



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Planning Committee

At: Council Chamber, Guildhall, Swansea

On: Tuesday, 2 October 2018

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: C Anderson, P M Black, L S Gibbard, M H Jones, M B Lewis, R D Lewis, P B Smith, A H Stevens, D W W Thomas, L J Tyler-Lloyd and T M White

Agenda

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|----------|---|----------------|
| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Minutes.
To approve & sign the Minutes of the previous meeting(s) as a correct record. | 1 - 4 |
| 4 | Items for Deferral/Withdrawal. | |
| 5 | Determination of Planning Applications under the Town & Country Planning Act 1990. | 5 - 129 |

Next Meeting: Tuesday, 6 November 2018 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans

Head of Democratic Services

Tuesday, 25 September 2018

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the Planning Committee

Council Chamber, Guildhall, Swansea

Tuesday, 4 September 2018 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M H Jones
P B Smith
L J Tyler-Lloyd

Councillor(s)

P M Black
M B Lewis
A H Stevens
T M White

Councillor(s)

L S Gibbard
R D Lewis
D W W Thomas

Apologies for Absence – None.

22 Disclosures of Personal and Prejudicial Interests.

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

Councillors C Anderson, P M Black, L S Gibbard, M H Jones, M B Lewis, P Lloyd, P B Smith, A H Stevens, D W W Thomas and T M White – Personal – Minute No.25 – Item 3 – Planning Application 2018/1429/FUL – applicant is a fellow Councillor.

23 Minutes.

Resolved that the Minutes of the Planning Committee held on 7 August 2018 be approved and signed as a correct record

24 Items for Deferral/Withdrawal.

None.

25 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/updates 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 2018/1515/ADV - 3 internally illuminated high level signs, one internally illuminated 4m height barrier - cantilever right, 2 internally illuminated key seller signs, one internally illuminated double-menu sign, one banner frame sign and various non illuminated directional signs at Land At Heol Ddu Farm, Birchgrove, Swansea.

A visual presentation was provided.

Estelle Bubear (objector) addressed the Committee.

Councillors M Sykes & P M Matthews (Local Members) addressed the Committee and spoke against the application.

Report updated as follows: Late letter of objection reported.

(Item 2) Planning Application 2018/0930/RES - Reserved Matters - details of the access - pursuant to outline planning permission 2013/0617 granted 30th October 2017 for Residential development comprising of up to 92 dwellings with associated access, drainage and public open space at Land South Of Glebe Road, Loughor, Swansea

A visual presentation was provided.

Bethan Jones (on behalf of Moriah Chapel) and Cai Parry (agent) addressed the Committee.

Councillor R V Smith (Local Member) addressed the Committee and spoke in support of the representations from Moriah Chapel regarding the need for the provision of parking for Chapel visitors.

The application was approved. It was agreed that Highway Officers will liaise with the Local Member - when the S106 monies relating to the outline planning permission are received - in order to discuss the various options available for spending the S106 monies to be provided for improving local highway safety.

(Item 3) Planning Application 2018/1429/FUL - Retention and completion of detached outbuilding at 4 Badminton Gardens, Ravenhill, Swansea

(Item 4) Planning Application 2018/1467/FUL - Change of use from residential (Class C3) to a 5 bed 5 person HMO (Class C4) with replacement rear dormer and removal of chimney stack at 45 Westbury Street, Swansea

Councillors N J Davies, I E Mann & P N May (Local Members) addressed the Committee and spoke against the application.

Condition 3 amended to read as follows:

The bin storage area and the bike shed as set out on drawings BUILDINGHMO/04 proposed left side elevation, BUILDINGHMO/06 proposed right side elevation, BUILDINGHMO/14 proposed site plan received on 16 August 2018 shall be available for the use of the residents prior to the beneficial use of the development and shall thereafter be retained and not used for any other purpose.

(Item 5) Planning Application 2018/1512/FUL - Change of use from residential (Class C3) to a 6 bed HMO for 6 people (Class C4) at 123 Rhyddings Terrace, Brynmill, Swansea

Elizabeth Borland (objector) addressed the Committee.

Councillors N J Davies, I E Mann & P N May (Local Members) addressed the Committee and spoke against the application.

Report updated as follows: Late letter of objection reported.

(Item 6) Planning Application 2018/1562/FUL - Change of use from residential to 7 person 7 bed HMO at 47 Gwydr Crescent, Uplands, Swansea

A visual presentation was provided.

Matthew Gray (agent) addressed the Committee.

Councillors I E Mann & P N May (Local Members) addressed the Committee and spoke against the application.

Report updated as follows: Late letter of objection reported.

(Item 8) Planning Application 2018/1723/FUL - Change from residential (Class C3) to HMO for 5 people (Class C4) at 55 St Stephens Court, Maritime Quarter, Swansea

A visual presentation was provided.

Report updated as follows: 13 late letters of objection reported.

2) the undermentioned planning application **Be Refused** for the reasons outlined in the report:

(Item 7) Planning Application 2018/1665/FUL - Change of use from 2 self-contained flats (Class C3) to a 9 bed HMO (Sui Generis) for 9 people with associated fenestration alterations at 45 Ysgol Street, Port Tennant, Swansea

A visual presentation was provided.

Julian Hoskins (objector) and Robert Hughes (agent) addressed the Committee.

26 Appeal Decision - 199 St Helens Avenue, Brynmill, Swansea, SA1 4NE.

The Head of Planning and City Regeneration reported "for information" on the result of the Planning Appeal against the decision of the Planning Committee on 6 March 2018 to refuse an application for the change of use from a residential dwelling to a six bedroom HMO.

The background details to the application and decision of the Planning Inspector were outlined in the report.

Resolved that the report be noted.

The meeting ended at 4.09 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: 2nd October 2018

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

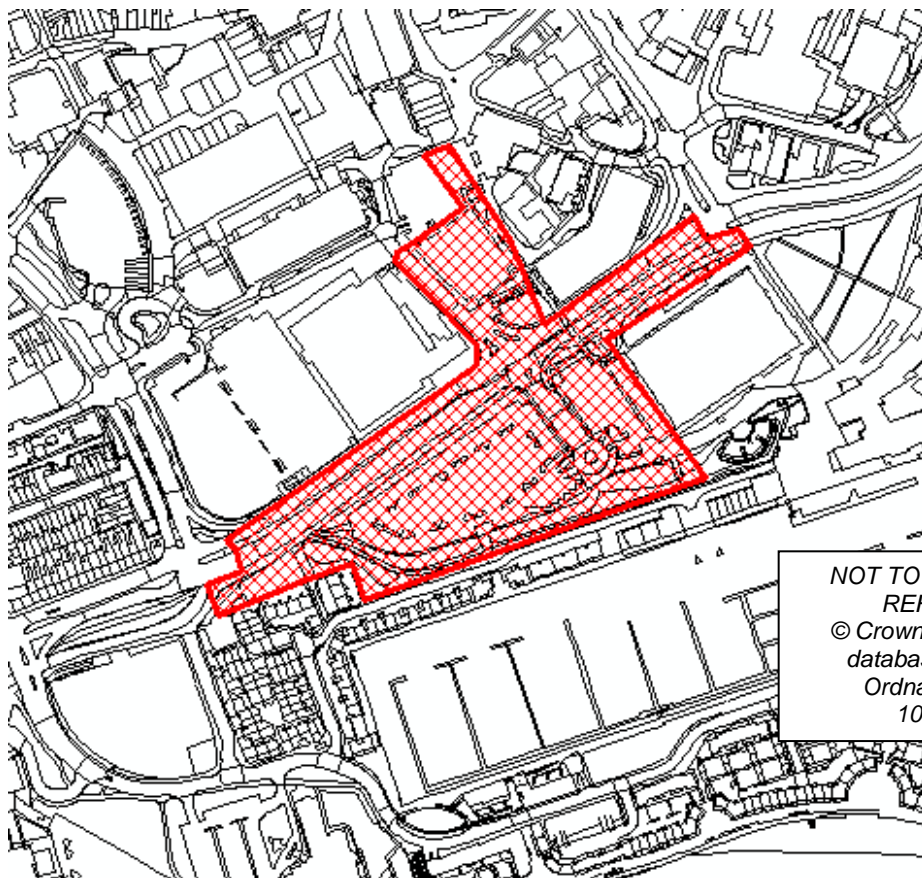
Item	App. No.	Site Location	Officer Rec.
1	2018/1648/RES	<p>Swansea Central (Former St David's Centre And Land North And South Of Oystermouth Rd)- Phase 1 Comprising: LC Car Park And Surrounding Public Realm, Former GWR Revetment Wall, Oystermouth Rd, Albert Row And Part Of St Mary Surface Car Park</p> <p>Approval of reserved matters (access, appearance, landscaping, layout and scale) for Phase 1 of Swansea Central, including: Development Zones 3, 4a and 4b and part of Development Zone 4c and 5 of outline planning permission 2017/0648/OUT, pursuant to Condition 3, comprising details of the: Arena (Use Class D2/A3) extending to 30m in height, and associated ground and first floor level car parking, servicing areas; Podium level public park with kiosk (Use Class A1/A3); Replacement bridge over Oystermouth Road; Mixed use block extending to 28.5m, comprising multi storey car park, new commercial floorspace (use Class A3/B1/D1) and residential flats (Use Class C3) to the north of Oystermouth Road; and associated ground level public realm improvements; approval of details pursuant to Condition 6 (landscaping strategy), Condition 8 (levels), Condition 9 (external finishes), Condition 11 (wind mitigation), Condition 21 (surface water drainage), and Condition 36 (ecological enhancement measures).</p>	Approve
2	2018/1823/LBC	<p>Former GWR Revetment Wall Located Along The Southern Boundary Of Swansea Central - Phase 1</p> <p>Works to the Grade II Listed GWR revetment wall including the substantial removal of existing embankment and construction of new structural retaining wall and works to the tunnels in association with the development of Swansea Central Phase 1 within its curtilage (application for Listed Building Consent)</p>	Refer to Welsh Government
3	2018/1743/S73	<p>Mariner Street Car Park, 2-3 Mariner Street, 59-60 And 63-64 High Street, Swansea, SA1 5BA</p> <p>Demolition of existing buildings on site and the construction of a purpose built student accommodation building between 6, 8 & 17 storeys (780 bedrooms comprising 170 studios & 610 cluster units) with ancillary communal facilities/services, 3 no. ground floor</p>	Approve

commercial units (Classes A1 (retail), A2 (Financial/Professional), A3 (Food and Drink), B1 (Business), D1 (non-residential institution), and D2 (Assembly/Leisure), car parking/servicing area, associated engineering, drainage, infrastructure and landscaping works - Section 73 application to vary Condition 2 (Plans), Condition 5 (External Finishes), Condition 6 (Details), Condition 10 (Superstructure Works), 13 (Landscaping), 14 (Archaeology), 20 (Drainage) of planning permission 2016/0556 granted 5th May 2017

- | | | | |
|---|---------------|--|---------|
| 4 | 2018/1204/S73 | <p>Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea</p> <p>Residential development with construction of new vehicular access off Nantong Way (outline) without complying with condition 15 (new access off Nantong Way) of Section 73 planning permission 2014/1189 granted 22nd October 2015 (to extend the trigger to construct the Nantong Way access prior to the occupation of the 111th dwelling house)</p> | Approve |
| 5 | 2018/1771/FUL | <p>35 Balaclava Street, St Thomas, Swansea, SA1 8BR</p> <p>Change of use from dwellinghouse (Class C3) to HMO for 4 persons (Class C4) and single storey rear extension</p> | Approve |

Planning Committee – 2nd October 2018

Item 1	Application Number:	2018/1648/RES
	Ward:	Castle - Bay Area
Location:	Swansea Central (Former St David's Centre And Land North And South Of Oystermouth Rd)- Phase 1 Comprising: LC Car Park And Surrounding Public Realm, Former GWR Revetment Wall, Oystermouth Rd, Albert Row And Part Of St Mary Surface Car Park	
Proposal:	Approval of reserved matters (access, appearance, landscaping, layout and scale) for Phase 1 of Swansea Central, including: Development Zones 3, 4a and 4b and part of Development Zone 4c and 5 of outline planning permission 2017/0648/OUT, pursuant to Condition 3, comprising details of the: Arena (Use Class D2/A3) extending to 30m in height, and associated ground and first floor level car parking, servicing areas; Podium level public park with kiosk (Use Class A1/A3); Replacement bridge over Oystermouth Road; Mixed use block extending to 28.5m, comprising multi storey car park, new commercial floorspace (use Class A3/B1/D1) and residential flats (Use Class C3) to the north of Oystermouth Road; and associated ground level public realm improvements; approval of details pursuant to Condition 6 (landscaping strategy), Condition 8 (levels), Condition 9 (external finishes), Condition 11 (wind mitigation), Condition 21 (surface water drainage), and Condition 36 (ecological enhancement measures).	
Applicant:	The Council Of The City And County Of Swansea	



Item 1 (Cont'd)

Application Number:

2018/1648/RES

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 - EV5 - Art in the Environment

The provision of public art in new developments and refurbishment schemes will be supported. (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 - EV7 - Extensions/Alterations to Listed Buildings

Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (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 - 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)

Item 1 (Cont'd)

Application Number:

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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 - 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 - 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 - AS1 - New Development Proposals

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

Item 1 (Cont'd)

Application Number:

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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)

UDP - AS6 - Parking/Accessibility

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

UDP - CC1 - City Centre Mixed Use Development

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)

UDP - CC2 - City Centre Retail Core

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)

UDP - CC3 - St David's/Quadrant

The St David's/Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. Any other retail based development, whether within or outside the City Centre, will be evaluated against this aim. Development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.

UDP - EC15 - Urban Tourism

Proposals that consolidate the urban tourism resource, by improving the quality and range of attractions, destinations, accommodation and services will be supported at specific locations. (City & County of Swansea Unitary Development Plan 2008)

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Application Number:

2018/1648/RES

Site History

App Number

Proposal

Status

Decision Date

RESPONSE TO CONSULTATIONS

The application is accompanied by a Statement of Community Involvement which outlines that the proposal was subject to a pre-application consultation including a public event exhibiting the detailed design proposal and a series of meetings were also organised with special interest groups. The exhibition attracted 223 attendees and formal feedback from 78 members of the local community were received. There was a significant level of popular support with 77% of respondents generally in favour of the detailed design proposals for Phase (80% in favour of the Arena). The responses to the feedback are summarised as follows:

- Phase 2 of the development should follow quickly
- General opposition
- Needs better connection to the city centre
- There should be more car parking in the proposals
- Concerns about increasing congestion
- There should be less car parking in the proposals
- There should be clearer cycle routes
- Would like to see more trees/planting/green space
- Praise for landscaping proposals
- Need to cater for parishioners at St David's Church
- Concerns about noise and from new local amenities for neighbouring residents
- Concerns about excessive retail development
- Suggestions for new retailers
- Need to take account of equalities and wellbeing issues
- Suggestions for promoting local heritage
- Noting that Swansea's Grand Theatre must remain.
- Would like to see local contractors used.

Design Commission for Wales

Design Review 10 May, 2018

DCFW was consulted during the development of the Swansea City Centre Strategic Framework. Proposals for this site were reviewed by the Commission in October 2016 and January 2017, in advance of their outline planning submission. Public and stakeholder consultation has been undertaken by the local authority.

The Proposals

Redevelopment of the former St David's site and land to the south of Oystermouth Road. The proposed development includes a hotel, arena, park and mix of new retail, restaurants, with residential accommodation on upper storeys and accompanying public realm works.

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Outline planning consent was gained in March 2017 and the proposals presented are in preparation of a Reserved Matters application due to be submitted in June 2018.

Main Points in Detail

The Design Commission welcomed the return of this scheme to design review and the opportunity to comment on the proposals for the Reserved Matters application. The proposals show significant ambition for the site and DCFW supports this aspiration.

A significant amount of work has clearly been undertaken since both the last review and Outline Planning submission. This work addresses some of the concerns raised in the previous design review.

This report should be read in conjunction with the reports from the previous two reviews. It will not repeat the points raised previously, rather it focuses on the main points that emerged from this review, which should be considered in the development of the submission for the reserved matters application.

The following details the main points arising from the review;

Contextual analysis

Previous reviews have indicated that the proposals have been well informed by context, local materials and consultation, however this was less evident in the material presented at this review. Material presented for the Reserved Matters application should clearly demonstrate how the design and materiality have been informed by contextual analysis.

Accessibility

Accessibility is of the utmost importance to this scheme given the complex levels associated with the bridge over Oystermouth Road and the park platform. The scheme should be fully inclusive and accessible routes and facilities should be located as close as possible to less accessible routes so as not inconvenience any users.

Environmental Strategy

A sound environmental strategy should underpin the design of the buildings, however there was little demonstration of how an environmental strategy has informed the design so far. This strategy and resulting relationship with the design proposals should be clear within the material submitted for the Reserved Matters application.

Mixed use block

DCFW encourage the diverse mix of uses proposed for the block south of Oystermouth road. A mix of car parking, residential and other ground floor uses will help to activate the block throughout the day and create a sense of place. However, the architectural approach at present is unconvincing and lacks supporting design narrative.

Bridge

The bridge design currently lacks architectural quality and it appears that the finer details and use of materials are unresolved. High quality form and materiality must be delivered to ensure this bridge positively contributes to the immediate surroundings and the rest of the city.

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Arena

Given that the roof of the arena will be highly visible from upper floors of the adjacent hotel, the treatment of it should be fully considered and better refined.

Park

DCFW supports the aspiration and creative proposals for the civic park. The strong concept and aspiration should be protected throughout the design and delivery process. Future management and maintenance of the park should be considered from the outset to ensure longevity of this high quality.

Podium edges

The edges of the podium should be well considered to ensure that pedestrian experience at the lower ground floor level, around the hotel and along Oystermouth Road, is not compromised. Treatment of this edge should be of a high quality and endeavour to improve the pedestrian and vehicular experience at this lower level.

Deliverability

The design team and client team should endeavour to ensure that the delivery process does not dilute the ambitious design. The key design concepts for the arena and park should be protected to ensure that quality is not value engineered out of the schemes. The success of the design presented is to a large degree based on the consistency of approach by a single design team. A means of continuing this consistency throughout the design is encouraged in order to safeguard quality.

Arts engagement

Consideration should be given to developing an arts engagement strategy which takes full advantage of the many opportunities for arts throughout construction and post completion. The phased approach to development offers many opportunities for temporary and meanwhile interventions. Likewise, the outdoor performance spaces adjacent to the arena provide opportunities to create a year round cultural calendar to serve local people.

Further review

This was the last opportunity to review the scheme before the submission of Reserved Matters application in June 2018. However, we would encourage the client team to engage with DCFW on future phases of the Swansea Central development.

Statutory Planning Application Consultation

The application was advertised in accordance with the Town and Country Planning (Wales) General Development Order 2012 by way of press notices and site notices. 11 LETTERS OF OBJECTION have been received. The principle points of objection are summarised as follows:

- Will reduce parking to an already difficult to access city centre. This will reduce people attending and show very little return as a result on the investment that tax payers like myself will ultimately foot the bill of.
- I refer to the GWR revetment wall at the south of the development.

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- This wall is sloping, not vertical, and is supported by an embankment with trees and grass. I am concerned that if this embankment is removed to make way for the development the stability of the wall, a listed structure, will be seriously compromised.
- The plan includes the removal of the grass bank that runs along the length of the GWR wall to be replaced by an elevated concrete platform and a new, multi-level car park.
- Destruction of a much loved green area with its mature trees from a central area of Swansea only to replace it with an ugly poorly designed structure!
- Waste of tax payer's money to move a car park and bridge? The St David's car park nearby, never reaches capacity.
- The proposal also intends to destroy the open space north of Oystermouth Road where the pay and display car park is, only to replace with commercial and residential units and more multilevel parking.
- There is a multi-level public car park on Wellington Street, this is another car park that never reaches anything like its capacity and Tesco's free car park all within close proximity.
- It takes away open green spaces that are enjoyed by walkers, cyclist as well as visitors to the city only to be replaced with unsympathetic designs that do nothing to promote the City or its facilities.
- The walkway along the top of the revetment wall massively affects us the residents in Squire Court because the rear bedrooms looking directly at this walkway. There have been extremely unsavoury incidents going on along the walkway at all times of the day some of which I reported to the police or council. These problems that I have outlined will only get worse when the new walkway is constructed because of the massive increase in footfall along the wall.
- In the public meeting residents were told that the walkway would have to go there so that Swansea residents could appreciate the industrial heritage.
- The walkway has been moved back from the wall to the west to accommodate the change in the positioning of the arena, so why can't the walkway be changed to suit us as originally promised.
- There are concerns that visitors parking will occur along the whole length of Victoria Quay when visiting the arena, we have problems now with people completely ignoring the double yellow lines.
- The new bridge raises the possibility of beggars and other undesirables sitting on the bridge begging and causing intimidation to passers-by.
- There is currently a major problem with many youngsters, rough sleepers and drug users sitting and causing a nuisance and indeed engaging in criminal behaviour above what is known as the amphitheatre opposite the entrance to the LC.
- The development will have a massive effect on all of the residents along the whole length of Victoria Quay during the building stage and for many years to come.
- The development will remove over 200 trees, part of a critical 'green lung'. They are one of the few areas 'natural' planting in Castle Ward.
- They were planted on or around the Leisure centre and its car park, around 1977, when the LC opened first time, so the oldest are over 40 years old. Of the 21 we have looked at in detail so far, 5 measure over 100cms in girth at a height of 150cms, so they are substantial.

Item 1 (Cont'd)

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- The Planting is on the old raised railway line, approximately 15 metres wide, and 300 metres long, planted as above, the wall of which is listed by CADW

Squire Court Management Company

We appreciate that the official deadline for comment letters has passed, but we are very concerned that you are made aware of another potential problem to the above planning proposals that we consider is worthy of consideration outside any arbitrary deadline as it has huge Health and Safety implications. Moreover we are not lightly using the terms 'danger of death or serious injury' to add weight to the contents of this letter as we are genuinely concerned that the following points are taken into account before any final plans are passed.

There have been several articles recently concerning the deaths of a number of young people in Magaluf Spain where the circumstances of their tragic deaths are ominously close to what is presently being proposed as part of this development.

These are

- 1) A deadly drop from a height where, unless you are aware of its presence results in people who are not familiar with the area taking chances.
- 2) An inability due to some form of legal or illegal 'high' to make sound judgements.
- 3) The inability, due to unfamiliarity with the area, to realize that 'the concert hall/hotel level' is actually a considerable height above the normal street level resulting in a false sense of position in relation to the actual height that people are standing.
- 4) The ease with which anyone can clamber on or over the wall as it stands which again, would be a temptation to certain people to try to do just that.

In addition to the above points we would suggest that perhaps also there would be temptation to perhaps see the descent of the wall as a challenge when, peoples judgement is clouded by intoxicating factors, or even an act of bravado on someone's part - the heavily textured nature of the beautiful stonework would undoubtedly be seen as a challenge by certain people under the right (or wrong) set of circumstances.

We were not convinced either by the efficacy of providing a 'thorny hedge' as a means of preventing the above, one only has to walk along the existing path (or Victoria Quay Road) to see that the Council do not maintain the wall very well at the present time. The lack of maintenance is self-evident with all manner of foliage growing out of the wall itself and overhanging from the top as well as the poor state of the pointing between the stonework. The only section of the wall that is relatively free from contamination by plants is the section opposite Squire Court and that's because we do it ourselves, we gave up on waiting for the council to maintain this years ago. We are therefore highly sceptical of any proposal for some sort of 'natural barrier' that needs the councils input to maintain it.

Based on the above points we would urge the Council and its design team to abandon the idea of having a walkway in the position shown on the recent plans as a danger to life and the possibility of serious injury occurring. The quaint notion that the pathway should be 'open to local residents to appreciate the history of Swansea' is more than outweighed by the very real danger that will be presented to thousands of complete strangers who may find their first visit to Swansea is literally the last thing they ever do.

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Thank you for allowing us the chance to put forward our concerns regarding this scheme, which we hope you will take due account of in your deliberations.

Swansea Civic Society

The following assessment, comments and objections should be read in conjunction with the Swansea Civic Society's previous submissions relating to the Outline Consent and subsequent consultation process for the current application.

Specific concerns have been raised previously regarding traffic levels throughout the City and the overall availability of adequate affordable car parking. All of which should reflect a realistic assessment of the increase foot fall which this major series of investments is intended to achieve.

The Transport Assessment provided with this application does little to reassure residents and visitors. It does state that "apart from a short period at weekends, parking demand will not reach capacity". In other words an admission that the parking provision planned is insufficient to meet the anticipated demand. This is unacceptable.

Issues relating to the proposed Arena:-

The much publicized commitment of the operator to 200 events per year appears to have been downgraded already by the Operational Management Plan submitted to 185, with a final management plan yet to be agreed. Approval of this application will formalise the number at 185 and should be conditioned appropriately at the original 200.

The proposed external configuration and materials raise a number of concerns. The complex series of curves conceal a plain box wrapped vertical profiled cladding. An example of the exceptionally expensive "project specific" "Digital Dynamic Skin" has not been provided or adequately detailed, as required under Conditions 3 & 9. Images of similar stainless steel perforated elements are misleading. It must be assumed that this skin is purely decorative addition concealing a fully weather tight construction behind it. The "Nigh View Image" in the D&AS is also misleading as full coverage in LED's is over only 50% of the elevations. During daylight hours, elevations will appear as plain vertical profiled "shed like" cladding which is an unacceptable treatment for a prime location. The question must also be asked as to who will see the evenings only LED light show, little will be visible from road level and the remainder a distant glow if viewed from Town Hill. There remain too many questions unanswered for this element to receive approval. Throughout the consultation process, the adjacent residents have raised objections to the project overlooking the Marina properties from podium level, invading their privacy, sense of security and risking public nuisance. This application totally fails to address these concerns and must be amended in this respect to their satisfaction.

The D&AS also promotes the use of stone filled gabions as an acceptable finish to ground level elevations. The images hide this bland and uninteresting finish behind trees. It is understood that this finish is to be abandoned on security and safety grounds and should therefore be refused as finish.

The existing LC2 car parking facility can be entered and exited either eastwards or westwards via the traffic light controlled junction on Oystermouth Road.

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The current proposals replicate this for the multistorey car park, however all Arena services vehicles, those using the drop-off point and the taxi and coach drop-off/collection bays can only approach and leave via the west bound lane. To return eastwards it will be necessary for these vehicles to travel via Westway to the new roundabout on Kingsway and return to the east bound lane on Oystermouth Road via Westway. For major events and especially during the Christmas period this will prove disruptive and a solution is required before approval is given.

A detail proposal is needed to identify the coach parking locations necessary to cater with arena vents. This should be provided for approval under an additional condition.

The City Centre Strategy sets out to strongly promote "active frontages". On this aspect the Arena and associated car park structure totally fails. The south side of Oystermouth Road is to be a bland two story wall for the majority of the length of the site. This is a failure to meet required standards.

Issues relating to the Arena Car Park:-

The outline application consent (Ref: 2017/0648/OUT) provided approval for a three level car park. The podium level being utilized as an overflow for major events and partially landscaped in the same manner as the existing LC2 car park in order to soften the appearance. Without an amended application or consent, the current reserved matters application has significantly varied from the approved outline scheme omitted the car parking provision and proposed a "Coastal Park". This is an extravagance and should be refused. The obvious solution if car parking is not required at this level is to save public funds and value engineer the design two only two levels, except where a part of the Area concourse.

At present there is a workable pricing structure for the existing LC2 car park including coach car parking and Sundays being free to all. For the purpose of maintaining accessibility and footfall a condition to maintain the current pricing structures should be imposed.

The concept and extravagance of a Coastal Park on the roof of a multistory car park is hard to justify. The City already enjoys, but cannot afford to maintain a number of major parks and an excellent shore line. The Arena Management Plan makes no reference to the arena being responsible for the supervision or maintenance of this area. The residents already experience unacceptable issues from the GWR wall area and without 24 hour supervision this will become a no go area for many even on the few days of suitable weather per year in this elevated position which cannot provide shelter. The Crime Prevention Officers report also raises concerns.

It is noticeable that the café/pavilion has been omitted from this application. Should approval of a Coastal Park be given this must include a stipulation that a café/pavilion is to be provided complete with public toilets, even if subject to a later detailed application. Suitable pedestrian links at ground level between the car park and the LC2, Waterfront Museum, Marina area etc. have not been identified. If a route is to be through the GWR wall and via the service road to the Marina flats, the current cobbled surface is totally unsuitable.

Issues relating to the Pedestrian Bridge

It is understood that the revised alignment and form in plan of the bridge has already received approval. However, the details of the superstructure now presented are the cause of significant concerns.

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The images provided clearly indicate a narrowing tunnel effect created by the architectural features proposed. This will create an instinctively unsafe zone for any pedestrian encountering a group of strangers approaching from the opposite direction. This sense of insecurity is increased by the screening nature of the design which prevents the oversight of any unacceptable behaviour from other areas. This is a key aspect of safety in design and the reason why the pedestrian underpass to the Boulevard, at the bottom of Wind Street was abandoned. The Crime Prevention Officers report clearly advises against designs creating reduced visibility.

Section A-A identifies the actual useable width as a walkway due to the inclined perforated side plates. For DDA and safety purposes permanent barriers would be necessary to prevent pedestrians coming into contact with the side plates, especially when crowded.

For the reasons of public safety given above, it is recommended that current proposals are refused, and that a more conventional low level balustrade solution with full visibility and providing utilization of the full width of the bridge deck is adopted.

Issues relating to the North Multi-storey Car Park, Residential and A3 Units:-

The D&AS claims that "This building will have the significant role of setting the architectural standards for future adjacent developments". Regrettably to "cut and paste" the Victoria Gate Multi-storey Car Park by ACME from the John Lewis development in Leeds onto a major site in Swansea, does not do this prime city location justice. The proposed fin system with a wave pattern does little to conceal the large monolithic structure to face Oystermouth Road that is the proposed car park. The west elevation offers even less to merit the cost of the scrolled fins. Images of the Leeds project can be viewed on line and it is clear from these that after dark with the car park lighting on, the fins conceal nothing with the structure and parked cars behind fully illuminated and visible. This should not be acceptable for the centre of Swansea and should be refused. At present there is a workable pricing structure for the existing LC2 car park including Sundays being free to all. For the purpose of maintaining accessibility and footfall a condition to maintain the current pricing structures should be imposed.

What are the measures proposed to provide privacy and prevent pollution effecting the residential units? The East elevation of the car park looks directly into the proposed residential units with open sides which will ventilate car exhausts into the courtyard as well as the headlights of cars flashing across the windows of the flats. A condition is required to resolve these issues.

Proposals for a "green wall" growing over a stainless steel mesh in the courtyard well appears impractical, unlikely to survive and will be difficult to maintain. An expense that occupants would not accept.

Confirmation is required that the requirements of Condition 12 of the outline consent will remain unaltered such that not less than 30% of Phase 1 housing units will be available as "affordable housing".

As stated above, the City Centre Strategy sets out to strongly promote "active frontages". On this aspect the proposed car park and bridge structures on the North side of Oystermouth Road totally fail to meet this required standard.

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Issues relating to Public Realm:-

The sharing of pedestrian spaces with cyclists constitutes a danger to all concerned and must be avoided. In addition, measures must be in place to prevent cyclists and skate boarders using the bridge and ramp passing the retail units which will inevitable prove to be inviting.

The layouts provided indicate numerous trees planted within fully paved pedestrian areas. The experience elsewhere is that as soon as the trees become established and noteworthy the roots damage the surfacing. The planting scheme on Westway has avoided this and placed trees within borders where they can develop fully. This concept should be adopted for Phase 1.

While the proposed access routes are shown diagrammatically in straight lines, paving patterns are shown as "meandering". While this may be interesting in plan view for designers, it bears no relation to how the public will move through the space. It is therefore an unnecessary expense and should be omitted.

The lighting strategy must learn the existing systems installed on Princess Way and Museum Green where floor mounted uplighters have failed and also been vandalized, bench lighting has failed and artistic column lighting is also faulty. Unless there is a guarantee of the proposals being fully functional 100% of the time, they will always make the area appear second rate and uncared for. A landscape and public art management plan has not been included as required under Condition 7.

The proposals include an upgrading of the pedestrian road crossing of Oystermouth Road at the junction with Albert Row, it is unclear however whether a similar much needed upgrade is to be included for the crossing at the bottom of Westway in order to enhance the link between the Bus Station with the Arena.

Construction phase:-

Condition 2 of the Outline Consent requires the submission of a phasing programme to be submitted and approved. This should be made public as a part of this application due to the impact that it will have upon the City.

Strict conditions and controls are required on all construction and temporary works activities to ensure that the Phase 1 works do not impact the current activities of the City both commercially, recreationally and socially. The LC2 is publicized as the most visited attraction in Wales. This application and previous ones have failed to identify how adequate remedial measures will be implemented to ensure its and the other City attractions continuing success. All such proposals should be conditioned and made public as a part of on-going consultations.

This is to ensure that there is no disruption caused as a result of Phase 1 works and mindful that the total sequence of City centre projects are likely to take five or more years to complete. A failure to manage out the potential impacts would decimate the commercial and social heart of the City.

Glamorgan Gwent Archaeological Trust

You will recall our previous correspondence relating to this proposed development, most recently in our letters of June 2018 and June 2017, in response to the application 2017/0648/OUT.

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We have noted that an archaeological assessment (GGAT Projects, dated January 2017) was submitted in support of the application. The assessment identified the potential for encountering archaeological remains within the proposed development area, in particular a high potential for significant archaeological remains associated with the medieval town of Swansea to be encountered in the east of the proposed development area in the St Mary's Church/ St David's Church areas was noted, along with other areas that would require archaeological mitigation. As a result of this, we recommended a condition for archaeological mitigation works, for a written scheme of archaeological mitigation to be implemented.

The current application does not alter our response and the need for archaeological mitigation remains, given that Phase 1 includes the GWR revetment and the proposed development will affect this. We look forward to receiving the archaeological written scheme of investigation.

CADW - Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments.

Our assessment of the application is given below.

Our role Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

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Assessment

The approval of these matters does not impact on Cadw's advice in relation to the original outline application - that the development will have a very slight but not significant adverse impact on the setting of scheduled monument Swansea Castle (GM012).

Council's Drainage Engineer - The portion of the development that sits within the current LC2 car park is proposing to discharge unrestricted to the Marina, the Authority has no issues with this element of the drainage scheme as existing outfalls are being utilised and there is little change in contributing impermeable area.

However the Authority has concerns regarding the design of the surface water scheme on the northern side of Oystermouth Road with the use of geocellular tanks. Therefore we are unable to agree the reserved matters for Condition 21.

Dwr Cymru Welsh Water

Sewerage

Firstly, at Dwr Cymru Welsh Water (DCWW), we recognise our duty to engage with the planning process and therefore welcome the opportunity to submit our representation on this consultation exercise for Swansea Central Regeneration.

DCWW were consulted on the original outline planning application (Ref: 2017/0648/OUT) and offered a holding response, dated 24th April 2017 (Ref: PLA0026867), which was later revised on the basis of discussions regarding proposals for the scope of drainage works and required protection measures. On this point, we remind that the application site is crossed by a number of public sewer including strategic assets in the form of 1650mm and 1830mm combined sewers. As part of updated responses, our representation to consultation requested conditions on any grant of outline planning permission which is pleasing to note have been included, namely conditions 17 - 22.

With respect to this latest consultation (Ref: 2018/1648/RES) we acknowledge receipt of an application for approval of reserved matters for Phase 1 of development, comprising Zones 3, 4a, 4b, and parts of 4c & 5, as well as approval of details reserved by condition 21. For the purposes of the reserved matters application we offer no objection in principle subject to compliance with the requirements of conditions 17 - 20 & 22 of the outline permission. In particular, having regard to the aforementioned strategic assets, we refer to the requirements for approval of details reserved by conditions 19 and 22 whereby a scheme is required for the protection of the 1650mm combined sewer below Albert Row:

22) Prior to the commencement of development within Development Zone DZ3, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to protect the 1650mm diameter public combined sewer below Albert Row. The scheme shall incorporate measures for mitigation in the event of a requirement for access to the sewer in the future for maintenance or operational issues. The development shall be constructed in accordance with the approved scheme.

Reason: In order to safeguard the integrity of the 1650mm diameter public combined sewer and to allow access for future maintenance if required.

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In respect of the aforementioned we can confirm that the developers have actively engaged with DCWW regarding a suitable design for the protection of this sewer which has evolved during the course of several liaison meetings. In this instance, whilst we acknowledge the application is accompanied by a suite of plans including Cross Section (Drawing No. SW1-ACME-04-ZZ-RM-A-1200-S2-P00), we would advise that a scheme for protection is still required in accordance with the requirements of condition 22. We recommend that any scheme, submitted for discharge of this condition, is consistent with details submitted for approval to DCWW under the Water Industry Act 1991.

Turning to details submitted as part of this application for discharge of condition 21, we acknowledge receipt of a Surface Water Drainage Strategy for the North Scheme (Ref: 060107-CUR-00-XX-RP-C-001) and South Scheme (Ref: 060107-CUR-00-XX-RP-C-001060107-CUR-00-XX-RP-C-001). Firstly, with respect to the South Scheme and accompanying 'Preliminary Drainage Layout' (Drawing No. 060107-CUR-00-ZZDR- C-92012-P02), we offer no objection in principle to the proposals for discharge of surface water flows into the existing outfall of Tawe Marina.

As part of discussions during the course of liaison meetings, referred to in Section 5.0 of the Surface Water Drainage Strategy for the North Scheme, the developers have been informed that redevelopment of the MSCP site will need to investigate and exhaust all surface water drainage options. This is consistent with the 'Non-Statutory Standards for SuDS in Wales' and addressed as part of the hierarchical approach in Section 6.0 of the report. Having reviewed each of the priority levels, we acknowledge and accept that collection for re-use (6.1.1); infiltration (6.1.2); and discharge to a surface water body (6.1.3) have been investigated and proven unviable for the purposes of the north scheme development. Hence, the report refers to the outcome of meetings and our primary recommendation to prioritise discharge to the public surface water sewer which appears to have informed the evolution of this drainage strategy. In this instance, we acknowledge receipt of 'Appendix B - Proposed Development Area Discharge' (Drawing No. 060107-CUR-00-ZZ-DR-C-92010-P05) which follows our pre-application feedback on a previous revision (Rev P04) whereby it was recommended that the strategy seek to maximise potential for discharge into the surface water sewer, namely the MSCP Development Area B. However, by response to this feedback (6.1.4), we acknowledge that the developers have undertaken extensive investigations into options to maximise MSCP Development Area B and attenuation rates and accept that site constraints, namely foundation design and levels, preclude any increase in this catchment area. Please note, the catchment area identified as Development Area East does not appear to form part of this application for Phase 1 and therefore we reserve the right to offer further comments on this catchment area as part of any future application for Phase 2.

In conclusion, we offer no objection to this application for approval of reserved matters for Phase 1 of Swansea Central Development subject to compliance with the requirements of conditions 17 - 20 & 22 of the outline permission. In respect of the approval of details reserved by condition 21, we recommend the condition can be partially discharged for Phase 1 of development on the basis of attenuated discharge rates as identified in the 'Proposed Development Area Discharge' (Drawing No. 060107-CUR-00-ZZ-DR-C-92010-P05).

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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.

Natural Resources Wales

We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist, Natural Resources Wales and Planning Consultations (March 2015).

We also note that the conditions to be discharged under this consultation were not requested by NRW in our Outline planning response (dated 25 March 2017; our ref: CAS-31707-X0K7). We can provide comments on the conditions we requested when consulted on any subsequent discharge of condition. We therefore do not have any comment to make on the proposed development.

Mid and West Wales Fire and Rescue Authority

The site plan of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with early on in any proposed development.

The developer should consider the need to provide adequate water supplies for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix.

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

Head of Environmental Management (Pollution Control) - No response to date.

Highway Authority Observations

1. Introduction

1.1 This application is for a planning permission for works as outlined above and follows an outline planning consent 13th June 2017 Reference 2017/0648/OUT.

1.2 The site is located within the city centre, bisected by Oystermouth Road resulting in a north and south site area. The northern site is framed by Albert Row and Princess Way and sits adjacent Tesco and Swansea Bus Station. The southern site is bound by LC2 to the east and Swansea Marina to the south.

1.3 In addition to the proposed and consented planning uses set out in the above, the scheme will include the removal of city centre parking facilities with replacement parking planned in future phases.

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St Mary's surface level car park and LC2 Waterfront car parks will be removed and 2 new multi storey car parks provided. As part of a separate application it is expected that permission will also be sought to demolish St David's multi storey car park.

1.4 The Phase 1 proposals were enabled and supported through a separate earlier application to change the road network local to the application site. Consent was granted to remove general traffic from Albert Row instead using a new two way layout on Wellington Street and one way exit for service vehicles, buses and taxis on Wellington Street to Oystermouth Road via Albert Row.

1.5 In order to assess the impact of the development, a Transport Assessment has submitted on behalf of the applicant, prepared by Mayer Brown Limited.

2. Vehicular Access and Traffic Assessments

2.1 The existing signalised junction of Oystermouth Road and Albert Row will be reconfigured to provide turning lanes to access the multi storey car park to the north and Arena car park to the south. This will be supported by the work (applied for separately) to change the current highway layout on Wellington Street and Albert Row.

2.2 At grade pedestrian facilities will be provided at the junction of Oystermouth Road / Albert Row to enable pedestrian movement. A new and improved bridge link between the northern and southern sites will be constructed improving pedestrian and cyclist connectivity. The bridge will be accessed via steps, DDA compliant ramp and lift facilities. The existing local highway network has pedestrian footways on both sides of the carriageway. The site is located in a highly sustainable location with access to public transport (bus) and a high number of local amenities within a short walk.

2.3 A new bus stop will be provided on Oystermouth Road on the eastbound carriageway in the vicinity of Tesco, and coach drop off facilities on the westbound carriageway.

2.4 The Transport Assessment has assessed the local highway network, and reconfigured Oystermouth Road / Albert Row junction using Transyt software. The results indicate that the junction could accommodate the additional traffic generated by the proposals on a peak hour on Saturday. However, the results also confirm that the junction could operate over capacity in the 2031 AM and PM weekday peak hours. Of the two sets of results, the AM peak scenario is over capacity by a larger margin, however the proposals have the least impact at this time of day.

Please note:

The traffic model assumes that every stage runs every cycle, and also each junction employs an all red stage for pedestrians, both of these do not occur in reality.

Also, this type of traffic modelling assumes a fixed cycle and green time. The area runs under SCOOT control, which uses vehicle counts and saturation measured via vehicle detectors buried in the road surface which are fed into a validated traffic model, this automatically adjusts green times, cycle times and offsets between junctions in a coordinated network.

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Typically, SCOOT control offers around a 20% improvement in terms of vehicle capacity, which would bring the junction back within its theoretical capacity.

In this respect it is accepted that the modelling undertaken is robust, represents a worst case scenario, which is unlikely to be realised.

2.5 The scheme was assessed in accordance with Highway Officers recommendations in terms of years of assessment and scenarios and using a junction model previously built by the Council. Requests for further evidence and justification of the visitor forecasts occupancy by proposed use were also addressed through further dialogue in the planning process.

2.6 The results indicate that in the future year of 2031 the AM peak hour impact on queuing could increase from 41 and 45 vehicles on Oystermouth Road westbound lanes (left and ahead, right and ahead, respectively) to 114 and 136 vehicles. On the Oystermouth Road eastbound lanes this could increase from 30 and 30 vehicles (left and ahead, right and ahead, respectively) to 95 and 70 vehicles. It should be noted that the accuracy of the software that is used to model signalised junction capacity does begin to deteriorate beyond the depletion of its practical reserve capacity and can often appear to compound issues. These results should therefore be treated with caution, for similar reasons to those noted in 2.4.

2.7 The introduction of new lanes and access will undoubtedly have an effect on the performance of the junction. It is noted that the current AM peak demand is high and that in itself is difficult to serve with the current infrastructure. The proposals have robustly calculated traffic impact presenting a worst case for assessment, with the weekday AM peak being the least period of impact when compared to the weekday PM and Saturday Peak.

2.8 Weekday peak hour city centre traffic is an issue that will be continued to be managed by the Council. New policies and measures will be implemented to reduce car usage and network congestion for the benefit of the city, the residents and the economy. The construction of an Arena is key to the regeneration and development of the central area and this land use is best located with a sustainable location, such as this, where the full potential of attracting sustainable travel and reducing the forecast level of car usage.

3. Parking

3.1 The existing car parks at St. Mary's (294 space surface car park) and St. David's (493 space MSCP) will be demolished as part of this scheme. The existing LC2 Car park site (currently 408 space surface car park) will be replaced a new multi storey car park as part of the proposed arena. The Quadrant Court car park (547 space multi story) will be retained.

3.2 The loss of the parking spaces is being addressed and will be replaced elsewhere plus an increase to meet the new demand generated. The submitted assessments included a parking study with Swansea Council data which highlighted that the majority of the existing city centre car parks are operating with spare capacity.

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The results were as follows:

Car park name	% Occupation Weekday	% Occupation Weekend
Quadrant Court	38	76
St David's	18	54
St Mary's	64	100
Oystermouth Road	58	100

3.3 The assessment identified there is 61.5% or 1,071 spaces available on a typical weekday and 25.0% or 436 spaces available on a weekend.

3.4 As a replacement for parking loss the northern site will provide a multi storey car park of 588 spaces, 45 motorcycle spaces and 40 long stay cycle spaces.

3.5 No car parking spaces will be provided for the proposed 27 apartments, although as a robust assessment the traffic impact analysis has assumed that residents will park within the multi storey car park. The zero provision of car parking for this location is considered acceptable, given it is immediately adjacent to the city centre core with the same level of access to local amenities and sustainable transport options.

3.6 The southern site will provide 356 surface based parking spaces, 17 motorcycle spaces and 128 bicycle stands (34 long stay and 94 short stay).

3.7 Disabled parking bays will be provided at the scheme's proposed new parking areas in accordance with the minimum disabled parking standards set out in CCS's Parking Standards Supplementary Planning Guidance document (March 2012) which advises a minimum of 6%.

3.8 Provision will be made at the proposed new car parks for the installation of electric vehicle charging points. A total of 15 will be provided at the proposed multi storey facility on the North side and 10 at the Arena facility on the South side.

3.9 In addition to the above, the Council is progressing its own scheme to increase the Fabian Way Park and Ride by 350 additional spaces. This will be progressed independently of any city centre regeneration and forms part of further measures to try to reduce car use along Oystermouth Road and Fabian Way.

3.10 The Arena facility will be served by 6 coach drop off spaces, these will be short stay and these coaches will have the opportunity to use existing lay over at nearby park and ride sites and Bracelet Bay if required. The coach lay by will also be made available for use by LC2 to help with school trips and organised events.

4. Servicing

4.1 The route to continue to serve adjacent existing properties, such as Tesco and the Quadrant, and for the north site will be via the reconfigured Wellington Street. Service vehicles and public transport will be permitted to use Albert Row to exit the area onto Oystermouth Road.

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Service times will be managed to occur outside of peak periods. The servicing routes will also allow access by emergency vehicles.

4.2 The southern Arena site and hotel will be serviced via a separate dedicated service access located on the westbound carriageway of Oystermouth Road to the east of the proposed junction. This access allows access to a service yard to the rear of the Arena and also egress from the coach and taxi drop off point. This access will operate as a left in/left out arrangement and a servicing plan will be put in place setting out the City routes vehicles should use when exiting the site. The left in/left out arrangement will minimise impact to traffic on the main road, and service vehicles will be able to take advantage of gaps in traffic created by the proposed signal junction to the east to egress back onto Oystermouth Road.

4.3 The service route for the southern site will also be used by emergency vehicles. An additional emergency vehicle route is proposed to the podium level of the Arena via the construction of a ramp accessed from Bathurst Street, to the west.

5. Accessibility

5.1 The city centre location is highly accessible and an optimum location for such a land use. The proposal would be strategically located in order take advantage of the highly accessible public transport system, cycling and walking. The site is located in close proximity to the bus station and two park and ride sites at Fabian Way and Landore.

5.2 Cyclist provision will include secure and sheltered cycle parking within the new parking areas. The outline application response also identified the requirement for a toucan crossing phase at the Oystermouth Road / Albert Row signal junction to ensure that cycle crossing is also maintained at grade. This will be secured by appropriate condition.

6. Advance Signage

6.1 The proposals will result in changes to the existing city centre car parking arrangements. It is therefore proposed to install a UTMC compliant Variable Message Signage (VMS) system as part of the Swansea Central scheme, linked to the existing CCS common database.

6.2 The VMS signage will consist of digital signs located at strategic locations on the approach into the city centre, displaying information regarding the number of available parking spaces remaining at each of the car parks. This information will provide advance information to drivers on where there is currently parking capacity within the city centre, avoiding the need for drivers to circulate around the area looking for an available parking space or trying to enter a car park that has already reached capacity, greatly assisting the free flow of traffic.

7. Construction Traffic Management Plan

7.1 A Construction Traffic Management Plan will be secured by condition to ensure that works which are carried out are done so in a safe and efficient manner with no detriment to the operation of the highway network and safety of the public.

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7.2 The Transport Assessment included an assessment of the potential requirement for temporary public parking over the construction of the northern and southern site. This will be required due to the loss of existing city centre parking provision. Initially it was requested to deal with this matter when further information is made available and at the Construction Traffic Management stage. The Highway Authority accepts that full details will not be available until a Principal Contractor has been appointed and agreed their construction phasing. Given that this would largely relate to the movement of private vehicles, the Highway Authority will instead secure necessary assessments through a condition which requires a Temporary Parking Strategy and Assessment Plan to be submitted and agreed.

8. Conclusion

8.1 With the mitigation measures proposed on the network, and car parking levels identified it is considered that the development can be satisfactorily accommodated without detriment to highway safety. The assessments identified an uplift in trips to Swansea City centre arising from the development, these are more significant in the AM weekday peak, when base flows are at their heaviest, however the effects of the Arena are lower.

9. Recommendations

9.1 It is recommended that no objection be raised on the grounds of highways, subject to the following:

1. An event specific management parking regime to be submitted to the LPA for approval prior to beneficial occupation of the arena.
2. Demolition of existing car parking shall not commence until a Temporary Car Parking Strategy and Assessment Plan has been submitted to and approved in writing by the Highway Authority.
3. All Highway Works to be undertaken to Highway Authority Standards and Specification in accordance with details to be submitted for approval to the Highway Authority.

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 darrell.jones@swansea.gov.uk, tel. no. 01792 635380

Applicant's Response to Consultation Comments

We write to provide you with our formal response to the consultation responses received to date in relation to the Reserved Matters application (LPA 2018/1648/RES) for the above site.

We have reviewed the following comments:

- Local Residents;
- Squire Court Management Company Ltd;
- Neath Port Talbot Council;

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- CADW, Welsh Government;
- The Glamorgan-Gwent Archaeological Trust Limited;
- DWR Cymru;
- South Wales Police (Designing Out Crime Officer);
- Swansea Civic Society;

This letter seeks to address the comments from each of the consultees and sets out our response. We trust that this is helpful and that it demonstrates that all issues raised have been appropriately addressed, and that the scheme is compliant with planning policy.

Height and Position of the Arena

Comments have been received in relation to the height and positioning of the arena. The final positioning of the arena accords with the approved parameter plans for the development for DZ4b. The parameters allowed for a degree of deviation for the final design be fixed.

In fixing the position of the arena, a number of factors were considered, including the day to day operational requirements of ATG (the arena operator), emergency service requirements, relationship with the existing and emerging site context, and sight lines across the land from outside the site and within the site.

The positioning of the arena on the podium is such that it sits centrally between Oystermouth Road and residential blocks along Victoria Quay. The arena has been orientated to align its main entrance with the new bridge, allow for serving below podium level, and to provide adequate external space for the arena to evacuate in the case of an emergency. The arena is located 21m away from the residential blocks on Squire Court.

The height of the arena along the southern elevation is stepped in a series of curves along the facade, and the height steps up away from the buildings to the south. The lowest part of the arena is 18.1m, rising to 22.5m, 24.7m and 27.5m.

When considering the height and the separation distances together, the relationship with the residential to the south is deemed to be wholly appropriate for an urban environment in a city centre location and would not cause unacceptable enclosure or other loss of amenity. It is considered that the height of the proposed arena accords with the outline planning permission parameters and that it will not have a negative impact on the residential amenity.

Overlooking and Privacy to Squire Court

A number of consultation comments have been provided relating to the height of the podium and the relationship between the walkway along the southern edge of the site and the residential units at the Marina, in particular those in Squire Court. Residents of the block and their management company feel that there is a risk of anti-social behaviour, overlooking and adverse impacts on residential privacy from the walkway due.

Immediately opposite the Squire Court block, sits the former GWR revetment wall with a balustrade positioned on its inside edge, set back by 1.5m (in between the balustrade and the revetment wall there is a king post system as a structural solution to retain the revetment wall).

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Beyond this is a 0.4m deep strip of soft landscaping and a pedestrian walkway which will slope eastwards down towards the amphitheatre (see drawing SW1-CLY-01-02-DR-L-00101_Rev C prepared by Capita). The separation distance between the northern façade of Squire Court and the edge of the walkway's balustrade is 12.1m, which is a distance considered to be appropriate for an urban city centre environment. In addition the walkway will slope downwards over a distance of 43 m, therefore reducing the ability of pedestrians to look south as they move down eastwards.

To better understand the layout of Squire Court, we have undertaken a review of the internal layouts of the dwellings on the development's original planning permission and via a review of recent marketing materials for units within the block. The floorplans for the block show that the units are dual or triple aspect across all floors with no single aspect north facing units. Therefore, the windows along the northern facade do not form the primary outlook from the dwellings, and are to secondary habitable rooms or non-habitable rooms.

For the reasons outlined out above it is considered that proposed layout in this particular part of the landscaping will not result in an unacceptable level of impact on the privacy of the dwellings in Squire Court. The Council's Privacy and Amenity SPG sets out that new developments should provide "adequate visual separation between buildings". It is considered that the separation distances and privacy measures detailed above provide an appropriate visual and physical separation.

In relation to the concerns over increased levels of anti-social behaviour along the walkway, the area has been designed to deter people from remaining on the walkway. As such, no benches or shelters are positioned in this area. In addition, the whole development will be supported by CCTV, which will operate alongside natural surveillance.

Finally, the walkway will be screened along most of its length by landscape planting. This will help to keep users away from the edge of the structure which will prevent overlooking or noise disturbance.

Bridge Design

We note that comments regarding the design of the bridge have been submitted to the Council, in particular regarding the fact that the bridge is proposed to be covered. Comments suggest that the bridge should not be covered as it is felt that the proposed design could lead to anti-social behaviour and conflict between bridge users (pedestrians, bike and skaters).

The design of the bridge's cover comprises two curved perforated side plates which will be installed on each side of the bridge at an angle so that the tops of the plates meet. The angled nature of the plates will allow for a clearance zone within the bridge area of 4.5m wide with a height of 2.4m (see drawing SW1-ACME-05-ZZRM-A-1200-S2-P00 prepared by ACME).

The perforated nature of the bridge will provide a degree of shelter from the elements, including wind and precipitation. However, the perforations will also allow natural lighting (in addition to artificial illumination) in the areas along the bridge which are covered and will allow people to see in and out of the bridge, both of which will deter anti-social behaviour. In addition, the bridge will benefit from long sight lines from the ramp connecting to it in the north and from the Arena.

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In terms of the bridge users, the clearance zones are considered appropriate in minimising user conflicts.

Parking and Highways

We note that concerns have been raised regarding city centre car parking, the potential use of Victoria Quay for car parking by visitors to the development, and associated highway impacts including servicing of the arena.

In terms of city centre car parking, within the redline for phase one there is the LC2 Waterfront car park and the St Mary's surface car park which provide 702 spaces, albeit 294 of these spaces are only temporary. The proposal will provide 944 new or replacement car parking spaces in two multi storey car parks. In addition, the proposed extension of the Park and Ride facility at Fabian Way will also enhance the parking provision for the city centre (subject to a separate planning application) and the Quadrant Court (547 spaces) which is inside the redline for the outline planning permission will be retained. The St David's MSCP will be demolished as part of a latter phase of the Swansea Central scheme- the impact of its removal has been taken into account in Mayer Brown's assessment. Overall it is considered that the proposed car park solution to be an improvement over the existing situation. As explained in our submitted Planning Statement the proposed level of new and replacement car parking is considered appropriate and accords with the requirements of PPW, the UDP and emerging LDP.

Residents of Squire Court have raised concerns that Victoria Quay will be used for parking by visitors to the new development. Victoria Quay benefits from double yellow lines and controlled residents car parking. Given the controls which are in place, it is therefore considered unlikely that visitors will give rise to additional parking in this area.

We note that residents have flagged concerns over the servicing arrangements for the arena. A designated covered service yard is to be provided at ground floor level. The service yard will have its own access from Oystermouth Road, which will be separate from the visitor access.

A response by Mayer Brown has been submitted to the Council under a separate cover, clarifying matters from the Council's highways officer.

Operational Management of the Arena

A consultee has requested that the number of events allowed at the arena should be restricted via a planning condition, and have suggested a limit of 200 events. An indicative operational management statement was submitted as part of the Reserved Matters application which has provided an indicative number of 185 shows a year at the arena, which on average equates to the arena being used for 3.5days a week. Prior to the beneficial use of the arena, ATG are required to submit and obtain approval for a Management Plan, which builds upon the indicative version.

In terms of restricting the number of events per year, the applicant would resist a condition in this regard, as it would be unduly restrictive. Any limitation of the number of events could impact on the venues ability to attract the best UK tours and events which support Welsh culture and this would not be reasonable.

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Landscaping and Trees

We note that residents feel that the application doesn't cover off the requirements for the approval of a Landscape Management Plan, as required by Condition 7. However, this condition is a prior to occupation conditions and an application for the approval of details will be submitted prior to occupation of this Phase.

We note that a comment has been submitted during the consultation regarding tree removal. The principle of removing the trees in Phase 1 was agreed are part of the outline planning permission. A comprehensive landscaping plan has been submitted which includes substantial planting of new trees along streets, within the public realm and in the new coastal park.

GWR Revetment Wall Stability & Heritage

Residents have expressed concerns that the stability of the revetment wall could be compromised by the removal of the embankment along its northern edge. Curtins and Holland Heritage have working in close consultation with ACME, CADW and the Council's heritage officer to design an appropriate preferred engineering solutions to ensure that the wall remains in place. Full details are set out in the submitted Heritage Impact Assessment.

We are pleased to have received confirmation from CADW that they raise no objection to the Reserved Matters application.

Proposed Uses

We note that there is general support for the introduction of the proposed land uses within Phase 1 of the Swansea Central scheme. We appreciate that some comments relate to the hotel uses, details of this part of the outline planning permission will be secured via a further Reserved Matters application once an operator has been selected. Likewise we note that more residential has been requested as part of the development, however, the provision of new homes in Phase 1 has been informed by the approved development parameters and further residential will be provided as part of the latter phases of the scheme.

We note the comments from stakeholders regarding potential impacts on their residential amenity, in terms of noise arising from the public realm, not just on days when events are being held in the arena. An indicative Operational Management Statement has been submitted as part of the Reserved Matters, and the final version is secured via discharge of condition. ATG will update the document will capture neighbour requirements in relation to the arena and the surrounding land at this stage.

Secure by Design

Comments have been received from residents in relation to site wide security and public safety. In addition the Council's Designing out Crime Officer has provided a formal response. We set out below further detail in relation to each area of Phase 1.

A lighting strategy is included in the Design and Access Statement setting out the illumination strategy for the public areas for the whole of Phase 1.

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All lighting will meet British Standard and will be suitable for CCTV filming. In addition, the whole development will benefit from CCTV coverage and monitoring. For information purposes only we attach a working draft of the proposed CCTV plan (drawing no: SW1-MEE-00-XX-DR-E-0681 Rev-), please note that this draft is subject to further design coordination and will need to capture the existing CCTV network which is in the area, and is not submitted for approval.

In terms of site wide landscaping design full details of the landscaping strategy are set out in the Capita Lovejoy's application documents (Landscape Masterplan and Landscape Strategy). The strategy details out the positioning of plants and trees. In terms of street furniture and public art-such items have been positioned within the landscaping masterplans to provide appropriate levels of protection from unlawful vehicle access, whilst without restricting the ability of emergency vehicles within the site. Furthermore the coastal park will comprise a series on undulating grass and shrub areas, arranged in an irregular manner across the podium.

Access points to the car park and Oystermouth Road below will be edged by balustrading. All features will meet security standard IEA 14 (PAS 68 & 69). Bins will be provided within the public realm, however they are not positioned within the areas expected to be the most crowded.

Vehicle and pedestrian access and control along the podium edge have been designed to integrate a vehicle barrier and will meet security standard IEA 14 (PAS 68 & 69). In terms of loading and servicing areas for the arena these are positioned to the rear of the building away from the pedestrian areas above or to Oystermouth Road, and for the northern block servicing will be undertaken from land adjacent to the north west of the block. Multiple clear pedestrian access routes are proposed to and from the site.

The security of the arena will be provided by ATG, in respect of the buildings perimeter (including service yard), bin stores, access control, fenestration/doors and escape routes, staff and building alarm/building protection, cash handling, mail and switch rooms. In terms of the building's materials and design features these have been chosen to be resistant to blasts, rams and to minimise fragmentation and collapse, all windows and doors will meet SBD requirements. In addition, the building has been designed to avoid alcoves, deep recesses around its perimeter and to have clear sight lines around it.

The service yard will have security fencing along its western edge, which will meet the southern boundary wall and form the balustrade to the sloping footpath alongside the revetment wall.

Both car parks have been designed to ensure minimal pedestrian access points, and to have an appropriate number of vehicular access and egress points. Height restrictions will be enforced. In terms of security and lighting, the car parking will benefit from CCTV and BS5489 lighting as well as natural illumination in stairwells.

The car parks are designed to have good sightlines across the levels, signage and secure cycle parking facilities.

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Access into the northern MSCP Block from the street or from the car parking area will be access controlled and maintained by the resident's management company. All flats will be installed with doors and windows which meet SBD Standards.

Drainage and Water

Welsh Water has advised that they have no objection to the development, which we are pleased to note. Further discuss between Curtins and the Council's drainage officer have been undertaken since the submission of the drainage strategies for the northern and southern parts of the site and it has been agreed that conditions 18, 19 and 20 (a separate approval of detail application will be made to facilitate this regard) with regards to Condition 21 Surface Water Drainage officers have requested additional information regarding the type of the tank proposed as part of the SUDS strategy under the north MSCP. Direct discussions between Curtins and the Council are being held in this regard, but all other details in relation to the condition are considered appropriate.

Archaeology

We are pleased to note that the Glamorgan-Gwent Archaeological Trust are supporting the application. We note that they are seeking a conditions requiring a written scheme of archaeological mitigation. A condition in this regard in attached to the outline planning permission (condition 26) and cover off such requirements for each phase of the Swansea Central masterplan. Therefore a further condition on the Reserved Matters would be a duplicate.

Facades Design and Materials

We note that consultees feel that only vague details for the materials have been provided, in conflict with the requirements for the Reserved Matters (conditions 3) to provide appearance information. Details of the external appearance are set out in Section 3.3 of the submitted Design and Access Statement for the Reserved Matters.

Should the Council consider it necessary a condition could be attached to the Reserved Matters approval requiring details and or samples of the final materials palette the applicant would be happy to agree to this, subject to a review of the proposed wording.

In relation to the proposed Gabion Wall along the northern edge of the south MSCP, we note comments from stakeholders regarding the potential security risks and perceived danger of this façade's proposed appearance. We also note comments regarding activity along the frontages, and openings have been kept to a minimum to reduce the number pedestrian access and egress points for security purposes, however the gabion baskets will have a variety of stone densities to allow sight lines to and from the car park. The density of the gabion wall will vary depending on the fill of each cube and it is proposed that there will be a number of reveals and openings along the façade which will allow views in and out of the car park.

Comments have also been received regarding the frontages of the North MSCP, in particular their activity. The facades are activated on all sides. The commercial and residential elements along the north, east and south elevations will be activated by a number of commercial units at ground level and by residential windows and Juliette balconies above.

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The car park areas will be activated at ground floor level by the pedestrian and cycle/vehicle access and egress points/routes along the north, west and southern facades. The upper floors of the car park will be partially obscured by aluminium fins which will allow sight lines into and out of the car park. In terms of the residential element, the facades will have openable windows which some consultees have commented on regarding potential exposure to air quality and lighting pollution. In terms of air quality, as part of the outline planning permission the air quality was considered acceptable for residential uses in this location.

Given the date of the approved Air Quality Assessment, March 2017, it is considered that the findings and recommendations of the assessment are still valid. In terms of light pollution, the windows will be surrounded by fins, which will assist in mitigating any adverse illumination.

Coastal Park

We note that a stakeholder feels that the inclusion of the public coastal park is a variation to outline planning permission, which has not been formalised. The approved Design and Access Statement for the outline planning permission sets out the design rationale for Development Zone 4. The rationale sets out that there would be the opportunity for a "landscape-covered car park" to "create green open public spaces". In addition, all images of the masterplan concept approved as part of the outline also show the new public realm above the south MSCP. It is to the development's benefit that the previously proposed car parking bays at podium level have been relocated within the development to allow this space to be fully landscaped with accessible public realm.

In light of the above, it is considered that the development wholly accords with the outline planning permission.

Summary

We trust that the above has responded to comments raised and clarified any queries flagged during the consultation period. We look forward to receiving confirmation that the Reserved Matters application can be recommended for approval and presented to the Council's planning committee on 2nd October 2018.

APPRAISAL

Introduction

This Reserved Matters application is submitted on behalf of the Council of the City and County of Swansea (CCCS) for Swansea Central Phase 1 and seeks approval of the access, appearance, landscaping, layout and scale within Development Zones DZ3, DZ4a, DZ4b and part of DZ4c and DZ 5 of the Swansea Central Outline Planning Permission (ref: 2017/0648/OUT). The regeneration scheme would represent a significant strategic development within Swansea City Centre and aims to create a unique destination for Swansea.

The proposal responds to a unique opportunity to regenerate Swansea City Centre with a vibrant leisure led mixed-use development. The development has been a key strategic objective for the city for a number of years, and CCCS has gone to considerable efforts to date to prepare the ground by assembling and clearing areas of land that form part of the scheme.

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This application represents a major step forward in that process. The scheme is at the heart of the City Centre on brownfield land in a highly accessible location. This application is an exciting opportunity to deliver significant economic growth and to provide an important economic driver for the whole of the Swansea Bay City Region.

Application Site and Surroundings

The application site is located in the heart of the City Centre and Phase 1 is two distinct parts bisected by Oystermouth Road which runs east to west through the site. The two parts are currently linked via a pedestrian bridge. The northern part of the site is currently used by a temporary car park (St Mary's) while the southern part of the site comprises the LC surface car park and also the Grade II listed 'Former Revetment Wall'.

Running centrally through both regional and local planning policy, particularly the emerging Local Development Plan (LDP), is the recognition that Swansea is the hub of the Swansea Bay City Region but that the City Centre needs a regeneration strategy, both for CCCS and the wider region. The Swansea Central Area Strategic Framework, at page 44, states:

"The comprehensive redevelopment of the St David's /Quadrant Site within the Retail and Leisure Mixed Use Centres is the priority proposal for Swansea's Central Area. Development of the site must deliver a regionally dominant retail and leisure scheme, capable of transformational impact, supported by other complimentary uses and a quality public realm, and create a vibrant and attractive visitor destination."

Proposed Development

The application is submitted for Reserved Matters approval for the southern part of the application site and parts of the central area (northern) of the wider redevelopment site. The Reserved Matters is for the access, appearance, landscaping, layout, and scale for Phase 1 together with approval of details pursuant to Condition 6 (landscaping strategy), Condition 8 (levels), Condition 9 (external finishes), Condition 11 (Wind Mitigation), Condition 21 (surface water drainage), and Condition 36 (ecological enhancement measures).

As indicated above, the application site is comprised of two distinct parts, land south and land north of Oystermouth Road. The proposals for the redevelopment of the land north of Oystermouth Road include:

- A mixed use block extending to 28.50 metre in height comprising a multi storey car park (588 spaces), new commercial floorspace at ground floor (A3/B1/D1) residential flats;

The proposals for the redevelopment of land south of Oystermouth Road are for:

- Arena (D2/A3) extending to 30 metre in height;
- Two level decked car park (356 spaces) and servicing area, incorporating a podium 'Digital Plaza' with a podium level public Coastal Park with kiosk (A1/A3);

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The proposals also involve the provision of new areas of associated new public open space and landscaping which would facilitate improved pedestrian links between the City Centre (northern area) and the Waterfront (southern area) with better accessibility between the two sites (north and south of Oystermouth Road) through the delivery of a new pedestrian bridge over Oystermouth Road.

The development proposals incorporate the following design concepts:

- To establish a new north-south pedestrian route as part of linking the city centre with Swansea Bay by allowing movement across Oystermouth Road via a new gateway bridge.
- Establishing a new landmark 3500 capacity arena as the main anchor and visual landmark of Phase 1. This act as a catalyst for further development.
- The arena will site within a new coastal park that will provide a public amenity space within the city centre.
- High quality public car parking both north and south of Oystermouth Road with modifications to the highway layout to suit the operational requirements.
- Active frontages along the new pedestrian link to encourage vibrancy and visual interest.
- Introduce city centre residential living
- The opportunity to reinvent Swansea as a digitally led city.

Outline Planning Permission - 2017/0648/OUT

The outline planning permission reserved all matters for future approval, however, a number of key issues were identified to guide the overall development concept through the phased submission of the reserved matters applications. These issues were outlined within the submitted Design and Access Statement, Design Principles and the Public Realm Strategy which incorporated a series of Parameter Plans.

The proposed development area was broken down into five distinct but interconnected development zones.

- Development Zone 1 (DZ1) - This would comprise the retail / restaurant / café uses at ground floor with residential above extending from the Quadrant - not currently part of Phase 1.
- Development Zone 2 (DZ2) - Will comprise a range of uses including retail / restaurant / café / cinema / offices / education use, and potential residential accommodation around St David's Church - also not part of the Phase 1.
- Development Zone 3 (DZ3) - this area is bounded by Tesco to the west and comprises part of the Phase 1 proposals accommodating the new multi-storey car park with active ground floor uses to provide animation, with residential use above.
- Development Zone 4 (DZ4) - DZ4 is located to the south of Oystermouth Road and allows for the delivery of car parking, the arena, and a hotel / residential tower building (up to 13 storeys / 57m AOD). Within Phase 1 this accommodates the decked car park with Coastal Park, the Arena and Podium (digital plaza).

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- Development Zone 5 (DZ5) - Comprises the central public realm route running north south through the scheme. Within the Phase 1 proposals this accommodates the new Bridge across Oystermouth Road.

Non-Material Amendment - ref: 2018/0942/NMA

The Swansea Central development was granted Outline Planning Permission on 13 June, 2017 (Ref: 2017/0648/OUT) for the comprehensive redevelopment of land on the north and south of Oystermouth Road. The outline permission was granted with all matters reserved but was supported by a series of parameter plans which set out the maximum and minimum quantum of development with regard to building forms and uses. Additionally, the application was submitted with two illustrative schemes designed to demonstrate how development could come forward within the prescribed parameters. The proposed development was broken down into five distinct but interconnected development zones - DZ1, DZ2, DZ3, DZ4 & DZ5.

In advance of the submission of the Phase 1 Reserved Matters Application, additional survey work and RIBA Stage 2 detailed design development was undertaken, which identified a number of areas where minor changes were needed to the consented parameters. A Non-Material Amendment was therefore submitted to make non material amendments to the wording of Condition 1 (approved parameter plans, and sections and supporting documents) of the Outline Planning Permission.

Details of the amendments

Deviation 1: Realignment of the North Wall to the South Podium Car Park and Modifications to the Extent of Podium (DZ4A)

Dwr Cymru Welsh Water (DCWW) has a major asset (circa 2000mm o/a diameter sewer) situated underneath Oystermouth Road and following detailed survey work, the north wall has been re-aligned outside of the easement zone. This has resulted in the opportunity to extend the landscaping along Oystermouth Road.

Additionally, the podium has been re-profiled around the hotel site (DZ4c) which allows for a clearer connection between the public realm on Oystermouth Road, and the pedestrian bridge levels and would result in the hotel frontage having a more positive contribution at street level.

Additionally, the maximum / minimum GIA schedule for DZ4a has been amended to reflect the incorporation of the potential A3 kiosk unit on top of the podium area.

Deviation 2: Removal of Ramp Access Adjacent to the North Façade of the Leisure Centre (DZ4A)

The 'thread' ramp situated close to the boundary with the leisure centre in the parameter plans has been removed following a review in the detailed design stage. It is considered that this amendment opens up the leisure centre's western frontage, with the 'active transport' movement being maintained via the existing cycle route along Oystermouth Road.

Deviation 3: Oystermouth Road Pedestrian Bridge Realignment and Extended to Meet New Podium Profile (DZ5)

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As a consequence of deviation 1 the pedestrian bridge parameters have been re-modelled. The modifications proposed are required to plan the detailed geometry and engineering requirements to meet the landing sequence, including an increase in the width to the south side of the bridge and the length of the bridge. The lengthening of the crossing provides a more dramatic pedestrian experience when crossing from the north to the south of the wider site, whilst maintaining the viewing corridor, as established in the approved parameters. The updated parameter plans include an upper height parameter to accommodate the final design of the bridge.

Deviation 4: Height of MSCP Increased and Movement of West Boundary. Car Park Use Class Area Increase (DZ3)

The detailed design and survey work, in relation to deviation 1 has set out a requirement to relocate some parking spaces from the top of the podium car park to allow the creation of the Coastal Park (south of Oystermouth Road) to the Multi Story Car Park (MSCP) on the north side. As such there was a requirement to increase the vertical parameter of the MSCP by 3 metres to allow for this relocation - increasing the maximum DZ3 vertical height from 27.00m AOD to 30.00m AOD. The impacts on the adjacent buildings were considered negligible with the increase in heights, as within the immediate vicinity to the west is Tesco's service yard. The re-arrangement and distribution of parking levels has allowed the residential element to gain additional daylight exposure within the separating courtyard.

The increase in car park capacity represent an increase permitted within the approved parameters, the current requirement is now 20,274m² - an increase of 2674m² above the permitted 17,600m² within the outline planning permission, although the overall development zone area is still within the permitted total for DZ3, 23888m² compared to a maximum development area of 24,000m²

A further minor alteration to the western horizontal parameter is also proposed. This is due to the development of the support structure accommodating the existing DCWW asset in Albert Row.

Proposed Development

Full details of the proposed scheme are set out in the Design and Access Statement, prepared by ACME Architects and the Landscape Strategy prepare by Capita Lovejoy, submitted in support of this application.

Layout

The key design objective of the layout is to enhance permeability and connectivity in this part of the city centre together with the provision of well-connected new public realm and open space. The north-south pedestrian link and pedestrian bridge will provide a safe route for crossing Oystermouth and which will connect the arena, south MSCP and the coastal park at podium level to the south.

North of Oystermouth Road

The northern part of the site proposes a new mix of land uses including restaurants/cafes, residential and MSCP delivered in a single mixed use block, which has been designed to be outward facing and will front the new pedestrianised link and pedestrian bridge over Oystermouth Road.

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The ground floor commercial units (Use Class A3/B1/D1) will provide an active frontage along the north-south pedestrian link, and the residential accommodation on the upper floors will also be accessed from this elevation. The commercial floorspace will extend to 980sqm (GIA) and will be provided in three units. It is intended that these units will include Class A3 Restaurants and Cafes, however B1 and D1 uses are also permitted and ensure that the floorspace is flexible. The entrance to the MSCP will be provided from Oystermouth Road adjacent to the Tesco service yard.

The proposed residential development will deliver 27 new dwellings (Use Class C3) across three upper floor levels. The number of units accords with the approved parameter which set a maximum of 35 units. Of the 27 units, 15 will be 1 bed 2 person units and 12 will be 2 bed 2 person units and have been designed to be of a high quality, to address key accessibility requirements and intended as affordable housing. The residential units will have direct access communal amenity space in the form of a communal garden fronted by the block's 'green wall' to the west.

South of Oystermouth Road

The southern part of the site contains the arena (and associated servicing), digital plaza, the southern MSCP, the Coastal Park and a kiosk (Class A3). These elements have been arranged within and on a raised podium. The layout of the south part of the site is broadly linear, due to the physical constraints of the Grade II Listed Revetment Wall to the south and Oystermouth Road to the north.

The proposed Arena (Use Class D1) will be a multi-purpose venue and has been designed to be capable of hosting a range of events, including, music, theatre, entertainment, conferences, trade shows/exhibitions and other events. The arena will extend to 8,688sqm (GIA), in accordance with the approved parameter of 8,275-10,500sqm (GIA). Internally the arena will be provided with the latest state of the art layouts and technology, and will have a maximum capacity auditorium for 3,500 people, with other formats having smaller capacities, such as conferences for c.750 delegates. The venue will include ancillary facilities such as food and beverage concessions, VIP lounge and seating and meeting break out rooms. It will also provide all of the back of house/production space required to attract the artists and events. Servicing will occur via a dedicated servicing yard to the rear of the arena.

At ground level east west public realm improvements at ground level adjacent to Oystermouth Road and the South MSCP are proposed. There will be an enclosed service yard for the arena, with a ground floor access points to podium level and car parking, at first floor there will be further level of car parking and part of the arena, and at second floor level there will be the Coastal Park, the public entrance to the arena southern access point to the pedestrian bridge and a kiosk. There will also be a ramped access in the west providing level access up to the Coastal Park. The kiosk (92sqm GIA) will be provided within the Coastal Park, providing Use Class A1/A3 uses, which will assist in drawing people into the park. The final design of the Kiosk will be secured via condition subject to future approval once an end user is selected.

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Scale

The scale of the proposed development has taken into account the site's specific context as well as the approved parameters for each Development Zone. In addition, the proposed development has been modelled and assessed by Daylight and Sunlight specialists and wind climate technicians to ensure that the scale of the development does not give rise to adverse effects.

The scale of the pedestrian bridge is defined by the approved parameters and allows for the movement of vehicles underneath and for the route to be covered. The scale of the mixed block on the northern side of Oystermouth Road and the Arena on the southern side of Oystermouth Road will be in compliance with the parameter plans sets out that development within Development Zone 3 and Development Zone 4a and 4b respectively.

Access and Movement

Vehicle Access

Oystermouth Road is a strategic route through the city centre and bisects the northern and southern parts of Phase 1. Oystermouth Road currently provides vehicular access to the northern part of the via Albert Row, and it is proposed that the junction with Albert Row will be re-modelled allowing access to the northern MSCP from the south, but Albert Row will continue to provide Tesco's access into their service yard from the north.

Vehicular access to the southern part of the site will be broadly opposite Albert Row providing access to the southern MSCP and also allow access to a taxi drop off and Arena service yard (and also to the hotel), New bus stops to the east of the site and coach drop off lay-bys adjacent to the southern MSCP will be integrated into Oystermouth Road.

Pedestrian Access

The public realm areas will create the following pedestrianised links:

- New north-south pedestrian link, including a partially covered pedestrian bridge over Oystermouth Road;
- Improved east-west footpaths along the southern edge of Oystermouth Road;
- New east-west routes via the ramped access to the Coastal park to the west, and new stair case and lift provision from ground to podium level;
- Improvements and widening of existing access points to the Revetment Wall with Victoria Quay.

Car and Motorbike Parking

The proposals will provide a total of 944 car parking spaces within both the northern and southern parts of the site, in two new Multi Storey Car Parks (MSCP).

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Within the southern part of the site, a new two storey undercroft car park will be constructed at grade underneath the podium, in the location of the existing LC2 surface car park. This will have a capacity of 356 spaces.

Within the northern section of the site, the existing temporary surface St. Mary's car park will be removed (and the St David's car park will be demolished as part of the future phases) and a MSCP car park will be provided with a capacity of 588 spaces. Within the MSCP's 56 of the parking bays will be accessible and 41 will be enlarged for use by, for example, mother and child. In addition 62 motorbike bays will be provided in the two car parks.

Cyclists

Cyclists will be able to use the east-west routes to the north of the site by Tesco and St. David's Church. An alternative to cycling on Oystermouth Road will be created by an elevated green path on the podium on the southern side, the main north-south connection and the bridge will be available for cyclists but they will need to dismount to cross.

168 cycle parking spaces will be provided on the site for use by employees, visitors and residents and will be provided in secure stores or within the public realm. 128 spaces will be provided on the southern part of the site and 40 spaces will be provided in the northern block.

Accessibility

The scheme will be fully inclusive and accessible. The internal layout of the site's car parks, as well as the vehicular accesses have been designed to encourage lower speeds and appropriate delineation of spaces. A number of lifts are proposed within the public realm, on both sides of Oystermouth Road close to the proposed staircases, to allow vertical movement through the site prior to the completion of the development.

Appearance

The masterplan approved under the outline planning permission defined a common palette that would contribute to the sense of a new 'city quarter' that will contribute the identity of Swansea as a whole. The masterplan proposed to prescribe six materials that will be used and the materials to be used throughout the Phase 1 site are as follows:

- Copper and copper alloy (not patinated);
- Terracotta/ porcelain;
- Stained glass;
- Iron oxide-pigmented;
- Concrete;
- Corten steel; and
- Brick.

The proposals include distinct character areas with a different architectural style in each area. The development includes three character areas, corresponding with the approved Development Zones.

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Development Zone 3 - Mixed Use Block to North of Oystermouth Road

- The eastern façade will be treated with ceramic tiles, with a gradient composed of eight colour tones, designed to represent the wearing and tarnishing of copper over time, paying tribute to Swansea's history of copper production in the 18th, 19th and 20th Centuries.
- The block will have an internal 'green wall', comprising natural vegetation mounted on a stainless steel cable mesh and render to improve the quality of the communal open space and enhance overall residential quality.
- The outward facing walls of the MSCP will be treated with an extruded aluminium fin profile and stainless steel bracket discrete fixing to add to the interest and variety across the block's façade.

Development Zone 4a - Decked Podium Car Park South of Oystermouth Road

- A Gabion wall (wire cage filled with stone) is proposed along Oystermouth Road and will sit alongside the Oystermouth Road highway improvements.
- The northern façade of the revetment wall will be exposed, cleaned and made good. The engineering solution required to keep the wall structurally sound will be visible at intervals.

Development Zone 4b - Arena

- LED a digitalised façade to form a 'digital square' at podium level;
- copper alloy cladding coated to prevent oxidation, with LED lighting to glow in openings;
- anthracite or black cladding;
- anthracite / black basalt pigmented polished concrete or glazed terracotta;
- timber structure and ETFE translucent skin throughout the entire envelope;

b Landscaping

The landscape strategy has been a key element of the design process in order to ensure that the landscaping proposals compliment the built architecture proposed for the site and to increase permeability through the creation of an attractive north-south linkages, improved east-west connections along Oystermouth Road and a striking Coastal Park. The need to manage and maintain the new spaces in the future has also been considered in the design and Officers at the Council have provided feedback in this regard to ensure that the design of the Park ensures that their maintenance capabilities are not compromised. The proposals will provide opportunities for increased biodiversity through the provision of bird and bat boxes and green infrastructure within the public realm and on the facades of buildings and structures.

North of Oystermouth Road

The north-south link runs centrally through the site, bridging Oystermouth road and onto the new Coastal Park. The character of this primary route will be predominantly of a more urban character to maintain clear sight lines of the view corridor from the north of the site to the Arena and the waterfront beyond, and to enhance the setting of the proposed commercial units and residential dwellings above.

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Soft landscaping would comprise planting along the North-South link to ensure trees and shrubs make an impact at different times of the year through a combination of their form, leaf and blossom. A co-ordinated suite of street furniture has also been introduced to unify the space and aid wayfinding, hence enhance pedestrian circulations. The green infrastructure is a unifying element in both hard and soft landscapes to knit together this series of public realm spaces.

South of Oystermouth Road

The open space provision will comprise a landscaped coastal park and Digital Plaza around the Arena. The middle of the plaza will be more open but the edges of the space will provide seating, hard landscaped features and planting, to suggest the feeling of rock pools. To the south of this area is a secondary part of the Plaza, to be known as Coal Drop Square, and will adopt the same design principles.

The Coastal Park will comprise a series of soft and hard open spaces, arranged in a pattern to reflect the dunes along Swansea Bay. The strategy aims to blend appropriate native and urban planting palettes to provide a green network. In addition to this, the podium will be populated with tree and understorey planting in mounds that aim to create a visual incident. The layout of the historic railway tracks could be referenced in the hard landscaping to highlight the key routes, referencing Swansea's industrial past of bringing the coal to the quayside; whereas the coastal context would be referenced with the introduction of coastal planting palette that enhances movement and character. Playspace will be incorporated into the design of the coastal parkland, with playable space for different ages and abilities provided in the parkland, carefully designed to integrate with the landscape. Circulatory routes are also provided to enable pedestrian movement. Flexible recreation spaces have also been incorporated in the design to accommodate temporary events. A number of 'cut-outs' will be in the podium to allow users of the car park to have sight-lines to the park, and to set the podium edge back from the revetment wall and the houses at Victoria Quay. The soft landscaping will be denser along the southern boundary to mitigate the risks of overlooking into the dwelling to the south.

Phasing

The Phase 1 development incorporates the arena, decked car park, coastal park, pedestrian bridge. Multi storey car park, residential and commercial units with associated landscape and public realm and will establish the north - south pedestrian link. The aspiration is for Phase 2 to commence following the completion of Phase 1, although this will depend on market conditions at that time and if not implemented immediately opportunities for temporary uses / events will be sought. In the short term, a further application will be submitted seeking to demolish a number of buildings on the northern area including the St David's retail units, Llys Dewi Sant, St David's MSCP and existing pedestrian bridge together with an indication of temporary uses.

The hotel on DZ4c is not part of this current reserved matters application for Phase 1 and any images within this submission that illustrate the hotel are indicated for contextual purposes only. A further Reserved Matters application will be required for the hotel when a potential operator is secured.

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Planning Application

This Reserved Matters application has been supported with the following documents:

- Planning Statement;
- Design and Access Statement;
- Design Principles;
- Transport Assessment;
- Travel Plan;
- Daylight and Sunlight Assessment;
- Surface Water Strategy;
- Wind Mitigation Measures;
- Heritage Impact Assessment;
- Landscaping Scheme;
- Outline Management Plan; and
- Statement of Consultation.

Material Planning Considerations

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

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Socio-Economic Effects;
- Urban Design and Townscape / Visual impact;
- Impact on residential amenity including noise impact;
- Highways, traffic, car parking, access and pedestrian movements;
- Flood risk and Drainage;
- Construction Impacts;
- Impact on Archaeology;
- Flood risk and Drainage;
- Impact on Ecology;
- Impact on Trees;

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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Development Plan Policy and Supplementary Planning Guidance

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Planning Wales - PPW (Edition 9, November, 2016)

The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015. Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker in taking decisions on individual planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Paragraph 4.2.4 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives.

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. The development will provide significant economic benefits to the City of Swansea.

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.

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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 (A1, A2 & A3), offices (B1), hotels and housing (C1 / C3), community and leisure uses (D1 / D2).

UDP Policy CC2 states that new retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged. Highest priority is placed on enhancing shopping facilities by means of the refurbishment and redevelopment of the City Centre retail core.

UDP Policy CC3 recognises that the St David's / Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination.

Additionally, UDP Policy EC4 sets out the criteria against which all new relevant retail proposals will be assessed against the need for the development, including a sequential assessment, impact on attractiveness, vitality and viability of the City Centre, compatibility with the function, scale and character of the centre, accessibility and highway considerations. Within this context all new retail development should be directed towards the City Centre.

The principle of development on this City Centre is clearly established and indeed encouraged both by the UDP and PPW, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore policy compliant.

Affordable Housing

The need for affordable housing is a material planning consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures and indicates that the Council will normally expect that 25 - 30% of all dwellings will be affordable housing. As indicated the 27 residential units included within the scheme are intended for use as affordable housing.

Swansea Central Area Regeneration Framework (SCARF)

The site is located within the Swansea City Centre Strategic 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.

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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 the updated Development Plan.

The SCARF identifies a Vision for the Swansea Central Area along four broad conceptual areas and are:

- Creating a Working Living and Learning Area
- Delivering a Retail and Leisure Led Mixed Use Centre
- Connecting the Centre to the Waterfront
- Developing a City Green Artery

These Area Visions broadly define new roles of the respective parts of Swansea Central Area, and consolidate the 'Retail Leisure Led Mixed Use Centre' as the focus of shopper and visitor activity.

The application site is situated within the St David's / Quadrant area where the key vision theme for this area is Retail and Leisure Led Mixed Use Centre. The area comprises the land to the north of Oystermouth Road and to the south by the Maritime Quarter. The comprehensive development of the St David's / Quadrant site is the priority for Swansea's Central Area. The scheme should be of regional significance and have the potential to be a catalyst for the wider regeneration of the Central Area and is the only location in the Central Area that can deliver a retail leisure led scheme of quality, scale and critical mass appropriate for a Regional centre. The site is identified as the priority for development and the only location in the Central Area that can deliver a Retail leisure led scheme of quality, scale and critical mass appropriate for a Regional centre. Development of this site maximises the overall regeneration benefits to Swansea and the central area, which include:

- The area lies at the heart of the Central area, in a strategically important location in the Retail Leisure area between Wind Street and the Quadrant, and close to the City's Waterfront;
- An extension of the Quadrant Centre would provide a focussed and legible shopping destination;
- It provides an opportunity to extend and strengthen the retail circuit in the retail core
- The site is highly accessible and has strong sustainability benefits in view of its close proximity to Swansea Bus station;
- The site presents an opportunity to create improved pedestrian and cycle linkages across Oystermouth Road to the waterfront, giving the City a unique profile and destination interest.

Therefore the proposal has been designed to be fully compliant with the SCARF requirements.

Tall Building Strategy SPG

The revised Tall Building SPG was adopted in November, 2016 following public and stakeholder consultation.

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The proposed development site is located within the 'Consider Zone' which are those areas of the City where tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals.

The Tall Buildings Strategy is applicable to the whole of the City and County of Swansea. However, the main thrust of the strategy focuses on the central area where tall buildings are considered more likely to be promoted and where infrastructure and services are able to support the development, and includes the City Waterfront, where there an opportunity for clustering; and the Retail and Leisure core, where there an opportunity for City living & greater intensity of scale.

Within the national and local planning context, there is a clear support for the principle of the development at this location and the uses proposed. The St David's / Quadrant area is identified as the "highest priority for redevelopment in the City Centre" with the potential to create economic growth and to act as a catalyst for the wider regeneration of Swansea City Centre and its role as a regional shopping and leisure destination. The Swansea Central Area Strategic Framework has identified the potential of the site for redevelopment and identifies a broad range of design objectives for the site which the submitted outline planning application has sought to address.

Both the UDP and the Strategic Framework recognise that the site should deliver a range of uses as well as retail, including offices, hotels, housing, non-residential institutions, and community and leisure uses. Whilst potentially retail-led in nature, the proposals include the provision of a new arena, leisure, residential and hotel accommodation. There is a clear and substantial support for the redevelopment of the site and the balance of uses are considered both wholly appropriate and to be a direct response to key planning policy directives. The support for the principle of the proposed development and the proposed land uses comes from policy and strategy, and from the fact that there is a pressing need to significantly improve Swansea City Centre's retail offer.

Socio-Economic Effects

An Economic Impact Assessment was submitted to support the outline planning application which assessed the economic benefits generated by the Swansea Central proposed development. Within the submitted Planning Statement the key planning, heritage and regeneration benefits of the scheme on the City and surrounding regional area are summarised as follows:

- The proposals offer direct physical regeneration of an under-utilised brownfield site which is in a diminishing condition. Phase 1 will act as a catalyst for further regeneration and investment in Swansea city centre, including the latter phases of Swansea Central;
- The delivery of a significant mix of uses, including a new 3500 person capacity arena, commercial floorspace (980 sqm), new homes (27 dwellings), a new city centre park with kiosk (92sqm) and efficiently designed city centre car parking will deliver significant economic, social and environmental benefits;

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- The provision of 944 new and replacement car parking spaces will ensure that the site is accessible and that there is no impact on the city centre car parking provision. The improved car parking provision will complement the proposed extension to the Fabian Way Park and Ride. Generous cycle parking and Travel Plans will promote sustainable alternatives;
- The mix of 1 and 2 bed units will help to create a mixed and balanced community in a sustainable location;
- The development will enable the physical and economic regeneration of this key City Centre site through the introduction of new streets, vistas, buildings, car parking areas, public realm and improved pedestrian crossings over Oystermouth Road.
- The development will provide much-needed commercial and leisure facilities in a high quality new environment, which will improve vitality, viability and attractiveness and enhance Swansea's role as a regional centre in accordance with the objectives of the UDP, emerging LDP and the SCARF;
- The proposals are design-led, with a varied design with distinctive and varying character areas with a different architectural style in each area. The design is considered to be cutting edge and unique, relating specifically to the historic context of the City and the prevailing, modern architectural styles in Wales.

Urban Design and Townscape / Visual impact

The Council's Urban Design and Heritage Team have been involved throughout the pre-application process. They have carefully assessed the final proposals and have provided the following detailed supportive comments.

Introduction

The design and placemaking comments in relation to the outline planning application for this site (ref 2017/0648/OUT) addressed the site and context. This baseline has not changed therefore no further comments are provided on this aspect in this response. This response focusses on the conformity of the reserved matters for the first phase of the Swansea Central proposals with regard to the outline parameters and development framework and an assessment of the placemaking/ architectural qualities of the detailed proposals.

The Vision

The outline planning application builds on the Swansea Central Area Regeneration Framework (SCARF) to set out a placemaking framework for the creation of a new city quarter (a new 'place') that strengthen links between the central area and the waterfront whilst also acting as an urban catalyst for the wider city regeneration. The outline proposals included a number of key components to create a new place and strong destination including:

- New streets and spaces
- Arena
- Pedestrian bridge over Oystermouth Road
- Car parking in two separate structures
- Commercial units
- Hotel
- Homes for city living on upper floors

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This reserved matters application represents the first phase of a multi-phase project. It comprises the new Arena, two level car park with coastal park above and associated development, plus the initial parts of a new mixed use quarter of the city and key linkages to the waterfront area.

Design Process

The placemaking framework set at the outline stage was created using an indicative 'test' scheme that included possible detail of the potential development which was then disaggregated into a suite of parameter plans that address the following:

- Access and Transportation
- Building Lines
- Movement
- Building Heights

These spatial plans set out differing degrees of flexibility to accommodate detailed proposals with acceptable degrees of variance. For example the building lines parameters plan defined differing degrees of variance in the potential building lines based on the immediate context and relationship with the existing city. Together these spatial parameter plans established a robust three dimensional framework for the new place and they were supported by a design principles document for defined zones within the new place that address aspects such as character, detail and materials.

This outline 'framework' design stage was carefully considered by the Council's Design Team and the expert impartial Design Commission for Wales. It was considered to be a positive framework for placemaking to set the basis for a new city quarter in support of the regeneration priorities set out in the Councils Swansea Central Area Regeneration Framework document (SCARF).

Following the approval of the outline application, the extensive dialogue with the design team continued to test and refine the detail. This has been aided by the appointment of Ambassador Theatre Group (ATG) as the Arena operator so that the detail is informed by their extensive practical and operational experience.

The testing and refinement of the outline application parameters identified a limited number of areas where additional flexibility was required such as the allowance for the kiosk with the coastal park which was not included in the outline proposals. Therefore minor amendments were made to the outline parameters via the NMA planning process which allows minor non material amendments.

The Design and Access Statement (DAS) in support of the Reserved Matters Application includes a 'compliance' section that demonstrates how the detailed proposals fully accord/ fit within the approved parameters. This has included rotating the Arena by approximately 45 degrees within the zone of flexibility to maximise the separation to the residential properties to the south on Victoria Quay.

Streets and Spaces

The Reserved Matters application follows the street and movement structure set via the parameters plans at the Outline stage. This is underpinned by addressing pedestrians first which follows the strategy set at the national level in TAN 18: Transport and also providing for active travel modes. Vehicles are obviously not ignored, but it must be noted and welcomed that highway requirements have not been allowed to dominate the placemaking process.

The new movement structure includes a north-south street that starts ramping up in the current location of the 'More Poetry' Building (which is to be demolished) in order to climb at an accessible gradient as a 11m wide street up to the proposed new pedestrian bridge over Oystermouth Road. This is the first part of key pedestrian spine that will link the city centre to the waterfront with active frontages defining the street edges as the phases are developed. The northern continuation of this important link to St Marys Square will be legible through the demolition of the existing red brick buildings that were part of the St David's shopping centre. This will ensure a line of sight from St Marys Square to the Arena and new bridge over Oystermouth Road.

At the Outline planning stage, the top level of car park podium to the south of Oystermouth Road was proposed to be a multi-functional space with occasional overflow car park and informal green space. This has been tested leading into the current reserved matters application and the reality was that the car parking spaces on the podium would not be used very often but this would result in a compromised public realm where vehicles dominate. Therefore the decision was made to omit the parking spaces from the top of the podium (these are relocated to the proposed multi-storey car park on the north side of Oystermouth Road) and the podium has become a public park in the reserved matters application. This is very positively welcomed; the Castle Ward area lacks accessible green space and play provision.

The new coastal park would be the first significant public park within the city centre for over 100 years, it will complement the Arena as a free destination that is open to all and will considerably increase the attractiveness of the waterfront area. The proposed park is described as a 'coastal park' that is inspired by the waterfront location including an undulating dune form with multi generation play provision, trails, ecological areas, skateable surfaces and a site for a café/public toilet at the heart to create a social space. This is considered to be a positive and inclusive space. Whilst there are excellent museums in the area and the very well-used leisure centre, there is very little informal provision for families and young people; it is considered that the proposed coastal park will that will broaden the appeal of the waterfront area to all ages. There is scope to further activate the coastal park and other spaces with kiosks and pop up units. The proposed design creates suitable surfaces and these will need further planning applications.

It will be important to ensure that the use and enjoyment of this city park does not unacceptably impact on the residents of the properties to the south on Victoria Quay. The park would be physically separate from these properties by the existing cobbled road, plus the proposal is to form a linear gap in the new podium deck running parallel to the listed GWR wall to ensure separation between the park and properties. To the east it is not possible to continue this linear gap due to the siting of the Arena, so the separation would be ensured through planting and possibly screens alongside the GWR wall to provide a physical barrier to stop views to the properties.

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The concerns of residents regarding current anti-social behaviour in this area is noted and it is considered that the proposed development would introduce significant levels of positive activity that would help self-police the current antisocial behaviour and as a result it is not considered that the current problems will be compounded.

The podium would be some 6m above existing street level and to ensure access for all this requires a new ramp from the west starting at Bathurst Street. The ramp at the eastern end is unresolved at present and could be a future separate planning application for a new ramp that complements the existing amphitheatre by the Leisure Centre. In the future, there is scope for the podium route to continue across the South Dock and down to dockside level. The starting point for this link is allowed for in the layout and this could also be a future separate planning application.

The pedestrian circulation and movement between ground level and podium has been refined between the outline stage and the reserved matters applications so as to reduce the extent of podium at the east end adjacent to the leisure centre. This is in order to create an enlarged ground level of public realm which is welcomed. This links to the South Dock waterfront (to the south of the application site) via new proposed openings through the GWR listed wall. The access strategy includes focal steps and lift from the proposed drop off area on Oystermouth Road up to the Arena entrance in the vicinity of the proposed bridge, plus further steps and lifts on the north side of the bridge. This is welcomed to ensure high levels of activity at ground level linking through to the waterfront and to ensure a strong legible linkage between the two levels of this new place.

There will be a separate planning application for the demolition of the Llys Dewi Sant accommodation block, St David retail 'red brick' shops and the St David's Multi storey car park. These will be replaced by temporary surfaces for events as well as pop up activities and planting pending the Swansea Central phase 2 proposals for the area to the north of Oystermouth Road. The application will also proposed temporary/ meanwhile uses to activate and enhance this area. In the short term this will make St David's church more visible from the west and south. This is acceptable as a short term change to the setting of this listed building but it should be recognised that the phase 2 proposals will include development around the church to create enclosure of urban spaces and streets.

The landing point of the south end of the proposed new bridge connects to a new city space entitled 'digital plaza'. This area provides the entrance into the Arena for high volumes of pedestrians and would be the centre point for Swansea digital public realm which forms a strand of the City Deal projects.

The section of Oystermouth Road between Princess Way and West Way forms part of the Reserved Matters red line boundary. This is to allow the creation of new vehicular accesses to the car parks and also allows for the enhancement of the street public realm. This will include street trees and new paving to reflect the character of the 'Boulevard' works that were completed a few years ago to the east. This street work will also include the creation of new coach drop off points along the south side of Oystermouth Road to service the Arena.

The overall proposal for the public realm is to create an uncluttered and unifying paving which is softened by planting.

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This would include areas of emphasis on key spaces which could be reinforced by public art. The proposed public realm materials would reflect those already in use in Swansea City centre which include natural stone and high quality concrete slabs to help address future maintenance, whilst laying the paving in a distinctive contemporary manner for visual interest and to help add to the sense of place. Another theme would be the use of buff tarmac to link areas whilst also making reference to the sands of Swansea Bay. The materials palette is considered to be high quality and appropriate and the detail can be refined through a condition requiring large scale details and a public realm materials sample panel.

A central theme to the reserved matters public realm proposals is city greening in response to the requirement for a 'Green Artery' in the Council's Swansea Central Area Regeneration Framework (SCARF) document. The greening within the current Reserved Matters application for Swansea Central Phase 1 takes the form of the very significant coastal park on the podium above the southern car park. The enhancement works proposed along Oystermouth Road would continue the existing lines of street trees. The ground level public realm adjacent to the leisure centre will include extensive planting areas. The new north-south route that ramps up to the bridge over Oystermouth Road would be greened by new street trees and street furniture planters and seating.

Within the public realm there is a proposal to include enhancements incorporating public art; wayfinding; heritage interpretation; digital features; and lighting. These aspects are further opportunities to make the public realm engaging and exciting and relevant to contemporary life. The detail of these aspects, which could be combined, can be controlled through a condition requiring the submission of a detailed strategy.

Development blocks/ Architecture

The outline application defines various zones for development and the proposals comply as set out below.

The main building within this first phase of the Swansea Central project is the Arena. This has been designed as a sculptural form clad in vertical ribs with a curving footprint that steps in on the upper levels. The proposed heights fully accord with the parameters set at the outline stage. The main cladding material is proposed to be a gold anodised aluminium panel with vertical ribs. This references the history of Swansea in terms of metal processes and also picks up on the verticality of other major buildings in the city such as the external rib buttresses of the leisure centre. Furthermore these ribs to the Arena cladding will integrate LED lighting strips that can be controlled to create a digital skin to the Arena. This will be configured to allow images and content to be viewed from the main public realm areas and the in some areas the LEDs will be limited to avoid amenity impacts on the existing residents and future hotel occupants.

In contrast to the indicative footprint of the Arena at the outline planning stage, the reserved matters footprint has been rotated by approximately 45 degrees to limit the effect on residents and to create two distinct spaces to either sides of the building at podium level. Unlike many existing arena buildings, the Swansea Arena does not have a 'back'; instead the entire perimeter abuts the public realm that surrounds the building. The ground floor ensures visually active frontages through the use of a glass frontage that relates to the main lobby area, meeting rooms and circulation areas.

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The Arena entrance would be highly visible facing north onto the digital plaza space and the new bridge over Oystermouth Road. The supporting information indicates that the Arena would be in use for approximately 185 events every year and whilst these events will vary in scale, it is clear that this building will be a major destination within Swansea. Whilst the regeneration of the waterfront in Swansea has been a success, this is an ongoing process and the proposed Arena will create a new incentive to visit and enjoy Swansea within the wider region, plus it will generate significant levels of footfall that will benefit the waterfront and wider city as a regeneration catalyst.

The Arena and other proposed buildings within the development have been subjected to wind testing to understand the wind effects resulting from the prevailing south westerly wind hitting the buildings and dropping to the public realm. This has identified two localised areas on the podium, to the north and south of the Arena, where problematic wind effects could be expected. These can be suitably mitigated through the inclusion of trees in these locations in order to slow wind speeds and down draughts, as well as to add positive elements of landscaping to public realm.

Overall the proposed Arena is considered to be an iconic building that engages positively with the local context, and this will become a major regional cultural attraction. The digital skin will also add a unique feature that can be controlled by condition.

The proposed pedestrian bridge over Oystermouth Road will be a striking and distinctive feature that emphasises and improves the connection of the city centre to the waterfront. The bridge would have an expressed over structure that creates a partially enclosed central area which will be helpful during inclement weather. The bridge width ensures that it is a welcoming link that continues the north-south street as a unified public realm.

The west side of the link ramping up to the bridge would be activated by a new mixed use building comprising commercial street frontages, projecting canopy and 4 floors of residential accommodation above with a legible street facing entrance. These new city centre homes would be within an elevation clad in coloured tiles that adds a new character to the area with large windows to maximise natural surveillance and natural lighting of the homes. This is welcomed to demonstrate the commitment of the Council to city living as required by the SCARF document. This residential block partially wraps around a new multi storey car park. This building would be treated in a sculptural manner with twisted metal fins that link to the theme of vertical fins in other parts of the scheme. The car park and new flats would be separated by a courtyard that ensures that the new homes are dual aspect allowing through ventilation.

The Coastal Park proposals include a 'social area' at the centre including a single storey café and toilet kiosk. This is welcomed in principle to provide facilities within the park. It would be similar to the existing café and toilets on the promenade at St Helens (former 360 centre). At this stage there are no architectural proposals for the kiosk and instead the likely footprint is shown in the landscape plans for the coastal park whilst possible precedent images for the coastal park kiosk are included in the DAS. This is acceptable and final detail of this small single storey building can be controlled by condition.

The public realm between the Arena and existing Leisure Centre defines the plot for the future hotel.

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The footprint, scale and design parameters for the hotel are set by the outline application and this is not part of the current application. It will be important to ensure active frontages to the hotel at both the ground and podium levels plus the future architecture will need to be carefully considered to ensure compatibility with the character and quality of the immediately adjacent Arena.

Much of the parking below the podium to the south of Oystermouth Road is concealed by the existing grade II listed GWR wall to the south and west. The new north elevation to this two level parking area is proposed to be finished with metal gabions filled by local pennant stone. This would create vertical bands of contemporary stonework leaving gaps for ventilation and natural lighting. This is not an active frontage but points of activity would be created by legible pedestrian entrances to the car park and circulation cores linking up to the podium level. This approach is supported to reference the masonry of the listed GWR wall in a contemporary manner and to effectively reinstate the north edge of the former elevated rail yard that will now become the coastal park.

Visual impact

The outline application included an assessment of the visual impact of the proposed layout, scale and massing from agreed public vantage points. This was based on simple three dimensional blocks at the outline stage which represented the maximum volumes that could be accommodated in the spatial framework set out by the parameters plans. As a reminder the placemaking and heritage assessment of the outline visual testing highlighted the following:

"The view from Trawler Road to south of the South Dock marina is tested in Photo viewpoint 4; this shows that the massing of the Arena and Tower will be significant features rising high above the rear of the existing Victoria Quay properties. This will be a dramatic juxtaposition of scale and the architecture delivered at the reserved matters stage will need to be of the highest quality with a distinctive skyline.

From elevated public vantage points such as Kilvey Hill (Photo viewpoint 9) and Nicander Parade, on the edge of Townhill (Photo viewpoint 8) the proposals will integrate with the existing built form. The use of a roof scape and colours of materials will be important in this regard.

Photo viewpoint 12 taken from the sands of Swansea Bay at low tide offers a panoramic view of the waterfront development including the Meridian Quay tower and associated development. From this particular vantage point the Arena will not be visible and but the tower can be seen rising up above the linear form of the existing waterfront development. It can be seen in this view that the scale of the proposed tower is similar to the scale of the existing lower tower that forms part of the Meridian Quay development. The Meridian Quay tower itself is still significant taller and there are no issues of visual coalescence. Once again the architectural treatment will be important and it is considered that the proposed tower will help to mark the city centre when viewed from Swansea Bay."

The detail of the Reserved Matters application sits within the maximum volumes set by the parameters plans which was found to be acceptable in terms of visual impact.

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Therefore it follows that the proposed Reserved Matters massing is also acceptable, plus the current application includes architectural detail that confirms how the buildings and elevations will be articulated, broken up and activated in a positive contemporary manner.

Conclusions

The proposals for Swansea Central Phase 1 are considered to fully conform to the outline parameters and design principles set at this stage and which were considered to have formed a robust placemaking framework. It is considered that these phase 1 proposals would create the first part of a new high quality and distinctive mixed use city quarter which will include a significant regional cultural destination. Therefore approval is recommended with conditions to address the following aspects:

- Large scale details of architectural elements to all buildings;
- Composite sample panels of building and public realm materials;
- Full architectural details of single storey coastal park kiosk;
- Public art/ digital/ wayfinding/ heritage interpretation strategy;
- Further details of digital LED skin to Arena to confirm final distribution of lighting, operation and content.

Impact on Cultural Heritage

The outline application was accompanied by a Heritage and Impact Assessment which sets the heritage significance of the area and the buildings and historic features within it and evaluated the heritage impact of the proposals.

UDP Policy EV2 (xi) indicates that new development should have regard to the desirability of preserving the setting of any listed building, whilst UDP EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings. UDP Policy EV7 states that alterations to a listed building will not be permitted unless they safeguard the character of the listed building and the historic form and integrity of the building.

GWR Revetment Wall

The southern extent of the regeneration area is bounded by the grade II listed pennant stone GWR Revetment Wall retaining wall that originally supported high level lines and marshalling yard for coal trucks waiting to be tipped into ships for distribution. Since Swansea Victoria Station was redeveloped for the current LC2 and the elevated rail infrastructure removed there is no trace of the railway heritage that dominated this area and as a consequence the grade II listed GWR wall is a heritage asset that is undervalued and miss-understood in Swansea. Furthermore the current presentation with earth bank facing the LC2 car park does not allow easy understanding of the original purpose of this structure.

The proposed development intends to replace the current surface car park with a decked car park and the top level will accommodate the Coastal Park which will reflect the level of the original railway lines. The podium level of the Arena will utilise the vertical parameters set by the revetment wall in the design and construction will mostly sit flush with the wall at its southern edge.

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Whilst this would diminish the visibility and setting of the structure from the north, as noted above the current earth bank is modern feature of no historical significance. Furthermore it is considered that the reinstatement of the original rail line level would improve the understanding and appreciation of this structure. In particular, the physical changes to the wall will involve:

- Removal of the remaining grass bank to accommodate undercroft car parking and servicing of the proposed arena.
- Construction of an engineering solution along its northern edge facing the decked car park / podium in order to support the wall.
- Opening up of two blind arches on either side of the current arch at the eastern end to increase pedestrian permeability from the LC2 area to the South Dock marina at ground level.

This designated heritage asset is the last remaining element of the high level rail infrastructure that ran from High Street station past the now infilled North Dock and then swept around to coal tipping piers alongside the South Dock. The north side of this structure and the elevated surface no longer exist except for the grass bank remnant which has led to the structure being wrongly appreciated by some as a city wall. The Swansea Central phase 1 proposals would change the setting of this wall in a number of ways:

- The siting and scale of the proposed Arena means that this building will rise up behind the listed GWR wall when viewed from the south. This will only be visible in a limited area and is considered to be acceptable as a dramatic juxtaposition that celebrates the continuing regeneration of the waterfront. The majority of the other areas of the GWR wall will continue to be viewed from the south without development to the rear/above and this visual setting will not change in most instances.
- The development will include a new podium coastal park level at the same level as the earlier rail lines. This will reinstate the context of the GWR wall in a modern way which will allow the purpose of this wall to be better understood and appreciated. There is an opportunity to communicate the function of the GWR wall as part of the coal export dock infrastructure in the new parkland public realm (this could be a strand of the public art themes which will be agreed via condition).
- As part of the new podium parkland, the proposed Arena will be close to the top of the GWR wall over a short distance. This is considered to be acceptable as a dramatic juxtaposition that celebrates the continuing regeneration of the waterfront.

The GWR wall will be little changed on the Victoria Quay site from where it is best seen and the Heritage Impact Assessment indicates that the minor changes to it to enhance connectivity should be possible without unacceptable change. The embankment to the northern edge of the wall will be removed and an appropriate engineering solution is proposed to prevent the wall from tilting. The emerging engineering solution will be appropriately integrated into the proposed development. The northern edge of the wall is to be exposed for the first time in its history, and the wall will be cleaned, restored and sealed to ensure that it is attractive when viewed from the inside of the podium MSCP. In addition, setbacks in the podium are proposed along the revetment wall edge will better reveal the top of the wall. To the east, the existing route under the revetment wall will be enhanced, through the opening up the two arches either side of the current open arch.

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Full details of the heritage significance and the impact of proposed development are included in the Listed Building Consent application (Ref: 2018/1823/LBC); these changes have been assessed in the parallel listed building application and are considered to be acceptable. It is considered that they represent sensitive and considered change that strikes a balance between preserving the heritage assets and facilitating regeneration of the city centre.

The majority of the other areas of the top of the GWR wall will continue to be viewed from the new podium park without new development in close proximity. Overall the proposed Arena and Coastal Park/ public realm including the access improvements at ground floor/ dock side level will significantly increase footfall close to this heritage asset, which will provide more opportunities to appreciate and understand the heritage. The need to minimise an unacceptable impact on the adjacent residents is addressed by the linear gap in the podium deck to keep the coastal park away from the south edge in proximity to the residential property. Where this separation is not possible to the east due to the Arena siting, the amenity issues are addressed using a planting buffer to limit views from the public areas to the properties.

Other Heritage Assets

The grade II listed St David's Church lies outside the red line for this Reserved Matters Application. A separate parallel demolition is due to be submitted for the adjacent Llys Dewi Sant housing complex to the west of the church. This will not physically affect the listed church or any associated curtilage listed structures, but it will make the west end of the church more visible as part of a future temporary events and landscape zone pending phase 2 of the Swansea Central project. This 'exposed' west end of the church will be visible for the interim period from the ramp climbing up to the bridge Oystermouth Road. Conversely views would be opened up from the area around the church (within the curtilage listed walls) to the proposed development to the south west and west comprising the new bridge, the residential elevation wrapping the car park block and the Arena. This is not a designed view in the original character of the church and the approved Outline parameters plan includes future intervening development in closer proximity to the church so this new relationship is acceptable as a temporary/ interim scenario.

No permanent work is proposed in the vicinity of the grade II listed Vivian Hussey Status which lies at the south west corner of St Mary's Square. The setting of this status will be changed through the demolition of the red brick building to the west and replacement with a temporary public realm/ events area for which a separate planning application is due to be submitted. This is acceptable as there is no heritage relevance in the current relationship but a condition will be required to ensure that the status is adequately protected in situ during the demolition and public realm works.

Additionally, although outside the proposed development area, the most significant heritage structure in the wider context is Swansea Castle, which is a Scheduled Ancient Monument and Grade I Listed Building. CADW have been consulted in this context, and have concluded that the current reserved matters application will have a very slight but not significant adverse impact on the setting of scheduled monument Swansea Castle (GM012).

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Wind Mitigation - Condition 11

Condition 11 states that all reserved matters applications following the outline planning permission should be accompanied by details of all wind mitigation measures for each phase of the development and should reference the wind microclimate assessment approved under the outline planning permission. A detailed Wind Microclimate Study and Mitigation Report has been prepared and has assessed the wind conditions using a wind tunnel modelling methodology. Mitigation measures have been incorporated into the design, in conjunction with ACME Architects and Capita Lovejoy. The proposed mitigation comprises the planting of tall trees (c.3-5m in height) at ground level and podium level and the planting of hedges (1m in height) at ground level and podium level in exposed locations. This application therefore accords with the requirements of Condition 11.

Impact on Residential Amenity

Policy EV1 of the UDP states that 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. Policy EV40 of the UDP states that development proposals will not be permitted that would cause or result in significant harm to local amenity because of significant levels of air, noise or light pollution.

Residential Impact on Victoria Quay

The Arena massing and location has been tested in relation to the residential amenity of the Victoria Quay properties to the south. This was highlighted as a key issue through the statutory Pre-Application Consultation process that was carried out to engage with residents and stakeholders prior to the submission of the outline planning application. The Arena will not result in additional overlooking of the properties in Penryce Court and York Court as the proposed building is generally inward looking. It will not result in overshadowing given that sun path swings anti-clockwise from east to west, however, it will result in a greater sense of overbearing that cannot be mitigated but which is also not considered to be excessive to the point of unacceptability. The as built records for the Victoria Quay properties have been reviewed and it is noted that the rooms affected are generally bedrooms and kitchens whereas the main living rooms are unaffected because these properties have primary outlook to the south towards the marina. Therefore on balance, the regeneration benefits of the Arena as an integral element of the mixed use scheme is considered to outweigh the harm caused in terms of residential amenity in this instance.

Whilst there is currently a public walkway along the top of the grass bank abutting the GWR revetment wall, this area is used by only a small minority of people. However the proposal for a new public realm podium at this level will increase pedestrian numbers and could reduce the privacy of the existing flats along Victoria Quay. This has been highlighted as a point of concern by residents and the detailed design proposals including setting the future public walkway back away from the edge of the stone wall in order to increase the distance for privacy and to incorporate screens that double as balustrades to block direct overlooking to the flats opposite.

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Daylight and Sunlight

The RM submission application has been accompanied by a Daylight and Sunlight Statement, the preparation of which has been used the key reference document: 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice', which is widely recognised as defining good practice and is used extensively in drafting planning policy and in assessing planning applications. It is intended to be used in conjunction with BS 8206 Part 2: 2008 Code of Practice for Daylighting and Lighting Guide 10: Daylighting and Window Design, and its guidance is intended to fit in with their recommendations.

There are three measurements of daylight or sunlight referred to in the BRE Guide and used in this report. These are:

- Vertical Sky Component (VSC) - measuring the total amount of skylight available on the face of a building
- Average Daylight Factor - Used to assess the internal daylight levels, and
- Probable Sunlight Hours which is the long-term average of the total number of hours during a year in which direct sunlight reaches the unobstructed ground.

The daylight and sunlight assessment is based on the maximum development parameters, which are assumed to represent the worst-case scenario in terms of daylight and sunlight. The Outline Permission was supported by a Daylight and Sunlight Statement which concluded that based on the maximum parameters, the modelling indicates breaches of the guidance on daylight impact assessment in respect of the Excelsior building, properties on Victoria Quay, St David's Church and the LC Swansea leisure centre. Potentially significant impacts could be mitigated through design development, primarily in the massing of buildings DZ2a, DZ2d and DZ4c.

The submitted Phase 1 proposals do not breach the consented maximum parameters and therefore the further analysis of daylight impact is limited to the effect of the Arena (DZ4b) on properties on Victoria Quay. The Outline Daylight & Sunlight Statement identified that York Court, Squire Court and Penryce Court, located to the South of the Arena, could be subject to significant impacts under the maximum development parameters. The report went on to demonstrate how these impacts could be mitigated, by reducing the massing along the southern boundary of DZ4b.

The Reserved Matters proposals for the Arena have sought to mitigate these potential impacts, by rotating the building within the maximum parameters, so that continuous massing along the southern elevation is avoided. It has therefore been necessary to reassess the impact of the arena on these properties. The results show that the VSC levels on the existing buildings window are not less than 27 %, and less than 0.8 times its former value, therefore the proposed development meets the BRE Guide's good practice guidelines. The submitted Daylight and Sunlight Statement concludes that the residential units within the scheme would have a relatively high rate of compliance with the good practice recommendations, given the urban nature of the proposed development. The proposed residential units to the north of Oystermouth Road will have a 100% compliance with the ADF and 78% compliance with probable sunlight hour; the resident's courtyard would also comply with probable sunlight hour.

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Overall, the Daylight and Sunlight analysis concludes that the good practice recommendations for the residential properties impact by the Arena would be achieved.

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:

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

This application has been accompanied by a Transport Assessment (TA) to assess the highway and transportation matters related to the outline development proposal. The Head of Transportation has assessed the TA and has concluded that the mitigation measures proposed on the network, and car parking levels identified it is considered that the development can be satisfactorily accommodated without detriment to highway safety.

Car Parking

Four existing car parks are located within the outline permission's boundary:

- Quadrant MSCP - 547 spaces - to be retained;
- St David's MSCP - 493 spaces - to be removed as part of the proposed demolition application;
- LC2 Waterfront surface car park - 408 spaces - to be replaced by the new arena car park.
- St Mary's temporary surface car park - 294 spaces - to be removed as part of the development.

As indicated as part of the proposed development, the St David's MSCP will be removed from use as would the LC2 surface car park and also the St Mary's temporary surface car parks during the construction process.

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However, the St Mary's car park is a temporary car park only pending the redevelopment of the site and in fact the temporary planning permission for its use expired in December 2015. In this context the use of St Mary's should be discounted from the parking provision and the provision of the new Northern MSCP would provide 588 car parking spaces and Arena car parks would provide 356 car parking spaces and will result in a net gain of 43 spaces (944 as opposed to 901).

The TA highlights the phasing programme of the development and the implications on the existing car parking provision. During the construction programme the LC2 car park will be closed (as would St Mary's) but the St David's MSCP will not be removed until the new MSCP and Arena car parks are open. During this period, the 'temporary loss' of parking will need to be accommodated within the surplus capacity in the St David's / Quadrant MSCP's or elsewhere such as the extension to the Fabian Way Park and Ride. In order to manage this situation it is proposed to impose a condition requiring a Temporary Car Parking Strategy and Assessment Plan to be implemented.

Surface Water Drainage Strategy - Condition 21

A comprehensive Surface Water Drainage Strategy has been submitted pursuant to Condition 21 of the outline planning permission which requires any reserved matters application to include a detailed surface water strategy for each phase. The strategy is set out into two parts:

- Northern Part -surface water runoff will be restricted and routed via a new drainage network which will incorporate attenuation tanks as part of a SUDs strategy. Foul water will be routed into the existing below ground network; and
- Southern Part- surface water from this part of the site is proposed to discharge freely into the Tawe Marina via existing outfall pipes, via a SUDs treatments train. Foul water will be routed to existing drains via a new connection and demarcation changed.

The strategy is required to demonstrate how the management of water within the phase accords with the approved details for the strategic surface water strategy and in this respect this application accords with the requirements of Condition 21. The Council's Drainage Engineer has requested additional information regarding the type of the tank proposed as part of the SUDS strategy under the north MSCP, however, the general strategy for dealing with the surface water drainage is considered appropriate.

Construction Impacts

The outline planning permission is subject to planning conditions requiring that prior to the commencement of development of each phase of the development, Construction Site Waste Management Plans, Construction Environmental Management Plan and a Construction Method Statement are submitted which will mitigate potential impacts during demolition/ construction in order to prevent pollution of the environment, protect residential amenities and minimise traffic impacts on the highway network. Additionally, conditions are imposed (13 - 17) in respect of dealing with the risks associated with site contamination and also the piling designs for the development

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Archaeological Impact - Condition 27

The archaeological impact of the proposals were assessed under the outline planning permission through the archaeological desk based assessment. Condition 27 of the consent requires all development and site clearance (which will include the removal of the existing grassed bank) to be undertaken in accordance with an archaeological watching brief which will mitigate the impact on the archaeological resource.

Ecological Enhancement Measures - Condition 36

Condition 36 requires all reserved matters applications to include details of how the ecological enhancement measures, as outlined in the Ecological Appraisal approved under the outline permission, are to be incorporated into each phase of the development. This submission is supported by a Technical Note which include the details of the ecological measures to be undertaken on the Phase 1 site. Proposed measures include the greening of routes north-south and east-west through the site, inclusion of native and wildlife friendly planting in the public realm and residential courtyard, sensitive lighting and the provision of bat and bird nesting boxes across the development. This will accord with Condition 36.

Impact upon Trees

The application is accompanied by an Arboricultural Impact Assessment which provides an assessment of the impact of the proposals upon trees and makes recommendations for mitigating any negative impacts. It is highlighted that the design has been developed with careful consideration to minimise the impact on the most important trees and to enhance tree cover across the site. There are Tree Preservation Orders within the site and neither does the site encroach into a Conservation Area. The Assessment has surveyed 197 individual trees and 16 tree groups to inform this report, which based on the proposed parameter plans, 102 individual trees and 10 tree groups have been identified for removal to facilitate the development. However, these trees are predominantly of low value and relatively young trees, and the tree removal will be mitigated by a comprehensive landscape scheme, with an appropriate variety of tree species and therefore the loss is considered to be acceptable. The remaining 101 tree features will be retained and integrated into the development and sufficient space and adequate protection measures will be set out to ensure that retained trees are not damaged during the phased pre-construction and construction works to enable their successful development post-construction. It is recommended that the reserved matters application is supported by an Arboricultural Method Statement (AMS) and detailed Tree Protection Plan. The AMS will provide details on sequencing of tree protection in relation to the phasing of works and suitable methodology relating to any works within Root Protection Areas (RPA) and/or works to above ground tree parts.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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National and local planning policies indicate that this Swansea Central Phase 1 scheme would deliver a policy compliant proposal and would provide the economic growth for the regeneration of Swansea City Centre and strengthen its role as a regional shopping and leisure destination within the Swansea City Bay Region. This is supported by the design objectives and vision within the Swansea Central Area Strategic Framework.

The UDP and the Strategic Framework support a Retail Leisure led mixed use scheme and the provision of the new arena would support the aspiration to improve Swansea as a visitor destination and the proposed land uses are supported by planning policy.

It is anticipated that Phase 1 will act as a catalyst for the further regeneration and investment both within Phase 2 Swansea Central proposals and the surrounding City Centre area. The delivery of a significant mix of new uses including a 3500 person capacity arena, commercial floorspace, residential units and efficiently designed car parking will deliver economic, social and environmental benefits. The provision of the 944 replacement car parking spaces will ensure that the site is accessible and that there is no impact on the city centre car parking provision. The development will facilitate the physical and economic regeneration of the City Centre through the introduction of new areas of public realm and improved crossings over Oystermouth Road.

RECOMMENDATION:

APPROVE, subject to the following planning conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:
SW1-ACME-00-00-RM-A-0100-S2-P00, SW1-ACME-00-01-RM-A-1101-S2-P00, SW1-ACME-00-02-RM-A-1102-S2-P00, SW1-ACME-00-02-RM-A-1108-S2-P00, SW1-ACME-00-GR-RM-A-1100-S2-P00, SW1-ACME-00-XX-CG-A-0000-S2-P00, SW1-ACME-00-RF-RM-A-1107-S2-P00, SW1-ACME-00-RF-RM-A-1109-S2-P00, SW1-ACME-00-XX-CG-A-0001-S2-P00 SW1-ACME-00-XX-CG-A-0002-S2-P00, SW1-ACME-00-XX-CG-A-0003-S2-SW1-ACME-01-00-RM-A-1100-S2-P00 P00, SW1-ACME-00-XX-CG-A-0004-S2-P00, SW1-ACME-00-XX-RM-A-8000, SW1-ACME-01-00-RM-A-1100-S2-P00, SW1-ACME-01-00-RM-A-1101-S2-P00, SW1-ACME-01-01-RM-A-1101-S2-P00, SW1-ACME-01-02-RM-A-1102-S2-P00, SW1-ACME-01-02-RM-A-1102-S2-P00, SW1-ACME-01-03-RM-A-1103-S2-P00, SW1-ACME-01-03-RM-A-1103-S2-P00, SW1-ACME-01-04-RM-A-1104-S2-P00, SW1-ACME-01-04-RM-A-1104-S2-P00, SW1-ACME-01-05-RM-A-1105-S2-P00, SW1-ACME-01-05-RM-A-1105-S2-P00, SW1-ACME-01-06-RM-A-1106-S2-P00, SW1-ACME-01-06-RM-A-1106-S2-P00, SW1-ACME-01-XX-CG-A-0005-S2-P00, SW1-ACME-01-ZZ-RM-A-1200-S2-P00, SW1-ACME-01-ZZ-RM-A-1200-S2-P00, SW1-ACME-01-ZZ-RM-A-1300-S2-P00, SW1-ACME-01-ZZ-RM-A-1300-S2-P00, SW1-ACME-03-XX-CG-A-0006-S2-P00, SW1-ACME-03-XX-CG-A-0007-S2-P00, SW1-ACME-04-01-RM-A-1101-S2-P00, SW1-ACME-04-02-RM-A-1102-S2-P00, SW1-ACME-04-03-RM-A-1103-S2-P00, SW1-ACME-04-04-RM-A-1104-S2-P00, SW1-ACME-04-05-RM-A-1105-S2-P00, SW1-ACME-04-06-RM-A-1106-S2-P00, SW1-ACME-04-GR-RM-A-1106-S2-P00, SW1-ACME-04-RF-RM-A-1107-S2-P00, SW1-ACME-04-XX-CG-A-0008-S2-P00, SW1-ACME-04-XX-CG-A-0009-S2-P00, SW1-ACME-04-ZZ-RM-A-1200-S2-P00, SW1-ACME-04-ZZ-RM-A-1200-S2-P00, SW1-ACME-04-ZZ-RM-A-1202-S2-P00,

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SSW1-ACME-05-01-RM-A-1101-S2-P00 W1-ACME-04-ZZ-RM-A-1300-S2-P00, SW1-ACME-04-ZZ-RM-A-1400-S2-P00, SW1-ACME-05-02-RM-A-1102-S2-P00, SW1-ACME-05-03-RM-A-11032-S2-P00, SW1-ACME-05-GF-RM-A-1100-S2-P00, SW1-ACME-05-XX-CG-A-0010-S2-P00, SW1-ACME-05-XX-CG-A-0011-S2-P00, SW1-ACME-05-ZZ-RM-A-1200-S2-P00, SW1-ACME-05-ZZ-RM-A-1300-S2-P00, SW1-CLY-00-XX-RP-L-00002-A, SW1-CLY-00-ZZ-DR-L-00001-B, SW1-CLY-00-ZZ-DR-L-10001-B, SW1-CLY-01-02-DR-L-00100-C, SW1-CLY-01-02-DR-L-00101-C, SW1-CLY-01-02-DR-L-10101-B, SW1-CLY-03-02-DR-L-00100-C, SW1-CLY-01-02-DR-L-00101-C, SW1-CLY-01-02-DR-L-10101-B, SW1-CLY-03-02-DR-L-00100-C, SW1-CLY-03-02-DR-L-00101-C, SW1-CLY-03-02-DR-L-10100-B, SW1-CLY-06-ZZ-DR-L-00100-C, SW1-CLY-06-ZZ-DR-L-00101-C, SW1-CLY-06-ZZ-DR-L-10100-B, SW1-CLY-07-GF-DR-L-00100-C, SW1-CLY-07-GF-DR-L-00101-C, SW1-CLY-07-GF-DR-L-00102-C, SW1-CLY-07-GF-DR-L-00103-C, SW1-CLY-07-GF-DR-L-100100-B, SW1-CLY-07-GF-SK-L-70001 - Plans received 26 July 2018.

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

- 2 Notwithstanding the details indicated in the application, samples of all external finishes to the buildings, structures and public realm together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels shall be erected on site and the development shall be completed in accordance with the approved scheme.

Reason: In the interests of visual amenity.

- 3 Prior to the commencement of any superstructure works, large scale details of architectural elements to all buildings at an appropriate scale shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. The development shall be completed in accordance with the approved scheme.

Reason: In the interests of visual amenity

- 4 Notwithstanding the details in the application, architectural building designs and layout of the coastal park kiosk shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of the area associated with the proposed kiosk at podium level. The development shall be completed in accordance with the approved scheme.

Reason: In the interests of visual amenity.

- 5 Notwithstanding the details in the application, details of digital LED skin to the Arena to confirm final distribution of lighting, operation and content shall be submitted to and approved in writing by the prior to the installation of the arena's facades. The development shall be completed in accordance with the approved scheme.

Reason: In the interests of visual amenity.

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- 6 Notwithstanding the details shown on the landscaping scheme, no superstructure works shall commence until the precise details scheme for the hard and soft landscaping / public realm / public art / wayfinding / lighting and heritage interpretation of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out as an integral part 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.

- 7 Notwithstanding the details indicated in the Transport Assessment, a Temporary Car Parking Strategy and Assessment Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and carried out during the demolition and construction phase of the development.

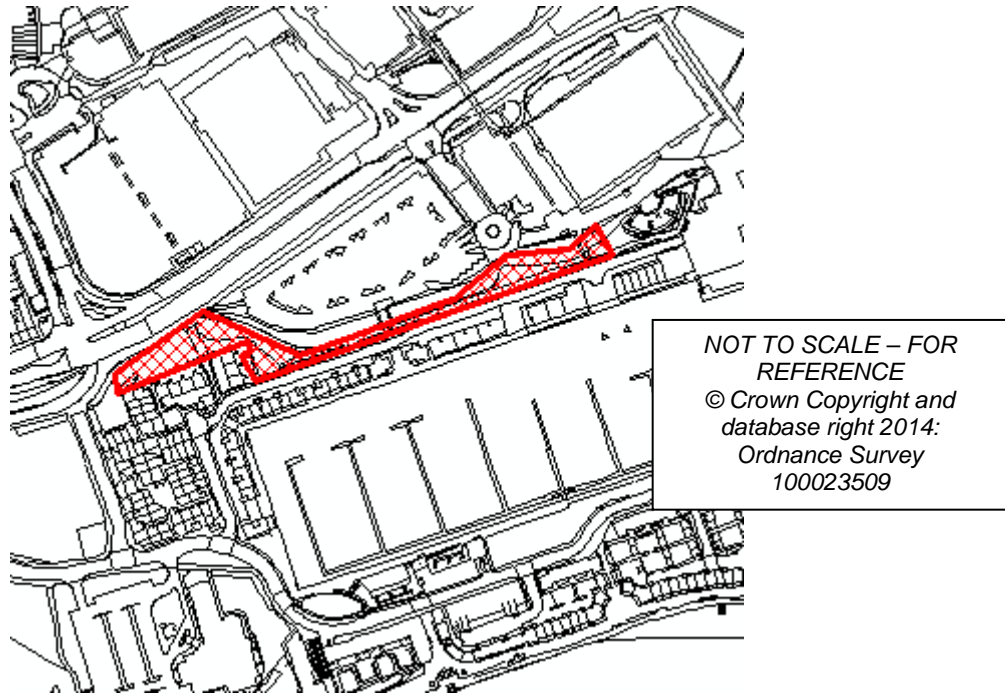
Reason: In order to manage the car parking provision during the construction phase.

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, EV2, EV3, EV4, EV5, EV6, EV7, EV33, EV34, EV35, EV36, EV38, EV40, HC1, HC3, HC17, R16, AS1, AS2, CC1, CC2, CC3, and EC15.]
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Planning Committee – 2nd October 2018

Item 2	Application Number:	2018/1823/LBC
	Ward:	Castle - Bay Area
Location:	Former GWR Revetment Wall Located Along The Southern Boundary Of Swansea Central - Phase 1	
Proposal:	Works to the Grade II Listed GWR revetment wall including the substantial removal of existing embankment and construction of new structural retaining wall and works to the tunnels in association with the development of Swansea Central Phase 1 within its curtilage (application for Listed Building Consent)	
Applicant:	The Council Of The City And County Of Swansea	



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 - EV7 - Extensions/Alterations to Listed Buildings

Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (City & County of Swansea Unitary Development Plan 2008)

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Item 2 (Cont'd)

Application Number:

2018/1823/LBC

Site History

App Number	Proposal	Status	Decision Date
2017/0648/OUT	<p>Outline planning application (with all matters reserved) for the refurbishment, alteration and / or demolition of all existing buildings / structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access / layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail / commercial /office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multi-storey car park and redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel / residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre. Across both sites, the provision of associated new public open space / public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant</p>	APP	13.06.2017

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Item 2 (Cont'd)	Application Number:	2018/1823/LBC
2018/0942/NMA	Swansea Central Redevelopment - Non Material Amendment to outline planning permission 2017/0648/OUT granted 6 June 2017 to amend the approved parameter plans, sections and supporting documents under Condition 1.	APP 01.06.2018
2018/1823/LBC	Works to the Grade II Listed GWR revetment wall including the substantial removal of existing embankment and construction of new structural retaining wall and works to the tunnels in association with the development of Swansea Central Phase 1 within its curtilage (application for Listed Building Consent)	PDE

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 by press notice and display of site notices. No response

Glamorgan Gwent Archaeological Trust

We note that the supporting information includes an archaeological written scheme of investigation, prepared by GGAT Projects (dated August 2018, report number 2018/043). This meets current professional standards and outlines and appropriate methodology for mitigating the impact of the development on the Listed Grade II GWR Revetment Wall.

To ensure adherence to the stated mitigation strategy we recommend that a condition should be attached to any consent granted by your Members and be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

Council for British Archaeology

Thank you for consulting the Council for British Archaeology (CBA) regarding this proposal for works to the Grade II Listed GWR revetment wall at South Dock, Swansea. These works incorporate the substantial removal of the existing embankment, construction of new structural retaining wall and works to the tunnels.

This application from the City and County of Swansea Council relates to the Swansea Central project, a substantial retail and leisure-led regeneration of the Castle Community area of Swansea City Centre. The original application for outline permission for the project was granted in 2017. Heritage input for the project has been provided since 2016.

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The revetment wall, built between c.1859 (when the South Dock opened) and 1876-7, was originally along the north side of the South Dock at Victoria Quay. Built by Harbour Trustees, it was leased to South Wales Railway in 1862 and absorbed by Great Western Railway in 1865. The listing notes its group value but it also has a substantial visual presence and borders the outer edge of the Maritime Quarter Conservation Area.

Swansea aspired to Georgian elegance in the C18th and the coming of the railways saw development to the south of these, with the construction of Victoria Station and its associated railway infrastructure and a plateau of railway tracks retained by the massive stone revetment wall. These tracks delivered coal to the South Dock which fuelled the copper and tinsplate industries and enabled the transportation of coal by ship, all of which brought great wealth to the city. Most of the remains of the railway tracks and buildings were removed following the Beeching Cuts of the 1960s.

The proposals are complicated by the fact that the grass embankment on the north side, whose removal is required to create car parking facilities, is supporting the wall rather than the other way around. Investigative works established the condition and stability of the revetment wall and uncovered numerous hidden additional features on the inner face - former building and equipment foundations, isolated concrete blocks, additional masonry sections, etc. Those that were found were recorded.

In line with Cadw's guidance (Heritage Impact Assessment in Wales, May 2017), the HIS for this application sets out the heritage significance of the former GWR Revetment Wall and sets it in context. It considers the objectives of the scheme and evaluates the heritage impact of all possible options, recommending the most suitable proposal and where appropriate identifying mitigation.

The HIS recommends improving the visual appearance of the wall, where later works had compromised its visual integrity and retaining the subordinate nature of new development in the vicinity of the wall. Appropriate design choices are suggested for new safety railings, while protection and on-going monitoring of the structure are encouraged in relation to vibration impact during works. Potential mitigation includes repair of the structure, removal of damaging vegetation and the re-use of stone setts. The fully developed written scheme of Archaeological Investigation included with the application is no doubt a result of the on-going heritage input into this project.

The CBA supports this application which ensures that the revetment wall is retained within the new development, is repaired, visually improved and continues to be a focal point of the local area and a transportation corridor reflecting its past use. The CBA would also commend the use of experienced and qualified heritage professional / s who have clearly been a substantial influence in ensuring that the listed structure's value and significance were key considerations during the proposal development process.

APPRAISAL

The application seeks Listed Building Consent for works to the Grade II Listed GWR revetment wall including the substantial removal of existing embankment and construction of new structural retaining wall and works to the tunnels in association with the development of Swansea Central Phase 1 within its curtilage (Ref: 2018/1648/RES refers).

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Application Number:

2018/1823/LBC

As an application submitted by Swansea Council as the Local Planning Authority, the applicant must make an application to the Welsh Ministers for the consent in accordance with the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.

The application is accompanied by a Heritage Impact Assessment (HIA) which sets out the heritage significance of the former listed GWR Revetment Wall (CADW Reference No: 1652 & C & C of S Reference No:LB:156) and sets it in context. It considers the current proposals and evaluates the heritage impact that these would have and where appropriate identifies potential mitigation.

History

The former GWR Revetment Wall runs along the northern side of the South Dock, Victoria Quay. Originally the GWR revetment wall retained a large elevated yard comprising railway tracks and sidings, used for transporting coal to the docks. The South Dock was opened in 1859 and the railway line serving it was built in 1862 and so it assumed that this is the date of the revetment wall. It was leased to the South Wales Railway, which was absorbed by the Great Western Railway in 1865. The HIA indicates that Victoria Station was closed in June 1964, one of the victims of the Beeching Report and the site was subsequently cleared, including the removal of the plateau of high-level railways tracks.

Description of the former GWR Revetment Wall

The former GWR revetment wall is set back from the north side of the South Dock, facing an access road behind the residential apartments on Victoria Quay. On the north side of the wall is a grassed embankment, the result of reducing the ground level behind the wall to the level of Oystermouth Road, and where the car park and Leisure Centre have been built. The revetment is a battered wall of sneaked, rock-faced sandstone, the line of which is broken by six multi-arched bastions and by three tunnels providing pedestrian links between the dock and the City Centre.

Of the three tunnels the middle one is original and ran under the railway yard to provide pedestrian access from the docks to the town and from one side of the tracks to the other. The tunnel to the west relates to the slightly later extension of the revetment wall and the tunnel to the east is a modern addition relating to the construction of the leisure centre. When the railway yard was taken and the car park and Leisure Centre created in 1977, the tunnel midway along was necessarily significantly truncated. The tunnel at the western end is within the section of the revetment that was added later, though before 1878. Although the definitive listing map does not mark this section of wall, it is nevertheless clearly mentioned in the list description and is assumed therefore to have been intended to be part of the listed structure. In any case it is covered by being clearly curtilage listed and should be regarded as of significance and given the same protection as the rest of the listed wall.

Grassed embankment and the top of the wall

The modern works of cutting back the railway yard and construction of a grassed embankment has created a public amenity. There is a paved path along the top of the revetment wall.

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Significance and Capacity for Change

The HIA states that notwithstanding some alterations and repairs, the GWR revetment wall is, on its south side a well-preserved and large-scale industrial monument constructed of materials characteristic of industrial South Wales. It sits close to the restored South Dock and associated buildings, including the National Waterfront Museum and is integral to the overall understanding of the dock. The wall is part of the setting of the South Dock and is a key landmark structure.

Much of its significance lies in its history and what it tells us about the scale of the railway network serving the South Dock. Further significance is derived from the importance of South Dock to the development of Swansea in the mid-19th century and it links with the wider industrial heritage on which the city of Swansea has grown. Given the radical post-war changes and the closure of the metal and coal industries there is less awareness of their historical significance and so it is structures such as this revetment wall that act as powerful reminders of the industrial history of South Wales. Indeed, it is one of the few surviving railway structures associated with any of the South Wales docks.

The monumentality of this structure clearly shows that it was a revetment to something significant and closer inspection shows the positions of the various points from which cargo was moved from rail to ship. On its north side, as has been shown in this report, it has been very substantially altered and therefore its significance has been reduced. The railway yard no longer exists but it had long gone even by the time of listing so the appearance of the structure is no different now to when it was judged to merit listing. As a result, the structure has high capacity for change on its northern side as long as anything that is done does not compromise the south side which remains intact and of high significance. Revetment wall and trees along the top of the embankment.

Relevant Planning Policy and Guidance

The statutory protection, under the terms of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Historic Environment (Wales) Act 2016, means that any works that may affect the character of the listed building, or any of its ancillary buildings, as one of special architectural or historic interest need listed building consent. There is a presumption in the Act that Welsh Ministers will have *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Listed building consent is generally obtained from the Local Planning Authority but in this case as the City and County of Swansea is the developer the application has to be determined by Welsh Ministers in accordance with Section 9 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012.

Swansea Unitary Development Plan - Adopted Nov. 2008

UDP Policy EV1 requires new development to accord with the objectives of good design and includes within its criteria to have regard to the desirability of preserving the setting of any listed building. UDP Policy EV7 specifically refers to extensions and alterations to listed buildings will not be permitted unless they safeguard the following:

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- i) The character of the listed building in terms of its scale, design, materials and features which it possesses that are of special architectural or historic interest, and
- ii) The historic form and structural integrity of the building.

Condition of the Wall and the resulting need for the proposed works

The HIA confirms that the condition of the listed structure as viewed from Victoria Quay appears to be in a good condition, although there is variable quality in the masonry repairs that have been carried out. The grassed embankment obscures almost all of the structure on the northern side so the precise condition of the wall from that side is unknown.

The Phase 1 scheme involves removing the grass bank to create the new car parking facilities and therefore an engineering solution was needed to address this structural instability of the masonry in order to best protect the heritage asset. The western tunnel arch is also identified as being in poor condition and the subject of further investigation and masonry repairs at various points, especially at the west end, will need to be carried out using an appropriate lime mortar and applied using traditional techniques.

Investigative works were carried out in June 2018 through a series of trial pits on behalf of City and County of Swansea, with direction/supervision/recording of works undertaken by the Consulting Structural engineers. The works identified that the grass bank was supporting the wall rather than the other way as would have been expected. The most significant and unexpected finding is that, over much of the wall length which was exposed, the masonry is of approximately uniform thickness and leans backwards against the earth bund at a slope of around 1:5. Thus, the wall relies on the earth bund for stability. Notwithstanding this, some buttresses were uncovered on the rear face of the wall, but the engineers' preliminary view is that they are not sufficiently massive or frequent to act as adequate supports to the wall.

Options Considered

The Project Team have had to develop a solution that achieves an optimum balance of conservation of the heritage, enabling the scheme to progress as planned, and controlling cost. The options considered have been broadly as follows:

Leave unaltered

This is the most cautious option. It allows the listed structure to remain exactly as existing with no engineering interventions and no visual changes. Whilst this would leave an inherent instability that at some point might be a concern it would give a high level of protection to the listed structure. However, it would involve a radical redesign of the proposals for the area to the north. This option has been reviewed by the architects and it is found to be impossible to move the car park further north whilst still providing the necessary number of spaces for the new leisure/event venue. In terms of heritage impact this option scores the highest but in terms of the overall project it was agreed as unrealistic.

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Engineer the slope of the earth bund

The rationale for this option was to explore if there is a viable solution that retains the restraint provided by the earth bund, as well as its visual appearance, but cuts it back sufficiently to enable the required number of car parking spaces to be created within the new scheme. In terms of heritage impact terms this option scores highly because in theory it would preserve the listed structure and introduce limited visual change. However, it has not been possible to achieve a technical solution, despite consultation with specialist consultants/suppliers, and still carries the risk of intruding too much on essential car parking spaces that are proposed.

Creating a new inner retaining wall

This option addresses the instability of the masonry in a consistent manner along the entire length of the wall by creating a new inner retaining wall supported off king-posts sunk into the ground at regular intervals, with precast planks or similar spanning horizontally between, and appropriately clad. The king-posts would not remove or impact on the existing buttressing, but it is concluded that those alone are insufficient and so the new retaining wall would take the primary load of retaining the revetment wall. The engineering details of this are set out in the section on the Preferred Option. Aesthetically it can create a consistent finish.

Remove earth bund and support wall with buttresses

This option achieves the required stability with the least intrusion into the development area and therefore has the least impact on the preferred position and scale of the car parking. However aesthetically it would be a significant change from what is seen at present. Design of the buttresses and the finish to the exposed wall will be critical to the level of impact that this solution would create. The condition of the wall that would be exposed is unknown and might be such that it needs to be consolidated through the application of render or similar. At best it is likely to require a great deal of new pointing. Another factor is that this option involves the greatest degree of digging down into the wall's foundations in order to insert the buttresses. This introduces greater risk of vibration damage to the revetment wall.

It is important to remember with this option that the masonry that this solution exposes and seeks to retain was never meant to be seen. It was the back face of a revetment that was, for over 100 years, hidden by being under the railway tracks, and since then hidden by the earth bund.

Propping on to wall of the new structures to be built adjacent

Whilst this might involve much less intervention into the wall it would be aesthetically poor. It would also be almost impossible to construct as the wall needs to be stabilized without the benefit of the earth bund before building new structures so this option would involve a highly risky phase during which the wall was neither supported by the earth nor propped on to the wall of the new structures.

Demolish the listed wall and rebuild

In heritage terms this would not be acceptable. It would have the highest impact and rebuilding would at best only create a facsimile.

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Preferred Option and its Heritage Impact

The preferred option is to create a new inner retaining wall for the full length of the wall where space is less constrained and more publicly visible. In areas where space is at a premium and not seen, such as in the service yard to the new facilities, an alternative option of supporting the wall with buttresses and removing the earth bund is also considered.

Assessment of long-term Heritage Impact

Northern side

The current design proposals will have a significant impact on the GWR revetment wall when seen from the north side. The proposed changes are to build a multi-storey car park, extending close to the revetment wall. This will require removal of the majority of the existing embankment. As there was previously an elevated ground surface here, a raised car park deck could be said to reflect, to some degree, the heritage of the structure. Part of the vault of an original tunnel is already exposed following removal of the railway yard and this will need to be cut back further in line with the cutting back of the embankment.

The existing portal to the easternmost tunnel (adjacent to the LC) is of unsympathetic design and so its alteration offers an opportunity for improvement. The proposal is to expand this access route by creating three parallel tunnels and so the new north side portal would have three arches not just one. The arches will be sympathetic to the existing profiles using high-quality formwork and as a whole will be more aesthetically pleasing than the existing equivalent.

The existing grassed bank is the result of a modern change and that the monumentality of the wall and the embankment is not fully appreciated when seen from the north. However, it is critical that immediately adjacent new build is not higher than, or perceived to be higher than, the existing listed structure of acknowledged industrial heritage value. It is also accepted that the wall on this side was intended to be buried as it was underneath the raised area of railways tracks. It remained as such from construction c.1860 to well after closure of the line in 1964. Construction of the Leisure Centre dropped the ground levels and supported the wall with a massive earth bund so again the intention was to conceal the northern face of the wall.

At the time when the revetment wall was listed (1987) the northern face was not visible and its listable merit was determined on the basis of its southern face and historic interest. Neither of these are affected by the proposed changes on the north side.

Southern side

This is the primary elevation to Victoria Quay. The proposed works will retain the essential character of the masonry and of the monumentality and length of the structure as they are almost entirely confined to the north side. The only intervention proposed on this side is to the easternmost tunnel. Where there is currently one tunnel the proposal is for there to be three and to achieve this the two flanking arches of the bastion would be opened up to create parallel tunnels. It is important to ensure the original arches remain clearly exposed and the concrete finish of the walls and soffit to be in appropriately coloured to blend in with the existing masonry.

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Top of the revetment wall

This is currently a footpath / cyclepath on top of the revetment wall with a grassed amenity area. Railings are proposed for safety and these would be placed into the modern top of the structure and not into the historic parapet. It is recommended that railings are of a utilitarian, metal-fabricated, design sympathetic to its industrial heritage context.

Assessment of Heritage Impact during construction works

The listed revetment wall needs to be protected from vibration impact during the course of the works as the proposed option involves a considerable amount of digging to install either the king-posts (with a rotary auger, not a driven piling rig) or the buttresses. It is critical that the method statement for the works ensures that the works do not put the heritage asset at risk and that it is regularly monitored during the course of the works.

Assessment of impact on key views

The primary view is along Victoria Quay which will be unaltered. There are also key views through the tunnels and these will also be preserved in the sense that the tunnels are retained. They will however be much shorter. The views south towards the South Dock and Victoria Quay will be unchanged when seen from the tunnel portals on the north side but the views from Victoria Quay north towards the new car park will be radically changed given the scale of the new development.

Potential Mitigation

The Heritage Impact Assessment makes the following recommendations:

- The parapet is in poor condition in some places and the proposed works offer the opportunity to repoint in a suitable mix and to safeguard the historic character.
- Vegetation obscuring the masonry in places can be carefully removed to reinstate historic character and ensure best possible protection of the structure.
- There are stone setts paving the middle tunnel that can be salvaged when the tunnel is cut back and can be used to create a more historically authentic surface to the easternmost tunnel.
- Further work, as highlighted by Cadw, is needed on precisely how water will be drained from behind the former GWR embankment:

Summary and Conclusion

The proposals seek Listed Building Consent for *"Works to the Grade II Listed GWR Revetment Wall and development of Swansea Central Phase 1 within its curtilage"* as part of a wider retail and leisure-led regeneration which has Outline Planning Consent. The Heritage Impact Assessment is also submitted in support of the Reserved Matters application for the Phase 1 Swansea Central proposal. The investigative works identified buried remains of railway period features such as the foundations of former equipment. These will be retained and recorded under archaeological supervision and in accordance with a Written Scheme of Investigation.

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This Heritage Impact Assessment acknowledges that the scheme will further change the former GWR embankment. However, this Heritage Impact Assessment has also shown how it has already been significantly changed prior to listing. The levels will return in part to that of the original railway track plateau. An arena and associated facilities will be built close to the embankment but these have been designed to minimize the risk of overwhelming the existing listed embankment. On a more limited level of change there will need to be a new handrail along the embankment for safety of pedestrians and cyclists.

In summary, the changes now proposed can be judged as the next phase which continue to preserve the south side and the reasons for listing. The outcome of this scheme will be that the listed wall will remain largely as existing when seen from Victoria Quay to the south, where its significance is best appreciated. The heritage asset can therefore be preserved as part of this development.

Placemaking and Heritage Consultation

The Councils Design and Heritage Team have been involved throughout the pre-application process. They have carefully assessed the final proposals and have provided the following detailed supportive comments.

The phase 1 Swansea Central Regeneration proposals include a new Arena and two level deck car park with coastal park above which would be located to the south of Oystermouth Road. This significant regeneration project is a corporate priority for Swansea Council that requires a number of minor alterations to the grade II listed GWR Revetment Wall as follows:

- The formation of the new car park would require the removal of much of the grass embankment to the north of the GWR wall.
- The car park deck proposals would also require the further cutting back of the middle stonework tunnel.
- The improvement of pedestrian connectivity between the new public realm areas and existing South Dock waterfront would require formation of two new pedestrian openings in the wall either side of an existing opening at the eastern end.
- The proposed Arena requires emergency and maintenance access which is only possible via the ramp from the west which crosses the brick arch of the Paxton Street tunnel - this is proposed to be retained and replaced structurally by a new hidden deck bridge.

The proposals are explained and justified in a comprehensive Heritage Statement/ Heritage Impact Assessment. The following comments summarise the significance of this designated heritage assets in accordance with the Cadw conservation principles publication and assesses the acceptability of the proposed changes.

The HIA outlines the options considered and discounted. This explains why removing the wall and building a replica is not appropriate and why doing nothing is not an option. This leads to the proposed and justified works as a sensitive and proportionate alteration in order to deliver a corporate regeneration project.

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The works have been informally discussed with the Cadw Historic Building Inspector at the pre-application stage and the proposals incorporate the advice and requests from this process.

It is important to recognise that this wall is a remnant of a larger earth work and masonry structure that supported high level rail lines that linked to decks for tipping coal into ships waiting in the South Dock. What remains is the monumental 380m long southern masonry retaining wall. This steps in at the western end and returns round to the north for a short distance. There are three accesses through the wall; a modern pedestrian link at the east end; truncated stone tunnel in the centre and brick Paxton Street tunnel at the west end. The majority of the north side is modern and lacking context following the removal of the railway plateau prior to the listing in 1987.

The significance of the GWR wall can be summarised as follows:

The south side has a high evidential value as a robust monumental industrial pennant stone structure where the arched bastions show the former locations of the coal tipping piers. The north side has minimal evidential value because this is a modern glassed slope formed when the railway embankment plateau was removed. The very limited evidential interest to the north side would be the remaining fill material and potential for remnant below ground industrial structures associated with the railway.

The south side of the GWR wall has a high historical value as a feature associated with the docks, and coal export from the Swansea Valley. However this structure has lost context and there is no interpretation. The incongruous grass bank on the north side has led to the wall to be misunderstood as a city defensive wall.

The south side has a high aesthetic value derived from the dressed stonework, with projecting arched bastions and the main walling areas leaning back whereas the north side is diminished as a modern grass bank.

Finally the communal value varies between the north and south sides for the reasons outlined above. The areas to both side of the wall have limited pedestrian footfall which means that the wall is not seen by many visitors and instead is largely viewed and appreciated by residents accessing the maritime quarter flats.

The proposed works have be assessed with regard to the significance as outlined above as follows:

Removal of grass bank over a length of approx. 230m. The trail investigation pits have confirmed that this bank comprises original embankment material that was left in situ at the time of the Leisure Centre construction in 1977 in order to support the revetment masonry wall which leans back on the earth buttress. Whilst the grass bank is not included within the Cadw red line that identifies the listed structure, it does meet the curtilage tests in terms of functional and physical connectivity pre-dating July 1948. As highlighted in the supporting proposed archaeological brief by GGAT, this bank does include unrecorded structures and it is considered that removal of this bank can be mitigated through a condition requiring archaeological supervision/ recording of features/ finds whilst work is underway.

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This is considered acceptable given that the bank has very limited heritage significance and a 50m stretch of the bank is retained at the east end. Furthermore the proposed two level car park with coastal park above is considered to be an improved setting for the GWR wall because this reinstates the levels of the rail yards which will make it easier to interpret and understand the function and significance of the designated heritage asset.

The proposed methodology for removing the grass bank is complicated by the fact that the masonry revetment wall leans back at an angle of 1 in 5 and is supported by the bank. The supporting engineering method statement proposes two tried and tested methods to remove the bank whilst supporting the wall

- To install auger metal I beam piles (not vibration piles to avoid damage to the masonry) and then to install drop in concrete retaining planks whilst gradually lowering the bank level (this is known as a king posts system). This would leave a 'sandwich' of original fill material between the new northern retaining structure and the GWR wall which would not be altered. The visible north face of this new retaining wall is proposed to be finished/softened by climbing plants within the car park and stone gabions at the west end. The stone parapet that is visible from the north is unaffected. The Cadw Historic Building Inspector raised the question of moisture within the existing structure. The historic drainage arrangements is currently unknown and it will be important to maintain the current levels of moisture to avoid over saturating or drying out the masonry; this can be addressed via condition.
- To excavate slots into the bank and install buttresses at approx. intervals to support the GWR wall and then remove the rest of the bank once the wall is supported. This would reveal the rear (north) side of the masonry wall that is of unknown condition and was never intended to be seen.

These treatments would be implemented in three contexts within the proposed regeneration project working for east to west.

- It is proposed to use the buttresses or the king post system within the hidden service yard to the Arena due to the limited space. This area is private and below a public realm deck.
- It is proposed to use the king post system softened by climbing plants within the two level car park where the treatment would be publically visible from within the parking area.
- It is proposed to use the king post system faced by stone gabions at the western end beyond the Paxton Street Tunnel where the accessible pedestrian zig zag ramp drops down from podium level to Bathurst street level.

All the structural options and the associated softening options are considered to be acceptable on the basis that there would be no change to the south side of the GWR which has high heritage significance. The listed building application requests flexibility to confirm where these approaches are proposed to be used due to the limited extent of site investigation and potential cost implications. Given that the options are considered to be acceptable and they can be conditioned to either of the options or a combination. This approach of conditioning the options has been discussed with the Cadw Historic Building Inspector and they support this approach.

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The proposal is to further cut back the middle truncated stone work tunnel. This would have been an underpass below the rail lines that has been previously cut back (presumably when the leisure centre car park was laid out circa 1977) with the masonry arch exposed within the grass bank on the northern side. Currently this truncated tunnel stretches 11.3m beyond the southern masonry portal wall. The proposal is to cut the stonework tunnel back by 3.6m so that 7.7m remains. The new northern extent is proposed to be finished in rough (not dressed) stonework to communicate that it was part of a longer structure. The truncated tunnel would remain in use as a pedestrian link between the car park and waterfront of the South Dock area and there would be no change to the southern portal within the masonry wall. This is considered acceptable and the loss of historic fabric can be mitigated through a condition requiring recording to English Heritage Level 2 before work commences, plus a condition requiring that the masonry from the truncated tunnel is reused in an agreed manner within the public realm of the Swansea Central project area.

At the western end adjacent to the existing leisure centre is a narrow pedestrian access through the grass bank and masonry. It emerges on the south side through an arch within the stone bastion. This appears to be a modern link possibly dating from the 1980s when the Maritime Quarter was established to regenerate the South Dock area. This pedestrian link is currently narrow and uninviting, plus the design similar to a box culvert is not sensitive to the heritage context. Therefore the proposal is to widen the pedestrian link by opening up the blind arches of the stone bastion to either side and replacing the crude box culvert with three form work concrete arches following the curvature of the southern masonry arches. The widened pedestrian access would be clearly modern as a new intervention but sensitive to the heritage at the same time. It will be important to colour the concrete to sit comfortably alongside the pennant stone masonry and this can be controlled by condition.

The only route for emergency and maintenance access onto the podium/ coastal park area which lies 6m above ground level is from the west via a ramp over the Paxton Street tunnel. Whilst this brick arch tunnel would have carried the live loads associated with the railway, the current structural strength is unknown. The top of the tunnel has been uncovered at some time in the past and now has a modern waterproof membrane (date of installation unknown). The proposal is to retain the tunnel in situ and to auger pile to either side to create hidden support for a new concrete deck spanning over the tunnel (not in contact). This will be hidden below the public realm finishes of the podium. Therefore there is no visual change to the heritage asset, but the works do involve ground disturbing and this can be mitigated via the archaeological process as per the removal of the grass bank.

Given that the podium level will be a new coastal park this requires balustrades at the edges to meet the appropriate standards (1.1m for pedestrian areas and 1.4m for cyclists). The proposal is for a concrete upstand to contain service vehicles and contemporary metal balustrade to be set in from the masonry. This doesn't need listed building consent but will be in close proximity in some areas and will alter the setting of the north face of the existing low stone parapet. Details of this new balustrade indicate metal fins with gold finish. This is clearly a modern intervention that links to the aesthetic of the proposed Arena building with golden vertically ribbed cladding whilst still allowing the historic parapet to be seen and is acceptable.

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There are areas where maintenance of the masonry is long overdue and this can be addressed as like for like repairs via an agreed method statement using a suitable lime mortar outside of the listed building consent process.

Overall, it is considered that the whilst the Arena and car park with coastal park and very significant large scale projects, the proposed works to the grade II listed wall are sensitively conceived and fully justified in order to deliver a strategic regeneration objectives. The main heritage interest of the wall will be maintained and the works will reinstate the context with the coastal park and increased footfall allowing the heritage to be better appreciated as an integral part of the development.

As the GWR wall is owned by Swansea Council, this assessment and recommendation for approval needs to be referred to the Planning Division of Welsh Government to make the final decision with recommended conditions to address the following aspects:

- Approval of final retaining detail(s) (buttresses/ king posts system) and softening (climbing plants/ stone gabions) to of north elevation.
- Archaeological watching brief during ground disturbing works.
- Recording to English Heritage level 2 of all areas where removal of historic fabric is proposed.
- Sample panel of concrete on site adjacent to pennant stonework to ensure visual sensitivity.
- Condition to require use of stonework from demolished areas elsewhere on site
- Confirmation of drainage as requested by Cadw.

RECOMMENDATION:

In accordance with the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 as a Council Planning Application, the application for Listed Building Consent is referred to the Welsh Ministers for decision with a recommendation that it be approved subject to the following conditions:

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

Reason: To comply with the provisions of the Planning (Listed Buildings and Conservations Areas) Act 1990

- 2 Notwithstanding the details indicated in the application, approval of the final retaining wall details (buttresses/ king posts system) and softening (climbing plants/ stone gabions) of the north elevation shall be submitted to and approved in writing by the Welsh Ministers. The development shall be completed in accordance with the approved scheme.

Reason: In order to assess such details to ensure the character of the listed structure is retained.

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- 3 Notwithstanding the details indicated in the application, samples of all external finishes to the structures shall be submitted to and approved in writing by the Welsh Ministers. A sample panel of the concrete shall be erected on site adjacent to pennant stonework to ensure visual sensitivity and the approved sample panel shall be retained on site for the duration of the works. The development shall be completed in accordance with the approved scheme.

Reason: In order to assess such details to ensure the character of the listed structure is retained.

- 4 The removal of any stonework from the existing structure shall be retained and used elsewhere within the development site in accordance with details to be submitted to and approved in writing by the Welsh Ministers.

Reason: In order to assess such details to ensure the character of the listed structure is retained.

- 5 No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that outlined in Swansea Central Revetment Wall, Swansea: Archaeological Written scheme of Investigation (GGAT Projects; Report no. 2108/043, dated August 2018).

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.

- 6 The development shall be carried out in accordance with the recording of all structures to English Heritage level 2 of all areas where removal of historic fabric is proposed.

Reason: In order so that features of historic interest may be recorded.

- 7 The approved development shall be carried out in accordance with a Construction Method Statement, which shall include details of how water will be drained from behind the former GWR embankment wall, and which shall be submitted to and agreed in writing by the Welsh Ministers. The development shall be carried out in accordance with the agreed details.

Reason: To ensure the works are carried out in a satisfactory manner.

Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: [EV1 & EV7]

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Item 3

Application Number: 2018/1743/S73

Ward: Castle - Bay Area

Location:

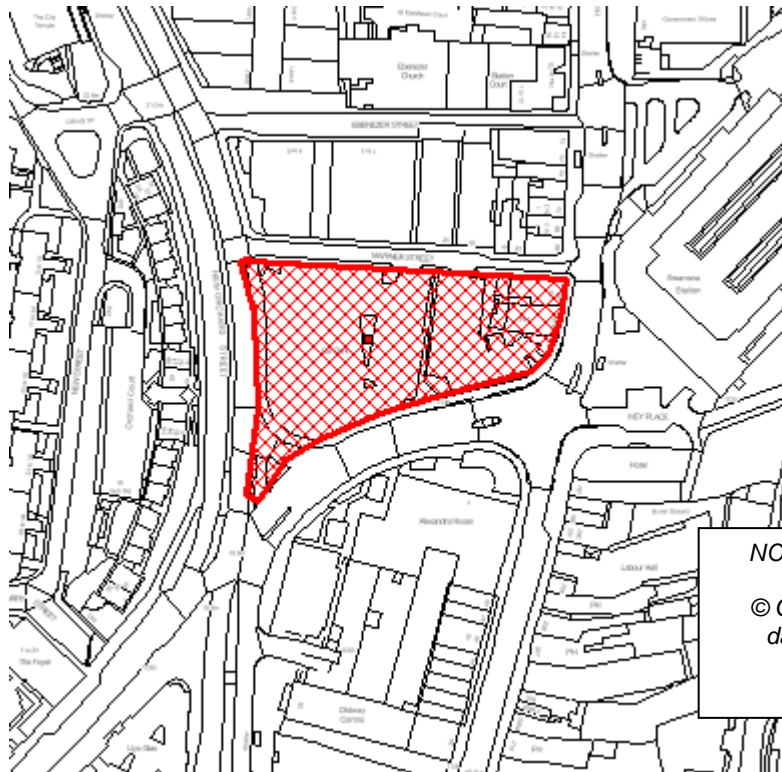
Mariner Street Car Park, 2-3 Mariner Street, 59-60 And 63-64 High Street, Swansea, SA1 5BA

Proposal:

Demolition of existing buildings on site and the construction of a purpose built student accommodation building between 6, 8 & 17 storeys (780 bedrooms comprising 170 studios & 610 cluster units) with ancillary communal facilities/services, 3 no. ground floor commercial units (Classes A1 (retail), A2 (Financial/Professional), A3 (Food and Drink), B1 (Business), D1 (non-residential institution), and D2 (Assembly/Leisure), car parking/servicing area, associated engineering, drainage, infrastructure and landscaping works - Section 73 application to vary Condition 2 (Plans), Condition 5 (External Finishes), Condition 6 (Details), Condition 10 (Superstructure Works), 13 (Landscaping), 14 (Archaeology), 20 (Drainage) of planning permission 2016/0556 granted 5th May 2017

Applicant:

C/o Agent Fusion Students



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).

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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 - EV5 - Art in the Environment

The provision of public art in new developments and refurbishment schemes will be supported. (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 - EV9 - Development in Conservation Areas

Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)

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)

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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 - EC3 - Established Industrial and Commercial Areas

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)

UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other 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 - 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 - AS1 - New Development Proposals

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

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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)

UDP - AS6 - Parking/Accessibility

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

UDP - CC1 - City Centre Mixed Use Development

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)

UDP - CC2 - City Centre Retail Core

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)

Site History

App Number	Proposal	Status	Decision Date
2018/1743/S73	Demolition of existing buildings on site and the construction of a purpose built student accommodation building between 6, 8 & 17 storeys (780 bedrooms comprising 170 studios & 610 cluster units) with ancillary communal facilities/services, 3 no. ground floor commercial units (Classes A1 (retail), A2 (Financial/Professional), A3 (Food and Drink), B1 (Business	PDE	

Planning Committee – 2nd October 2018

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	<p>), D1 (non-residential institution), and D2 (Assembly/Leisure), car parking/servicing area, associated engineering, drainage, infrastructure and landscaping works - Section 73 application to vary Condition 2 (Plans), Condition 5 (External Finishes), Condition 6 (Details), Condition 10 (Superstructure Works), 13 (Landscaping), 14 (Archaeology), 20 (Drainage) of planning permission 2016/0556 granted 5th May 2017</p>		
2016/0556	<p>Demolition of existing buildings on site and the construction of a purpose built student accommodation building between 6, 8 & 22 storeys (725 bedrooms comprising 145 studios & 105 cluster units) with ancillary communal facilities/services, 4 no. ground floor commercial units (Classes A1 (retail), A2 (Financial/Professional), A3 (Food and Drink), B1 (Business), D1 (non-residential Institution), and D2 (Assembly/Leisure), car parking/servicing area, associated engineering, drainage, infrastructure and landscaping works</p>	S106	05.05.2017

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by display of site notices. No public responses were received.

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Network Rail

The applicant/developer should liaise with Network Rail's Property Team as approval is conditional on granting of our 250 year lease of the MSCP before works commence.

Glamorgan Gwent Archaeological Trust

The proposal will require archaeological mitigation. You will recall from our letter of 27 April 2016 in response to the earlier consultation 2016/0556 that we recommended that an archaeological evaluation should be undertaken prior to determination. The supporting documents included an archaeological appraisal undertaken by Cotswold Archaeology, which identified the potential for Medieval, post Medieval and modern archaeological features to be located within the development area. We also noted that archaeological work associated with development work in Swansea encountered modern builds directly on Medieval deposits and that this may be the case at this site. The nature, extent and significance of the buried archaeological deposits needed to be known before determination, to ensure that appropriate and informed recommendation can be made regarding mitigation.

Your authority chose not to take our advice, although we are your retained archaeological advisors, which was a recommendation for archaeological evaluation prior to the determination of the planning application. It remains the case that the potential to encounter archaeological remains exists, and the nature or extent remains un-assessed and unknown in the field. We note a condition was attached to the 2016 consent (condition 14, for the submission and implementation of a written scheme of archaeological investigation).

We therefore recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be to investigate the nature of the archaeological deposits, in the first instance by a programme of work for archaeological trial trenching. Following this and dependent on the results, further archaeological investigative and mitigatory work may be required.

This will ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and financial resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, and particularly post-excavation work, assessment and recording; 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.

CADW - Advice

Having carefully considered the information provided, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

Assessment

Located within a 3km buffer of the application area are:

Scheduled monuments:

GM012 Swansea Castle

GM177 Bon y Maen Standing Stone

GM315 Earthwork on Kilvey Hill

GM371 Morris Castle

GM392 Morfa Bridge and Quays

GM441 Original Swansea Castle

GM481 White Rock Copper Works

GM482 Foxhole River Staithes

GM483 Hafod Copper Works Musgrave Engine and Rolls

GM484 Landore New Quay

Registered parks and gardens:

PGW (Gm) 56(SWA) Singleton Abbey and Sketty Hall (grade I)

PGW (Gm) 46(SWA) Brynmill Park (grade II)

PGW (Gm) 48(SWA) Cwmdonkin Park (grade II)

PGW (Gm) 55(SWA) St. James's Gardens and Crescent (grade II)

PGW (Gm) 60(SWA) Cwmgelli Cemetery (grade II)

PGW (Gm) 61(SWA) Victoria Park (grade II)

The proposed variations of conditions to the approved scheme include a reduction in the overall height of the blocks and changes to their materiality. The tallest block on the corner of Alexandra Road and the High Street, originally 22 storeys in height, has been reduced to 17 storeys. It is still located on the eastern part of the site but will incorporate grey/navy brick externally. The proposed 6-8 storey perimeter blocks remain relatively similar to that proposed; however, there are some variations in the heights and massing of these blocks and they will utilise different external materials including buff brick, light grey brick and grey render.

The Developer Heritage Appraisal by Bidwells (August 2018) reviews the impact of the proposed alterations of the consented scheme on the significance of the identified heritage assets with reference to the Developer Heritage Impact Assessment by Nathaniel Litchfield and Partners of March 2016 concludes that of the above designated historic assets, those requiring consideration are scheduled monuments GM012 Swansea Castle and GM441 Original Swansea Castle.

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We consider that the proposed development is unlikely to have an effect on the setting of the other designated historic assets listed above due to distance, topography and intervening development. With regard to the scheduled monuments GM012 and GM441 it is concluded that the alterations resulting from the proposed variation of conditions do not alter the levels of impact assigned to these scheduled monuments as a result of the original scheme: that is the effects on the setting of the scheduled monuments is limited due to distance and severance caused by existing infrastructure and therefore that the significance of the heritage assets would be preserved. These conclusions are concurred with; although the upper parts of the proposed development may be visible from the scheduled monuments the effect on setting will be very slight and not significant.

Dwr Cymru Welsh Water

Dwr Cymru Welsh Water were originally consulted on planning application 2016/0556 and by response (Ref: PLA0018707) offered no objections in principle subject to recommended conditions and advisory notes. We acknowledge that the application was granted permission 5th May 2017 for a purpose built student accommodation building with 725 no. beds and 1950 square metres (sqm) of commercial space.

As part of this latest application (Ref: 2018/1743/S73), we acknowledge the proposal seeks variation of conditions on permission 2016/0556 in order to increase the quantum of development, amounting to a total of 780 no. beds with 2321sqm of commercial space. We consider this application would result in a significant material amendment that goes to the heart of the consent granted by this planning permission and feel necessary to highlight that an additional 55 no. beds and 371 square metres has potential for significant impact on the public sewerage system. In addition, this application for variation of conditions fails to provide any justification for the proposed increase in quantum of development, in the context of any other material considerations such as drainage. Above all, however, the permission fails to include conditions as recommended in our original consultation response (Ref: PLA0018707) in reference to the requirement for a hydraulic modelling assessment to be undertaken of the potable water supply network.

In its present form, planning permission 2016/0556 has potential to cause an adverse effect to the integrity of the existing water supply system and we express significant concerns that these conditions were not included on the permission.

Having regard to the above, as the application appears to be undetermined, we maintain that the application should either be deemed invalid and resubmitted for full planning permission or, if minded to proceed as an application for variation of conditions, we respectfully request that conditions 20 - 21 are maintained on any new consent granted for the development.

Furthermore, with respect to our original consultation response (Ref: PLA0018707), we maintain that the conditions listed below are included on any new consent granted or otherwise please accept this as our objection to this current application (Ref: 2018/1743/S73), as well as the principle of the permission granted (Ref: 2016/0556), and would request that you contact us to discuss further:

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Before construction works commence on site, a hydraulic modelling assessment shall be undertaken by the developer in liaison with Dwr Cymru Welsh Water, in order to assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.

Reason: To protect the integrity of the existing water supply system

There shall be no beneficial use or occupation of any of the buildings hereby approved until such time that any necessary water infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed and approved by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of its completion.

Reason: To ensure that the proposed development does not adversely affect the integrity of the existing water supply system.

Natural Resources Wales

Does not object to this application, however they wish to make the following comments.

Protected Species (Bats)

We note that the proposal will involve the demolition of existing buildings at the site in order to facilitate the construction of the purpose-built student accommodation. As part of the previous planning application (ref: 2016/0556) which was granted planning permission an Ecological Assessment, dated March 2016 was carried out. This assessment stated that a bat scoping inspection was carried out on the 23 February 2016.

As this assessment was carried out over 2 years ago, we recommend that 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 and whether further assessment is needed, in line with best practice guidance.

If so, and in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. The survey should be carried out in accordance with; 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

Highway Authority Observations - no observations

APPRAISAL

Introduction

Planning Permission for a mixed-use student accommodation-led development at Mariner Street Car Park, Swansea involving the demolition of the existing buildings on the site ('Espresso' café) and the construction of a purpose built student accommodation (PBSA) building between 6, 8 & 22 storeys (725 bedrooms comprising 145 studios & 105 cluster units) with ancillary communal facilities / services. 4 no. ground floor commercial units (Classes A1 (retail), A2 (Financial / Professional), A3 (Food and Drink), B1 (Business), D1 (non-residential Institution), D2 (Assembly /Leisure) and nightclub (sui generis), car parking/servicing area, associated engineering, drainage, infrastructure and landscaping works was granted 5 May, 2017 (Ref: 2016/0556).

It is indicated that since that time, concerns have been raised with regard to fire safety in new tall buildings after the Grenfell Tower incident, and in particular the use of non-combustible materials especially on buildings taller than 18 storeys. Within this context a Section 73 application has now been submitted consisting of 780 bedroom PBSA with three ground floor commercial units, comprising of one large retail unit (1,512 sqm), two smaller units and a ground floor reception for student accommodation. The proposed development is still arranged in a perimeter block layout around a central courtyard, with heights ranging from 6 storeys overlooking New Orchard Street and up to 17 storeys above High Street. The tower element is therefore located on the eastern part of the site creating a strong sense of arrival from Swansea High Street Railway Station.

The main changes proposed as part of this Section 73 application are a change in materials, internal redesign of space, a reduction in the height of the tower from 22 to 17 storeys, the provision of 780 student beds and the revised layout of the ground floor commercial units. The proposed 6 - 8 storey perimeter blocks remain relatively similar to those proposed, however, there are some variations in the heights and massing using different external materials.

The existing planning permission has therefore established the principle of the development as well as the type and amount of development in its form, appearance and height. The development therefore remains a significant regeneration development within the City Centre at this key site adjacent to High Street Station and is identified as a Development Opportunity in the Swansea Central Area Regeneration Framework.

Application Site and Surroundings

The application site is currently predominantly used as a public car park (part leased to Network Rail), although there is a coffee shop and disused building located on the eastern part of the site. The site is opposite Swansea train station, with the 13 storey high office tower block of Alexandra House and the Oldway Centre) to the south with a number of garage units/ small scale commercial and residential industrial uses to the north.

The proximity of Swansea train station provides sustainable transport links for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east.

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A regular bus route served by the First Bus Company also passes the site and there are good cycle linkages in the vicinity of the site, with a signed cycle route running from Mariner Street Car Park, along Orchard Street and to the city centre. There are also extensive cycle paths in and around the site that run north along the River Tawe and south / south west to the seafront to the main university campus.

Planning Application

The Section 73 planning application has been supported with the following documents:

- Planning Statement;
- Design and Access Statement;
- Heritage Impact Assessment Update;
- Environmental Assessment Update Report
- Architectural Plans & Drawings;

Access Arrangement and Parking

Access to the car parking bays will still be obtained from Mariner Street together with a loading bay / service delivery for the commercial units and student accommodation. The development will be largely a car-free student development and in order to ensure that students do not utilise the parking places without prior approval, the tenancy agreement will prevent students bringing a car to the site, or parking on the site itself. As indicated all servicing for the commercial units will also take place from Mariner Street which allows the other elevations of the building, which front the main road network, to provide active uses and frontages in on this gateway site.

Material Planning Considerations

As a Section 73 application, the only matter which can be considered is the conditions to which the application relates and the permission itself is not a matter for consideration. The approval of a Section 73 effectively grants a new planning permission, however, the existing Section 106 Planning Obligation will remain enforceable against the new permission. Nevertheless, the material planning considerations are reiterated as follows:

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

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Townscape and visual impact;
- Impact on residential amenity including noise impact;
- Highways, traffic, car parking, access and pedestrian movements;

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

Development Plan Policy and Supplementary Planning Guidance

National Planning Guidance

The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015. Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker in taking decisions on individual planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Paragraph 4.2.4 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

Development should be located having regard towards securing a sustainable settlement pattern, on previously developed land and at locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good. New development should minimise the need to travel and increase accessibility by modes other than the private car. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development should be encouraged near public transport nodes and corridors well served by public transport.

Paragraph 8.7.1 states when determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;

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- accessibility by a range of different transport modes;
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
- the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

Swansea Unitary Development Plan ('UDP')

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. Technical Advice Notice 23 ('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. 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.

The site is currently in use as a pay and display surface level car park and it also includes a small café. The principle of development on this brownfield site is established and indeed encouraged both by the UDP and PPW, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore considered to be policy compliant.

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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.

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 Strategic 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.

Strategic objectives set out in the SCARF that are particularly relevant to High Street and the application site include:

- Developing City living
- Achieving a High Quality Environment
- Expressing a distinctive identity

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

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The application site is specifically identified as a key opportunity in the High Street complementary area for commercial and or residential development which will generate activity and footfall, and should be developed to a quality that reflects its significant gateway location with active frontages to its prominent street frontages.

Tall Building Strategy SPG

The Tall Building SPG defines a tall building as being twice the height of adjacent buildings and recognises that tall buildings can have a positive role in the City. It highlights the Mariner Street application site as a 'consider zone' which is defined as a location where 'well designed tall buildings can have a positive impact, subject to the availability of supporting information'. The SPG indicates that tall buildings should:

- Signify areas of regeneration
- Create a distinctive skyline that projects a new image for Swansea
- Form a landmark that marks a key city gateway
- Maximise densities in proximity to public transport

The Tall Building Strategy SPG also sets out a broad range of principles for tall buildings (on pages 19-22).

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 majority of the design requirements are set by the Tall Building SPG, however, it is considered relevant in terms of maximising density at this highly assessable location and also providing a legible and welcoming entrance.

Townscape and Visual Impact

The Councils Design and Heritage Team have been involved throughout the pre-application process. They have carefully assessed the final proposals and have provided detailed supportive comments.

This is an S73 application to make minor material amendments to the original scheme approved at Planning Committee (ref 2016/0556) in May 2017. This comprised a 21 storey tower with angled top, 6 storey urban block with courtyard. 725 student bedrooms and commercial units with active frontages at ground floor.

The current S73 application follows the approved footprint with a fully active ground floor of commercial frontages. The building lines closely follow the approved albeit with very minor deviation. The student entrance is amended to be more generous at ground floor which is welcomed. Therefore these fundamental placemaking aspects are fully supported.

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The massing of the urban block matches the approved at the west end to maintain the approved scale relationship to the existing homes opposite on Orchard Street. Additional massing is proposed at the eastern side of the urban block to optimise the number of student rooms without impacting on any amenity interests.

The tower has reduced in height from 21 stories to 16 stories whilst retaining the angled top profile. This is in response to requirements of the funding institutions. The key test is whether the tower retains a 'slender and elegant' appearance and is not monolithic in accordance with the test set out in the Council's adopted Tall Building Strategy SPG. It is considered that the tower massing does pass this test and that the vertical emphasis to the tower can be accentuated by the details and materials.

An updated visual assessment is provided that confirms the visual effects to be the same or very slightly reduced given the reduction in height of the tower from 21 storeys to 16 stories. Overall the visual impact will still be significant and positive in nature.

An updated heritage assessment is provided to address the adjacent listed buildings and conservation area. This confirms that the amended scheme would have the same acceptable impact as the approved scheme.

Overall there are now 780 bedrooms in place of the approved 725 bedrooms which is supported on the basis that the amended massing is acceptable.

A significant proposed change to the approved scheme is the materials. This is partially due to the reduction in acceptable cladding materials following the tragic events at Grenfell Tower and also due to a review of the scheme by a new architectural team.

The initial proposal of the s73 application was to clad the 17 storey tower in a dark grey brick but this material was considered to be too visually heavy. Following negotiations, the proposed tower finish has been amended to a metal cassettes system that includes differing depths of panels that comes down to ground to define elegant columns at street level. The window configuration to the elevations has also been amended from the submitted scheme to maintain the vertical bands of windows that was a positive feature of the original scheme. As a result the proposed 17 storey tower will have a similar material and window arrangement to the approved scheme which is welcomed.

The approved scheme proposed a variety of cladding finishes to the 6-9 storey urban block and this is apparently too much variety given the viability of the scheme. Therefore the urban block has been simplified in the s73 application and this has been negotiated to ensure visual interest and quality by grouping windows and incorporating contrast panels to break up the large elevations.

Internally the proposal within the urban block is to alter the circulation so that students must pass through the central courtyard to reach the stair cores. This is welcomed to increase the use of the social spaces. The courtyard is not visible from any public vantage points but the proposed grey render was highlighted as an issue due to weathering and because of the blandness. This has been revisited to include much brighter render colours as a 'fun' space for the students.

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Mariner Street is an adopted highway which will continue to be publically assessable as part of this development. This area will also provide a much improved student drop off area linking to a rear access for the start/ end of term times. The initial s73 proposal for Mariner Street lacked active frontages at street level which could have been an issue in terms of safety/ anti-social behaviour. However this has been addressed with additional ground floor window to provide activity and natural surveillance at street level onto Mariner Street. This includes a glazed rear elevation to the student entrance to maximise legibility.

Therefore approval of the proposals as amended by the s73 application is recommended and the full suite of conditions imposed on the original consent should be retained.

Impact on residential amenity

The existing planning permission under ref: 2016/0556 was accompanied by a Daylight and Sunlight Assessment. The results of the Assessment show that overall the proposed scheme will have a limited impact on existing buildings to the south and west of the site, however, the results show a reduction in daylight factor within the upper floors flats on Mariner Street to the north as a result of the proposed scheme. The assessment acknowledges that a reduction in daylight level in adjacent buildings is to be expected with a development of this scale within a city centre urban environment

Within the Section 73 application, the reduction in height of the main tower will reduce shadowing to the development site. There will be no change to the shadowing from the original scheme to the courtyard area. In summary, the proposals are considered to be generally compliant with the requirements of the adopted residential design guide and policies EV1 criterion (iii) and EV40 of the UDP.

Highways, traffic, car parking, access and pedestrian movements

A Transport Statement was submitted to accompany the planning permission under Ref: 2016/0556 in order to assess the impact of the development and concluded that the Highway Network could accommodate the additional traffic generated by the proposal. Whilst the proposal proposes to increase the number of bedspaces to 680, it is not considered that the impact upon the highway network would materially different.

As indicated above, the student accommodation will generate negligible traffic due to the lack of parking facilities provided. The existing Section 106 planning obligation requires 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 position was therefore agreed under ref: 2016/0556.

The Section 106 Planning Obligation also requires a highway infrastructure contribution of £160,000.00 towards enhancing pedestrian and cycle access in the close vicinity of the development. These contributions required are considered to be necessary to make the development acceptable in planning terms, 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.

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Conclusion

The proposal makes efficient use of an underutilised brownfield parcel of land which is in accordance with PPW's aspiration for the redevelopment of previously developed land. The site is not considered environmentally valuable and therefore there is no detriment to the natural environment. It has been demonstrated that the proposal accords with planning policy and that it comprises sustainable development as it provides social and economic benefits with limited environmental impacts. It has also been demonstrated that the scale and massing of this development is acceptable in this location given its sustainable location.

The tower will be a bold addition to the city skyline near the train station and symbolises the successful regeneration of High Street. The 780 student rooms and high quality commercial space will generate significant levels of footfall and add a substantial boost to the diversification of High Street. The proposals mend the urban block and incorporate a slender tower of bold design with distinctive sloping roof profile. The site is close to many heritage assets and the proposals will have a consistently beneficial relationship so these precious buildings.

Having regard to the policy framework set out in the City and County of Swansea Unitary Development Plan (Adopted November 2008), Supplementary Planning Guidance and National Policy and Guidance in the form of Planning Policy Wales and Technical Advice Notes and on balance of all material considerations it is considered that the development is acceptable.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION:

APPROVE subject to the conditions:

- 1 The development 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:
0001-P-00 Site Location Plan; 0300 - 0313, 0315 - 0317 Proposed Floor Plans; 0400 - 0416 Comparison Proposed Floor Plans; 0430 - 0432 Comparison Proposed Elevations - Plans received 8 August, 2018;

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0314 Rev 2 Proposed Fourteenth Floor; 0333 Rev 2 Proposed Section AB; 0334 Rev 1 Proposed Section C & D - amended plans received 24 August, 2018. 0330 - 0332, 0335 - 0336 Proposed Elevations & Sections - amended plans received 21 September, 2018.

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

- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the relevant part of the development. 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.

- 4 Prior to the commencement of the relevant part of the development, 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;
 - Shopfront including signage zones;
 - 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.

- 5 Visual transparency shall be retained into each retail/commercial unit in accordance with a Shopfront Code, to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the units. The Code shall apply to the shopfront zone which shall extend 3 metres to the rear of each shopfront.

Reason: To ensure active, attractive and transparent shopfront which will maintain and enhance vitality at street level and avoid dead retail frontages.

- 6 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 the wind microclimate assessment 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.

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- 7 Notwithstanding the details shown on any approved plan, 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 the relevant part of the development.

Reason: In the interests of visual amenity.

- 8 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 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.

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

- 10 Notwithstanding the details shown on any approved plan, no landscaping works shall commence until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out as an integral part 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.

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

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

- 12 All works to the Highway (footway and carriageway) shall be undertaken under a section 278 agreement with the Highway Authority. This will include resurfacing of the footways on all frontages to High Street, Alexandra Road, Orchard Street and Mariner Street.

Reason: In the interests of highway safety.

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- 13 Vehicular servicing of the development along Mariner Street, including the timing of deliveries, shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development including future vehicular servicing of the site shall thereafter take place in accordance with the approved details.

Reason: In the interests of highway safety.

- 14 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.

- 15 No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing, by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials including site compound;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. Wheel washing;
 - vi. Measures to control the emission of dust and dirt during demolition and construction; and
 - vii. A scheme for recycling/ disposing of waste resulting from demolition and construction works.
- viii. Proposed working hours;

Reason: To enable the developer to present a coherent plan addressing all environmental pollution issues likely to impact on the public.

- 16 Prior to the beneficial use of the development, details of an Operational Management Plan including a Waste and Refuse Management Plan (to include recycling facilities) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.

Reason: In the interests of public safety, to protect future resident's amenity and to ensure the management and movement of refuse within the site in the interests of site safety.

- 17 A scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the development. 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.

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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.

- 18 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

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

- 19 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.

- 20 Prior to occupation of any part 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.

- 21 Prior to beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

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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.

- 22 Prior to beneficial use of the development 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.

Reason: To protect the proposed and neighbouring residential use against noise emanating from such units.

- 23 Prior to the commencement of development a Phase 2: Detailed Investigation shall be submitted which shall:

*Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater. Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in the Patrick Parsons Phase 1 Report, Mariner Street, Swansea (N16053)

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal

this shall:

* Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

* 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.

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

- 24 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.

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

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Item 3 (Cont'd)

Application Number:

2018/1743/S73

- 25 Prior to the commencement of demolition/construction works on the application site a Dust Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP is to include the Mitigation Measures set out in Table 5-4 of The Air Quality Assessment, Mariner Street Student Accommodation, Swansea (N16053) submitted under planning permission ref: 2016/0556.

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

- 26 Prior to the commencement of any works on the site a Piling Assessment report shall be submitted to and approved by the Local Planning Authority. The report shall set out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.

Reason: To protect the residential and commercial land uses from noise and vibration within the surrounding area.

- 27 A hydraulic modelling assessment shall be undertaken by the developer in order to assess the effect the proposed development will have on the existing water supply network, together with any necessary associated infrastructure works.

Reason: To protect the integrity of the existing water supply system.

- 28 There shall be no beneficial use or occupation of any of the buildings hereby approved until such time that any necessary water infrastructure works required by the hydraulic modelling assessment referred to in the above condition have been completed and approved by the Local Planning Authority has been informed in writing of its completion.

Reason: To ensure that the proposed development does not adversely affect the integrity of the existing water supply system.

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, EV6, EV9, EV13, EV33, EV35, EV36, EV38, EV40, EC3, EC4, EC6, HC1, HC11, HC17, R16, AS1, AS2, AS5, AS6, CC1 & CC2)
- 2 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 Highways Team (Development), tel. no. 01792 636091. In particular, prior to any works commencing a Construction Method Statement will be required to be agreed with the Highway Management Group.

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Item 4 (Cont'd)

Application Number:

2018/1204/S73

Site History

App Number	Proposal	Status	Decision Date
2018/1204/S73	Residential development with construction of new vehicular access off Nantong Way (outline) without complying with condition 15 (new access off Nantong Way) of Section 73 planning permission 2014/1189 granted 22nd October 2015 (to extend the trigger to construct the Nantong Way access prior to the occupation of the 146th dwelling house)	PDE	
2018/1790/FUL	Construction of temporary access road off Nantong Way	TEM	17.09.2018

RESPONSE TO CONSULTATIONS

The application was advertised on site. No responses were received to the public consultation.

Highway Officer

There has been an increase in the numbers of accidents in and around the site access and it is considered that intensification of the use of this access will be detrimental to highway safety.

The trigger point as previously agreed should be adhered to and the new access on Nantong Way should be constructed before any more houses are occupied over and above the previously agreed levels.

I would recommend that this application be refused on the grounds that an increase in movements that would be generated by the additional dwellings would be detrimental to highway safety.

Highway Officer (revised comments)

In terms of a revised planning application to construct a temporary access onto Nantong Way - the Highway Authority response is that in highway terms the temporary access would appear appropriate, however, the issue of an excessive amount of properties accessing the sole entry / exit point on Brunel way still exists. However, if Planning are minded to approve the application then it is suggested that no further houses are occupied until the temporary access is constructed and open to the public.

Item 4 (Cont'd)

Application Number:

2018/1204/S73

Appraisal

This is a Section 73 application seeking to vary condition 15 of planning permission 2014/1189, which relates to the outline planning permission approved under 2006/1902 (as varied by 2014/1189) for 'Residential development with construction of new vehicular access off Nantong Way' at Upper Bank. The site is currently being developed by Hygrove Homes and reserved matters applications have been approved for 149 dwellings on the site.

Condition 15 reads as follows:

'The new access off Nantong Way shall be constructed prior to the occupation of the 81st dwellinghouse. The existing left-in/left-out access arrangement for vehicular traffic onto Brunel Way shall incorporate a lit, pedestrian / cycleway access points at the south-western corner of the site together with a connection to the existing footbridge over the A4217 and an additional lit, pedestrian / cycleway access at the north-eastern corner of the site, the details of all of which shall be submitted to and approved by the Local Planning Authority as part of the reserved matters approval, and the works completed in accordance with the approved phasing scheme'.

The proposed variation, if approved, would extend the trigger to provide a permanent new Nantong Way access road. When the application was originally submitted the proposed trigger was 'prior to the occupation of the 111th dwelling'. However, having regard to the current levels of occupation on site since the application was submitted, and having regard to the approval of a temporary access to the site off Nantong Way (Ref: 2018/1790/FUL), the applicant now proposes to extend the trigger so that no more than 146 dwellings are occupied prior to the construction of the permanent access.

The application is reported to Planning Committee as the site exceeds the 2 hectare Committee threshold.

Main Issues

The main issue in this instance is whether the extension of the trigger to provide the new permanent Nantong Way access would result in any significant highway safety impacts that would justify refusing the planning application for this reason.

The application has been accompanied by a transport statement (TS) and supplementary transport statement (STS). Using the trip rates within the TRICS database the TS considers the difference in trip rates between 80 private units and 110 mixed tenure units (based on 88 private and 22 affordable), would be 11 additional movements in the AM and PM peak periods. The TS considers this change in combined flows would equate to approximately one vehicle movement every five to six minutes which, the TS considers, would not have a significant impact on traffic flows.

As current occupations are at 108 dwellings, the applicant is technically in breach of condition 15. However, the TS and STS consider that the current left in left out access serving the development can accommodate the traffic arising from the current occupation levels without resulting in any significant impacts on traffic flows.

Item 4 (Cont'd)

Application Number:

2018/1204/S73

Highways have expressed concerns regarding the increased potential for accidents associated with the potential for dangerous vehicle manoeuvres at the junction of Brunel Way and Pentrechwyth Road. The STS notes four 'slight' personal injury accidents in the area around the site between 2013 and 2017. Three of the accidents, however, took place before the occupation of any units on the site and the STS considers there is no evidence to suggest the residual accident was related to the housing units occupied in 2015 and 2016.

Notwithstanding this, in order to address Highway's concerns, the applicant has submitted and received planning permission for a temporary access off Nantong Way for 1 year. The temporary access will provide an alternative access to the occupiers of the site whilst the permanent access is constructed.

Having regard to Highways concerns, in order to ensure the temporary access is provided in a timely manner and to avoid the situation arising whereby there are further occupations using only the existing left in left out access at Brunel Way, a condition is recommended to prevent any further occupations at the site (no more than 108), prior to the construction of the temporary access.

The approval of the temporary access will allow further occupations at the site, however, in order to ensure that the new access is provided before the housing approved within the outline planning permission site is completely built out, it is recommended that no more than 146 dwellings shall be occupied until the permanent access off Nantong Way is constructed and available for use. This will effectively mean the last three dwellings cannot be occupied until the permanent Nantong Way access is constructed. The Council also has financial security from the applicant, which covers the costs of constructing the new permanent access. This security can be used in the unlikely event that the developer cannot perform the construction of the permanent access.

On this basis it is considered that the variation of condition 15, as proposed, is acceptable. The provision of the temporary access in a timely manner would, it is considered, address the highway safety concerns relating to the sole use of the Nantong Way to serve the development and the applicant's supporting information has demonstrated that the current access can accommodate the movements associated with 110 dwellings without any significant highway safety impacts.

Other Matters

The 81 dwelling trigger within condition 15 is also replicated within the Section 106 agreement attached to the original outline planning permission. The developer has been advised that the Section 106 agreement will also need to be varied to accord with the requirements of this application.

Conclusion

It is considered that textension to the trigger to provide the permanent Nantong Way access, as proposed, would be acceptable and would not conflict with UDP Policies EV1, AS2 and AS10, which broadly require that developments are designed so as not to cause any significant highway safety impacts.

Item 4 (Cont'd)

Application Number:

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Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. For the above reasons the development is accordingly recommended conditional approval.

Recommendation

Approve, subject to the following conditions:

- 1 Approval of the details of the siting, means of access, design and external appearance of the dwellings/buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development on each phase is commenced. This permission specifically excludes the road layout shown on the indicative masterplan.

These reserved matters applications shall be in accordance with a full reserved matters design and development framework document for all of the site to be submitted to and approved by the Local Planning Authority prior to or contemporaneously with the first reserved matters application. The design and development framework will address the key design issues of:

- Creating local distinctiveness.
- Integrating the development into the adjacent development site.
- Linkages with surrounding communities and facilities.
- Accessibility.
- Permeability.
- Legibility.
- Scale and massing.
- Creating people friendly streets.
- Public open space, landscaping and biodiversity.
- Designing out crime.
- Reducing car dependence and use.
- Encouraging cycling and walking.
- Sustainable water use and drainage.
- Reducing building energy consumption.
- Building design and materials.
- The frontage to Nantong Way and Brunel Way.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

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Application Number:

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- 2 Detailed plans and drawings with respect to the matters reserved in condition 1 shall be submitted for approval by the Local Planning Authority in accordance with the approved Design Development Framework pursuant to condition 1.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design and to ensure that the development is carried out in an orderly and satisfactory manner.

- 3 The development shall be carried out in accordance with the following approved plans and documents: 3485.SL03 (Proposed Development Site).

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

- 4 The landscaping scheme for the site to be submitted as part of the reserved matters and shall incorporate an area of public open space, not less than 0.2h in area and to include an equipped play area and the scheme as approved shall be carried out in accordance with the approved programme of phasing. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the

Town and Country Planning Act 1990.

- 5 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 6 The use of any retaining walls to support the internal road network will need to be supplemented by full structural calculations and drawings to be submitted for approval of the Local Planning Authority prior to the construction of any such works commencing on site

Reason: To allow the proper consideration of all details in the interests of highway safety.

- 7 No more than 108 dwellings shall be occupied on the site until the new temporary access off Nantong Way approved under planning permission 2018/1790/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use.

Reason: In the interests of highway safety

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Item 4 (Cont'd)

Application Number:

2018/1204/S73

- 8 No more than 146 dwellings shall be occupied on the site until the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use. The existing left-in/left-out access arrangement for vehicular traffic onto Brunel Way shall incorporate a lit, pedestrian / cycleway access points at the south-western corner of the site together with a connection to the existing footbridge over the A4217 and an additional lit, pedestrian / cycleway access at the north-eastern corner of the site, the details of all of which shall be submitted to and approved by the Local Planning Authority as part of the reserved matters approval, and the works completed in accordance with the approved details.

Reason: To ensure good accessibility, in the interests of safety for pedestrians and cyclists and to provide a safe route to school for local school children.

- 9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of the protection of controlled waters.

- 10 Prior to the occupation of the housing phases a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with best practice. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals, where necessary shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 11 The housing phases shall not be occupied until a scheme for the foul water, surface water and land drainage has been implemented in accordance with details to be approved with the reserved matters.

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

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Application Number:

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- 12 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

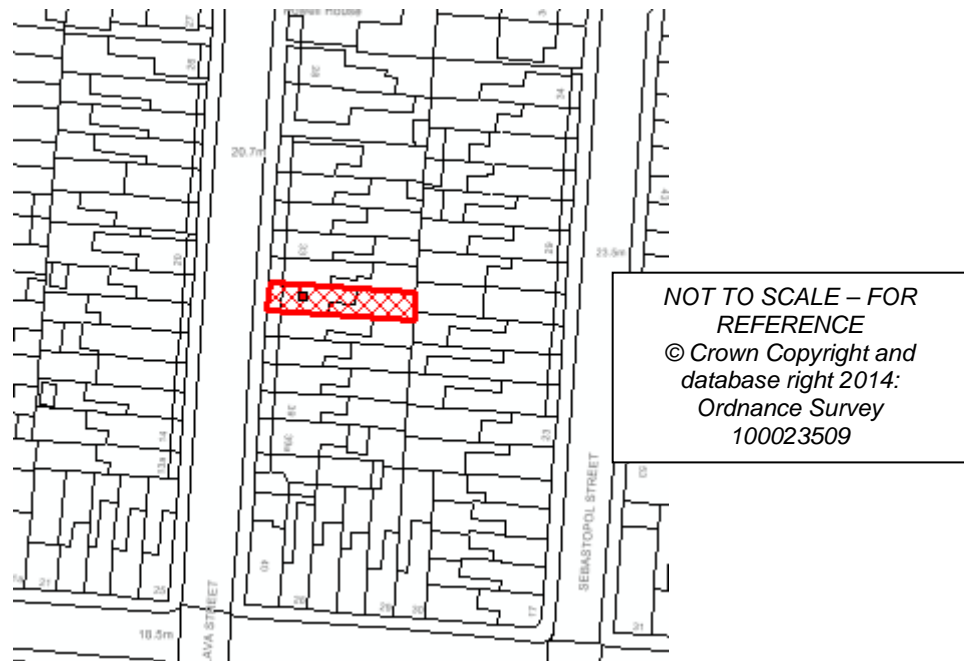
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

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, AS2 & AS10.
-

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Item 5 **Application Number:** 2018/1771/FUL
Ward: St. Thomas - Bay Area
Location: 35 Balaclava Street, St Thomas, Swansea, SA1 8BR
Proposal: Change of use from dwellinghouse (Class C3) to HMO for 4 persons (Class C4) and single storey rear extension
Applicant: Mr. Ryan



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 - 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 - 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)

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Application Number:

2018/1771/FUL

UDP - HC7 - Residential Extensions and Alterations

Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

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
2018/1771/FUL	Change of use from dwellinghouse (Class C3) to HMO for 4 persons (Class C4) and single storey rear extension	PDE	

APPRAISAL

This application has been called to Committee at the request of Councillor Joe Hale and a site visit has been requested.

RESPONSES TO CONSULTATIONS

Public Response

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters and a site notice was posted within the vicinity of the application site.

- An objection petition containing 48 signatures has been received with the text within the petition stating:

"We the undersigned object to this planning application on several grounds. There are already several HMOs and rented properties in this small street. There will be more noise, more cars, and more rubbish it is well known that all these issues arise when you have a high concentration of HMOs. We will also see another affordable family house taken off the market which further erodes our community".

Pollution Control Team

No objection - I have checked the Lle Geo-Portal in respect of air quality and traffic noise. Air Quality - the application does not fall within the Swansea Air Quality Management Order 2010 area; Traffic noise- the proposed application is located outside of the Wales Airborne Pollution Map for this source.

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Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 4 bedroom HMO for 4 people (Class C4) at No. 35 Balaclava Street, St Thomas. It is also proposed to construct a single storey extension to the rear elevation of the property.

The application property is a two storey, mid-terrace dwelling currently occupied as a three bedroom dwelling house.

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 to the provisions of Policies EV1, EV4, AS6 and HC5 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance (SPG) document entitled 'Swansea Parking Standards'.

Visual Amenity - rear extension

The proposed extension will be constructed the rear elevation of the property and will not therefore be visually prominent from public vantage points. The scale of the proposed single storey extension is considered proportionate to the host dwelling. In addition the proposed development is considered in keeping with the appearance and character of the host dwelling given the proposed use of matching materials. Therefore it is considered that the proposed single-storey extension will not have a detrimental impact upon the street scene or surrounding areas, in accordance with the requirements set out in Policies EV1 and HC7 of the UDP and the SPG entitled 'A Design Guide for Householder Development'.

Residential Amenity - rear extension

The application property is a mid-terrace dwelling that shares its curtilage boundary with Nos. 34 and 36 Balaclava Street and Nos. Given that the proposed extension is single storey, comprising a modest increase to the footprint of the host property, it is considered that the development will bear no significant adverse effect upon the residential amenity of any neighbouring occupants by virtue of any overlooking, overshadowing or overbearing impact. In addition, the application property will benefit from sufficient amenity space following development.

Use as a House in Multiple Occupation ('HMO')

In terms of HMOs the relevant policy is Policy HC5 of the City and County of Swansea Unitary Development Plan which supports the conversion of dwellings to HMOs subject to compliance with set criteria as follows:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance

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- (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 criterion 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?

Regard needs to be given to the fact that a large family could occupy the property under the extant lawful use of the premises (C3) and as such it is not considered that the use of the premises as a HMO for up to four people would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwellinghouse. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant a refusal of this application in this instance. The proposal is considered to respect residential amenity, in compliance with the provisions of Policies EV1, EV40 and HC5 of the City and County of Swansea Unitary Development Plan.

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 occupation (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 also 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 the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance' (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation.

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It further identifies the concerns, as set out 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 noted from the Council's own HMO register that there are no registered HMO properties along Balaclava Street (as of 23rd August 2018). It is however acknowledged that there may be other properties along Balaclava Street which have been used as HMOs pre March 2016. It should also be noted that outside the Castle and Uplands wards, only larger properties are captured under Mandatory Licensing. As a result there may be instances where HMOs exist in the area, albeit that they would have been implemented prior to the use class change in February 2016 and are not subject to licensing requirements.

Four planning applications have been granted for the change of use of Nos. 54, 32, 13A and 11 Balaclava Street (Class C3) to HMO (Class C4), planning applications 2017/0075/FUL, 2017/0842/FUL, 2017/1067/FUL and 2017/2625/FUL refer.

A check has been made on Rent Smart Wales which provides a public register for all landlords in Wales who rent properties and 14 properties are registered. However this register does not indicate whether or not the properties are used as a HMO or rented out and occupied as a single dwellinghouse.

There are 59 properties along Balaclava Street. Four planning applications have been granted for the conversion of dwellinghouses to HMOs, therefore the percentage of HMOs currently in the street is approximately 6.7%. If the current application is approved this percentage will increase to approximately 8.4%.

On the basis of the character of the area and the addition of one further HMO to the street the application is considered to be acceptable in that it would not result in a harmful concentration or intensification of HMOs in the area.

There would be no adverse effect upon the external appearance of the property and the character of the locality

The application proposes a single storey extension which has been appraised above and is considered to be an acceptable addition to the property. The applicant informs that a cycle storey building is to be provided within the rear garden along with bin storage facilities that would be of an appropriate form and scale to serve the HMO.

There would be no significant adverse effect on local car parking and highway safety

Under the Adopted SPG 'Parking Standards' (Page 16) reference is made to the parking requirement for a HMO, in terms of residents parking, being 3 spaces for up to 6 sharing and 1 space per additional bedroom. The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. On this basis that the Local Planning Authority has assessed such applications on the fall-back position of the existing dwellinghouse including any existing parking it has to offer and the potential traffic generated from the proposal.

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In effect where an existing dwellinghouse has no parking and a new HMO of similar residential nature is proposed it is generally considered to be unreasonable to require additional parking unless it can be demonstrated that the proposal would result in potential harm to highway safety in the area.

In respect of the character of the street it can be noted that the existing dwelling offers no off-street parking and this is common for terraced properties in the wider area. The area is within a controlled parking zone with restrictions on parking longer than 2 hours other than permit holders. Given that the SPG states that no additional parking is required for a HMO for up to 6 persons over and above that of a dwellinghouse which has no parking the application is considered acceptable in respect of its potential highway impacts. There is adequate space within the rear of the property to provide for a suitable level of cycle storage which will encourage sustainable travel.

In dealing with appeals on highways and parking grounds Inspectors have had regard to the SPG as being guidance only and have taken account of the fall-back position of existing uses as well as local circumstances when considering similar proposals. Full details of these decisions have been appended in the below paragraphs.

In view of the above and the proposal for being a 4 person HMO 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, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

Appropriate refuse storage arrangements can be provided

As above, refuse storage can be provided and these have been indicated on the submitted plans.

Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted Parking Standards SPG.

22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated *"I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable."*

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However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice"*. The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

Planning Committee – 2nd October 2018

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2018/1771/FUL

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for up to 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"...* *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Road - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated I *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area."*

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The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated *"Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."* The appeal was allowed.

Item 5 (Cont'd)

Application Number:

2018/1771/FUL

57 Ysgol Street- APP/B6855/A/17/3170117 - 2016/3406/FUL - 19 June 2017

This appeal related to refusal of planning permission for a 5 person HMO. The reason given for refusal related to concern about the impact of the proposal upon living conditions of neighbouring residents with regard to nuisance, noise and disturbance. The Inspector noted that any impact would be of a similar nature to that of a dwelling stating *"the occupation of the property by 5 unrelated individuals would be little different in intensity to the dwelling's potential use by a family under the existing C3 use. Any nuisance, noise or disturbance arising from the proposed use, such as conversations taking place in the garden or inside, noise from TVs or stereos, doors slamming, occupants arriving or leaving, etc., would be similar in nature to those which might be generated by the existing use. As a consequence any resulting nuisance, noise or disturbance would not be unacceptable"*. The Inspector noted that the proposed demolition of the rear garage would improve access to 1 off-street car parking space and the provision of 5 cycle parking spaces would facilitate alternative modes of transport. Subject to such facilities being secured by condition I am satisfied that the proposal would not result in harmful effects on parking or highway safety. The Inspector also noted that whilst the occupation of the property by 5 adults would have the potential to increase the number of vehicles associated with No. 57, the specific effects of the appeal proposal on the street would not be significant. The Inspector noted concerns raised by residents about parking and the high demand being cited by photos provided by a resident. The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated *"whether or not a proposal is harmful depends on planning judgement"*. He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from a HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: *"whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users"*. The appeal was allowed.

Item 5 (Cont'd)

Application Number:

2018/1771/FUL

199 St Helens Avenue, Brynmill - APP/B6855/A/18/3200196 - 2018/0161/FUL - 22 January 2018

This appeal related to a proposal for a 6 person HMO and the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The inspector made similar conclusions as to the cases at No. 57 and 124 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns over increased parking pressures the inspector stated *"Much of the street is the subject of permit holders only parking restrictions. The area lies in a sustainable location where many services are within easy walking distance with good public transport to others."* The appeal was allowed.

Conclusions

It is considered that the Local 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 proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety, having regard to Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle under Part 2 Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principles through its contribution towards one or more of the public bodies well-being objectives set out as required by Part 2 Section 9 of the WCFG Act. 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: Proposed ground floor & first floor plans, proposed rear elevation & rear side elevation (south), site location & block plan, waste & cycle storage facilities, existing & proposed elevation (north), received 13th August 2018.

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

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- 3 Prior to the first occupation of the development hereby approved, the secure and undercover storage for a minimum of 4 bicycles and the refuse storage facilities as indicated on plan no. waste & cycle storage facilities, existing & proposed elevation (north), received 13th August 2018 and details contained within the agent email received 17th August 2018, shall be available for the beneficial use of the residents and shall thereafter be retained for the lifetime of the use.

Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality.

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, EV40, 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.
 - 3 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, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
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