taken into account. This should include, but is not limited to, the following:
- Tree Preservation Orders / Conservation Area protection, and protected wildlife.
 - The effects of development proposals on the amenity value of trees (post design).
 - Below ground constraints: root distribution, suitable root protection areas taking into account root morphology.
 - Above ground constraints: overbearing and large trees close to buildings/proposed development, shading to rooms and gardens, positions of infrastructural provisions that could impact upon, and be impacted by trees. Future growth of the trees should also be taken into account. Design guidance to reduce solar shading can be sought from BRE "*Site layout planning for daylight and sunlight: a guide to good practice (BR 209)*"²⁰
 - Change in hydrology – decreasing available water or waterlogging
 - Design should minimise conflicts between highways, streetlights, advertisement and signage, kerbs/haunching, hard surfacing, soft landscaping treatments and existing trees.
 - Secured by design requirements and CCTV provision
 - Mitigating conflicts between finished levels and existing trees.
 - Where the site is affected by shrinkable/ expandable clay soils, attention shall be given to the design of building foundations, walls and pavements such that they are sufficient to avoid future problems of movement exacerbated by tree roots of existing trees and new tree planting.
 - Routing of any underground services. It is unacceptable for underground services to be routed through the Root Protection Areas of existing trees.
 - Soakaways should not be installed close to trees as tree roots may exploit such areas and feeder drains may become blocked.
 - The principle of balancing tree, shrub and hedge removal with the quality of the proposed landscaping requires careful consideration at the outset and should not be considered as an afterthought. There is likely to be ongoing protection of any proposed tree planting by TPO to mitigate the loss of trees that may have been removed as part of the development process and in the creation of place. (See 8.6)
- 4.7 Ancient trees are trees in their third or final stages of life for the given species and are 'old' in comparison to trees of the same

species. A Veteran Tree may not be old but because of its environment or life experiences has developed the valuable features of an ancient tree. Both classifications of trees are less capable of surviving tree surgery or root disturbance. Ancient trees are of historic interest and a valuable part of our cultural heritage. Each individual tree is a survivor from the past and a relic of a former landscape. They are a living document of past management practices and ways of life. Britain has some 80% of Europe's 'ancient' trees. If veteran or ancient trees / woodland are identified on site they must be considered carefully in relation to a development proposal and every attempt must be made to integrate the tree into a development proposal from an early stage to secure its long-term survival and retention. Ideally ancient trees would be retained within public open space to minimise future pressure from residents requiring the removal of the tree from within their curtilage. Veteran and ancient trees are given special consideration in the UDP and emerging LDP⁴.

- 4.8 The root protection area for ancient trees will be considered in favourable site conditions to be 15 x the diameter of the stem at 1.5m from ground level (*Veteran Trees: A guide to good management*). This is to take into account their intolerance of root disturbance.
- 4.9 Whilst the tree survey shall inform the design process and ultimately the site layout, the LPA recognises the competing needs of development and that trees are only one factor requiring consideration. However, certain trees, woodlands and hedgerows are of such importance and sensitivity as to prevent development occurring or substantially modify its design and layout.
- 4.10 Care shall also be taken to avoid misplaced tree retention; attempting to retain too many low quality trees, unsuitable trees or trees that are unlikely to survive the development process on a site may result in excessive pressure during and after the development work and subsequent demands for their removal. The end result may be a poor design with fewer trees or less suitable and sustainable tree cover than would be the case if careful planning and expert arboricultural and/or landscape advice had been employed from the outset.
- 4.11 Trees can impinge on many aspects of site development. Throughout the development process all members of the design team should give adequate consideration to the requirements of trees. **Even if trees are not present within the site, off site trees and areas for planting trees, where potentially affected, should be identified and plotted on the Tree Constraints Plan and protected from damage or compaction.**

5.0 APPLICATION REQUIREMENTS

- 5.1 Whilst building works carried out as **permitted development** do not require any documentation to be submitted to the LPA, it will be generally in the best interests of a householder to consider trees using the guidance in this document. Permitted development rights do not allow damage to protected trees (including qualifying trees within a Conservation Area ⁵) and a tree works application will be required if work is likely to affect protected trees. Construction will need to comply with building regulations and foundation design should follow guidance in NHBC Standards, Building near trees, (See 4.2)¹⁴
- 5.2 Trees on neighbouring land potentially affected by permitted development should also be considered as action can be taken under common law if damage causes the death of the tree or harm to the neighbouring people or property. (See also 4.11)
- 5.3 **For householder applications** (e.g. all works to a single dwelling, except house construction) all trees (stems and canopy spreads) and hedges on site or within influencing distance (i.e. off-site) should be accurately plotted on a block plan. Details of which trees are to be retained, removed and pruned should be shown.
- 5.4 Where the block plan shows a conflict between the proposals and trees then a more detailed Arboricultural Impact Assessment may



Sample Householder Constraints Plan. To be replaced by a more appropriate plan in final version

be required after consultation with the Councils Arboriculturalist. Submitting this at the outset may reduce delays in processing the application.

- 5.5 **For larger scale development** (e.g. new build, mineral workings and waste development proposals) where trees are on or within influencing distance (i.e. off-site) of the proposed development site, a land survey, a BS 5837 tree survey and an Arboricultural Impact Assessment is likely to be required.
- 5.6 Where possible a Tree Protection Plan and an Arboricultural Method Statement and often a Landscape Plan will be a condition of planning, and this information may be required to demonstrate that the development is feasible prior to approval.
- 5.7 An application for **outline permission** will normally only require a tree survey, however if the indicative layout or density shows development close to trees then an Arboricultural Impact Assessment is likely to be required / should also be submitted. This will evaluate future potential conflicts between the development and the final size of adjacent trees and hedgerows that are to remain. If the impacts are considered a threat to the trees then a Tree Protection Plan and an Arboricultural Method Statement may also be required.

	Householder Applications	Outline Applications	Full Applications
Trees & Hedges Plotted on Block and Site Layout Plans	✓	✓	✓
Indication of Services and Drainage	* (maybe required)	* (maybe required)	✓
Land Survey	X	✓	✓
BS 5837 Tree Survey	* (maybe required)	✓	✓
Arboricultural Impact Assessment (AIA)	* (maybe required)	✓ (if impacts to trees are foreseeable)	✓
Tree Protection Plan (TPP)	* (maybe required)	✓ (maybe required to show development is feasible or will be a reserved matter)	✓ (can be conditioned)
Arboricultural Method Statement (AMS)	* (maybe required)	✓ (maybe required to show development is feasible or will be a reserved matter)	✓ (can be conditioned)

Table 1: Documentation required with different types of application.

6.0 PLANNING CONDITIONS

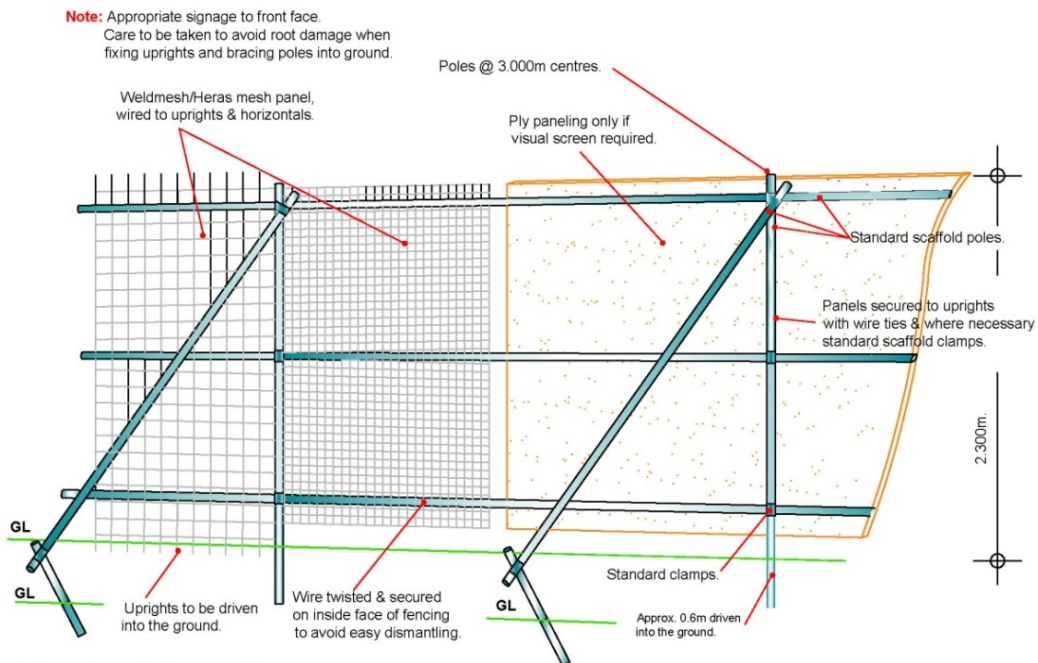
- 6.1. A tree protection scheme is more likely to be successfully implemented if submitted and approved as part of the planning application.
- 6.2 Conditions will be attached to a planning permission to ensure that that the Root Protection Areas of retained trees are adequately fenced off for the duration of the demolition/construction phase of the development.
- 6.3 Developers will be required to notify the LPA prior to commencement of any works on site, including demolition or vegetation clearance. At this stage the Council Officers may inspect the measures that have been put in place to protect trees during construction. Ad-hoc visits will be made throughout the construction phase to check that tree protection measures are still in place. The LPA will exercise its powers of enforcement, where necessary, to ensure compliance.
- 6.4 The LPA will not only expect developers to obtain the appropriate professional advice during the application stage but may also attach a condition to ensure adequate supervision of the construction phase by the developer's own Arboriculturist.
- 6.5 If difficulties are experienced at any time during the construction process in complying with conditions relating to trees (e.g. in maintaining the distances of protective fencing in accordance with the Tree Protection Plan) and it is desired that the terms of any conditions be modified, it will be necessary to consult with and get written approval of the LPA prior to carrying out any changes.
- 6.6 **Failure to comply with Planning Conditions:** Where a breach of any tree protection related planning condition is identified, the LPA will take appropriate enforcement action. This may include serving a 'Stop Work Notice' on a construction site where a contravention has occurred, or the instigation of legal proceedings under Section 210 of The Town & Country Planning Act 1990.

7.0 TREE PROTECTION PLAN AND THE ARBORICULTURAL METHOD STATEMENT

- 7.1 **Tree protective fencing must be in place before any aspect of development starts** and maintained in this position throughout the lifetime of the development. The fencing must be in position prior to demolition, commencement of ground works, materials being brought onto site etc. The majority of damage to soil and trees on development sites occurs during these activities. If alternative fencing layouts are needed for the various stages of demolition and

construction these must be detailed on the Tree Protection Plan with a clear definition between layouts and ‘phases’.

7.2 All operatives should be aware of all tree protection measures and a

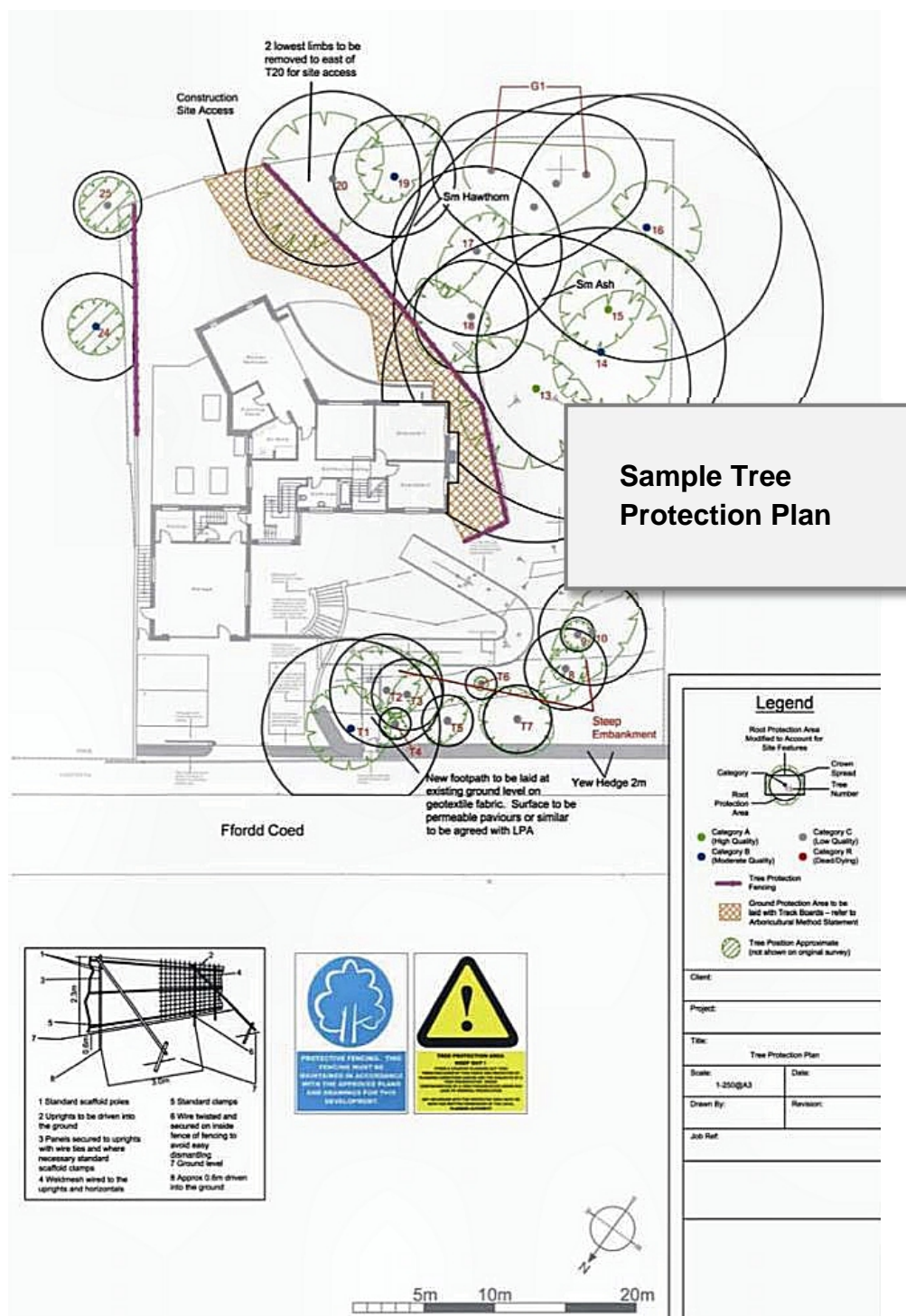


Typical Detail: Tree Protection Fence To BS5837

copy of the approved Tree Protection Plan, any Arboricultural Method Statements and a copy of the planning consent with conditions **should be available for inspection on the site**. The following simple rules **MUST** be adhered to throughout the demolition and construction phases of the development:

- Do not remove the protective fencing around a RPA for any reason without prior approval.
- Repair any damage to the protective fencing around a RPA immediately.
- Do not park or operate machinery and equipment near trees.
- Do not store materials within the RPA. Contaminants (fuel, oil and chemicals) must be stored at least 10m away from the protected area.
- Do not mix cement near trees (See also 7.6)
- Do not light fires within 10m of any tree and beware of flames drifting towards branches.
- Do not secure temporary overhead cables or floodlights to trees.
- Do not change the ground level or excavate within the branch spread of existing trees.

- 7.3 The purpose of the Tree Protection Plan is to provide the precise location and physical protection measures, including ground protection, for trees woodlands or hedges present on or immediately adjacent to the development site that are identified for retention and are likely to be affected either directly or indirectly by the development. The plan must be fit for purpose and have enough detail so that a contractor can install the measures.
- 7.4 The Tree Protection Plan shall take account of the RPA, areas of proposed structural landscaping, trees to be retained and removed and the precise location of protective barriers and their signage. Barriers shall be fit for the purpose of excluding construction activity and appropriate to the intensity and proximity of work taking place around trees selected for retention. In certain circumstances standard Heras, chestnut pale or orange barrier mesh fencing may be appropriate. However, deviation from the default British Standard will require justification;
- 7.5 **The Tree Protection Plan** shall give details of:
- The physical means of tree protection on site, indicated through drawings and/or descriptive text.
 - The position of the tree protection fencing and any ground protection showing the actual position with dimensions from a fixed point.
 - Dimensions of the exclusion zone and position and type of signage identifying them as an exclusion zone shall be noted on the Tree Protection Plan.
 - The protective fencing requirements appropriate for the development should be identified within the Tree Protection Plan and approved in writing by the LPA prior to the commencement of work on site.
 - Where approved work is detailed to occur within the RPA, details of the re-aligned position of fencing, along with specific ground protection details shall be supplied.
 - The plan must be to a suitable scale, with a north point and scale bar.



7.6 An **Arboricultural Method Statement** shall describe construction operations to be undertaken in proximity to trees as highlighted in the arboricultural impact assessment. The Arboricultural Method Statement shall make allowance for, and plan, all construction operations to be undertaken in proximity to trees. This shall include, but is not limited to, the following aspects;

- Site construction access;
- The intensity and nature of the construction activity;
- Special engineering solutions (foundations etc.) to protect trees;
- Specification of no-dig surfacing details within tree RPAs and method statement;
- Method for approved excavation in RPA's;

- Contractors car parking and phasing of construction works;
- Space required for foundation excavations and construction works;
- The location and space required for any service runs, both underground and overhead, including: foul and surface water drains, land drains, soakaways, gas, oil, water, ground source heat systems, electricity, telephone, television or other communication cables;
- All changes in ground levels including the location of retaining walls and steps, making adequate allowance for the foundations of such structures, drainage and back filling;
- Space for cranes, plant, scaffolding and access during works;
- Space for site huts, temporary toilets (including their drainage) and other temporary structures;
- The type and extent of landscape works which will be needed within the protected area, and the affect these will have on the root systems
- Space for storage (whether temporary or long-term) materials, spoil and fuel and the mixing of cement and concrete (including storage);
- The effect of slope on the movement of potential harmful liquid spillages towards or into protected areas.
- Particular attention, where applicable, to be given to the height of storage of topsoils and subsoils that is to be reused and should be dealt with as per BS 3882:2015 and BS 8601:2013
- Measures for dealing with Japanese Knotweed / Himalayan Balsam etc.
- Any proposed arboricultural watching brief to monitor and confirm the implementation and maintenance of tree protection measures.
- Tree surgery specification (in accordance with BS3998:2010 Tree work – Recommendations)
- Method for mitigating any accidents or contravention of the Tree Protection Plan.

8.0 TREE AND SHRUB PLANTING

- 8.1 Appropriate new tree, shrub and hedgerow planting, amongst other landscaping proposals, may be required on development sites to enhance amenity, mitigate for any loss of tree canopy cover and to provide a sense of 'place'. It may also be to mitigate for a loss of biodiversity due to tree felling.
- 8.2 Planting should be carried out in accordance with British Standard BS8545 '*Trees: from nursery to independence in the landscape – Recommendations*'.
- 8.3 The choice of trees to be planted should consider the layout and design of the site, future use, soil and climatic conditions, local landscape character and contextual surroundings. Sufficient space must be planned within the layout to allow trees to reach their mature size.

- 8.4 Planted trees should be of a species that at maturity achieve a size and form compatible with the scale and structure of the development.
- 8.5 Where tree planting is proposed within hard surfaced areas (e.g. parking areas and footpaths) details of the drainage / irrigation (where necessary) and size of planting pits must be sufficient to provide an adequate volume of soil to support the eventual size of the planted tree(s). (Further advice on tree rooting volumes can be found in the titles marked * in the Reference section.)
- 8.6 Commercial and large scale development should consider how trees can be integrated into the development taking into account other factors such as Sustainable Drainage Systems (SuDS) requirements. Guidance on tree integration can be found in *“Trees in the Townscape: A Guide for Decision Makers”* and be delivered using guidance in *“Trees in Hard Landscapes: A Guide for Delivery”*. (See UDP Policy EV35 ‘Surface Water Run-off’)
- 8.7 **Protection of trees after the development is complete.** Both newly planted trees and existing ones retained within a development should be cared for after the development is complete. Conditions will normally be placed on planning consents to ensure that if any new tree included in a landscaping scheme of a development becomes unhealthy, or dies within 5 years of the completion of the development (or other conditioned period of time for the replacement of tree and shrub failures), it will be replaced by a new tree of like species, similar in age and size to the tree to be removed and at the same location. After 5 years (or other conditioned period of time for the replacement of tree and shrub failures) have elapsed following the completion of the development the LPA may consider making TPOs on the trees protected previously by condition.

9.0 PROFESSIONAL ADVICE

- 9.1 Who do you need to employ, Tree Consultant, Landscape Architect or Tree Surgeon / Contractor?
- A Tree consultant will give professional advice on the health and/or safety of a tree; relationships with proposed or existing buildings and development sites or any other tree issue requiring a report.
 - A suitably qualified, experienced and resourced Landscape Architect will give comprehensive advice on working with and the protection of the existing landscape, will design and ‘make’ great places and may give advice on existing tree issues. See links to the Landscape Institute (LI) in the Contacts page to see what a Landscape Architect can offer, the categories of membership of the LI and find a Practice with the skills and expertise you need.

- A qualified, competent and experienced tree surgeon / contractor will give a professional service including pruning, and removal and may give basic advice on tree condition and tree management operations as required.

The LPA is unable to recommend who to employ but further guidance is set out below.

9.2 **Tree Consultant.** A tree survey should be undertaken by a suitably qualified and experienced arboriculturist (as required by BS5837). All reports must specify the qualifications held by the arboriculturist and all surveyors. A professional providing this type of service **should hold Professional Indemnity Insurance** and one of the following qualifications or industry recognised standards:

- Certificate in Arboriculture level 3/4 (Tech Arbor A).
- Diploma in Arboriculture level 6 Dip Arb (RFS)
- BSc or MSc (Degree or Masters) in arboriculture.
- Professional Member or Fellow of the Institute of Chartered Foresters] attained by an arboricultural route / Chartered Arboriculturist (MICFor / FICFor)
- Fellow of the Arboricultural Association Arboricultural Association Registered Consultant

9.3 **Tree surgeon / contractor.**

Picking the wrong contractor could lead to:

- Injury to people,
- Damage to property,
- Irrevocable damage to trees that have taken many years to grow.

Tree work operations (arboriculture) require a high degree of technical competence, supported by training and experience. For these reasons tree work should only be undertaken by well trained, suitably resourced, competent contractors who hold adequate insurance. Look for:

- Employers Liability and Public Liability Insurance (recommended min £5 million)
- NPTC Certificates of Competence
- Written quotations
- Membership of a professional organisation. (Membership does not guarantee work standards but does show a degree of commitment)
- References for similar work

9.4 An arboriculturist (e.g. an arboricultural Consultant) can help you prepare the necessary documentation required by the LPA in support of a planning application.

REFERENCES

- ¹ **Planning Policy Wales** (Edition 8, January 2016)
- ² **Technical Advice Note (TAN) 10: Tree Preservation Orders** (1997)
- ³ **City and County of Swansea Unitary Development Plan.**
Adopted November 2008
- ⁴ **City and County of Swansea Emerging Local Development Plan 2016**
- ⁵ **City and County of Swansea Draft Protected Tree Policy**
- ⁶ **British Standard BS5837:2012 Trees in relation to design, demolition and construction - Recommendations**
- ⁷ **British Standard BS3998:2010 Tree Work – Recommendations**
- ⁸ **British Standard BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations**
- ⁹ **British Standard BS3882:2015 Specification for topsoil**
- ¹⁰ **British Standard BS8601:2013 Specification for subsoil and requirements for use**
- ¹¹ **'Tree Roots in the Built Environment'**. (2006). Department for Communities and Local Government (DCLG)
- ¹² * **'Up by Roots' - Healthy Soils and Trees in the Built Environment.** James Urban. (ISA) (2008).
- ¹³ * **'Urban Trees: A Practical Management Guide'**. Steve Cox. (2011)
- ¹⁴ **NHBC Standards, Building near trees,** Chapter 4.2
- ¹⁵ **'Ancient Tree Guides No. 3: Trees and Development.'**
- ¹⁶ **'Ancient and other veteran trees: further guidance on management'**. Lonsdale (2013)
- ¹⁷ **'Veteran Trees: A guide to good management'**. Helen Read. (2000). All ancient / veteran tree books are available from www.woodlandtrust.org.uk as a free download.
- ¹⁸ **'Trees in the Townscape: A Guide for Decision Makers'**. 2012. TDAG
- ¹⁹ **'Trees in Hard Landscapes: A Guide for Delivery'**. 2014. TDAG. Both TDAG books are available as a free download at <http://www.tdag.org.uk>
- ²⁰ **'Site layout planning for daylight and sunlight: a guide to good practice (BR 209)'** BRE. P.Littlefair

USEFUL CONTACTS

- **Arboricultural Association (AA)**
The Malthouse, Stroud
Green, Standish,
Stonehouse,
Gloucestershire. G40 3DL
Tel: 0 1242 522152
E-mail: admin@trees.org.uk
Web: www.trees.org.uk

Advice on trees and produces an annual directory of AA Registered Consultants

- **Landscape Institute (LI)**
107 Grays Inn Road
London WC1X 8TZ
Tel: 020 7685 2640
<http://www.landscapeinstitute.org>

See what a Landscape Architect can offer and find a practice with the skills and expertise you need.

- **Consulting Arborist Society (CAS)**
Email: chairman@consultingarboristsociety.co.uk
Web: www.consultingarboristsociety.co.uk

Provides a list of CAS approved arboriculturists (Tree Consultants).

- **Arboricultural Advisory & Information Service,**
Alice Holt Lodge,
Wrecclesham,
Farnham, Surrey, GU10 4LH.
Tel: 09065 161147 (Premium rate) or
administration 01420 22022
Email: admin@treehelp.info
Web: www.treehelp.info/

Advice and guidance on tree care and issues related to trees on development sites

For more information contact:

- **British Standards Institute**
Customer Services, 389
Chiswick High Road,
London, W4 4AL
Tel: 020 8996 9001
E-mail: cservices@bsigroup.com
Web: www.bsi-global.com

Provision of British Standards.

- **Planning and City Regeneration**
City and County of Swansea
Council
Civic Centre
Oystermouth Road
Swansea
SA1 3SN
01792 636000
planning@swansea.gov.uk
ProtectedTrees@swansea.gov.uk
www.swansea.gov.uk



Dinas a Sir Abertawe

Gwarchod Coed ar Safleoedd Datblygu Hydref 2016

Y camau y mae angen eu hystyried yn y Cyfnodau Cynllunio a Dylunio ac yn ystod Adeiladu i sicrhau bod coed sylweddol presennol ac arfaethedig yn cael eu cadw'n iach ac yn dod yn ased i ddatblygiad newydd.



Enghraifft o gadw coed presennol a phlannu rhai newydd wrth greu 'lle'.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

1.0 CYFLWYNIAD



Enghraifft o gadw coed presennol a phlannu rhai newydd © getmapping.com

- 1.1 Lluniwyd yr arweiniad hwn i roi gwybodaeth sylfaenol i ddatblygwyr am sut yr ymdrinnir â choed yn y system gynllunio. Mae'r ddogfen yn rhoi arweiniad clir a chyson i ymgeiswyr ar ofynion yr Awdurdod Cynllunio Lleol (ACLI) o ran coed a datblygiadau.
- 1.2 Mae'r ddogfen hon yn ymwneud yn bennaf â choed, coetiroedd, perthi, gwrychoedd a llwyni mawr ('coed' o hyn ymlaen). Mae 'coed' yn rhoi cynefin i rywogaethau a warchodir megis adar ac ystumod y mae angen eu hystyried yn y broses gynllunio ac a warchodir gan ddeddfwriaeth arall.
- 1.3 Mae 'coed' o bwys hanfodol i'r dirwedd. Erbyn hyn, derbynnir yn gyffredinol fod gan goed mewn trefi a dinasoedd a'r cyffiniau rôl hanfodol i'w chwarae wrth hyrwyddo cymunedau cynaliadwy ac yn gwneud cyfraniad sylweddol yn y gwerth diwylliannol a threftadaeth yng

nghyd-destun parc hanesyddol, gerddi a thirwedd a gynlluniwyd. Mae coed a llwyni mawr yn gwneud cyfraniad cadarnhaol i gymeriad golygfaol ac amrywiaeth y dirwedd ac maent yn bwysig wrth greu 'lle', yn rhoi cynefin hanfodol i boblogaethau bywyd gwyllt dibynnol a manteision amgylcheddol sylweddol megis gwella ansawdd bywyd, gwanhau sŵn a gwella'r hinsawdd ac ansawdd aer. Hefyd, gall coed helpu i warchod adeiladau rhag yr elfennau, rhoi cysgod a chynorthwyo o ran cadwraeth ynni. Gall coed wella datblygiad newydd, ei gymeriad, ei ymdeimlad o aeddfedwydd a'i ansawdd cyffredinol, gan helpu gyda gwerthadwyedd a phroffidioldeb eiddo. Mae eu heffaith gadarnhaol ar yr amgylchedd hefyd yn helpu i ddenu busnesau ac ymwelwyr i ardal, gan roi hwb i'r economi o ganlyniad. Yn ogystal â gwarchod coed a bywyd gwyllt yn ddeddfwriaethol, mae ymwybyddiaeth y cyhoedd o faterion amgylcheddol a manteision iechyd bod yn agos at goed neu eu gweld hefyd yn cynyddu. Felly, mae datblygwyr dan bwysau cynyddol i ganolbwyntio ar goed a'u rôl wrth ddarparu amgylchedd mwy dymunol ac iachach.

- 1.4 Gall coeden gymryd canrif i gyrraedd aeddfedwydd, ond gellir ei difrodi neu ei thorri mewn ychydig o funudau. Mae'r fath ddifrod yn aml yn cael ei achosi'n ddiarwybod oherwydd methiant i ddeall bregusrwydd coed, yn enwedig y system wreiddiau, a pha mor hawdd y gellir eu difrodi. Pan gaiff coed eu difrodi wrth ddatblygu safle ac, o ganlyniad, yn dirywio ac yn marw, neu lle mae dylunio amhriodol neu wael yn arwain at wrthdaro, daw coed yn ffynhonnell gwyno gyson ac, yn y pen draw, caiff y manteision cadarnhaol eu colli. **Mae codi mesurau gwarchod coed a'r tirlun yn gynnar i sefydlu parthau gwahardd adeiladu cyn i waith ddechrau ar safle'n hanfodol. (Gweler 6.1)**

2.0 CYD-DESTUN Y POLISI A DEDDFWRIAETH

- 2.1 Mae Adran 197 o Ddeddf Cynllunio Gwlad a Thref 1990 yn rhoi dyletswydd ar awdurdodau cynllunio lleol i sicrhau, lle bynnag y mae hynny'n briodol, bod wrth roi caniatâd cynllunio ar gyfer unrhyw ddatblygiad, gwneir darpariaeth ddigonol ar gan osod amodau, ar gyfer cadw neu blannu ar coed. Os yw'n ymddangos i awdurdod cynllunio lleol ei bod yn hwylus er lles amwynder i wneud darpariaeth ar gyfer cadwraeth o goed neu goetiroedd yn eu hardal, mae Adran 198 o'r Ddeddf yn darparu y pŵer i wneud Gorchymyn Cadw Coed (GCC /TPO) ar gyfer y pwrpas hynny. O dan Adran 211 o'r Ddeddf, mae coed mewn ardaloedd cadwraeth yn ddarostyngedig i reolaethau tebyg fel coed y mae Gorchymyn Cadw Coed yn berthnasol iddo.
- 2.2 Lluniwyd yr arweiniad hwn yn unol â'r arweiniad ym Mholisi Cynllunio Cymru, Nodiadau Cyngor Technegol a gyhoeddwyd gan Lywodraeth Cymru, Cynllun Datblygu Unedol Dinas a Sir Abertawe a'r Cynllun Datblygu Lleol sy'n dod i'r amlwg⁴.

- 2.3 **Rhifyn 8 Polisi Cynllunio Cymru (PCC).** Mae Polisi Cynllunio Cymru'n egluro bod "coed, coetiroedd a gwrychoedd o bwys mawr, fel cynefinoedd bywyd gwyllt ac o ran eu cyfraniad i gymeriad a harddwch y dirwedd. Maent hefyd yn chwarae rôl wrth fynd i'r afael â newid yn yr hinsawdd trwy ddal carbon a gallant fod yn ffynhonnell ynni cynaliadwy. Maent hefyd yn dal glaw, yn arafu cyfradd y dŵr glaw sy'n cyrraedd afonydd a draeniau ac yn atal erydiad pridd, wrth sugno dŵr trwy eu gwreiddiau. Dylai awdurdodau cynllunio lleol geisio gwarchod coed, grwpiau o goed a choetiroedd lle mae ganddynt werth treftadaeth naturiol neu lle maent yn cyfrannu i gymeriad neu amwynder ardal benodol. Mae coetiroedd hynafol a lled-naturiol yn gynefinoedd o werth bioamrywiaeth uchel na ellir eu hadfer os cânt eu colli ac y dylid eu gwarchod rhag gwaith datblygu a fyddai'n arwain at ddifrod sylweddol" (Rhifyn 8 PCC, para. 5.2.9).
- 2.4 Cyfrifoldeb awdurdodau lleol yw sicrhau y gwneir darpariaeth ddigonol ar gyfer plannu a chadw coed trwy osod amodau trwy ganiatâd cynllunio a/neu orchmynion cadw coed.
- 2.5 **Nodyn Cyngor Technegol (TAN) 10: Gorchmynion Cadw Coed.** Mae TAN 10 yn ategu Polisi Cynllunio Cymru ac yn dweud bod gan awdurdodau cynllunio lleol bŵer o dan Ddeddf Cynllunio Gwlad a Thref 1990 (Adran 198), er lles amwynder, i ddiogelu coed trwy wneud gorchmynion cadw coed (GCC). Felly, diogelir unrhyw goeden neu goetir a warchodir dan GCC yn gyfreithiol rhag torri, diwreiddio, tocio, brigdorri, difrodi bwriadol neu ddinistriio bwriadol heb ganiatâd wrth yr Awdurdod Cynllunio Lleol.
- 2.5.1 Dylid ystyried Gorchmynion Cadw Coed lle dylid darparu ar gyfer cadw coed neu goetiroedd er lles amwynder (TAN 10; para. 14). Dylid gwneud GCC lle byddai cael gwarded ar goed a choetiroedd yn cael effaith sylweddol ar yr amgylchedd a'i fwynhad gan y cyhoedd. Ni ellir gwneud GCC ar berthi, llwyni neu wrychoedd (fodd bynnag, gellir eu gwneud ar goed mewn gwrychoedd).
- 2.5.2 Mae Polisi Cadw Coed drafft Dinas a Sir Abertawe'n manylu ar ymagwedd y cyngor at warchod coed a sut dehonglir yr arweiniad yn TAN 10.
- 2.6 **Cynllun Datblygu Unedol Dinas a Sir Abertawe.** Mae Polisi EV30 yn dweud y canlynol: "Bydd gwarchod coetiroedd, coed a gwrychoedd a'u rheoli'n well, sy'n bwysig ar gyfer eu hamwynder gweledol, eu hamgylchedd hanesyddol, eu treftadaeth naturiol a/neu eu gwerth hamdden yn cael ei annog a rhoddir blaenoriaeth i'r canlynol:
- i. Gwarchod yr ardaloedd sydd ar ôl o goetir hynafol lled-naturiol a safleoedd coetiroedd hynafol wedi'u plannu.

- ii. Hyrwyddo plannu newydd gyda rhywogaethau'n briodol i'r lleoliad, lle nad oes gwrthdaro ag unrhyw ddefnydd tir arall neu fuddiannau cadwraeth natur, a
- iii. Sicrhau y llwyddir i ddiogelu buddiannau amwynder lle mae rheoli'n cynnwys torri ac ailblannu masnachol."

3.0 ATAL DIFROD WRTH ADEILADU

- 3.1 Yn ogystal â rhannau amlwg y goeden (canopi, canghennau a choesyn), mae'r gwreiddiau cuddiedig hefyd yn gallu cael eu difrodi yn ystod gwaith adeiladu. Yn gyffredinol, mae gwreiddiau i'w canfod yn 600mm uchaf pridd, er y gall dosbarthiad gwreiddiau fod yn fwy ddwfn a mae'n ddibynnu ar amodau'r safle a rhywogaethau coed. Maent yn cynnwys gwreiddiau strwythurol sy'n angori'r goeden a rhwydwaith o wreiddiau llai sy'n sugno dŵr a maetholion.
- 3.2 **Cynnal strwythur pridd.** Mae pridd delfrydol ar gyfer tyfu a datblygu gwreiddiau'n cynnwys tua 50 y cant o le mandyllau i ddŵr ac aer symud. Gall cyfarpar adeiladu trwm a/neu symudiadau cerddwyr niferus gywasgu uwchbridd ac isbridd, gan leihau lle mandyllau'n sylweddol. Mae cywasgu'n llesteirio twf gwreiddiau, yn cyfyngu ar dreiddiad dŵr ac yn lleihau'r ocsigen sydd ei angen i wreiddiau oroesi. (Gweler 4.4)
- 3.3 **Cynnal strwythur gwreiddiau iach.** Gall cloddio, graddoli a ffosio'n gysylltiedig ag adeiladu a gosod cyfleustodau o dan y ddaear wneud llawer o ddifrod i wreiddiau. Gall system wreiddiau coeden estyn yn llorweddol un i dair gwaith yn fwy nag uchder y goeden. Gall chywasgu neu cloddio mewn ardal amddiffyn gwreiddiau coeden leihau bywioldeb coeden gan arwain at y goeden/coed i farw cyn pryd. Gall torri gwreiddiau'n agos at y boncyff ddifrodi coeden yn ddifrifol ac achosi iddi gwympto mewn gwyntoedd cryfion. (Gweler adran 4.3)
- 3.4 **Cynnal lefelau pridd gwreiddiol.** Mae'r rhan fwyaf o wreiddiau sugno dŵr a mwynau ym 15 i 30cm uchaf y pridd lle mae'r lefelau ocsigen a lleithder yn tueddu i fod y mwyaf addas ar gyfer tyfiant. Gall hyd yn oed ychydig o gentimedrau o bridd wedi'i bentyrru dros y system wreiddiau i newid y radd fygu gwreiddiau mân ac arwain yn y pen draw at farwolaeth gwreiddiau mwy a cholli coed.
- 3.5 **Osgoi halogi gwreiddiau/pridd.** Gall gollyngiadau o danwydd neu gemegion adeiladu neu ddŵr ffo sment heb ei reoli newid pH pridd neu wenwyno gwreiddiau coed.
- 3.6 **Osgoi effaith ffisegol.** Gall cyfarpar adeiladu niweidio'r rhan o'r goeden sydd uwchben y ddaear trwy dorri canghennau, rhwygo'r rhisgl a chlwyfo'r boncyff. Mae'r anafiadau hyn yn barhaol ac, os ydynt yn helaeth, gallant fod yn farwol.

- 3.7 **Osgoi datguddio.** Mae coed mewn grŵp yn tyfu fel cymuned, gan amddiffyn ei gilydd rhag yr elfennau. Gall coed dyfu'n uchel gyda boncyffion hir, syth a chanopiâu uchel; mae cael gwared ar goed cyfagos wrth adeiladu'n datguddio gweddill y coed i fwy o olau'r haul a gwynt a all arwain at heulsgaldanu neu dorri brigau a choesyndau a chwythu gweddill y coed drosodd o bosibl.

4.0 CYNWYS COED YN Y DATBLYGIAD

- 4.1 Caiff **Safon Brydeinig 5837:2012 - Coed mewn perthynas â dylunio, dymchwel ac adeiladu – Argymhellion** ei hystyried fel y ddogfen bennaf sy'n manylu ar y safon a'r arweiniad ar gyfer ymagwedd gytbwys ar benderfynu;

- Pa goed sy'n briodol i'w cadw;
- Effaith coed ar ystyriaethau dylunio; a
- Ffyrdd o warchod y coed hyn yn ystod gwaith datblygu.

Bydd angen cyfiawnhad ar amrywiad o'r arweiniad yn BS5837:2012 Coed mewn perthynas â dylunio, dymchwel ac adeiladu – Argymhellion sy'n benodol i safle.

- 4.2 **Cam Dylunio:** Mae arolwg coed yn unol â BS5837:2012 Coed mewn perthynas â dylunio, dymchwel ac adeiladu – Argymhellion yn rhoi gwybodaeth bwysig i alluogi gwneud penderfyniadau am ba goed a ddylai aros a lleoliad gwaith datblygu ar safle o ganlyniad. Am y rheswm hwn, **dylid comisiynu arolwg coed cyn gynted ag y bo modd yn y broses i lywio'r gwaith dylunio.** Bydd cyngor coedyddiaeth cynnar mewn rhai achosion hefyd yn amlygu a yw cynllun yn hyfyw ai peidio.

- 4.3 Wrth nodi coed i'w cadw, dylid ystyried eu hansawdd a'u cyflwr, eu potensial i dyfu yn y dyfodol, eu hirhoedledd a, lle y bo'n berthnasol, eu gwerth fel grŵp.

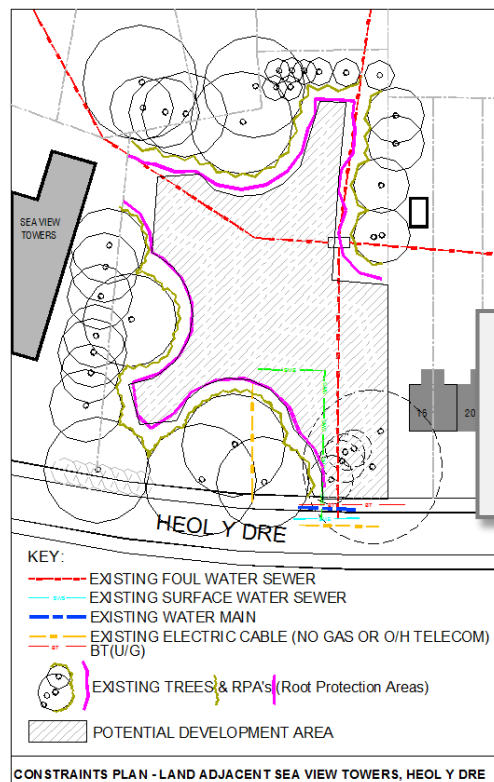
- 4.4 Yn bennaf, dylai cynllun cyfyngiadau coed ddangos ardal amddiffyn gwreiddiau ac eangderau canopiâu'r coed. Yr ardal amddiffyn gwreiddiau (AAG) yw'r ardal **leiaf** y mae ei hangen ar goeden i sicrhau y gall barhau i oroesi. **Ar gyfer coeden un coesyn, mae'r ardal hon yn gylch â radiws 12 x diamedr y coesyn, wedi'i fesur 1.5m uwchben lefel y ddaear.** Dylid addasu'r AAG o gylch os oes angen oherwydd y dopograffeg neu os oes rhwystr yn atal y gwreiddiau rhag tyfu i gyfeiriad penodol. Gall gwreiddiau coeden ymestyn ymhellach na'r ardal hon ac, ar adegau, dylid eu hamddiffyn y tu hwnt iddi (Gweler 4.8).

- 4.5 Fel arfer, ni chaniateir unrhyw waith datblygu, cloddio na mynediad o fewn AAG oni chymerir mesurau i atal difrod i'r goeden/coed ac y cytunir ar hyn yn ysgrifenedig gan yr ACLI cyn datblygu.
- 4.6 Yn ystod y camau dylunio a chynllunio, mae'n rhaid ystyried ffactorau amrywiol. Nid yw hon yn rhestr gynhwysfawr, ond dylai'r ffactorau canlynol gael eu hystyried:
- Gorchmynion cadw coed/gwarchod ardal gadwraeth a bywyd gwyllt a warchodir.
 - Effeithiau cynigion datblygu ar werth amwynder coed (ar ôl dylunio).
 - Cyfyngiadau isod y ddaear: dosbarthiad gwraidd, ardaloedd diogelu gwreiddiau addas gan gymryd i ystyriaeth morffoleg gwraidd.
 - Cyfyngiadau uwchben y ddaear (gan gynnwys coed gormesol a mawr yn agos at adeiladau/ddatblygiad arfaethedig, argaeledd golau (cysgod), safleoedd darpariaethau isadeiledd a allai effeithio ar goed ac y gall coed effeithio arnynt). Hefyd, dylid ystyried twf y coed yn y dyfodol. Gellir edrych am arweiniad dylunio i leihau cysgodi solar o BRE "Gynllunio cynllun y safle ar gyfer golau dydd a golau haul: canllaw i arfer da (BR 209)"²⁰
 - Newid mewn hydroleg – lleihau y dŵr sydd ar gael neu gor lenwi â dŵr
 - Dylai dylunio leihau gwrthdrawiadau rhwng priffyrdd, goleuadau stryd, hysbysebion ac arwyddion, cyrbau/deunydd cynnal, arwynebau caled, triniaethau tirlunio meddal a choed presennol.
 - Gofynion Sicrhawyd Gan Dylunio a darpariaeth teledu cylch cyfyng
 - Lleddfu gwrthdrawiadau rhwng lefelau gorffenedig a choed presennol.
 - Lle mae pridd clai crebachadwy/eangadwy yn effeithio ar safle, rhoddir sylw i ddyluniad sylfeini adeiladu, waliau a phalmentydd fel eu bod yn ddigonol i osgoi problemau symud yn y dyfodol wedi'u gwaethygu gan wreiddiau coed presennol a phlannu coed newydd. Gan gymryd sylw arbennig o faint terfynol o goed aeddfed a'u heffaith ar lleithder pridd. Ceir arweiniad ar ddylunio i'w gael yn y safonau NHBC, gan adeiladu coed agos, pennod 4.2¹⁴
 - Llwybrau gwasanaethau tanddaearol. Mae'n annerbyniol i wasanaethau tanddaearol ddilyn llwybrau trwy ardaloedd amddiffyn gwreiddiau coed presennol.
 - Ni ddylid gosod ffosydd cerrig ger coed gan y gall gwreiddiau coed gamfanteisio ar y fath ardaloedd a gall ffosydd cyflenwi gael eu hatal.
 - Mae angen ystyried egwyddor cydbwysu cael gwared ar goed, llwyni a gwrychoedd ag ansawdd y gwaith tirlunio arfaethedig yn ofalus ar y dechrau ac ni ddylai fod yn ôl-ystyriaeth. Mae'n debygol y bydd GCC yn diogelu gwaith plannu coed arfaethedig yn barhaus i leddfu effaith colli coed y cafwyd gwared arnynt efallai fel rhan o'r broses ddatblygu ac wrth greu lle. (Gweler 8.6)

- 4.7 Mae coed hynafol yn goed sydd yn nhrydydd cam neu gam olaf eu hoes ar gyfer y rhywogaeth benodol ac yn 'hen' o'u cymharu â choed o'r un rhywogaeth. Efallai nad yw coeden hynod yn hen ond, oherwydd ei hamgylchedd neu ei phrofiadau oes, mae wedi datblygu nodweddion gwerthfawr coeden hynafol. Mae'r ddau ddsbarthiad o goed yn llai tebygol o allu goroesi triniaeth ar goed neu aflonyddu ar wreiddiau. Mae coed hynafol o fudd hanesyddol ac yn rhan werthfawr o'n treftadaeth ddiwylliannol. Mae pob coeden unigol wedi goroesi o'r gorffennol ac yn perthyn i dirwedd gynharach. Maent yn ddogfen fyw o arferion rheoli a ffyrdd o fyw'r gorffennol. Mae gan Brydain ryw 80% o goed 'hynafol' Ewrop. Os nodir coed/coetir hynod neu hynafol ar safle, mae'n rhaid eu hystyried yn ofalus mewn perthynas â chynnig datblygu ac mae'n rhaid gwneud pob ymdrech i integreiddio'r goeden i gynnig datblygu o gam cynnar i sicrhau goroesi a chadw yn y tymor hir. Yn ddelfrydol, byddai coed hynafol yn cael eu cadw mewn lle agored cyhoeddus i leihau pwysau yn y dyfodol gan breswylwyr sydd am gael gwared ar y coed yn eu cwrtil. Rhoddir ystyriaeth arbennig i goed hynod a hynafol yn yr CDU
- 4.8 Mewn amodau safle ffafriol, gaiff yr ardal amddiffyn gwreiddiau ar gyfer coed hynafol a ei ystyried fydd 15 x diamedr y coesyn ar 1.5m o lefel y ddaear (Coed Hynod: *Arweiniad i reoli da*¹⁴ - *Veteran Trees: A guide to good management*¹⁴). Mae hyn er mwyn ystyried eu hanoddefgarwch i aflonyddu ar wreiddiau.
- 4.9 Er y bydd yr arolwg coed yn llywio'r broses ddylunio a chynllun y safle yn y pen draw, mae'r ACLI yn cydnabod anghenion cystadleuol datblygu a bod coed yn un ffactor yn unig y mae angen ei ystyried. Fodd bynnag, mae rhai coed, coetiroedd a gwrychoedd o'r fath bwys a sensitifrwydd y maent yn atal gwaith datblygu rhag digwydd neu mae'n rhaid addasu ei ddyluniad a'i gynllun yn sylweddol.
- 4.10 Dylid cymryd gofal hefyd i osgoi cadw coed anaddas; gallai ceisio cadw gormod o goed o safon isel, coed anaddas neu goed sy'n annhebygol o oroesi'r broses ddatblygu ar safle arwain at bwysau gormodol yn ystod ac ar ôl gwaith datblygu a'r galw dilynol i gael gwared arnynt. Efallai mai'r canlyniad terfynol fydd dyluniad gwael â llai o goed neu lai o gysgod coed addas a chynaliadwy nag os byddai camau cynllunio gofalus a chynghor coedyddiaeth a/neu dirlunio arbenigol wedi'u dilyn o'r cychwyn.
- 4.11 Gall coed wrthdaro â llawer o agweddau ar ddatblygiad safle. Trwy gydol y broses ddatblygu, dylai holl aelodau'r tîm dylunio roi ystyriaeth ddigonol i ofynion coed. **Hyd yn oed os nad oes coed ar y safle, dylid nodi coed oddi ar y safle ac ardaloedd plannu coed, lle effeithir arnynt o bosibl, a'u plotio ar y Cynllun Cyfyngiadau Coed a'u diogelu rhag difrod neu gywasgu.**

5.0 GOFYNION CAIS

- 5.1 Er nad oes angen cyflwyno dogfennaeth i'r ACLI ar gyfer gwaith adeiladu a wneir fel **datblygiad a ganiateir**, yn gyffredinol bydd er lles pennaf i ddeiliad y tŷ ystyried dilyn yr arweiniad yn y ddogfen hon. Nid yw hawliau datblygiad a ganiateir yn caniatáu difrod i goed a warchodir (gan gynnwys coed cymwys mewn Ardal Gadwraeth⁵) a bydd angen cais gwaith coed os yw gwaith yn debygol o effeithio ar goed a warchodir. Bydd angen i waith adeiladu gydymffurfio â rheoliadau adeiladu a dylai gwaith dylunio sylfeini ddilyn arweiniad yn Safonau CCAT, Adeiladu ger Coed, (Pen 4.2)¹⁴
- 5.2 Hefyd, dylid ystyried coed ar dir cyfagos y gallai datblygiad a ganiateir effeithio arnynt hefyd gan y gellir cymryd camau gweithredu dan y gyfraith gyffredin os yw difrod yn achosi i'r goeden farw, yn niweidio'r bobl gyfagos neu'n difrodi'r eiddo cyfagos. (Gweler hefyd 4.11)
- 5.3 **Ar gyfer ceisiadau deiliaid tai** (e.e. yr holl waith ar un annedd, ac eithrio adeiladu tai) dylid plotio'r holl goed (coesynnau ac eangderau canopiâu) a gwrychoedd ar y safle neu o fewn pellter dylanwadu (h.y. oddi ar y safle) yn fanwl gywir ar gynllun bloc. Dylid dangos manylion y coed sydd i'w cadw, eu gwaredu a'u brigdorri.
- 5.4 Lle mae'r cynllun bloc yn dangos gwrthdaro rhwng y cynigion a'r coed, dylai Aseiad Effaith Coedyddiaeth gael ei gyflwyno a'i baratoi gan dyfwr coed profiadol a chymwysedig.



**Sampl Cynllun
Cyfyngiadau Ddeiliaid Tai.**

- 5.5 **Ar gyfer datblygiad mwy** (e.e. gwaith adeiladu newydd, gwaith mwynol a chynigion datblygu gwastraff) lle mae coed ar safle datblygiad arfaethedig neu o fewn pellter dylanwadu iddo (h.y. oddi ar y safle), mae'n debygol y bydd angen arolwg tir, arolwg coed BS 5837 ac Asesiad Effaith Coedyddiaeth.
- 5.6 Lle y bo modd, bydd Cynllun Gwarchod Coed a Datganiad Dull Coedyddiaeth a Chynllun Tirwedd yn aml yn amod cynllunio a gall fod angen yr wybodaeth hon i ddangos bod y gwaith datblygu'n ddichonol (posibl) cyn cymeradwyo.
- 5.7 Fel arfer, bydd angen arolwg coed ar gyfer **caniatâd amlinellol** yn unig. Fodd bynnag, os yw'r cynllun neu'r dwysedd dangosol yn dangos datblygiad ger coed, mae'n debygol y bydd angen Asesiad Effaith Coedyddiaeth a dylid cyflwyno hyn hefyd. Bydd hyn yn gwerthuso gwrthdrawiadau posibl yn y dyfodol rhwng y datblygiad a maint terfynol coed a gwrychoedd cyfagos sydd i aros. Os ystyrir bod yr effeithiau'n ffigythiad i'r coed, efallai y bydd angen Cynllun Gwarchod Coed a Datganiad Dull Coedyddiaeth hefyd.

	Ceisiadau Deiliaid Tai	Ceisiadau Amlinellol	Ceisiadau Llawn
Coed a Gwrychoedd wedi'u Plotio ar Gynlluniau Bloc a Safle	✓	✓	✓
Cynllun Gwasanaethau a Draeniad	✓	* (efallai y bydd eu hangen)	✓
Arolwg Tir	X	✓	✓
Arolwg Coed BS 5837	* (efallai y bydd eu hangen)	✓	✓
Asesiad Effaith Coedyddiaeth (AEC)	* (efallai y bydd eu hangen)	✓ (os oes modd rhagweld effeithiau ar goed)	✓
Cynllun Gwarchod Coed (CCC)	* (efallai y bydd eu hangen)	✓ (efallai y bydd eu hangen i ddangos bod datblygiad yn ddichonol neu y bydd yn fater wedi'i gadw'n ôl)	✓ (gallant fod yn destun amodau)
Datganiad Dull Coedyddiaeth (DDC)	* (efallai y bydd eu hangen)	✓ (efallai y bydd eu hangen i ddangos bod datblygiad yn ddichonol neu y bydd yn fater wedi'i gadw'n ôl)	✓ (gallant fod yn destun amodau)

Tabl 1: Bydd angen dogfennaeth gyda mathau gwahanol o gais.

6.0 AMODAU CYNLLUNIO

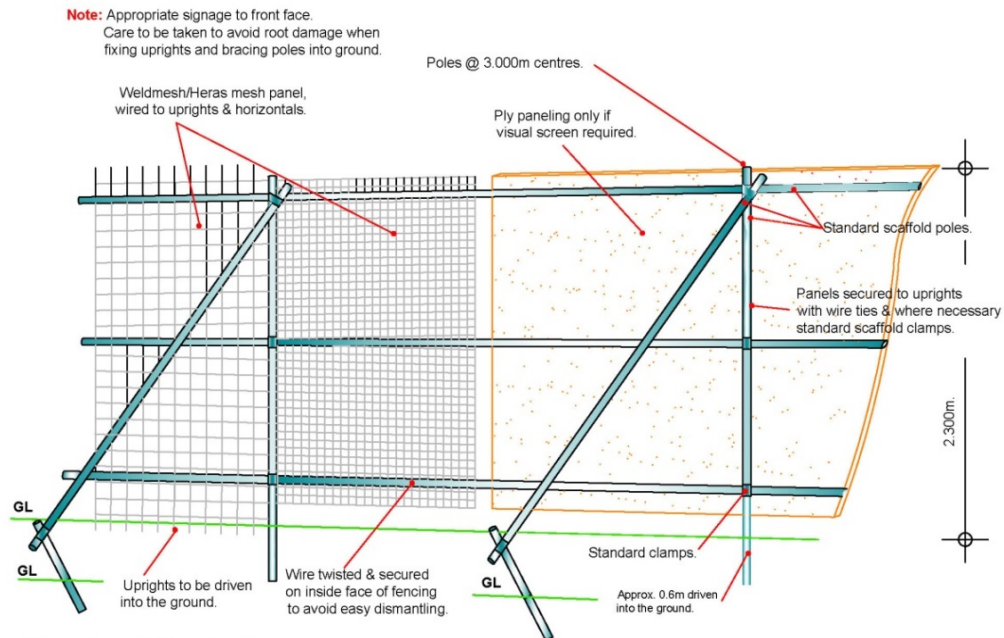
- 6.1. Mae cynllun gwarchod coed yn fwy tebygol o fod yn llwyddiannus os caiff ei gyflwyno a'i gymeradwyo fel rhan o'r broses gynllunio.
- 6.2 Bydd amodau'n cael eu rhoi ar ganiatâd cynllunio i sicrhau bod ffensys digonol o gwmpas Ardaloedd Amddiffyn Gwreiddiau coed cadw am hyd cam dymchwel/adeiladu'r datblygiad.
- 6.3 Bydd angen i ddatblygwyr roi gwybod i'r ACLI cyn i unrhyw waith ddechrau ar y safle, gan gynnwys gwaith dymchwel neu glirio llystyfiant. Ar y cam hwn, bydd swyddogion y cyngor yn archwilio'r mesurau sydd wedi cael eu rhoi ar waith i warchod coed yn ystod y gwaith adeiladu. Bydd ymweliadau i'r diben yn cael eu cynnal trwy gydol y cam adeiladu i wirio bod mesurau gwarchod coed ar waith o hyd. Bydd yr ACLI yn arfer ei bwerau gorfodi, lle y bo angen, i sicrhau cydymffurfio.
- 6.4 Yn ogystal â disgwyl i ddatblygwyr gael y cyngor proffesiynol priodol yn ystod y cam gwneud cais, efallai y bydd yr ACLI hefyd yn rhoi amod i sicrhau goruchwyliaeth ddigonol o'r cam adeiladu gan Coedyddiwr y datblygwr ei hun.
- 6.5 Os ceir anawsterau ar unrhyw adeg yn ystod y broses adeiladu wrth gydymffurfio ag amodau sy'n ymwneud â choed (e.e. wrth gynnal y pellterau ffensys diogelu'n unol â'r Cynllun Gwarchod Coed) a dymunir addasu telerau amodau, bydd angen ymgynghori â'r ACLI a chael cymeradwyaeth ysgrifenedig ganddo cyn ymgymryd â newidiadau.
- 6.6 **Methiant â chydymffurfio ag Amodau Cynllunio:** Lle y nodir achos o dorri amod cynllunio sy'n ymwneud â gwarchod coed, bydd yr ACLI yn cymryd camau gorfodi priodol. Gallai hyn gynnwys cyflwyno 'Hysbysiad Atal Gwaith' ar safle adeiladu lle cafwyd tor-amod, neu gychwyn achos cyfreithiol dan Adran 210 Deddf Cynllunio Gwlad a Thref 1990.

7.0 CYNLLUN AMDDIFFYFN COED A'R DATGANIAD DULL COEDYDDIAETH

- 7.1 **Mae'n rhaid gosod ffensys gwarchod coed cyn i unrhyw agwedd ar ddatblygiad ddechrau** a'u cadw yn y safle hwn trwy gydol cyfnod y datblygiad. Mae'n rhaid i'r ffensys fod yn y safle cyn dymchwel, dechrau gwneud gwaith tir, dod â deunyddiau ar y safle etc. Mae'r rhan fwyaf o ddifrod i bridd a choed ar safleoedd datblygu'n digwydd yn ystod y gweithgareddau hyn. Os oes angen cynlluniau ffensys eraill ar gyfer camau amrywiol y gwaith dymchwel ac adeiladu, mae'n rhaid manylu ar

y rhain yn y Cynllun Gwarchod Coed gyda diffiniad clir rhwng cynlluniau a 'chamau'.

7.2 Dylai'r holl weithwyr fod yn ymwybodol o'r holl fesurau gwarchod coed



Typical Detail: Tree Protection Fence To BS5837

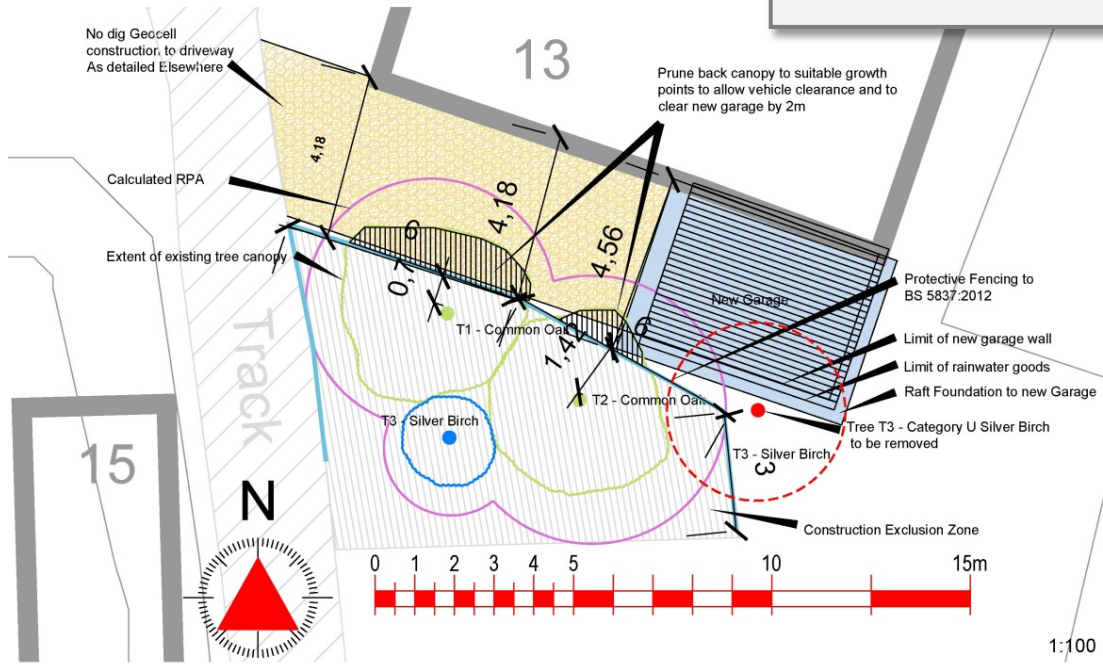
a dylai copi o'r Cynllun Gwarchod Coed cymeradwy, Datganiadau Dull Coedyddiaeth a chopi o'r caniatâd cynllunio gydag amodau fod ar gael i'w harchwilio ar y safle. Mae'n **RHAID** dilyn y rheolau syml canlynol trwy gydol camau dymchwel ac adeiladu'r gwaith datblygu:

- Peidiwch â symud y ffensys diogelu o gwmpas AAG am yr un rheswm heb gymeradwyaeth flaenorol.
- Atgyweiriwch unrhyw ddifrod i'r ffensys diogelu o gwmpas AAG ar unwaith.
- Peidiwch â pharcio na gweithredu offer a chyfarpar ger coed.
- Peidiwch â storio deunyddiau yn yr AAG. Mae'n rhaid cadw difwynwyr (tanwydd, olew a chemegion) o leiaf 10m o'r ardal a warchodir.
- Peidiwch â chymysgu deunyddiau seiliedig ar sment ger coed (Gweler hefyd 7.6)
- Peidiwch â chynnau tanau o fewn 10m i goeden a gochelwch rhag fflamau sy'n crwydro tuag at ganghennau.
- Peidiwch â chlymu ceblau neu lifoleuadau uwchben dros dro'n dynn wrth goed.
- Peidiwch â newid lefel y tir na chloddio o fewn eangderau canghennau coed presennol.

7.3 Diben y Cynllun Gwarchod Coed yw rhoi mesurau diogelu lleoliad a ffisegol manwl gywir, gan gynnwys diogelu tir, ar gyfer coed, coetiroedd neu wrychoedd ar safle datblygu neu'n union gyfagos ato y maent wedi'u nodi i'w cadw ac y mae'n debygol y byddai'r datblygiad yn effeithio arnynt yn uniongyrchol neu'n anuniongyrchol. Mae'n rhaid i'r cynllun fod yn addas at y diben a chynnwys digon o fanylion fel y gall y contractiwr roi'r mesurau ar waith.

7.4 Bydd y Cynllun Gwarchod Coed yn ystyried yr

Sampl Cynllun Amddiffyn Coed



Tree Protective Fencing

Trees for removal to be identified from the drawing and marked by an arboriculturist on site. No vehicles to enter the grass verge or root protection zone during tree removal or fencing installation/removal. Fencing to be installed prior to any construction works including demolition, materials delivery, works compound installation. The location of the tree protective fencing is indicative only and must not be directly measured from this plan. Its true location must be surveyed accurately on site and where applicable be measured from the tree centre by the stated dimension value. Fencing to remain in place until all construction works have ceased.

BS5837: 2012 Recommendations (extract)

6.2.2 - Barriers
6.2.2.1 - Barriers should be for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around the retained tree(s). Barriers should be maintained to ensure that they remain rigid and complete.
6.2.2.2 - The default specification should consist of a vertical and horizontal scaffold framework well braced to resist impacts, as illustrated in Figure 2. The vertical tubes should be spaced at a maximum interval of 3m and driven securely into the ground. Onto this framework, welded mesh panels should be securely fixed.

Fencing Specification

The fencing will comprise of standard GS7 / Heras styled steel self-supporting security fencing panels. The panels must be securely clamped together. They must be secured to the ground with robust steel stakes to a depth of 600mm. These are to be securely clamped to the panels. The use of steel mesh panels in conjunction with clamps and self-supporting bases are not acceptable for use. They must be secured to the ground with stakes to prevent movement. Where stated, additional bracing of the panels must use angled scaffolding poles to prevent further movement (See Figure 2).

The reason for Protective Fencing Around Trees:

The major cause of damage to trees on construction sites is due to soil compaction. Roots use the spaces between soil particles to obtain Oxygen, Water and Nutrients. Heavy plant and machinery compacts the soil, squashing out the air spaces and preventing root function. A compacted soil structure will stay compacted. Consequently the tree suffers and will show signs of branch die-back that may take several years to appear. Soil compaction over roots can be prevented by maintaining a fenced exclusion zone over the tree roots. The exclusion zone is calculated using British Standard 5837:2012. Protective Fencing is installed around the calculated area. Protective Fencing is a condition of planning approval, if it is removed or repositioned the construction firm is in breach of a condition and may be subjected to legal action.

Key: Tree Protection Methods



Key:

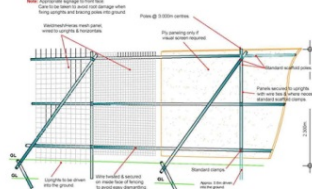


Root Protection Area (RPA) (indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability and where the protection of roots and soil structure is treated as a priority)

Shade Pattern - not shown on plan

Definitions of BS5837:2012 Categories for Woodland and Hedgerows - Colour Coded

- A - Those of high quality with an estimated remaining life expectancy of at least 40 years. (Suitable for retention)
- B - Those of moderate quality with an estimated remaining life expectancy of at least 20 years. (Suitable for retention)
- C - Those of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm. (Suitable for retention)
- U - Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years (Unsuitable for retention)



Typical Detail:
Tree Protection Fence To BS5837

Figure 2

AAG, ardaloedd tirlunio strwythurol arfaethedig, coed i'w cadw a'u gwaredu ac union leoliad atalfeydd diogelu a'u harwyddion. Bydd

atalfeydd yn addas at ddiben rhwystro gweithgarwch adeiladu ac yn briodol i ddwysedd ac agosrwydd gwaith sy'n cael ei wneud ger coed wedi'u dewis i'w cadw. Bydd angen cyfiawnhad i wro o'r Safon Brydeinig ddiodyn.

7.5 Bydd y **Cynllun Gwarchod Coed** yn rhoi manylion am y canlynol:

- Dulliau ffisegol gwarchod coed ar y safle, wedi'u nodi trwy ddarluniau a/neu destun disgrifiadol.
- Safle ffensys gwarchod coed ac unrhyw amddiffyniad tir sy'n dangos y safle gwirioneddol gyda dimensiynau o bwynt sefydlog.
- Dylid nodi dimensiynau'r ardal waharddedig a'i safle a'r math o arwyddion sy'n eu nodi'n ardaloedd gwaharddedig ar y Cynllun Gwarchod Coed.
- Dylai'r gofynion ffensys amddiffynnol sy'n briodol ar gyfer y datblygiad gael eu nodi yn y Cynllun Gwarchod Coed a'u cymeradwyo'n ysgrifenedig gan yr ACLI cyn i waith ddechrau ar y safle.
- Lle mae manylion gwaith cymeradwy'n nodi y caiff ei wneud yn yr AAG, bydd manylion safle ffens wedi'i ailosod, yn ogystal â manylion amddiffyniad tir penodol, yn cael eu rhoi.
- Rhaid i'r cynllun fod ar raddfa addas, gyda phwynt gogledd a bar graddfa.

7.6 Bydd **Datganiad Dull Coedyddiaeth** yn disgrifio gweithredoedd adeiladu yr ymgwymerir â nhw ger coed y tynnwyd sylw atynt yn yr asesiad effaith coedyddiaeth. Bydd y Datganiad Dull Coedyddiaeth yn ystyried yr holl weithredoedd adeilad yr ymgwymerir â nhw ger coed, ac yn eu cynllunio. Bydd hyn yn cynnwys yr agweddau canlynol, ond nid yw'n gyfyngedig iddynt;

- Mynediad i safle adeiladu;
- Dwysedd a natur y gweithgarwch adeiladu;
- Atebion peirianneg arbennig (sylfeini etc.) i warchod coed;
- Nodi manylion wynebau dim cloddio mewn AAG coed a datganiad dull;
- Dull cloddio cymeradwy mewn AAG;
- Parcio ceir contractwyr a chamau'r gwaith adeiladu;
- Lle gofynnol ar gyfer cloddio sylfeini a gwaith adeiladu;
- Lleoliad a lle gofynnol i gyflenwi gwasanaethau, tanddaearol ac uwchben, gan gynnwys: ffosydd dŵr brwnt a dŵr wyneb, ffosydd tir, ffosydd cerrig, nwy, olew, dŵr, systemau gwres o'r ddaear, ceblau trydan, ffôn, teledu neu geblau cyfathrebu eraill;
- Yr holl newidiadau yn lefelau tir, gan gynnwys lleoliad waliau cynnal a grisiau, creu digon o le ar gyfer sylfeini'r fath adeileddau, ffosydd ac ôl-lenwi;
- Lle ar gyfer craenau, peiriannau, sgaffaldiau a mynediad yn ystod gwaith;
- Lle ar gyfer cabanau safle, toiledau dros dro (gan gynnwys eu draenio) ac adeileddau dros dro eraill;

- Math a maint y gwaith tirlunio y bydd ei angen yn yr ardal a amddiffynnir, a'r effaith y bydd hyn yn ei chael ar y systemau gwreiddiau
- Lle ar gyfer cadw deunyddiau, gollyngiad a thanwydd (boed dros dro neu dymor hir) a chymysgu sment a choncrit (yn cynnwys storio);
- Effaith llethr ar symudiad gollyngiadau hylif a allai fod yn niweidiol i ardaloedd a amddiffynnir neu tuag atynt.
- Sylw arbennig, lle y bo'n berthnasol, i'w roi i uchder storio uwchbriddoedd ac isbriddoedd sydd i'w hailddefnyddio a dylid ymdrin â hyn yn unol â BS 3882:2015 a BS 8601:2013
- Mesurau ar gyfer ymdrin â Chanclwm Japan/Ffromlys Chwarennog(Himalaya) etc.
- Unrhyw gyfarwyddyd gwylio coedyddiaeth i fonitro a chadarnhau rhoi mesurau gwarchod coed ar waith a'u cynnal.
- Manyleb llawdriniaeth coed (yn unol â BS3998:2010 Gwaith coed – Argymhellion)
- Dull ar gyfer lleddfu damweiniau neu fynd yn groes i'r Cynllun Gwarchod Coed.

8.0 PLANNU COED A LLWYNI

- 8.1 Efallai y bydd angen plannu coed, llwyni a gwrychoedd newydd priodol, ymysg cynigion tirlunio eraill, ar safleoedd datblygu i wella amwynder, lleddfu colled cysgod canopi coed a rhoi ymdeimlad o 'le'. Hefyd, gall fod at ddiben lleddfu yn sgîl colli bioamrywiaeth oherwydd torri coed.
- 8.2 Dylai plannu gael ei wneud yn unol â Safon Brydeinig BS8545 '*Coed: o feithrin i annibyniaeth yn y dirwedd – Argymhellion*' '*Trees: from nursery to independence in the landscape –Recommendations*'..
- 8.3 Wrth ddewis y coed i'w plannu, dylid ystyried cynllun a dyluniad y safle, ei ddefnydd yn y dyfodol, amodau pridd a hinsawdd, anian y dirwedd leol a'r amgylchoedd cyd-destunol. Mae'n rhaid cynllunio digon o le yn y cynllun i alluogi'r coed i gyrraedd eu maint aeddfed.
- 8.4 Dylai coed wedi'u plannu fod o rywogaeth sy'n cyd-fynd â graddfa a strwythur y datblygiad o ran maint a ffurf pan maent yn aeddfed.
- 8.5 Lle cynigir plannu coed mewn ardaloedd arwyneb caled (e.e. meysydd parcio a llwybrau cerdded), mae'n rhaid i fanylion am y draenio/dyfrhau (lle y bo angen) a maint tyllau plannu fod yn ddigonol i ddarparu cyfaint digonol o bridd i gefnogi maint terfynol y goeden/coed a blannwyd. (Mae rhagor o gyngor ar gyfeintiau gwreiddiau coed i'w weld yn y teitlau wedi'u marcio â * yn yr adran gyfeirio.)
- 8.6 Dylai datblygiad masnachol a graddfa fawr ystyried sut gellir integreiddio coed yn y datblygiad, gan ystyried ffactorau eraill megis gofynion Systemau Draenio Cynaliadwy. Mae arweiniad ar integreiddio

coed i'w weld yn *"Trees in the Townscape: A Guide for Decision Makers"* a gellir ei gyflwyno gan ddefnyddio'r arweiniad yn *"Trees in Hard Landscapes: A Guide for Delivery"*. (Gweler Polisi CDU EV35 'Dŵr Ffo Wyneb')

- 8.7 **Gwarchod coed pan fydd y datblygiad wedi'i gwblhau.** Dylid gofalu am goed sydd newydd gael eu plannu a'r rhai sydd wedi'u cadw mewn datblygiad pan fydd y datblygiad wedi'i gwblhau. Fel arfer, rhoddir amodau ar ganiatâd cynllunio i sicrhau y caiff coeden newydd, sy'n debyg o ran rhywogaeth, oed a maint, ei phlannu, yn yr un lleoliad, yn lle unrhyw goeden newydd sydd wedi'i chynnwys mewn cynllun tirlunio datblygiad os bydd yn afiach neu'n marw o fewn 5 mlynedd i gwblhau'r datblygiad neu unrhyw gyfnod amodol arall ar gyfer disodli methiannau coed a llwyni. Ar ôl i 5 mlynedd (neu gyfnod amodol arall ar gyfer disodli methiannau coed a llwyni) fynd heibio ar ôl cwblhau'r datblygiad, caiff yr ACLI ystyried gwneud GCC ar y coed a gadwyd yn flaenorol gan amod.

9.0 CYNGOR PROFFESIYNOL

- 9.1 Pwy mae angen i chi ei gyflogi - Ymgynghorydd Coed, Pensaer Tirwedd neu Lawfeddyg Coed /Contractiwr?

- Bydd Ymgynghorydd Coed yn rhoi cyngor proffesiynol ar iechyd a/neu ddiogelwch coeden; perthnasoedd ag adeiladau a safleoedd datblygu arfaethedig neu bresennol neu unrhyw fater coed arall y mae angen adroddiad arno.
- Bydd Pensaer Tirwedd cymwysedig, profiadol a chanddo adnoddau'n rhoi cyngor cynhwysfawr ar weithio gyda'r dirwedd bresennol a'i gwarchod. Bydd yn dylunio ac yn creu lleoedd gwych ac efallai y bydd yn rhoi cyngor ar faterion coed presennol. Gweler cysylltiadau â'r Sefydliad Tirwedd yn y dudalen gysylltiadau i weld yr hyn y gall Pensaer Tirwedd ei gynnig, categorïau aelodaeth y Sefydliad Tirwedd a dod o hyd i sefydliad â'r sgiliau a'r arbenigedd angenrheidiol.
- Bydd Llawfeddyg Coed /Contractiwr cymwysedig, cymwys a phrofiadol yn rhoi gwasanaeth proffesiynol gan gynnwys brigdorri a gwaredu a gall roi cyngor sylfaenol ar gyflwr coed a gweithredoedd rheoli coed yn ôl yr angen.

Ni chaiff yr ACLI argymhell pwy i'w gyflogi, ond nodir rhagor o arweiniad isod.

9.2 **Ymgynghorydd Coed.** Dylai arolwg coeden yn cael ei gynnal gan tyfwr coed cymwysedig a phrofiadol (fel sy'n ofynnol gan BS5837). Rhaid i bob adroddiad yn nodi'r cymwysterau sydd gan y tyfwr coed a'r holl syrfeyr. A proffesiynol sy'n darparu math hwn o wasanaeth y dylai ddal Yswiriant Indemniad Proffesiynol ac un o'r cymwysterau canlynol neu safonau cydnabyddedig y diwydiant:

- Tystysgrif mewn lefel Coedyddiaeth 3/4 (Tech Arbor A).
- Diploma mewn lefel Coedyddiaeth 6 Dip Arb (RFS)
- BSc neu MSc (Gradd neu radd Meistr) mewn coedyddiaeth.
- Aelod Proffesiynol neu Gymrawd o Sefydliad y Coedwigwyr Siartredig] a gyrhaeddir gan lwybr coedyddiaeth / tyfwr coed Siartredig (MICFor / FICFor)
- Cymrawd yr Ymgynghorydd Coedyddiaeth Cymdeithas Coedyddiaeth Cymdeithas Cofrestredig

9.3 **Llawfeddyg Coed / Contractiwr.**

Gallai dewis y contractiwr anghywir arwain at:

- Anaf i bobl,
- Difrod i eiddo,
- Difrod diwrthdro i goed sydd wedi cymryd blynyddoedd lawer i dyfu...

Mae angen cryn dipyn o gymhwysedd technegol, wedi'i ategu gan hyfforddiant a phrofiad ar weithredoedd gwaith coed (coedyddiaeth). Am y rhesymau hyn, contractwyr cymwys, hyfforddedig, a chanddynt adnoddau ac yswiriant addas yn unig ddylai wneud gwaith coed. Chwiliwch am y canlynol:

- Atebolrwydd Cyflogwr ac Atebolrwydd Cyhoeddus (argymhellir o leiaf £5 miliwn)
- Tystysgrifau Cymhwysedd NPTC
- Dyfynbrisiau ysgrifenedig
- Aelodaeth o sefydliad proffesiynol. (Nid yw aelodaeth yn sicrhau safonau gwaith, ond mae yn dangos rhywfaint o ymroddiad)
- Geirdaon ar gyfer gwaith tebyg

9.4 Gall Coedyddwr (e.e. Ymgynghorydd Tyfu Coed) eich helpu i lunio'r ddogfennaeth y mae ei hangen ar yr ACLI wrth ategu cais cynllunio.

CYFEIRIADAU

- ¹ **Polisi Cynllunio Cymru** (Rhifyn 8, Ionawr 2016)
- ² **Nodyn Cyngor Technegol (TAN) 10: Gorchmynion Cadw Coed** (1997)
- ³ **Cynllun Datblygu Unedol Dinas a Sir Abertawe.** Mabwysiadwyd ym mis Tachwedd 2008
- ⁴ **Cynllun Datblygu Lleol 2016** sy'n Dod i'r Amlwg Dinas a Sir Abertawe
- ⁵ **Polisi Coed a Ddiogelir Drafft Dinas a Sir Abertawe**
- ⁶ **Safon Brydeinig BS5837:2012 Coed mewn perthynas â dylunio, dymchwel ac adeiladu - Argymhellion**
- ⁷ **Safon Brydeinig BS3998:2010 Gwaith Coed – Argymhellion**
- ⁸ **Safon Brydeinig BS8545:2014 Coed: o feithrin i annibyniaeth yn y dirwedd – Argymhellion**
- ⁹ **Safon Brydeinig BS3882:2015 Manyleb ar gyfer uwchbridd**
- ¹⁰ **Safon Brydeinig BS8601:2013 Manyleb ar gyfer isbridd a gofynion i'w ddefnyddio**
- ¹¹ **'Gwreiddiau Coed yn yr Amgylchedd Adeiledig'**. (2006). Yr Adran Cymunedau a Llywodraeth Leol (ACLIL)
- ¹² * **'Up by Roots' - Healthy Soils and Trees in the Built Environment.** James Urban. (ISA) (2008).
- ¹³ * **'Urban Trees: A Practical Management Guide'**. Steve Cox. (2011)
- ¹⁴ **NHBC Standards, Building near trees**, Chapter (Pennod)4.2
- ¹⁵ **'Canllawiau Coed Hynafol Rhif 3: Coed a Datblygu.'**
- ¹⁶ **'Ancient and other veteran trees: further guidance on management'**. Lonsdale (2013)
- ¹⁷ **'Veteran Trees: A guide to good management'**. Helen Read. (2000). Mae'r holl lyfrau coed hynafol/hynod ar gael i'w lawrlwytho am ddim o www.woodlandtrust.org.uk.
- ¹⁸ **'Trees in the Townscape: A Guide for Decision Makers'**. 2012. TDAG
- ¹⁹ **'Trees in Hard Landscapes: A Guide for Delivery'**. 2014. TDAG. Mae'r ddau lyfr TDAG ar gael i'w lawrlwytho am ddim o <http://www.tdag.org.uk>
- ²⁰ **'Site layout planning for daylight and sunlight: a guide to good practice (BR 209)'** BRE. P.Littlefair

CYSYLLTIADAU DEFNYDDIOL

- **Arboricultural Association (AA)**
The Malthouse, Stroud Green,
Standish,
Stonehouse, Swydd Gaerloyw.
G40 3DL
Ffôn: 0 1242 522152
E-bost: admin@trees.org.uk
Y We: www.trees.org.uk

*Yn rhoi cyngor ar goed ac yn
llunio cyfeiriadur blynyddol o
gyfyngiadau cofrestredig y
Gymdeithas Tyfu Coed*

- **Consulting Arborist Society (CAS)**
E-bost:
chairman@consultingarboristsociety.co.uk
Y We:
www.consultingarboristsociety.co.uk

*Yn rhoi rhestr o dyfwyr coed
(ymgynghorwyr coed) a
gymeradwyr gan y
Gymdeithas Tyfu Coed
Ymgynghorol.*

- **British Standards Institute**
Gwasanaethau Cwsmeriaid,
389 Chiswick High Road,
Llundain. W4 4AL
Ffôn: 020 8996 9001
E-bost:
cservices@bsigroup.com
Y We: www.bsi-global.com

Darparu Safonau Prydeinig.

- **Landscape Institute (LI)**

107 Grays Inn Road
Llundain WC1X 8TZ
Ffôn: 020 7685 2640
<http://www.landscapeinstitute.org>

*Dewch i weld yr hyn y gall
pensaer tirwedd ei gynnig a dod o
hyd i sefydliad â'r sgiliau a'r
arbenigedd y mae eu hangen
arnoch.*

- **Arboricultural Advisory & Information Service,**
Alice Holt Lodge, Wrecclesham,
Farnham, Surrey. GU10 4LH.
Ffôn: 09065 161147 (Cyfradd
breimiwm) neu
weinyddiaeth 01420 22022
E-bost: admin@treehelp.info
Y We: www.treehelp.info/

*Cyngor ac arweiniad ar ofal coed
a materion sy'n gysylltiedig â
choed ar safleoedd datblygu*

*Am fwy o wybodaeth,
cysylltwch â:*

- **Cynllunio ac Adfywio Dinas**
Cyngor Dinas a Sir Abertawe
Canolfan Ddinesig
Heol Ystymllwynarth
Abertawe
SA1 3SN
01792 636000
cynllunio@abertawe.gov.uk
CoedaDdiogelir@abertawe.gov.uk
www.abertawe.gov.uk

Agenda Item 8

Report of the Head of Planning and City Regeneration

Planning Committee – 1 November 2016

TALL BUILDINGS STRATEGY REPORT ON PUBLIC CONSULTATION EXERCISE

Purpose:	To report back on the public consultation exercise undertaken on the draft revised Swansea Tall Buildings Strategy.
Policy Framework:	Swansea Unitary Development Plan (2008), Swansea Local Development Plan (Deposit Plan) (2016), Swansea Central Area Regeneration Framework 2016. Swansea Tall Buildings Strategy 2015
Reason for Decision:	To update and amend the previous Tall Buildings Strategy supplementary planning guidance to align with the wider vision for Swansea Central Area Regeneration Framework and provide opportunity for a broader consideration for tall buildings in parts of the Central Area.
Consultation:	Planning, Legal, Finance and Access to Services.
Recommendation(s):	It is recommended that: 1) The revised Tall Buildings Strategy be forwarded to Planning Committee to be adopted as supplementary planning guidance and supersede the previous Tall Buildings Strategy (2008).
Report Author:	Gail Evans
Finance Officer:	Jeff Dong
Legal Officer:	Jonathan Wills
Access to Services Officer:	Ann Williams

1.0 Introduction

- 1.1 In 2015 Cabinet approved a draft Swansea City Centre Strategic Framework Review (SCC SFR), which sets out a new role for the Central Area, and its potential for regeneration. An updated and revised Tall Buildings Strategy was also prepared in 2015 in order to provide opportunity for a broader consideration for tall buildings in parts of the Central Area to align with the aspirations of the Swansea Central Area Regeneration Framework (adopted 2016).
- 1.2 This revised Tall Buildings Strategy will supersede the previous 2008 Tall Buildings Strategy which was supplementary planning guidance (SPG) to the Swansea Unitary Development Plan (2008). It is intended that this revised Strategy will in due course be adopted as SPG to the Swansea Local Development Plan 2010-2025: Deposit Plan (June 2016).
- 1.3 This report outlines the public consultation process which was undertaken on this document earlier this year, and summarises the wide range of views and comments received from residents, visitors, stakeholders and other organisations. The report also responds to those views and comments, and recommends amendments which will help to clarify and refine the proposals contained in the 2015 draft.

2.0 Summary of Key Objectives and Principles Context

- 2.1 The Swansea Central Area Regeneration Framework (2016) aims to define a new role for Swansea's Central Area, and encourage a greater diversity of mixed uses with opportunities for living, working and learning in areas like the Kingsway and Alexandra Road, and within high quality mixed use developments on the City waterfront and St David's/ Quadrant.
- 2.2 Development schemes which incorporate tall buildings can provide the opportunity for landmark developments contributing significantly to the City's skyline, with the potential for exceptional sea views due to Swansea's seafront location. They can also capture the imagination and become associated with the City's image, consequently having a symbolic or iconic role. More significantly they can introduce intensive levels of activity which Swansea requires in order to become a more vibrant and viable destination. Whilst tall buildings can have a positive role in the City, they must relate to the context of the area, be well designed and sustainable and be close to supporting uses and infrastructure.
- 2.3 The overall aim of the Tall Building Strategy is to do the following:
 - Respond to matters outlined above with regard to regeneration aspirations for the City centre
 - Provide clear guidance to developers
 - Provide a basis for consistency in the consideration of proposals
 - Take account of the National Guidance and examples of good practice in the production of strategic guidance
- 2.4 The proposed Strategy sets out the background and policy, defines a tall building, appraises the context of the Central Area and defines the policy in terms of general principles, location, and design principles. The Tall Buildings Strategy is applicable to the whole of the City and County of Swansea. The main thrust of the Strategy however focuses on the Central Area where tall

buildings are considered more physically and economically viable. It also considers other areas including Swansea University and the SA1 Waterfront development area.

2.5 The key change proposed to the Tall Buildings Strategy is the extension to the area where tall buildings will be 'considered', to include:

- The remainder of the retail core, including the Kingsway
- Areas adjacent to the Railway Station including the Mariner Street/ Alexandra Road site.

As part of the revised Tall Buildings Strategy it is also proposed that the area where tall buildings will be 'welcomed' has also been extended to include only a limited additional area of the City waterfront.

3.0 Public Consultation Exercise

1. The Council has engaged the media with press releases, interviews and on-line.
2. The www.swansecitycentre.com website has provided up to date news on progress and provided access to the draft document.
3. Direct consultation with over 250 organisations by post and by email
4. Press notice December 30th
5. Site notices around the City Centre.
6. Public Exhibition- at the Grand Theatre 12th- 14th January 2016
7. Copies of the draft Consultation document were made available at all Swansea Libraries

3.1 Comment forms were made available at the exhibitions and on line which invited members of the public to give their views on the draft Tall Buildings Strategy proposals within a four week period. This was a robust and successful consultation exercise, with a good rate of response which generally supported the wider intentions of the Regeneration Framework.

3.2 Responses to the draft document were received through a variety of media and can generally be quantified as below:

- 8 organisations/ stakeholders responded
- 31 individual emails, response forms and letters were received from members of the public

4.0 Assessment of the Key Issues from the Public Consultation Exercise

4.1 A wide range of important issues were raised through the consultation exercise, and these are discussed briefly in the section below and set out in more detail in a schedule contained in Appendix 1. Table 1 at the end of this report also sets out the recommended changes to the Framework document which respond to the comments received.

- **Design Commission for Wales** made a number of points about format and references to guidance in the document. The final document has been refined to emphasise the need for early consultation with DCFW on any proposals for new tall buildings, and to include additional references in the document as recommended
- **Natural Resources Wales** queried the role of strategic gateways, and recommended some refinements to the document in terms of landscape design and the public realm, and the need to adopt an integrated approach.

- **University of Wales Trinity St David's** welcomed the identification of part of the SA1 Waterfront development as being within the welcome and consider zones, but highlighted the need to reference high buildings fronting Langdon Road within the plans, and the scope for a building on the southern tip of the SA1 development.
 - **Swansea Civic Society** Question the need for Tall Buildings or how they can have a positive role, and suggested that tall buildings impact on views of many people, and have a detrimental impact on street level. The Civic Society and NRW raised questions about relevance of Gateway locations. The rationale for the gateways is set out in 3.11 of the Strategy, essentially to provide a critical mass, and interface between significant areas of the City i.e. City Gateway, City waterfront and Tawe Gateway.
- 4.2** Some consultancy firms and representative agencies have offered comments of general support of the Tall Buildings Strategy support including Knight Frank, and Geraint John Planning. Some companies have also raised issues about the location and extent of the Consider Zone, and the Welcome Zone. Geraint John Planning has called for the extension of the Consider zone in SA1, and CDN Planning have called for parts of High Street area to be incorporated, including Bethesda Street, John Street and Jockey Street. They suggest that the extension of the consider zone into High Street is logical, provides an opportunity for landmark building, and is a logical cluster on the key approach to the City. This suggested amended has been fully considered and an appropriate refinement is made to the final document.
- 4.3 Comments raised by the general public.** Six members of the public indicated their support for a revised Tall Buildings Strategy, commenting on how if they were of good quality that they could enhance Swansea's image and generate wealth. Respondents also noted the importance of criteria set out in the policy to ensure that tall buildings are of the highest architectural quality. The key areas of concern highlighted from comments received from the general public included the following:
- 1. Loss of Views, impact on the skyline and character of the Bay-** A key area of concern expressed by members of the public related to the potential loss of views, and loss of the character of Swansea Bay in particular. Some respondents called for any new buildings to be located away from Swansea Bay and the marina, and drew attention to the need for further information to understand what the impacts are in certain locations and viewpoints. The guidance makes it clear that proposals for tall buildings must consider the importance of near, distant and far views. They need to be considered in relation to other landmarks, sight lines and strategic views. Tall buildings should also not detract from the setting of listed buildings.
 - 2. Economic Need and Demand-** A significant number of the respondents queried the demand and economic purpose of tall buildings, and that the extra space provided by tall buildings was not required. However this revised Tall Buildings guidance is responding to increased market interest in the development of tall buildings, and seeks to ensure that the policy provides a positive and consistent basis for determining the suitability of proposals and ensures that are of the highest quality. Respondents commented that more should be made of Swansea's underutilised buildings, and the scope for refurbishing existing buildings is highlighted within the design principles, and within the Swansea Central Area Regeneration Framework (2016).

3. Environmental effects -A number of respondents raised questions about the environmental effects of tall buildings, whether there was the potential for wind tunnelling or drift, and the loss of sunlight from the shadows of tall buildings. The Strategy sets out in page 25 how the effects of local microclimate, wind rain sunlight and overshadowing should be assessed when considering proposals for tall buildings.

4. Maintenance and effects of weathering- There were a small number of comments from respondents which highlighted concerns about the effect of weathering on buildings and maintenance needs. The Strategy does highlight how all buildings must exhibit the highest standards of design with good quality robust materials. Further wording is added to the final version of the Strategy to reinforce the point that materials used in the development of tall buildings should be capable withstanding weathering.

5. Social issues- Concerns were expressed by respondents about potential social issues arising from tall buildings in terms of overcrowding and increased crime. The Design Principles set out in the document highlight how proposals must consider aspects of safety and security, and encourage a clear definition of public and private space.

5.0 Equality and Engagement Implications

5.1 An Equality Impact Assessment Screening was been undertaken when the draft report was considered in 2015, and it concluded that a full EIA report is not required as there is generally a low equality impact and any accessibility issues would be addressed by separate (building) regulations. The Screening has been reviewed during the public consultation exercise and a full EIA is still not considered to be necessary.

6.0 Financial Implications

6.1 There are no immediate financial implications arising from this report, however when / if schemes are developed FPR7 reports will be required.

7.0 Legal Implications

7.1 None

Background Papers: Swansea Central Area Regeneration Framework (2016), Tall Buildings Strategy (2008)

Link to full report and Appendix attached below:

www.swansea.gov.uk/staffnet/developmentregen

Table 1 Schedule of recommended changes to the Swansea Tall Buildings Strategy

A fully revised version of the revised Tall Buildings Strategy document incorporating all the changes set out in the table below is on the Council's intranet site.

	Page of draft & page of final doc.	Recommended Key Changes to the final Swansea Tall Buildings Strategy
1.	Section 1.2 Aims	Expand aims- acknowledge that aims should be more wide ranging and reference increased residential density, provide commercial floorspace, intensify footfall, raise quality of public domain, encourage more diverse mixed uses.
2.	Section 1.4 Policy	Update relevant planning guidance
3.	Page 13	Amendment to context plan
4.	Section 3.8 page 15	Delete reference to photomontage
5.	Page 18	Civic Centre reference rather than County Hall
6.	Page 19	Strategic Gateways –clarifications added to 3.11
7.	Page 19-20	Ref Central Area rather than City centre
8.	Page 20	Insert suggested NRW wording with regard to relationship with public realm
9.	Page 20	Insert 'withstand the effects of weathering'
10.	Page 20	Insert final bullet point to highlight transport infrastructure
11.	Page 21	Amend plan to include additional areas in Upper High Street.
12.	Page 25	The wording 'through life costs and benefits' included in the previous Strategy is reinstated.
13.	Page 25	Add emphasis and reference to the importance of early consultation with DCFW and WG Practice Guide. Also reference is made to the process timeline in the WG Practice Guide.
14.	Page 25	Add reference to Access and Inclusion
15.	Appendix 1	Design and Access Statement- Add ref to need for Diagrams and visual info which should be included to ensure succinct and clear
16.	Appendix 2	Update policies and Guidance including reference to LDP Deposit Plan and Design Commission for wales guidance full references for Tall Buildings and Sustainability guidance.