



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, 6 August 2019

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: C Anderson, P M Black, W Evans, L S Gibbard, S M Jones, M B Lewis, R D Lewis, P B Smith, 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 - 2
4 Items for Deferral/Withdrawal.	
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Next Meeting: Tuesday, 3 September 2019 at 2.00 pm

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

Huw Evans
Head of Democratic Services

Tuesday, 30 July 2019

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 2 July 2019 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black
S M Jones
P B Smith
T M White

Councillor(s)

W Evans
M B Lewis
D W W Thomas

Councillor(s)

L S Gibbard
R D Lewis
L J Tyler-Lloyd

Officer(s)

Gareth Borsden
Ian Davies
Sally-Ann Evans
Andrew Ferguson
Amanda Pugh
Ryan Thomas

Democratic Services Officer
Area Team Leader
Senior Lawyer
Principal Planning Officer
Senior Engineer
Planning Control Manager

Apologies for Absence

Councillor: C Anderson

10 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

11 Minutes.

Resolved that the Minutes of the Planning Committee held on 4 June 2019 be approved and signed as a correct record.

12 Determination of Planning Applications under the Town & Country Planning Act 1990.

A planning application was presented on behalf of the Head of Planning & City Regeneration.

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

Resolved that the undermentioned planning application **Be Approved** subject to the conditions in the report and/or indicated below(#):

#(Item 1) – Planning Application 2019/0911/S73 - Residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road (outline) (Variation of conditions 1, 3 and 4 of planning permission 2005/2355 granted 23rd April 2010) to extend the time period for

the submission of Reserved Matters on the remaining site area in accordance with the revised Design and Access Statement and Masterplan at Land West of Gower View Road And North of Brynafon Road, Penyrheol, Swansea

Graham Howells (objector) and Phil Baxter (agent) addressed the Committee.

Councillor J P Curtice (Local Member) addressed the committee and referred to her concerns about the need to maintain open space on the development and the retention of the recently refurbished play area, including the relocation of the zip wire.

A visual presentation was provided.

Report updated as follows:

The Council's Ecologist has undertaken an assessment of the Likely Significant Effect of the proposed development on European Protected sites. The assessment concludes that there are no likely significant effects on the protected sites.

In order to ensure no significant impacts on the SSSI, condition 26 part viii) should be amended to read:

'viii) all pollution prevention measures relating to nearby waterbodies particularly regarding the Carmarthen Bay and Estuaries SAC and Burry Inlet SPA, and the Burry Inlet and Loughor SSS (incorporating the mitigation and enhancement measures recommended in Section 2 of the Assessment of Potential Development Ecological Impacts and Mitigation Proposals Report prepared by Hawkeswood Ecology dated June 2019), and '

Application **approved** subject to a **deed of Variation for the S106 agreement** in accordance with the recommendation and subject to the amendment above to condition 26.

13 Planning Application Ref: 2019/1232/106 and 2018/2671/S73 - Construction of 80 no. residential units with associated access and landscaping Former Civic Centre Site, Penllergaer.

The Head of Planning & City Regeneration presented a report which outlined the request from the applicant (Enzo Homes) to modify the Unilateral Undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) for the development at the former Civic Centre, Penllergaer.

The background details, consultation undertaken and the main issues arising from the request were outlined and detailed in the report.

Councillor E W Fitzgerald (Local Member) spoke in relation to the request and supported the officers recommendation of refusal.

Resolved that the request to modify the Unilateral Undertaking Deed of Variation (planning obligation) be refused.

The meeting ended at 2.41 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: 6th August 2019

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, Members should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on page 83 of Part 3 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

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

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

Contents

Item	App. No.	Site Location	Officer Rec.
1	2018/2698/FUL	<p>Townhill Campus , Townhill Road, Cockett, Swansea, SA2 0UT</p> <p>Hybrid planning application for the redevelopment of the site to form up to 160 no. residential units and 1 no. retail unit (Class A1) comprising of a Full Planning Permission is sought for the demolition of most buildings, apart from the main part of the 1912 building (partial demolition) which is to be converted and extended to create 62 no. apartments with associated access (from Townhill Road – Pantycelyn Road) surface and undercroft parking, landscaping works and site wide access, drainage and engineering works to create development platforms; Outline planning permission is sought for the construction of up to 98 no. residential units and 1 no. retail unit (Class A1) with indicative access / layout, scale parameters (2 to 3 storeys), with associated access, car parking and landscaping works - appearance, layout and scale reserved matters</p>	Approve
2	2019/1373/RES	<p>Former St Davids Centre And Other Land North And South Of, Oystermouth Road, Swansea,</p> <p>Approval of revised reserved matters (access, appearance, landscaping, layout and scale) for part of Phase 1 of Swansea Central, including parts of: Development Zones 1a, 3, 4a, 4c and 5 of outline planning permission 2017/0648/OUT as amended (LPA Ref: 2019/0980/S73, pursuant to Condition 3, comprising details of the: servicing areas; Mixed use block extending to 36.5m, comprising multi storey car park, new commercial floorspace (use Class A1/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 35 (ecological enhancement measures).</p>	Approve
3	2019/0500/FUL	<p>15 Middleton Street, St Thomas, Swansea, SA1 8HH</p> <p>Change of use from residential (Class C3) to 4 bed HMO for 3 people (Class C4)</p>	Approve

Item	App. No.	Site Location	Officer Rec.
4	2019/1325/FUL	20 Edgewart Road, Uplands, Swansea, SA2 0NA Change of use from residential (Class C3) into a 4 person 4 bed HMO (Class C4)	Approve
5	2019/1204/S73	Cefn Betingau Farm , Rhydypany Road, Morriston, Swansea, SA6 6NX Variation of condition 2 of planning permission 2016/0086 granted 15th June 2016 to allow for a limited period being 40 years instead of 24 years	Approve
6	2016/1356	Gwyn Yard 4 St Teilo Street Pontarddulais Swansea SA4 8TH Waste Recycling Transfer Station incorporating machinery, conveyors, portable/temporary buildings and material storage bays	Approve
7	2019/0960/FUL	Kings Dock, Swansea , SA1 8QT Extension to scrap metal processing facility	Approve
8	2019/1562/FUL	18 Knoll Avenue, Uplands, Swansea, SA2 0JE Front bike store	Approve
9	2018/2313/FUL	Former Council Depot, 37 Pontardawe Road, Clydach, Swansea, SA6 5NS Construction of 46 apartments, in two blocks, for occupation by people aged 55 and over with associated car parking and facilities	Refuse
10	2019/0717/FUL	Hengoed Park Care Home , Cefn Hengoed Road, Winch Wen, Swansea, SA1 7LQ Two storey extension to provide communal lounge/living area with balconies	Approve

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Item 1

Application Number:

2018/2698/FUL

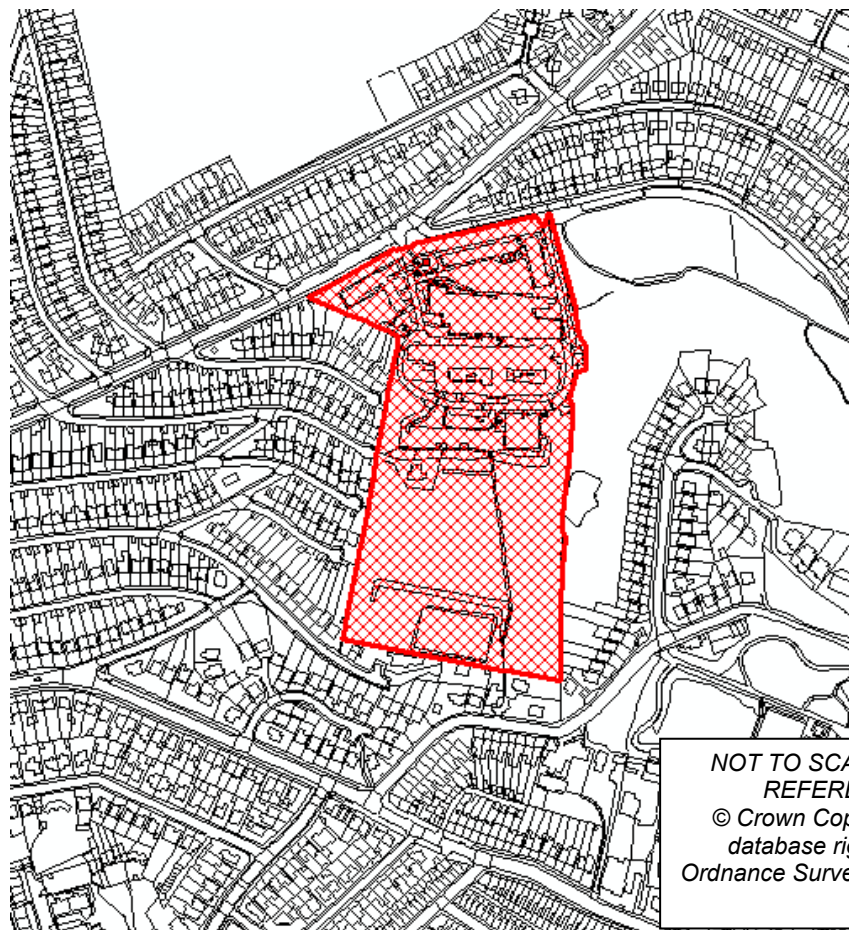
Ward:

Uplands - Bay Area

Location: Townhill Campus , Townhill Road, Cockett, Swansea, SA2 0UT

Proposal: Hybrid planning application for the redevelopment of the site to form up to 160 no. residential units and 1 no. retail unit (Class A1) comprising of a Full Planning Permission is sought for the demolition of most buildings, apart from the main part of the 1912 building (partial demolition) which is to be converted and extended to create 62 no. apartments with associated access (from Townhill Road _ Pantycelyn Road) surface and under croft parking, landscaping works and site wide access, drainage and engineering works to create development platforms; Outline planning permission is sought for the construction of up to 98 no. residential units and 1 no. retail unit (Class A1) with indicative access / layout, scale parameters (2 to 3 storeys), with associated access, car parking and landscaping works - appearance, layout and scale reserved matters

Applicant: Pobl Group



Item 1 (Cont'd)

Application Number:

2018/2698/FUL

Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - PS3 - Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

LDP - IO1 - Supporting Infrastructure

Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

LDP - IO2 - Employment and Training Opportunities

Employment and Training Opportunities - developers are encouraged to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

LDP - H1 - Non-Strategic Housing Sites

Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

LDP - H2 - Affordable Housing Strategy

Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

LDP - H3 - Affordable Housing

Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

LDP - SI1 - Health and Wellbeing

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

LDP - SI3 - Education Facilities

Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

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LDP - SI5 - Protection of Open Space

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

LDP - SI6 - Provision of New Open Space

Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

LDP - SI8 - Community Safety

LDP - RC2 - Retail and Leisure Development

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

LDP - RC6 - Local Centres

Local Centres - Small scale retail and leisure proposals less than 1000 sq m gross floor area, and other uses intended primarily to meet the day to day needs of the local neighbourhood, will be directed towards suitable premises within 25 Local Centres.

LDP - ER1 - Climate Change

Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

LDP - ER2 - Strategic Green Infrastructure Network

Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

LDP - ER8 - Habitats and Species

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

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

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

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Item 1 (Cont'd)

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LDP - T1 - Transport Measures and Infrastructure

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

LDP - T2 - Active Travel

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

LDP - T5 - Design Principles for Transport Measures and Infrastructure

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

LDP - T6 - Parking

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

LDP - T7 - Public Rights of Way and Recreational Routes

Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

LDP - EU4 - Public Utilities and New Development

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

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

LDP - RP1 - Safeguarding and Public Health and Natural Resources

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

Item 1 (Cont'd)

Application Number:

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LDP - RC2 - Retail and Leisure Development

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

LDP - RP2 - Noise Pollution

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

LDP - RP3 - Air and Light Pollution

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

LDP - RP9 - Landfill Sites

Landfill Sites - The development of new, or the extension of existing, landfill sites will only be permitted in exceptional circumstances, where it can be clearly demonstrated that it is in compliance with specific criteria. Restoration and proposed after use will need to form part of the proposal and be completed within the lifetime of the permission granted.

Site History

App Number	Proposal	Status	Decision Date
93/6083	Erection of internally illuminated box sign	PCO	
2013/0706	Installation of external lift to side elevation	APP	19.06.2013
2010/1460	Creation of 100 space overspill car park and associated access works	REF	06.01.2011
2007/0063	Facade refurbishments to Cennydd and Dyfed halls of residence	APP	26.03.2007
2005/1863	Part two part three storey extension, incorporating a lift shaft and provision of new corridors and wheelchair access within existing courtyards	APP	17.02.2006

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Item 1 (Cont'd)		Application Number:	2018/2698/FUL
2005/1853	Construction of a four storey extension, incorporating a lift shaft, new entrance on front elevation to provide wheelchair access and link corridors to Block K.	APP	17.02.2006
2002/1687	Installation of three colinear antennae, one GPS antennae, and associated telecommunications equipment on existing plant room at roof level (Application for the Prior Approval of the Local Planning Authority)	WDN	30.09.2002
2002/1507	Installation of three colinear antennae, one GPS antennae and associated telecommunications equipment on existing plant room at roof level (Application for the Prior Approval of the Local Planning Authority)	WDN	23.09.2002
2002/1175	Erection of an 11 metre high monopole with 3 antennas and associated equipment cabin (Application for the prior approval of the Local Planning Authority)	PAREF	08.07.2002
2002/0771	Construction of canopy and provision of disabled persons' entrance at Block K	APP	18.06.2002

Introduction

The application is a hybrid planning application submitted on behalf of Pobl Group for the redevelopment of the former Townhill Campus site, Townhill Road to form up to 160 no. residential units and 1 no. retail unit (Class A1). The application site is currently vacant following the relocation and consolidation of the University of Wales Trinity Saint David to the SA1 Waterfront Campus.

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As a hybrid application, Full planning permission is sought for the demolition of most buildings, apart from the main part of the 1912 building which is to be converted and extended to create 62 no. apartments with associated access, surface and undercroft car parking, and additionally to undertake landscaping works and site wide access, drainage and engineering works to create development platforms following demolition works.

Outline planning permission is sought for the construction of up to 98 no. residential units and 1 no. retail unit (Class A1) with associated access, car parking and landscaping works.

Essentially, therefore, the full planning element relates to the conversion, extension of the existing main building together with the infrastructure works, and the outline element relates to the new build components.

The application was originally submitted for a total of 155 units, however, due to changes made by the applicant to ensure the economic redevelopment of the site, this has increased the total quantum of residential development to 160 no. residential units and 1 no. retail unit. This change has been brought about by an increase of 1 residential unit in the 1912 building (now 62 no. apartments), which remains to be converted and extended as part of the full planning application, and 2 additional units proposed to the northern plateau and 2 additional units to the southern plateau, which both form part of the outline planning application.

Application Site Context

The 5.2 ha site is located within the urban area of Swansea and is largely located in a residential area, and is bounded on three sides with residential development. There is thick woodland protected greenspace located on its eastern boundary, dividing the site between the nearby residential dwellings located on Notts Gardens. The southern part of the site is largely undeveloped, and is dominated with mature woodland. The downwards sloping topography, from north to south, provides a landscape setting/backdrop and open views towards Swansea Bay. Development within this woodland area will be strictly controlled in terms of any development, due to its inherent amenity value. Many of these trees are subject to a Tree Preservation Order (TPO).

The northern part of the site is dominated by the existing teaching facilities and associated car parks. The main teaching building, an ornate 20th century building, is of high visual merit and its retention and renovation is proposed as part of the redevelopment of the site. Other facilities to the north include the Townhill theatre, a library, the refectory, several accommodation blocks, and car parks.

The original 1912 building has been identified as having historical importance, but is not a listed structure. Due to both its scale and situation on the hillside, the building sits with presence, both within its own site and within the surrounding area. The building's main southern facade (and its curved east and west corners) varies between three and four stories, with every window offering unprecedented views over the surrounding landscape towards Swansea Bay. Two external courtyards sit behind, enclosed on all sides with a cluster of smaller, north facing buildings to the rear.

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There are several small retail stores located along Townhill Road, within the vicinity of the road's roundabout junction with Powys Avenue and Graiglywd Road, predominantly selling convenience and essential goods. Additionally, there are bus stops located along Townhill Road and Glanmor Road that are all located within walking distance of the site; the closest bus stop located directly on the northern boundary of the site on Townhill Road, suggesting that the site is located within a highly sustainable location served by public transport. The stops provide hourly services (approx.) in both directions.

Application Proposal

The concept for the development is based around 5 distinct but complimentary areas as follows:

- The Upper Plateau - which will comprise a mix of 1,2,3 and 4-bedroom homes which are framed around and focussed on a new, landscaped urban square;
- The Edwardian College 1912 Building - which will be converted into a series of 1- and 2-bedroom apartments taking advantage of the extensive views over Swansea Bay;
- The Lower Terraces - which will be accessed from higher ground to provide two rows of single aspect town houses and parkland homes which will be orientated to take advantage of the southern aspect and the retained parkland landscape below;
- The Mature Parkland and Open Space - that will be conserved and managed to maintain a natural green 'lung' for the new housing as well as providing dedicated amenity space for the adjacent residential areas;
- The Lower Plateau - which will comprise detached dwellings that will enjoy the privacy which the mature landscaped setting at the lower end of the site provides.

The layout of the proposed development has been designed to create a sense of place with the upper plateau split level terrace houses responding to the steep topography of the site, which allows for additional parking at the lower level, reducing the requirement for surface car parking throughout the site.

A new small-scale retail convenience store is proposed adjacent to the site entrance which will help serve a local need and also contribute making the development more sustainable without increasing traffic flow through the site.

The retention of the 1912 building remains the focal point at the heart of the site. The development involves the removal of a number of poor-quality additions to the rear of the building which will help reveal the buildings original Edwardian features and enables the building to be modified in a sustainable and economically viable way. New apartments will overlook a shared green space which itself will conceal an undercroft car park.

The lower plateau area adopts the split level, terrace house strategy overlooking the lower woodland utilising a more contemporary character.

A Design and Access Statement (DAS) together with a DAS Addendum has been submitted with the application which explains the various facets of design and access in relation to the site alongside outlining planning policy relevant to the proposal. The statement explains how the proposal complies with the 5 principles of good design identified in TAN12 and Welsh Government Guidance. TAN 12: Design (March 2016) provides advice on design considerations and the role of the planning system in supporting sustainable and innovative design solutions.

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Application Number:

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Access

A new access into the application site is proposed off Townhill Road and the existing access of Pant-y-Celyn also utilised. The existing, substandard access of Townhill Road is proposed to be stopped up in favour of the new position further west where visibility is improved and vehicular conflict reduced. The road hierarchy will take the form of an adopted main route with subordinate shared surfaces.

Planning Application

The planning application has been supported with the following documents:

- o Planning Statement;
- o Design and Access Statement (& DAS Addendum);
- o Preliminary Ecological Survey;
- o Bat Activity Survey;
- o EPSL Method Statement - Bats;
- o Reptile Report & Mitigation;
- o Badger Survey Report;
- o Ground Level roost assessment;
- o Transport Assessment;
- o Noise Assessment;
- o Demolition Method Statement;
- o Arboricultural Report;
- o Drainage Strategy;
- o Site Investigation Report;
- o Structural Inspection Report
- o Architectural Plans & Drawings;

Consultations

The Wales Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to submit a pre-application consultation report (PAC). The submitted PAC Report has outlined the pre-application consultation undertaken including a Public Engagement Event held on 11th December 2018 at the Phoenix Centre in Townhill which was very well attended. Both positive and negative feedback was offered. The event took place during the formal PAC (Pre-application Consultation) process and all the plans and visuals were made available and numerous members of the design team and Pobl representatives were on hand to discuss the proposals and answer any queries. Feedback offered during the event are provided within the PAC report which supports the submission.

Design Commission for Wales

The Design Commission were consulted as part of the pre-application engagement and they welcomed consultation on the scheme at an early stage when there is scope for constructive dialogue to enhance design quality. The following points summarise key issues from the review and should be considered to inform any further design work:

Item 1 (Cont'd)

Application Number:

2018/2698/FUL

Informed response to context and topography

To get the best value from this unique site with its important historic building, the design process should be informed by detailed analysis of the site and context. Most of the drawings and the 3D model showed the site in isolation, whereas it would help the design team relate better to the context if it was always included in drawings and other design studies. Site sections are essential for achieving good design on this steeply sloping site but little sectional information was presented.

Clear site strategy diagrams which set out the rationale for the following, in response the site and context analysis, would be useful:

- Capturing the valuable views over the bay
- Routes and connections
- Layout of the top and bottom areas of the site
- A strategy for fronts, backs, privacy and views
- Definition of edges and ends
- Purposeful landscape and open space

It would be useful to look at exemplary modern architectural precedents for housing which successfully deals with similar topography.

The relationship of the straight runs of housing to the parkland type landscape at the south end of the site could be dealt with more sensitively to get the most value from the landscape. Whilst the building terraces designs had been developed the types and character of spaces being created between them was less defined. With differences between the upper and lower groups of terraces being explored, this should be reflected in clearly defined landscape character. For example, could the lower group become more informal to adapt to the tree-filled landscape or be a formal courtyard facing the formal front of the retained building? Clear, bold decisions about character would help inform further design development.

The rationale for referencing the local Edwardian and Victorian architecture in some of the new housing is unclear and applied pastiche details should be avoided as they are likely to add cost but not value. Analysis of the older buildings using photos leads to a response which is about the visual rather than the functional. It may be more valuable for the forms of the new housing to be derived from a response to the topography of the site and the desire for views, or in response to an environmental design strategy.

Strategic approach to layout and landscape

Routes through the site and connecting to surrounding communities and nearby facilities are important. Walking and cycle routes should be designed to be convenient and feel safe, and should consider the local Active Travel Plan.

Routes and landscape design offer opportunities to connect to the surroundings. Including a landscaped pedestrian route through the site from top to bottom might be foundational to the design approach.

The Commission strongly encourages the team to challenge the local authority's parking standards which seem excessive for this site and contradict obligations under the Well-being of Future Generations Act. It would be better to reduce the dominance of cars in the street and provide more open space for everyone to enjoy.

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A long term management strategy for the landscape and public realm should be considered at an early stage, including whether it is beneficial for all or only some roads to be adopted.

The design and alignment of the convenience store within its site is a weakness and needs further thought to integrate it with the site and surroundings

Justified demolition and reuse strategy

The Commission would like to see a justified strategy for the demolition and reuse of the existing buildings on the site. It should be demonstrated that different options have been meaningfully tested and appraised. For example, there may be value in reusing the five-storey block for residential use.

A clear and rational approach to reuse and partial demolition of the Edwardian buildings will be important. Adapting and extending the building should give consideration to providing comfortable homes which promote well-being and a sense of community. There is value in retaining old buildings to automatically add character to the development, and this aspect should be appraised. The main Edwardian building makes sense of the rest of the site and landscape, and its future relationships with new buildings and landscape should be thoughtfully planned.

Privacy hierarchy, views and comfort

A hierarchy of privacy, from public street to threshold to private space should be considered and needs to work with the topography of the site and issues of overlooking, whilst making the most of the available views. Closely linked to this, every dwelling should provide a comfortable place to live, with single-aspect apartments avoided.

Almost all of the terraces are north-south facing: opportunities for more east-west orientation to improve daylight and sunlight penetration should be considered. apartments currently shown in the new build addition to the Edwardian block which are north-facing only should be reconsidered. Testing for daylight, sunlight, and thermal comfort during the early design process is important.

The consistent use of east-west linear terraces creates many 'end conditions'. The end units should be considered special and not simply a slice through the terrace - the retained building shows one of many ways that the 'ends' could be special.

Leaving a legacy, creating a community

The presenting team expressed an ambition to leave a good legacy and create a new community on the site. To achieve this, it would be useful to understand the story of the site up to this point, before thinking about how the story will unfold in the future. Creating a narrative will help inform the design process and justify decisions. The story should consider social, economic, cultural and community themes. Overall, the scheme would benefit from simplification and better justification to answer the question, 'why is it like that?'

Innovation and energy

The team expressed a desire to apply an 'Active Homes' principle, and potentially test this through the Welsh Government's Innovative Housing Programme. The principle should be used alongside a wider energy and environmental design strategy which considers passive design principles, comfort and placemaking. This may have a valuable impact on house form, orientation and site layout.

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Time for good design and value

The Design Commission is supportive of the principle of development of this site, but believes that more time is required to get the design right and achieve the best value from the site. A phased approach and meanwhile uses could be explored to allow this to happen. A hybrid planning application may be beneficial, but it will be important to get all the strategic issues right before this is submitted. The team was invited to move through the next steps informed by the day's dialogue and return with strategic considerations. They may also wish to include significant stakeholders in the next meeting.

Statutory Consultation

ORIGINAL PROPOSAL - 155 units

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. 12 LETTERS OF REPRESENTATION have been received making the following comments:

1. The existing path from the top of the site to Penlan Cres. has been removed from the plans. This path is very important to the new residents as it will mean easy access to Cwmdonkin park and Uplands.
2. The plans are also unclear about whether there would be access via Lon Cwmgwyn. This access would be essential for those living in the bottom end of estate to shorten their journey to Gower College and shops in Sketty.
3. These plans seem to have ignored the new Planning Policy Wales 10 with regard to the importance of cycling and walking as part of a modal shift in transport. These current proposals have very poor connectivity to local amenities in the Sketty and Uplands areas.
4. Wheelrights are disappointed to not see any provision of Active Travel routes to connect this planned development with the Uplands and city centre. Wheelrights has suggested to the Swansea Transportation Dept a new walking/cycling route linking Pant y Celyn Rd with Terrace Rd (near Rosehill Community park), which would provide a safe walking/cycling route to Uplands and Swansea city centre. This would be a gradual gradient and use existing Council owned land on the existing green corridor.
5. Support the general layout of the area and open space and the need for social housing on this site.
6. The designs of the properties are also of a good standard.
7. Concern about what will be done with the current fencing backing onto a potential access road of the site. It would be nice to have these green metal wire fences removed to incorporate noise reduction measures/fencing.
8. Concerned that the number of dwellings being constructed is too many. I would only like to see the current footprint of the 1912 and neighbouring 1960's buildings developed and the lower landscaped gardens left alone.
9. I have concerns that noise generated from the extra homes in the lower gardens will not be contained. I would also oppose any access through neighbouring Lons. This will ruin our now peaceful and tranquil neighbourhood and the Lon residents are not being respected enough with this development.
10. The application has gone a long way to address the concerns about development of this site for those of us living adjacent in the Lons.
11. No objection to the Demolition or the Detailed Planning Application for the 1912 building proposals. Looks interesting as the old college building facade is to be kept which is of historical interest to Swansea.

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12. No objection to the footprint of the proposed new buildings, and therefore the Outline Planning application, though I would object if they were any further south. The footprint is very largely on the site of the existing buildings, that is the brownfield area.
13. I like the architecture of the new buildings except the ones to the south of the 1912 building, which are not in keeping with the surrounding architecture and area. The lines on those proposed dwellings are horizontal and vertical and therefore quite harsh, and do not reflect the surrounding pitched rooves of the 1912 building, the nearby 1930s houses nor the more gentle lines of flow of the nearby woodland.
14. These buildings should be more like the ones next to St. James' Church on Walter Road.
15. Flat rooves notoriously have problems in any case. Nobody has mastered them yet!
16. Pleased to see the Open Space Character Plan included in the Outline Planning Application which secures the trees and parkland area to the south of the site thereby preserving the amenity of the area and the greenfield section of the site.
17. Welcome the full surveys of trees, badgers, reptiles & bats with proper advice with regard to their conservation.
18. There are badgers visiting surrounding gardens but no setts in these gardens. I strongly suspect therefore the setts must be in the woodland areas not investigated on the site and care needs to be taken to preserve them.
19. Objection to the overall development with particular respect to gutting out (with partial demolition) of the original Edwardian, first purpose built Higher Education Building in Swansea from 1913.
20. Building in front of a beautiful heritage building with its landscape in front.
21. Swansea Council in its responsibility to protect historic structures, should have taken the initiative to list it all the while crediting it as such in previous development consultations, instead of ignoring public comment and leaving this in the hands of the market.
22. The Edwardian 1913 building is a gem to the community and was designed to be in keeping with the landscape and forms part of what is currently a very pretty area that deserves preservation.
23. The new houses will not be of a similar density, scale and character of either Townhill or the Lons area of Sketty (Cwmgwyn - Uplands ward) it overlooks.
24. Greenfield land is not appropriate for inclusion in a brownfield land register.
25. The area of land in front of the Edwardian building, which planning permission is being sought is mostly a car park (library to the right of path) that is attempting to be justified by classing as brownfield.
26. The validity of the evaluation of the Townhill Campus being classed as brownfield land in its entirety is questioned and the lack of concern for protecting the green and unbuilt grounds as well as the heritage building of a much loved structure.
27. There may be a covenant that the site is used for educational purposes only and possibly going back to the original land deed.
28. Support for the proposal to restrict redevelopment to 7.5 acres of the 12 acres site, confining residential building to the Northern plateau incorporating the existing building footprint.
29. Support the occupancy mix of social housing, shared-ownership, help to buy and open market opportunities.
30. Support the conservation and maintenance of the mature parkland of the southern plateau to curb pollution, aid in flood prevention and provide habitat for struggling wildlife.
31. Object to reopen the pathway from Townhill Campus to Penlan Crescent. This is a very steep, stepped worn concrete path, which is poorly lighted with missing safety rails.

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32. Would maintenance cost would be adopted by the council or added to the maintenance fees of the new residents?
33. Reservations about the road lay out ie. the exit onto Pantycelyn Road. This exit has always been in a dangerous position. There are cars parked opposite 24/7 narrowing the road, forcing drivers onto the right hand side of the road to pass. Over the years there has been a couple of accidents and numerous narrow misses at this junction.
34. This development would put strain on the local services for example Schools Doctors, Dentists.
35. The over congested road system on Townhill road would also struggle to cope not to mention the extra pollution.
36. Poor communication processes and lack of impact assessment on the local community, traffic and wildlife.
37. Over the years the volume of traffic using the Lons as a rat run has increased, to avoid the traffic at the bottom of Townhill Road. The roads should be made residents only, if there could any means of traffic calming measures in place.
38. The wildlife left in this area currently have the stretch of hillside land from the old Rosehill Quarry to the end of the land in which this development is planned.
39. The trees are a wildlife haven linking to Cwmdonkin and the thought of a barren landscape in this beautiful area is heartbreaking.
40. The development will see increased traffic to the area causing an already congested route from Cockett/ Broadway/ Sketty/ Glanmor/ Townhill to be increased by between 153 to 306 extra cars on an already congested road system. There will be no movement of traffic in the rush hour from Fforest-Fach traffic lights on Carmarthen Road right up to Sketty Cross. It is already bumper to bumper along this route, with minor accidents occurring on a regular basis at the junction of Townhill Road and Broadway.
41. Why is this building not being utilised for its original purpose, Education?

Cllr Mary Sherwood - supports the Planning Application. I am very much in favour of this application. However I have one concern about the proposal in its current form which I hope can be addressed as a condition of planning consent.

The sensitive retention of the Edwardian building, the mixed-tenure nature of the development, the provision of a shop in an area quite deprived of such services, the arrangement of shared green space and the commitment to preserve woodland combine to make this, in my view, an excellent proposal. Furthermore, the applicant is a known and trusted organisation housing association which the Council values as a partner in many important projects such as Local Area Coordination, area regeneration, employability programmes etc. I would far rather see local citizens become tenants of Pobl than of uncaring, distant private landlords, or priced out of the area altogether by a development from a less community-minded company. How wonderful that people on low incomes will have access to such well-designed homes, in such a beautiful setting, as these.

My concern relates to the difficulty which residents will have in accessing local shops, services, schools, parks etc if there is no path through the south of the site. This will lead to isolation, and/or car dependency, which would contribute traffic, noise and pollution to the area, and be counter to the Well-Being of Future Generations Act.

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I appreciate that the developer intends to seek the views of residents once they are in situ as to whether they would like a southerly route out of the site to schools, shops etc. rather than pedestrians, parents with buggies, cyclists etc having to take a very long and laborious route round. However, I believe that without a path in place, the development will only attract residents who are confident that they could meet their needs without such access being provided (because at the point of them moving in, it is not provided). Essentially, I fear that non-drivers would be put off from taking up residence, rather than move in and hope that access might be improved later on. We want a development which encourages and facilitates car-free living.

The Joseph Rowntree Foundation undertakes a large-scale survey every 2 years to establish the essentials required for an acceptable, basic standard of living in modern Britain. Over the years we have seen refrigerator and microwave move from being classified as luxury items, to being necessities. In 2014, the terrible state of so-called public transport in the UK "unavailable, irregular and very expensive" led to the classification of a car as a necessity for any household with children. Car ownership has become the only reasonable, and most affordable, way for even a small family to meet its needs.

Nevertheless, car ownership is not possible for many people, who therefore become isolated in areas where bus links are not good. There is no public transport around Swansea, we have collective transport by private companies who serve the most profitable routes. If a route is not deemed profitable enough they simply withdraw it and the council has to commission a provider or see communities isolated.

Placing a housing development in this location with no guarantee that bus companies will oblige by providing better links may eventually place a burden on us, the council, to fund routes in order that people living there can manage. The addition of a route out through the woodland to facilitate access to schools, shops, Uplands Market, parks and main bus routes (Glanmor Road and Sketty Road) would make these homes much more attractive to people without cars and reduce reliance on buses along Townhill Road, helping the residents there to live much more sustainable, lower carbon lives.

Glamorgan Gwent Archaeological Trust - Thank you for consulting us regarding this application; consequently we have consulted the detailed information contained on your website. The proposal will require mitigation.

Information in the Historic Environment Record shows the site to have been occupied by the Training College since it moved to the site in 1912, following its establishment in the centre of Swansea in 1872. It also has visual and cultural significance within Swansea, and wider cultural importance as it was the first teacher training college in Wales. Other buildings have since been added within the campus in the second half of the 20th century, and the visual setting has been somewhat altered, but it has retained its original purpose. Historic OS mapping of the 20th century depicts these changes; and the initial creation of the building in open ground beside a plant nursery (Nott s Gardens) and shooting range. The southern part of the site is c50m from the Registered Park of Cwmdonkin, which is Grade II Registered and was established as public open space following the creation of the reservoir in 1850. Cadw may wish to comment on the proposal in relation to this.

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The proposed development will substantially change both the interior and the exterior relationships of the building, with the rear part of the building being proposed for demolition. In order to mitigate for this we recommend that a historic building recording is made of the building before development commences. This would allow a record of the building in its current state to be made, and the changes made through this proposal to be documented.

As we noted in our response to the pre-application consultation, there is no buried archaeological resource, and in order to preserve this structure by record we strongly recommend that a historic building survey is made prior to work commencing. We would recommend that this takes the form of a Level 3 Understanding Historic Buildings: A Guide to Good Recording Practice. This should also include a measured scale in the photographs and a directional plan, and place the buildings in context.

To ensure that work is undertaken appropriately, we advise that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application.

CADW - commented under the preplanning application consultation (PAC] process and advised we have no objections to the impact of the proposed development on the scheduled monuments and registered historic parks and gardens.

Assessment

Scheduled Ancient Monuments

GM012 Swansea Castle

GM441 Original Swansea Castle

GM455 Clyne Valley Shaft Mounds

GM461 Ynys Pit & Leat

GM464 Clyne Wood Coal Level

GM481 White Rock Copper Works

GM482 Foxhole River Staithes

GM483 Hafod Copper Works Musgrave Engine and Rolls

GM582 Cockett standing stone

Registered Parks and Gardens:

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

PGW (Gm) 47(SWA) Clyne Castle (grade I)

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

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

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

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

The above designated heritage assets are located inside 3km of the proposed development, but in most cases intervening topography and buildings block all views between them. In some cases the development will be visible but will be seen as part of the existing city of Swansea. However, the south-eastern boundary of the application area is inside 50m of the boundary of the registered Cwmdonkin Park historic park and garden, but the built elements of the development will be at least 170m from the historic park. Intervening thick vegetation will block views from the historic park to the new buildings and therefore there will not be an impact on the setting of the registered historic park and garden.

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Finally, there may also be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the lamorgan-Gwent Archaeological Trust www.ggat.org.uk.

Dwr Cymru Welsh Water - In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response is included at Appendix G of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning, which accepts our comments and acknowledges that further soakaway testing is required (Para 6.1).

This planning application submission (Ref: 2018/2698/FUL) is accompanied by the same 'Drainage Strategy' report (Ref: CDGA-9324-REP01-R0) which confirms positive infiltration values from permeability test results (Table 5.1). However, the application is also accompanied by the same 'Proposed Drainage Strategy' (Drawing No. 006 Rev P2), which indicates potential options for disposal of surface water flows. This submitted layout fails to acknowledge our pre-application consultation response (Ref: PPA0003637) whereby no agreement is provided for communication of surface water flows to the public sewerage system, as well as highway and land drainage run-off. Accordingly, if you are minded to grant Planning Consent for the above development, we would request that a drainage condition is included within the consent to ensure no detriment to existing residents or the environment and to DCWW's assets:

Sewage Treatment

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

Water Supply

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

Natural Resources Wales - We have reviewed the submitted application and offer no objection to the proposed development. However, we would wish to make the following comments.

European protected species

We welcome the 'Bat Activity Survey Report - Townhill Campus, Townhill, Swansea' dated October 2018. We advise that the mitigation and recommendations detailed in the reports and submitted method statement are implemented and adhered to. We also advise that prior to any trees being felled/removed from the site as part of the proposed works, that a tree survey for potential bat roosting features is undertaken by suitably qualified ecologists. Further we note that a European Protected Species Licence will be required for this development.

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Pollution prevention.

The biggest risk from a pollution viewpoint, occurs during construction. The developer should therefore plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). Best practice would be for the developer to produce a method statement detailing all necessary pollution prevention measures for the construction phase of the development.

Council's Drainage Engineer

We have reviewed the submitted application and offer the following comments.

The Drainage Strategy ref CDGA-9324-REP01-RO, November 2018 looks at two solutions for managing surface water on site, one is a combined sewer and infiltration system and one is a fully infiltrating system. The Authority would not be supportive of an infiltration based system as the steep topography of the area could create groundwater flow paths that affect existing properties to the south and east of the hill the site sits on. However the site does have the benefit of an existing and function surface water connection to DCWW apparatus and through use of attenuation features integrated throughout the site could offer significant reduction in flows being communicated to the sewer.

Accordingly we recommend the following condition:

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

Reason.

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

Informatives.

Significant change to drainage requirements will impact new developments from January 2019. From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins in accordance with Schedule 3 of the Flood and Water Management Act (FWMA) 2010.

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The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Designing Out Crime Officer - I am generally pleased with the site layout. However, the routes that run between the properties at plots U21 and U22, and U39 - U54 must be gated. Entry onto the estate must be restricted to the designated routes.

In my opinion, a footpath link to Penlan Crescent would be problematic. Footpaths should be direct, lit, well used and overlooked to provide safety and security for the people using them. That would not be the case with this proposed footpath. It would run through a woodland area, would be isolated, very poorly lit and not at all overlooked. Therefore, it would be under used, and potentially this would put people's personal safety at risk and also increase their fear of crime.

Also it would need to be stepped, where it is proposed for this footpath to exit onto Penlan Crescent. I am aware that there have been anti-social behaviour issues at this location in the past. Such stepped areas, along with wooded areas that are out of sight, are areas where person's congregate and anti-social behaviour occurs. Having a link would give any member of the public an excuse for entering the woodland at any time of day or night, and thus would present a major anti-social issue for residents and police alike.

For the reasons outlined I would advise against a footpath link from the Townhill Campus to Penlan Crescent.

Housing Enabling Officer - In response to the planning consult for 2018/2698, Towhill Campus, Townhill Road, this site is located within the Uplands Ward, which falls within the Central Strategic Housing Policy Zone where there is a high need for affordable housing.

This site is currently being supported by the Housing Service through the Programme Development Plan as a mixed tenure site providing a higher % of affordable housing and will receive Welsh Government funding . For the purpose of the Section 106 it should be conditioned at 20% affordable housing onsite in line with the LDP proposal.

The AH units need to be DQR compliant, there should be a mix of property sizes/types and affordable tenures. The affordable units should be spread across the site not concentrated in one area. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

Education

Review of the effect on Catchment Schools of Proposed Development: -

7. Position of capacity:

7.1 Primary:

7.1.1. English-medium: the English medium primary school (Townhill Primary) currently has 0.71% surplus capacity. By September 2024 the surplus capacity is expected to increase slightly to 4.29%.

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7.1.2. Welsh-medium: the Welsh medium primary (YGG Y Login Fach) is currently over capacity by -4.67%, however by September 2024 it is expected that there will be 2.34% surplus capacity.

7.2. Secondary:

7.2.1. English-medium: the English medium primary (Dylan Thomas Comprehensive) has surplus capacity of 35.84%, this is expected to decrease to 18.98% surplus capacity by September 2024.

7.2.2. Welsh-medium: the Welsh medium primary (YG Gwyr) currently has 11.48% surplus capacity, however by September 2024 it is expected to be over capacity by -16.97%

8. Requested Contribution:

8.1. Providing the information above, the request for a Developer's Contribution from this proposed development is that Education request the full Developer's Contribution for both the English medium primary (Townhill Primary) and the English medium secondary school (Dylan Thomas Comprehensive). There will be no request for a Developer's Contribution in respect of the Welsh medium primary (YGG Y Login Fach) or the Welsh medium secondary school (YG Gwyr) due to the low impact of this development on pupil numbers. Any contributions for the WM primary and WM secondary school (based on SPG Calculations) are deemed too low to make any positive impact on the buildings.

8.1.1. Primary: the full generated amount of £269,672.00 towards EM primary (Townhill). No request for a contribution towards WM primary (YGG Y Login Fach).

8.1.2. Secondary: the full generated amount of £285,264.00 towards EM secondary (Dylan Thomas). There are condition and suitability issues at this school and therefore any increase in pupil numbers will require some investment to make areas fit for purpose. No request for a contribution towards WM secondary (YG Gwyr).

8.1.3 Details of the infrastructure these schemes are to contribute to be confirmed at reserved matters.

Placemaking and Heritage Team

Firstly the positive and proactive pre-application dialogue is welcomed - this has allowed the main issues to be resolved prior to the application. Fundamentally the retention of the 1912 building is welcomed. UWTSD should be commended for selecting a developer in Pobl who will maintain the legacy of this prominent unlisted skyline building. The engagement with the DCfW has also been positive especially to ensure dual aspect flats and removal of north facing single aspect flats.

The ground floor new entrance from the retained 1912 building into the parking undercroft should reflect the symmetry of the plan with centralised and wider entrance doors in place of the store.

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Discussions with ecological colleagues have highlighted the ongoing work to strengthen the green corridor from the woodland band above Ffynone (Rosehill Quarry etc) across to the open landscape north of Cefn Coed Hospital. This has included recent community woodland planting on the open space to the north of the site known as the Ganges. In this regard the current grass frontage onto Pant y Celyn Road with a few trees provides part of this ecological green corridor which should be considered as part of the ecological assessment. Given that the grass frontage and trees onto Pant Y Celyn Road are to be removed to allow positive frontage development and natural surveillance, the ecological green corridor linkage should be maintained via the new upper plateau green space and the design of this multi-functional community area should include the ecological linkage function also. This will require an addendum to the ecological report and the DAS/ landscape plan.

With regard to the streets that are to be offered for adoption, there is ongoing internal dialogue with Transportation colleagues to ensure that they are fully aware of the placemaking agenda and well being duties placed on all public bodies to ensure that their standardised requirements do not compromise the proposals.

Whilst the new build homes are in outline and the CGIs show the indicative proposals with the detail to follow at the reserved matters stage, it must be stated that the ends of terraces as shown will not be acceptable. Turning corners has been a key issue with the LPA and DCfW and the DAS should include the commitment for habitable room windows in side elevations at the ends of the terraces to continue the high quality well overlooked streetscape.

The DAS explains the site and context analysis and presents the indicative scheme but doesn't provide commentary on the parameter plans - for example the density range should be explained in the DAS as dwellings per hectare not just 'high/ medium' etc. Therefore the DAS needs to be expanded (or an addendum) to explain each parameter plan and placemaking principles such as turning corners at the ends of terraces. An additional character area parameter plan needed to fix the areas for the Edwardian and modern architectural references, and this should set the requirement for brick rather than render. In order for this application to be presented to Planning Committee this addendum addressing the parameter plans and placemaking principles must be provided and this cannot be conditioned.

The southern link through the parkland area is important to ensure active travel and maximise links to surround communities and facilities. However the concerns of the ALO regarding anti-social behaviour and safety are noted, so perhaps a balance could be found with this route gated and closed at dusk?

Overall the positive reuse of a significant unlisted building is supported and the outline element will form a framework for contemporary high quality houses. This is potentially an exemplar project that exemplifies the Placemaking process and Well-Being of Future Generations Act. There are just a few minor issues to resolve.

Additional Comments

The DAS addendum addresses all the issues highlighted below:

The ground floor plan of the conversion proposals for the 1912 building now follows the strong symmetry in the new build proposals.

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The retention of this prominent skyline building is welcomed; the new build elements avoid north facing flats and ensure all have dual aspect. Given the age of this building any masonry repairs should follow conservation practice and this can be conditioned.

The landscape proposals now acknowledge the wider green corridor and planting within the upper plateau green space now aim to strengthen this ecological linkage to compensate for the removal of the existing trees on the Pant Y Celyn Road frontage. The development offers the opportunity for a net gain in bio-diversity over the current situation and the detailed planting can be agreed at the Reserved Matters stage.

The commentary on the parameter plans now provides important information that needs to be conditioned to guide future Reserved Matters applications such as the distinction in the density zones. There are likely to be the comments by Planning Committee about the use of render and we will need to ensure the use of fungicidal coatings and careful detailing to avoid staining and algae. Plus we will need to explain the justification for the contemporary houses on the lower plateau in the park land with flat roof to minimise visual intrusion to the south of the 1912 building and the contrast with the traditional pitched roofs on the upper plateau as an update of the Edwardian character of Uplands.

The CGI indicative visuals demonstrate a commitment for habitable room windows in the side gables to ensure overlooking of the adjacent areas. The detail can be finalised at the Reserved Matters stage.

The retention of the existing southern footpath link through the parkland an important link to the communities and facilities of Uplands. It is not clear from the updated information if this footpath is being retained. It is suggested that a management plan be required for the southern open space area including the opening times for the retained footpath link - this could be closed at dusk and reviewed as necessary to help address concerns about anti-social behaviour.

Approval is recommended with a condition requiring future reserved matters to be in substantial accordance with the outline parameters. Conditions are also needed to cover the materials of the 1912 extension and any masonry repairs to the building fabric.

Highway Authority

1. Background information

The site was the subject of a pre-app enquiry and a PAC was subsequently undertaken during which Highways were a statutory consultee and gave advice regarding the proposed layout, access, parking and general highway comments. A Transport Assessment was also requested which has been included within the current submission to quantify movements.

2. Transport Assessment

From the PAC it was shown that current Traffic movements generated by the college use are estimated at 113 vehicular trips in the morning peak and 30 vehicular trips in the afternoon peak hour and this takes into account the sites accessibility and mixture of units. The site will also forecast to generate pedestrian, cycling, car sharing and public transport trips.

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In terms of car movements the site is considered adequate but under the SPG on section 106 agreements a contribution is being sought towards enhancements to walking/cycling/and public transport access. For the proposed level of development this equates to £140,000. The money will contribute be used to enhance road safety measures and accessibility for pedestrians/cyclists and access to public transport.

Using comparable sites on TRICS the trip generation has been assessed and the proposal is expected to generate 100 movements in the a.m. peak and 131 in the pm peak (a minor net decrease in the a.m. but a large increase in the p.m.). The methodology of the analysis is agreed and the proposed splits are considered representative.

The junction testing showed negligible impact in and around the site access however further afield results showed significant issues and congestion (the three mini roundabouts on Broadway/Tycoch road) . It is worth pointing out that this would be expected even without the development but the additional movements are exacerbating the existing congestion. A scheme is in the process of detailed design to rationalise this existing complex situation and replace it with a more streamlined arrangement that will ease congestion and free up capacity. The section 106 contribution will be put towards the delivery of these infrastructure works.

3 Current planning application

The current planning application is for a hybrid planning application for upto 155 units and a retail unit, with associated access parking and associated works.

The site is currently accessed via two points of access, one on Townhill Road and one on Pantycelyn Road. The site links well to the north of the site but the south will need careful consideration in order to provide appropriate links to the south given the topography. Links to the east/west may also be possible for pedestrian/cycle access but the vehicular access is confined to the north. This application was supported by a Transport Assessment prepared by CD Gray on behalf of the applicant. The scope was agreed with the Highway Authority and extensive testing undertaken.

The accident statistics showed two slight casualties between 2012 and 2017 on Townhill Road, with one slight incident being reported on Pantycelyn Road. The conclusion therefore was that there was not an issue with road/pedestrian safety in the vicinity of the site.

Looking further afield however there were notable clusters of accidents in the Broadway area. However there are plans for a Strategic redesign of the whole area which would free up enough capacity to mitigate for the additional traffic movements generated by the proposal. The Section 106 contribution will contribute towards this body of works.

4 Layout and parking

Advice has been given previously regarding the geometry that would be required for the internal roads to be adopted. The layout internally is considered to be acceptable and there is a 5.5m carriageway and a 2.0m footways on each side shown. The Section 38 Agreement would be subject to the drainage proposals being acceptable. Part of the internal layout is not offered up for adoption and a plan has been submitted that defines the public/private maintenance.

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The layout shows that all areas have two points of access, in a series of loops, therefore no turning heads need to be provided. It is likely that the road in the main would be suitable for adoption subject to detailed design.

Main access to the site is gained by the introduction of a new vehicular access, with the existing one being stopped up. The re-siting allows for better visibility. The secondary access onto Pantycelyn road is being retained/improved. These works and any necessary reinstatement and/or stopping up will need to be undertaken under a Section 278 Agreement with the Highway Authority.

In terms of parking we have agreed that the site qualifies for a blanket parking reduction of one space per unit but that a minimum of one space per unit will be provided. Parking will be likely to self contained within the site with no overspill arising.

Cycle parking is also referenced as being proposed and this will help to promote non car modes of travel albeit that the gradients of the site may impact on this.

In terms of access to walking/cycling/public transport the site is well served by public transport routes on Townhill Road. The site is well located in terms of distance from the bus routes and it is therefore considered that bus travel could be a viable alternative to a private car.

With regard to the active travel act and reducing down car usage I would require that enhanced pedestrian links should be provided:

- a) Combined ped/cycle link to the south (Penlan crescent)
- b) Combined ped/cycle link to the west Lon Cwmgwyn
- c) Pedestrian link to the west Lon Bryngwyn

As these are all within the site boundaries (or requiring minor parts of land that is in CCS ownership) then I would assume that they can be carried out as part of the overall development under an appropriate condition. I would suggest a threshold figure of 50 units before the links need to be formally open.

Those links should ensure that the site is permeable and provide a safe route to the south towards the city centre with its amenities and opportunities.

5 Conclusions

The Transport Assessment document submitted with this planning application demonstrated that the car traffic could be accommodated within the existing infrastructure directly outside the proposed access points. However further afield congestion is evident of which the development would be a contributory factor. However a contribution has been agreed to provide money under a Section 106 to contribute towards the Broadway interchange remodelling scheme. Given the existing congestion I would suggest that this contribution be provided up front prior to any works commencing on site In order to ease the movement of traffic during the construction phase which is likely to extend for some years to come.

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6 Recommendations

I recommend that no highway objections are raised to the proposed hybrid application subject to:

1. The front boundary walls being kept below 1m in the interests of visibility.
2. The applicant entering into a Section 278 Agreement with the Highway Authority to provide the new access into the site, reinstatement of the existing access and minor amendments to the secondary access including stopping up where necessary.
3. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
4. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
5. The developer to enter into Section 106 agreement to make a payment of £140,000 prior to beneficial works commencing on site to put towards the Broadway interchange remodelling.
6. The pedestrian links a) ped/cycle to the south, b) ped/cycle link to the west (lon Cwmgwyn) west and c) the ped link to lon Bryngwyn being fully operational in accordance with details to be submitted for approval to the LPA prior to the occupation of the 50th unit.
7. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of any of the dwellings commencing.

Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

Note 2: The applicant is advised that Condition 3 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

AMENDED PROPOSAL - 160 units

The application was re-advertised with the original objectors consulted and by way of site notices. 2 further letters of objections have been received making the following points:

1. I remain happy with the housing proposal but there appears to have been no change at all to the plans for the grounds.
2. Planning Policy Wales (PPW) Edition 10 has 5 outcomes for creating a sustainable place. These outcomes are:
'Facilitating accessible and healthy environments' Annex B shows that a sustainable place. -'Has accessible and high quality green space' - 'Is accessible by means of active travel and public transport' - -'Is not car dependent' - -'Minimises the need to travel' - -'Provides equality of access' - -'Supports a diverse population' - -'Has good connections' - -'Has convenient access to goods and services' - -promotes physical and mental health and well-being'
3. These outcomes are then correlated with the PPW Themes and the Well-being Goals of the Future Generations Act. It is extremely difficult to see how these outcomes are achieved in the new plans. The current plans appear to be predicated on a desire to ensure that the residents of the new development will only access services and facilities from only one local area (Townhill), rather than Uplands Cockett and Sketty which are equally close.
4. My view is that to meet the PPW outcomes listed above the minimum changes need to be included:
 - o Retention of the existing footpath to the South offering access to Cwmdonkin Park, the Uplands shopping areas as well as a safe route to Terrace Rd primary school and a pleasant walk into the City centre.
 - o Making an access onto Lon Cwmgwyn, would shorten the distance to the Sketty shops and schools, Gower College, Sketty Library (the nearest facility). It would also allow walkers and potentially cyclists to use Lon Dan-y-Coed and Cockett Park for a traffic free route to Cockett.
 - o Making an Eastern access point would allow access to the Swansea Wildlife corridor and the potential to create a traffic free path to Terrace Rd via Rosehill Quarry, Pen-y-Graig Rd and Mayhill Primary School.
5. My original comment was that the plan appeared to take no account of the principle of the Active Travel Act. I have reviewed the master plan and there appears to be no change at all in increasing the connectivity of the site for walkers and cyclists. Thus the only way in and out for residents is to go Northwards to Townhill Rd./Pantycelyn Rd. This will be fine for those who want to visit the shops or other community facilities in Townhill. The current plan seems designed to make it difficult to access the shops, parks and schools found in the Glanmor, Uplands and Sketty areas.
6. Our suggestion is that the existing path Southwards to Penlan Cres should be retained for pedestrians and a new access created to Lon Cwmgwyn which would be used by walkers and cyclists. Indeed, we have proposed to the City Council that a new cycle path be created from the Cocket Inn linking Lon Dan-y-Coed to join Lon Cwmgwyn. Consideration also needs to be given to an Eastern exit around the back of Notts gardens to join the Hundred steps and Rosehill Quarry.

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Education

Requested Contribution:

Education request the full (£280,044.00) developer's contribution for English medium primary (Townhill Primary).

There is no request for developer's contribution towards the English medium secondary school (Dylan Thomas Comprehensive), due to the number of unfilled places at the school.

There is no request for a developer's contribution in respect of the Welsh medium primary (YGG Y Login Fach) or the Welsh medium secondary school (YG Gwyr) due to the low impact of this development on pupil numbers. Any contributions for the WM primary and WM secondary school (based on SPG Calculations) are deemed too low to make any positive impact on the buildings.

Environmental Management (Pollution Control)

The application documents include a desktop study and investigation report, which covers phase 1 & 2 of the required site investigation condition, however, based on the conclusions of the report, further investigation is necessary before moving onto phase 3.

The noise report submitted states certain recommendations. In order to ensure these recommendations are followed, appropriate conditions should be attached.

Placemaking and Heritage Team

The amended proposals for Townhill campus retain all the masterplan principles. The main changes are:

New build elements to 1912 building covered by the full planning application made more efficient retaining east west orientation.

Handful of additional new build houses added to the existing development zones covered by the outline planning application, masterplan and development parameters following the existing architectural aesthetic proposals. For example six houses of contemporary design now proposed in place of five at the southern end without affecting the landscape setting or retained trees.

Therefore the amendments to slightly reduce build costs and slightly increase numbers is supported.

Main Issues

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

- o Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- o Townscape and visual impact;
- o Impact on residential amenity including noise impact;

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- o Highways, traffic, car parking, access and pedestrian movements;
- o Other material considerations.

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

Development Plan Policy and Supplementary Planning Guidance

Planning Framework

The planning policy framework for the determination of this application is provided by the following policy documents:

- o Planning Policy Wales 10th Edition (December 2018)
- o Technical Advice Note 2: Planning and Affordable Housing
- o Technical Advice Note 5: Nature Conservation and Planning
- o Technical Advice Note 12: Design
- o Technical Advice Note 18: Transport
- o Swansea Local Development Plan 2010 - 2025 (Adopted February 2019)
- o Supplementary Planning Guidance:
 - Planning Obligations
 - Car Parking Standards
 - Places to Live - Residential Design Guide
 - The Protection of Trees on Development Sites.

Planning Policy Wales

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. PPW sets out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, PPW 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.

Paragraph 3.3 emphasises that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.

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In 'Considering Design Issues' in Paragraph 3.16 it is stated that planning authorities should 'through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision.

Paragraph 3.51 states that previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

Section 4 - Active and Social Places defines those places which promote our social, economic, environmental and cultural well-being by providing well-connected cohesive communities. Places which are active and social contribute to the seven goals of the Well-being of Future Generations Act.

Paragraph 4.19 states that the planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- o are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- o are designed in a way which integrates them with existing land uses and neighbourhoods; and
- o make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

In determining a planning application for development that has transport implications, local planning authorities should take into account:

- o the impacts of the proposed development on travel demand;
- o the level and nature of public transport provision;
- o accessibility by a range of different transport modes;
- o 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;
- o 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);
- o 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
- o the effects on the safety and convenience of other users of the transport network.

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Swansea Local Development Plan 2010 - 2025

Within the LDP, the site was put forward as Candidate Site UP005 by the University of Wales Trinity St David (UWTSD) for consideration to be allocated for residential use. Following assessment of the Candidate Site, the land is allocated in the LDP for 150 residential units under Policy H1: Non-Strategic Housing Sites, and will make an important contribution to delivering the LDP housing requirement identified in Policy PS 3.

Sustainability of the site - The site is a vacant former higher education campus located within the urban area, and is no longer needed for its current use by UWTSD. It has been established through the LDP process that the principle of residential use on the site is appropriate and deliverable within the Plan period (LDP policies PS 3 and H1). The new development proposed predominantly covers the previously developed land.

Site capacity - the site is allocated in the LDP for 150 units (policy H 1), which represents an indicative figure based on information available at that time, including an assessment of site constraints in the southern part of the site, and the LDP development requirements.

Placemaking - it is acknowledged that this is a hybrid application with some aspects being outline in nature. Detailed design of the proposal will need to take account of LDP Policy PS 2. This states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

Built heritage - The main building constitutes a local land mark feature and should be retained as part of the development. In terms of LDP policies HC1 and HC2, which seek to preserve or enhance the County's buildings and features of historic importance, then the proposed re-use of the building would accord with these policies.

Affordable housing - The site is located in the Central Strategic Housing Policy Zone (SHPZ). The Deposit LDP Policy H 3 sets out that on-site provision of affordable housing will be sought for residential development on sites with capacity for 5 or more dwellings at the target percentage of 20% subject to consideration of the financial viability of the proposal. No MACs or Inspector's Matters Arising Changes are proposed to this figure.

The level of provision and housing mix has been agreed by Swansea Council's Housing Officer and has been incorporated into the detailed layout plan.

Retail - LDP Policy RC 2 sets out that retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development. LDP Policy RC 6 states that small scale retail and leisure proposals less than 1000 sq m gross floor area intended primarily to meet the day to day needs of the local neighbourhood, such as that proposed, will be directed towards suitable premises within 25 Local Centres, the nearest of which is located at Graiglwydd Square, Townhill. Whilst the locations of the Local Centres are shown on the Proposals Map, their individual boundaries are not delineated. Page 36

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Applications should be considered on their merits as to whether the proposals can reasonably be described as being sited within the Local Centre in a suitable unit, for example having regard to the prevailing arrangements of existing units, the land uses surrounding the site and the design of the premises. The site is separated from the above Local Centre by residential properties along Townhill Road.

Policy RC 2 states that retail and leisure proposals will only be permitted at out of centre locations outside Retail Parks in exceptional circumstances, and where a specific need is identified. An exceptional circumstance is stated by the policy to include for small scale development intended only to serve an identified local need (in accordance with Policy RC 6) in order to allow for suitable proposals that meet the day to day needs of proposed new residential neighbourhoods, in the interests of good placemaking and creating cohesive communities. It should be determined whether a departure to the defined retail hierarchy is justified as an exception, and that there would be no material adverse impact caused by the development to the attractiveness, vitality or viability of any Centre defined in the Retail Hierarchy.

Amenity - the site is surrounded by other residential development on three sides. Consideration should though be given to the relationship between the proposal for retail use and existing/proposed surrounding residential uses in terms of potential for noise conflicts (LDP policy RP1 and RP2).

Supporting infrastructure - The transport requirements for this development are set out in emerging LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of the site to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes. It should be noted that the development requirements state that Highway access should be from Townhill Road. This issue is addressed within the Transportation section.

The LDP provides specific policies on Education (SI 3), open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8,9,11), social infrastructure (SI 2) provision and mitigation of impacts of development. The Plan is supported by an Infrastructure Delivery Plan which provides further details of the phasing, funding and delivery of infrastructure required for each allocated site. The information is intended to make developers and site promoters aware of some of the key issues that proposals will need to address. Proposals will be expected to consider these principles, and integrate any development requirements that are highlighted, in the context of the particular circumstances that apply at the time of any future planning application, including financial viability. Adequate utilities must be provided to meet the needs of the development, emerging LDP policy EU 4 refers.

Summary

It is considered to be a sustainable site for residential development and has been allocated in the LDP for residential use under Policy H1: Non-Strategic Housing Sites, with an indicative capacity of 150 units. The site makes an important contribution to delivering the LDP housing requirement identified in Policy PS 3. It is considered that the principle of residential development has been established through the site's allocation in the LDP.

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A single small scale retail unit is proposed. Whilst the proposed unit cannot reasonably be described as being located within the Local Centre at Graiglwydd Square, the LDP policy does allow some flexibility in exceptional circumstances for small scale retail development at out of centre locations outside of Retail Parks where it is only to serve an identified local need and if there would be no material adverse impact caused by the development to the attractiveness, vitality or viability of any Centre defined in the Retail Hierarchy.

Appendix 3 of the LDP provides details of key infrastructure requirements identified for allocated sites, together with site informatives to highlight where further assessments will be required to establish the impact of development in relation to identified issues, constraints and designations. Where impacts of development have already been established the table sets out the required mitigation measures or measures to retain/enhance identified natural or built heritage assets.

Places to Live Residential Design Guide SPG (2014)

The Places to Live: Residential Design Guide SPG (adopted January 2014) provides design guidance for infill developments for more than 10 dwellings. The design guide is underpinned by four themes namely 'Putting people first'; 'Sense of place'; 'Creating sustainable places'; and 'Improving quality'. In this respect, the guidance sets out design considerations which are tailored to work from strategic issues down to detailed issues and include a brief overview of the issue, followed by guidance on how the consideration can be addressed to achieve high quality, sustainable, safe and inclusive places to live. The issues of townscape and visual impact; and impact on residential amenity need to be assessed within the design criteria provided by the SPG.

Neighbourhoods

New developments should be designed to integrate with the local context based around the concept of 'walkable neighbourhoods' and provide good access by sustainable means of travel to new and existing community facilities. The traditional neighbourhood based on a well-structured built form with dwellings set out in perimeter blocks around traditional streets which encourages pedestrian activity.

The site is within a sustainable location within the urban area and there are a number of small retail stores located along Townhill Road, and other facilities within a walkable distance. Additionally, there are bus stops located along Townhill Road and Glanmor Road that are all located within walking distance of the site; suggesting that the site is located within a highly sustainable location served by public transport. The stops provide hourly services (approx.) in both directions. The retention of the pedestrian access to the south of the site to Penlan Crescent would provide access to local facilities within the Uplands Area.

Density and Mixed Uses

In line with national policy guidance, the aim of development should be to make the most efficient use of land and increase densities in locations which are accessible to a wide range of people (such as close to public transport routes, urban centres and community facilities).

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The basic requirement should be for a range of housing provision enabling real choice to meet individual needs and preferences over a reasonably lengthy period of time. Provision of a range of densities will allow for a variety of different responses to different locations whilst striking a balance between the efficient use of land and creating a pleasant place to live.

Whilst the detailed element of the application only relates to the conversion and extension of the existing main building the illustrative masterplan demonstrates how future phases will be delivered in a sensitive yet efficient manner having regard to the site constraints. The proposal also includes a variety of residential units - apartments, town houses, terraces which have been designed to reflect the character of the surrounding area and respond to the site conditions.

The design of the scheme takes advantage of the site's unique qualities whilst ensuring that it will integrate with the surrounding area's character. The provision of a variety of housing and apartments with the use of complementary and robust materials will ensure that an attractive sense of place and a high-quality development is achieved.

The terraced houses on the upper plateau provide density whilst the split-level design ensures continuity with the street scene along Pant-y-Celyn Road. South facing external spaces are proposed for these units either in the form of raised terraces or enclosed gardens. The lower plateau of development is arranged around the existing mature trees taking advantage of the open parkland setting. Split level units are incorporated to mitigate the impact of topography and staggered garden terraces offer additional external space. Whilst the dwelling design on the lower plateau are larger more contemporary forms providing contrast to the more traditional typology on the upper levels of the site and the original Edwardian architecture.

Natural Heritage

The landscape is one of the most important resources of Swansea and this needs to be protected and enhanced. However this does not mean that there should be no change, but that development proposals will require high quality design solutions that complement or contribute to landscape character. The starting point on every site should be to work within the existing environmental constraints and opportunities incorporating natural habitat and open spaces retaining existing landscape features, habitats and important species and maximise opportunities for habitat enhancement, creation and management. Retaining established trees and vegetation can add a sense of maturity to new residential development.

TAN 24: The Historic Environment states that historic assets that the local planning authority may consider to be of special local interest are not accompanied by any additional consent requirements over and above those required for planning permission. However, if such assets are to contribute successfully to the conservation or enhancement of local character their status needs to be clear in the development management process.

The site itself creates its own unique environment and through the careful use of topography, the retention of key trees and open spaces the proposal development responds positively to the site conditions whilst creating a quality development which is considered to respect and enhance the character and appearance of the surrounding area.

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The retention and extension of the original 1912 building is considered a significant factor in ensuring that a building of historic importance is preserved for future generations to enjoy. Indeed, this building is integral to the whole site and a unique selling point for the type of living environment that the proposals seeks to create. The prominence of the building in the landscape is celebrated and reinforced through the careful siting and design of the buildings surrounding it.

The incorporation of large areas of open spaces creates an environment where people want to live while ensuring that the development does not appear cramped or overdeveloped. This also acts as a green lung in what is otherwise a tightly developed urban area.

Making Connections

A key consideration for achieving sustainable development is connecting communities and neighbourhoods. The layout of development is also a fundamental element of creating successful living environments with the objective of creating connected layouts that provide choice, and easy access to facilities public transport, neighbours and nearby communities.

As indicated the site is within a sustainable location within walking distances of a number of existing facilities and the provision of the pedestrian access to the south of the site to Penlan Crescent would provide an important connection to the surrounding community.

Public Spaces

Public spaces are fundamental to successful places to live, they contribute to quality of life, encourage healthy life styles, help create a sense of place and aid orientation. They should provide a varied network of attractive, usable and safe public spaces as part of a hierarchy of places. A hierarchy of play space should be integrated into the network of spaces to provide the opportunity for play for all ages and abilities in convenient, safe, accessible and attractive locations which are well overlooked and where they do not attract anti-social behaviour.

The application is supported by detailed landscape and open space strategy. Dwellings are arranged around shared green spaces of varying character incorporating areas of planting and play. Large areas of private open spaces and woodland are proposed to be retained and managed to the south of the development site.

Streets as Places

The objective is to create people-friendly streets that allow for necessary vehicular access without giving preference to motor vehicles. All schemes should be designed in accordance with the suite of Manual for Streets documents which emphasises that streets are places primarily for people. Once a connected hierarchy of streets has been established and the main spaces identified, then the desired character of each street should be determined. Any necessary highway requirements should then be incorporated. Overly engineered schemes or layouts led by highway requirements will not be considered acceptable.

The layout has been designed to avoid the internal road hierarchy being overly engineered to ensure the scheme respects placemaking agenda and well-being duties to ensure that their standardised requirements do not compromise the proposals.

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Inclusive Places

Inclusive environments should be easy for everyone to use and should maximise everyone's ability to move freely, efficiently and safely around the environment, and encourage feelings of confidence when doing so. In order to create fully inclusive environments both houses and streets should be designed to address the needs of all. These issues have been addressed within the layout.

Buildings

The manner in which buildings are positioned and joined should define and give character to the avenues, streets, lanes and spaces, plus respond to the valued elements of local character. They should create buildings that are of human scale, which respond to the context and which form a high quality townscape.

The terraced houses on the upper plateau provide density whilst the split-level design ensures continuity with the street scene along Pant-y-Celyn Road. South facing external spaces are proposed for these units either in the form of raised terraces or enclosed gardens. A shared green space is located at the centre of this space which has a clear axis to the 1912 building.

The lower plateau of development is arranged around the existing mature trees taking advantage of the open parkland setting. Split level units are incorporated to mitigate the impact of topography and staggered garden terraces offer additional external space. The dwelling design on the lower plateau are larger more contemporary forms providing contrast to the more traditional typology on the upper levels of the site and the original Edwardian architecture.

The Terraced houses on the Upper Plateau will provide an appropriate density with split level houses with access into houses from ground or on one side, and first floor on the other. Level changes across the site therefore reconciled within the footprint of the houses, leaving level open spaces between each row of terraced homes. South facing external spaces, either traditional gardens surrounded by sensitive fences or raised level terraces with parking beneath. Raised terraces conceals a car parking space adjacent to a garage reducing the visual impact of vehicles across the site.

A shared green space at the centre is surrounded by rows of terraces. The space has a clear axis to the 1912 building and provides flexibility to be inhabited by all residents. Terraces along Pant y Celyn Road retain a strong street presence engages with the rest of Townhill, as does the retail & parking at entrance.

Coloured façades gives a sense of individuality to the dwellings and break up the formal structure of the terrace. External features such as, bay windows, porches and doors have all been given a contemporary twist to reference the historic Edwardian Style of the 1912 building.

The design approach to the Lower Plateau consists of two rows of terraces the overlooking the lower woodland. They are arranged around the existing mature trees, preserving the green lower woodland of the site. The split level houses help mitigate the steep topography of the site whilst the staggered garden terraces offer additional external spaces with a south facing aspect. Car parking is either concealed underneath the garden terraces or softened along the street edge through landscaping.

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Larger dwellings can be found at the Lower Plateau with a modern contemporary appearance. Contrasting the typology with the rest of the scheme provides a different housing option for residents contributing to the diversity of the site.

Community Safety

Inherent to sustainable place making is the creation of living environments which feel and are safe. This is underpinned by a connected street network which can generate good levels of passing surveillance and continuous frontages whereby dwellings overlook the public realm and rear gardens are secure.

The Designing Out Crime Officer has made comments in respect of the proposed layout, and whilst these are largely positive, he has made the comment that entry onto the estate must be restricted to the designated routes. In particular, the proposed link to Penlan Crescent would be potentially problematic in that footpaths should be direct, lit, well used and overlooked to provide safety and security for the people using them. The proposed footpath link would run through a woodland area, would be isolated, very poorly lit and not at all overlooked and therefore potentially this would put people's personal safety at risk and also increase their fear of crime and has advised against a footpath link from the Townhill Campus to Penlan Crescent. However, without the footpath link being provided the development would not be readily accessible and would be contrary to the advice within the Active Travel Act. This issue has been discussed with the developer who has agreed to provide improvements to the footpath link and also to manage the link to minimise the potential for anti-social behaviour.

It has also been suggested that additional links should be provided through Lon Cwmgwyn and Lon Bryngwyn, however, having regard to the concerns about potential community safety issues, it is considered that the provision of the link to Penlan Crescent would be sufficient to accord with the requirements of the Active Travel Act.

Privacy and Amenity

The starting point for the design and layout of residential developments should be the urban design principles outlined, consideration must also be given to meeting privacy and amenity standards. The objective should be providing well designed private and semi-private open space for all dwellings, appropriate to the design character of the area.

With regard to the impact of the development on the residential amenity of surrounding properties, the development has been designed to ensure that the privacy of future and current occupiers is maintained. This has been achieved by ensuring that there is adequate distance between habitable windows and through siting and orientation of the proposed dwellings.

Highway and pedestrian safety

The proposals have been developed with due consideration being given to the location of the access off Townhill Road, the highway network and parking. A full assessment relating to Traffic and Transport is provided in the accompanying Transport Assessment. This demonstrates that the access and parking levels, as well as highways principles across the site are acceptable. This issue is considered in more detail below.

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Accommodating Parking

The development should provide appropriate parking at discreet but safe locations within the development. Where and how cars are parked can have a significant impact on the quality of the residential environment. It is vital to balance the desire of residents to park as close as possible to front doors with the need to avoid parked vehicles.

Parking is proposed in both on-street and off-street situations. Parking spaces to individual dwellings are generally concealed beneath raised terraces or within integral garages whereby a large car park is proposed in a secure undercroft arrangement to serve the apartments within the converted building. A sustainability assessment has been produced to support the Transport Assessment which allows for a reduction to the maximum parking standards for the site. The new retail unit has its own dedicated parking provision which meets the Council's standards without appearing overly dominant, dominating the public realm and causing highway safety issues.

Quality and Character

The objective of the Design Guide is to create a high quality building design with a distinctive sense of place but the guidance does not seek to arbitrarily impose a particular architectural style. A well structured place can accommodate a variety of different architectural styles from traditional to contemporary. However all schemes must display a sense of place which make them quality places to live. Generally, the starting point should be to take cues from the architectural traditions of the locality, known as the design context. The aim is to understand valued local character and use this to inform the design of a new place. This does not mean that new development should be a copy of what is around the site, but instead that new developments should reflect the positive elements of local character, possibly in a contemporary manner.

The design of the scheme takes advantage of the site's unique qualities whilst ensuring that it will integrate with the surrounding area's character. The provision of a variety of housing and apartments with the use of complementary and robust materials will ensure that an attractive sense of place and a high-quality development is achieved. The retention of the visually prominent fabric of the existing Edwardian building will remodel the internal spaces into a series of one and two bed apartments. Most of the rear elements of the buildings will be removed to be replaced by new fabric which is subordinate to the main structure and which introduces both east and west aspect for occupants to enjoy.

The terraced houses on the upper plateau provide density whilst the split-level design ensures continuity with the street scene along Pant-y-Celyn Road. South facing external spaces are proposed for these units either in the form of raised terraces or enclosed gardens. A shared green space is located at the centre of this space which has a clear axis to the 1912 building.

The lower plateau of development is arranged around the existing mature trees taking advantage of the open parkland setting. Split level units are incorporated to mitigate the impact of topography and staggered garden terraces offer additional external space. The dwelling design on the lower plateau are larger more contemporary forms providing contrast to the more traditional typology on the upper levels of the site and the original Edwardian architecture.

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Highways, traffic, car parking, access and pedestrian movements

The purpose of TAN 18:Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

The TA indicates that current Traffic movements generated by the college use are estimated at 113 vehicular trips in the morning peak and 30 vehicular trips in the afternoon peak hour and this takes into account the sites accessibility and mixture of units. The site will also forecast to generate pedestrian, cycling, car sharing and public transport trips. In terms of car movements, the Head of Transportation has highlighted that the site is considered adequate but under the Section 106 SPG a contribution is being sought towards enhancements to walking/cycling/and public transport access. For the proposed level of development this equates to £140,000. The money will be used to enhance road safety measures and accessibility for pedestrians/cyclists and access to public transport in order to deal with the demands arising from the development.

Using comparable sites on TRICS the trip generation has been assessed and the proposal is expected to generate 100 movements in the a.m. peak and 131 in the pm peak (a minor net decrease in the a.m. but a large increase in the p.m.). The methodology of the analysis is agreed and the proposed splits are considered representative. The junction testing showed negligible impact in and around the site access however further afield results showed significant issues and congestion (the three mini roundabouts on Broadway/Tycoch road). It is worth pointing out that this would be expected even without the development but the additional movements are exacerbating the existing congestion. A scheme is in the process of detailed design to rationalise this existing complex situation and replace it with a more streamlined arrangement that will ease congestion and free up capacity. The Section 106 contribution will be put towards the delivery of these infrastructure works.

The site is currently accessed via two points of access, one on Townhill Road and one on Pantycelyn Road. It is proposed to stop up the existing main access off Townhill Road in preference for a new access located some 50m further west which observes minimum stagger / offset distances from both Pantycelyn Road and Arfryn Road therefore offering improved highway safety and removes potential movement conflicts which currently exist. The site's existing secondary access is to be retained and improved. The proposed junction designs and internal access roads remain subject to detailed design, road safety audit and subsequent section agreements (S278 / S38).

The accident statistics showed two slight casualties between 2012 and 2017 on Townhill Road, with one slight incident being reported on Pantycelyn Road. The conclusion therefore was that there was not an issue with road/pedestrian safety in the vicinity of the site. Looking further afield however there were notable clusters of accidents in the Broadway area. However there are plans for a Strategic redesign of the whole area which would free up enough capacity to mitigate for the additional traffic movements generated by the proposal. The Section 106 contribution could have contributed towards this body of works.

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Advice has been given previously regarding the internal road geometry that would be required for the internal roads to be adopted. The layout internally is considered to be acceptable and there is a 5.5m carriageway and a 2.0m footways on each side shown. The Section 38 Agreement would be subject to the drainage proposals being acceptable. Part of the internal layout is not offered up for adoption and a plan has been submitted that defines the public/private maintenance. The layout shows that all areas have two points of access, in a series of loops, therefore no turning heads need to be provided. It is likely that the road in the main would be suitable for adoption subject to detailed design.

In terms of car parking, Highways have agreed that the site qualifies for a blanket parking reduction of one space per unit but that a minimum of one space per unit will be provided, and will accord with the parking requirements stipulated in Swansea Council's Supplementary Planning Guidance (SPG) for Parking Standards, Adopted March 2012 with consideration for the site's sustainable location.

Parking will be likely to self contained within the site with no overspill arising and therefore will not increase any parking demand on the neighbouring local highway network. Cycle parking is also referenced as being proposed and this will help to promote non car modes of travel albeit that the gradients of the site may impact on this.

Details will need to be submitted of the full engineering, drainage, street lighting and constructional details of the streets proposed for adoption together with details of the proposed arrangements for future management and maintenance of the proposed streets will need to be submitted either under a section 38 of the Highways Act 1980 or a private management and maintenance company.

In terms of access to walking/cycling/public transport the site is well served by public transport routes on Townhill Road. The site is well located in terms of distance from the bus routes and it is therefore considered that bus travel could be a viable alternative to a private car. The site links well to the north of the site but the south will need careful consideration in order to provide appropriate links to the south given the topography.

With regard to the Active Travel Act and reducing down car usage, the Head of Transportation has recommended the provision of enhanced pedestrian links to the south (to Penlan crescent) and also to Lon Cwmgwyn and Lon Bryngwyn to ensure that the site is permeable and provide a safe route to the south towards the city centre with its amenities and opportunities.

The Transport Assessment demonstrated that the car traffic could be accommodated within the existing infrastructure directly outside the proposed access points. However further afield congestion is evident of which the development would be a contributory factor. It was originally indicated through the PAC process, that a highway contribution of £140,000 was required under a Section 106 to contribute towards the Broadway interchange remodelling scheme, and on this basis no highway objections were raised to the proposed subject to the applicant entering into a Section 278 Agreement with the Highway Authority to provide the new access into the site, reinstatement of the existing access and minor amendments to the secondary access including stopping up where necessary. The Highway Authority have since secure Transport Grant allocation from Welsh Government towards the improvement scheme at the Broadway interchange.

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In response to the requested Section 106 contribution for highway a highway contribution, the applicant has responded citing the viability issues of the scheme in order to deliver the conversion and extension of the 1912 building together with all other abnormal development costs (a similar response was received in respect of the requested education contribution below).

They highlighted that the request was made for the development to fund highways measures in the region of £140k and that this sum would be used to part fund improvements to the Broadway Interchange costed as about £500k with other schemes also contributing to the same. It is argued by the applicant that as this funding has already been obtained for this improvement scheme and is therefore committed that there shouldn't be a requirement to contribute to this element, however, there remains a requirement to fund Active Travel improvements in the locality.

Whilst the applicant is committed to the principle of Active Travel and are prepared to make such a contribution, they have requested such a contribution be reduced to £70,000 towards Active Travel on the basis that the trigger point for payment is made upon occupation of 50% of the development i.e. 80 units based upon a scheme of 160 units.

The applicant has not submitted any financial viability assessment with the application, and having regard to the tests within the Community Infrastructure Levy Regulations (2010) Reg 122 of these regulations sets out limitations on the use of planning obligations, which are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
and
- c) Fairly and reasonably related in scale and kind to the development.

It is considered that the contributions towards active travel are justified to make the development acceptable in planning terms, and to satisfy the requirements of the Active Travel Act. It has been indicated by the Head of Transportation that the development could make contributions towards:

- o Shared Use Path adjacent to Pantycelyn Road, linking towards Nicander Parade and Townhill Road;
- o Active Travel Links through Cockett Woods Park, also facilitating a link to funded infrastructure on Cockett Road and along Penlan Crescent.

The submitted representations have also suggested a new walking/cycling route linking Pant y Celyn Rd with Terrace rd (near Rosehill Community park), which would provide an additional walking/cycling route to Uplands and Swansea city centre. However, this route would be over a half mile away from the proposed development and due to topography the Head of Transportation has indicated is unsure whether this is feasible option and has also has an estimated cost of £425k, then having regard to the tests within the Community Infrastructure Levy Regulations (2010) Reg 122 of these regulations, then it is not considered that the provision of this walking/cycling route link could be justified.

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Therefore, It is considered that the contribution of £140,000 towards active travel is justified to make the development acceptable in planning terms, and to satisfy the requirements of the Active Travel Act and to agree to the trigger point for payment is made upon occupation of 50% of the development i.e. 80 units based upon a scheme of 160 units.

Noise Assessment

A Noise Assessment has been submitted with this application which incorporates a noise survey which was undertaken for the site and using this survey data noise predictions have been undertaken. The site falls into NEC B. As a result of these predictions noise mitigation upgrade advice is provided in the report which includes window upgrades and ventilation provisions for habitable rooms. With the proposed fabric construction and suitable ventilation provisions, the predicted internal equivalent noise levels due to road traffic are within the British Standard 8233:2014 criteria for acceptable conditions.

Additionally, the report has assessed the delivery operations for the proposed retail use in accordance with British Standard 4142:2014. The predicted noise level internally to the proposed and existing dwellings (accounting for the character of the noise) is considered acceptable in terms of British Standard 4142:2014 and British Standard 8233:2014 during the daytime (7am to 11pm). Plant noise limits have also been provided for any plant associated with the proposed retail use. On this basis, noise associated with the proposed retail use is considered acceptable in planning terms, and the residential amenity of the site and surrounding dwellings would not be adversely affected.

The proposals have been assessed from a noise perspective which has considered the potential impacts following the completion of the proposed development. The assessment concludes that subject to mitigation noise factors should not represent a constraint to the development.

Education

The Council's Education Department originally requested that developer's contributions were sought for both the English medium primary (Townhill Primary) of £269,672.00 and the English medium secondary school (Dylan Thomas Comprehensive) of £285,264.00 towards EM secondary (Dylan Thomas). However, in response to the amended proposal the Education Department have requested:

- o (£280,044.00) developer's contribution for English medium primary (Townhill Primary).
- o There is no request for developer's contribution towards the English medium secondary school (Dylan Thomas Comprehensive), due to the number of unfilled places at the school.
- o There is no request for a developer's contribution in respect of the Welsh medium primary (YGG Y Login Fach) or the Welsh medium secondary school (YG Gwyr) due to the low impact of this development on pupil numbers. Any contributions for the WM primary and WM secondary school (based on SPG Calculations) are deemed too low to make any positive impact on the buildings.

Notwithstanding this in response to the original request the developer has made the following response:

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"Requests have been made by Education for significant financial contributions towards Townhill Primary School as well as Dylan Thomas Comprehensive School as a consequence of the proposed development.

In terms of Townhill Primary school there is currently a surplus capacity of 3 pupils, which is projected to rise to 18 spaces by 2024. In terms of Dylan Thomas Comprehensive there is currently a surplus capacity of 238 spaces which is projected to reduce to 126 by 2024. It is acknowledged that the Townhill Campus proposals are predicted to generate 26 primary and 19 secondary places.

As you are aware requests for planning obligations should only be sought where they are i) necessary ii) relevant to planning iii) directly related to the proposed development iv) fairly and reasonably related in scale and kind to the proposed development and v) reasonable in all other respects. At paragraph B12 of Circular 13/97 - Planning Obligations it specifically states that "the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development" and "that developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies". The Education department, in particular, have requested £285,263 towards Dylan Thomas Comprehensive school in order to address conditions and suitability issues. This is considered to be an existing deficiency and based on a projection of 19 pupils such a request is not to be fairly and reasonably related in scale and kind. This responsibility rests with the Local Authority. It is fundamental in this particular case that there is currently 238 surplus capacity at this school so the additional of a projected 19 pupils can only be a benefit to the school. It is considered that S106 monies can only be requested for new capacity within schools, where the school does not have current or projected capacity to accommodate the new children from the development.

In terms of Townhill Primary School a request for £269,672 has been made. Whilst there is some capacity at this school, as outlined above, there are considered to be other significant matters that are required to be considered in the planning balance in this instance.

Firstly, the applicant is an Affordable Housing provider and the proposals would offer a mix of homes for affordable rent and affordable sale, which meet the TAN definition for Affordable Housing, and that the proportion of these affordable homes would far exceed the percentage required in terms of local planning policy compliance.

Secondly, as you are aware the site is a very difficult site to develop given its very steep nature. A significant expense would be borne in the ground and retaining works which would amount to an extensive abnormal cost to deliver development platforms. A number of architecturally poor buildings are required to be demolished to facilitate the development and these costs together with the asbestos removal costs are significant. I have sought information from the clients cost consultants who has provided me with the following indicative figures,

-	Groundworks / Cut & Fill	£220,000
-	Retaining Walls	£1,409,300
-	Asbestos Removal	£450,000
-	Demolition	£550,000

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Third and potentially most significantly, however, is the cost of retaining and refurbishing the original 1912 building as a focal feature of the site. You are more than aware that the applicant has made a strong commitment to making this building a feature of the development and to celebrate its presence within the wider setting when it would make more economic sense to demolish and start again. The applicant has worked tirelessly with the LPA and DCfW to arrive at a scheme which all parties are very proud of and it is hoped in the future will receive design awards. However, this comes at a significant cost, as you will appreciate. There is no hiding the fact that the request for financial contributions would render the whole development unviable and the applicant would have little choice than to reconsider their options for the site. Clearly they do not wish to do this but they can only proceed with a financially viable proposition."

In respect of Infrastructure Requests and Obligations, LDP Policy IO 1: SUPPORTING INFRASTRUCTURE states that development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal. A range of infrastructure may be required, having regard to the nature, scale, location and financial viability of the proposed development. The delivery of new or improved infrastructure, or other appropriate measures, must be undertaken in a timely and coordinated manner to meet the needs of existing and planned communities prior to, or from the commencement of, the relevant phases of development. In instances where there is dispute regarding matters relating to the financial viability of delivering the requirements, the applicant should submit details of a financial viability appraisal/assessment.

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- and
- c) Fairly and reasonably related in scale and kind to the development.

Having regard to the Section 106 Planning Obligation requirements of £140,000 towards active travel and the provision of 20% affordable housing, together with the abnormal costs of the development it is not considered that the additional education contribution can be justified in this instance.

Drainage Strategy

The submitted Drainage Strategy indicates that separate foul and surface water systems are to be provided by the proposed development. Means of surface water disposal will be explored in the hierarchical order dictated by Statutory Standards for Sustainable Drainage Systems. Soakaway testing to BRE Digest 365 will be essential in updating the site wide drainage strategy and informing detailed design. Should soakaway testing be successful and infiltration proven a viable means of discharging surface water run-off, the design will revert to this disposal method. Otherwise, with no nearby watercourses or dedicated surface water assets offering suitable connection point, the development will seek to reuse its existing off-site connections to the DCWW combined network at an improved discharge rate.

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The post development area of hardstanding offers a reduction over the existing scenario and thereby offers betterment by reducing the overall peak flow rates dispelled off-site. Any discharge to sewer will be regulated by flow control and attenuated on-site to an agreed discharge rate thus offering significant improvement over the existing scenario which currently discharges freely at an unrestricted rate.

It is proposed to reuse the two existing off-site connections to the DCWW combined network to serve the development. Both the proposed surface water and foul water systems will be subject to S104 and S106 agreement with DCWW.

The approach and recommended solution presented has been prepared to illustrate the broad principles of the drainage strategy. This should be considered indicative of design intent only and remains subject to detailed design, ongoing consultation with approving bodies and formal approval process. The proposals demonstrate that adequate surface water and foul drainage conditions can be provided on-site. No objections to the proposed development are received from DCWW or the Council's Drainage Engineer.

Ecology

TAN 5: Nature Conservation & Planning (2009) summarises issues relevant to nature conservation and planning. The purpose of TAN 5 is to provide advice regarding how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which identified that further survey work was required to fully establish the presence or likely absence of bats and bat roosts associated with some onsite buildings proposed for demolition, and as such a Preliminary Roost Assessment (PRA) for the site was undertaken. The appraisal also identified that a reptile presence or likely absence survey was required in those areas of the site suitable for reptiles and a badger survey required to confirm or refute the presence of any onsite badger setts.

Bat Activity Survey Report

Following on from the PEA dusk and dawn bat activity surveys were undertaken. Bat roosts for individual and small numbers of common pipistrelle bats were confirmed within onsite buildings A (Student residency building) and I (caretakers building). A European Protected Species licence for bats will therefore need to be obtained in order for the works to be legally undertaken. This will require the implementation of mitigation (timing of works, maintenance of roosts, supervision of high risk works by an ecologist) and compensation (provision of further roosting features within the building and maintenance of dark flight lines) measures. Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site.

The Natural Environment and Rural Communities Act 2006 requires that "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

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Damage or destruction of a breeding site would be an offence under the Conservation of Habitats and Species Regulations 2017 (the 'Regulations') unless an European Protected Species (EPS) licence is issued prior to commencement of works or confirmation is received that the development would not require such a licence.

The Habitats Directive requires that member states establish a system of strict protection for EPS, setting out the offences that may be committed. Derogations from this strict protection are only allowed in certain limited circumstances. When determining whether or not to grant a licence, Natural Resources Wales must be satisfied that the following three tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range.

The Directive requires the competent authority (the LPA) to assess the impact of the development that may have significant effects on EPS and cannot grant consent for a development they determine may have an "adverse effect on the integrity of a European site" following such an assessment. However, the directive provides a derogation under the Habitats Directive which allows such developments to be approved provided three tests are met:

- o There are no feasible alternative solutions to the plan or project which are less damaging.
- o There are "imperative reasons of overriding public interest" (IROPI) for the plan or project to proceed.
- o Compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained.

In relation to the first test, the purpose of the alternative solutions test is to determine whether there are any other feasible ways to deliver the overall objective of the plan or project which will be less damaging to the integrity of the European site affected. The proposed development proposes to substantially demolish the existing buildings within the site (including Blocks A and I) and only the 1912 building will be retained. It is indicated that the later buildings across the campus are not suitable for retention due to their poor quality and lack of suitability for conversion.

Having established there are no feasible alternative solutions, in so far as the second test is concerned, the competent authority must be able to identify "imperative reasons of overriding public interest" (IROPI) that justify the development despite the environmental damage it will cause. The public interest generated by the proposal can be of a social, environmental or economic interest.

With regards to the third test, the appellants have undertaken a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) for the site. NRW have commented on the proposed development and have welcomed the submission of the 'Bat Activity Survey Report'. They have advised that the mitigation and recommendations detailed in the reports and submitted method statement are implemented and adhered to.

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Additionally, they have advised that prior to any trees being felled/removed from the site as part of the proposed works, that a tree survey for potential bat roosting features is undertaken by suitably qualified ecologists. They also note that a European Protected Species Licence will be required for this development. In relation to the third test, it can be concluded that the proposed development could be implemented in such a way as to ensure no harm would occur to the protected species.

European Badger Survey Report

No evidence of an active badger sett was identified during the survey, therefore a licence under the Badger Act 1992 will not be required. However, badgers have been shown to be using the site to forage and so a number of good practice measures will need to be observed during the construction stage. The Report concludes that it is very unlikely that an active sett will be found during construction.

Reptile Presence or Likely Absence Survey Report

This involved an artificial refugia survey in order to determine the presence or likely absence of reptiles onsite. A small population of slow worms was confirmed onsite. As a precautionary measure, an avoidance and mitigation strategy must therefore be undertaken to reduce any harm to the species. The construction area in the northern section of parkland will need be progressively managed to reduce and / or avoid killing or injuring reptiles.

Arboricultural Report

An Arboricultural Report has been submitted. The report records the finding of the survey across the whole site and has indicated that the site comprises the following trees:

- o 12 trees/groups - Category A (High- Most Desirable for Retention)
- o 27 trees/groups - Category B (Moderate - Desirable for Retention)
- o 15 trees/groups - Category C (Low - Optional for Retention)
- o 4 tree/groups - Category U (Poor - Unsuitable for Retention).

The report concludes that the site has the potential to accommodate the development whilst retaining the trees of value. The significant trees on or adjacent to this site should be given due consideration in the development design process. If the health and stability of the trees are maintained, then with a suitable development design; tree protection methods; Arboricultural site supervision and tree after care, the process of construction could be conducted with no adverse impact onto the important trees on or adjacent to this site.

The proposals for the outline and detailed elements of this application have been designed to accommodate higher value trees and hedgerows on site and has therefore sought to minimise tree and hedgerow loss. The removal of trees and hedgerows can be mitigated through suitable tree and hedgerow planting at the reserved matters stage.

Structural Inspection Report

The submitted Structural Inspection Report of the original 1912 building concludes that the building generally is in good condition.

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Demolition Method Statement

A Demolition Method Statement has been undertaken to support the application. The report identifies the process that will need to be undertaken to make sure that the demolition works is undertaken safely and in accordance with approving bodies and procedures. Given the nature of the site and the hazardous work involved the demolition methodology will be prepared and carried out by the Principal Contractor once appointed. A condition is attached requiring the submission of a Construction Method Statement.

Site Investigation Report

The submitted site investigation report states that an intrusive investigation comprising thirteen dynamic windowless sample boreholes was carried out in December 2017. The report provides a series of recommendations for foundation design and drainage solutions. It also makes recommendations for further exploratory work. Following demolition of the existing campus buildings, it is recommended that supplementary works are carried out to confirm the underlying ground conditions, refine the foundation advice and check for signs of any residual contamination.

The site investigations undertaken for the site demonstrated there are no adverse ground conditions that will prejudice the economic delivery of the proposed development.

Conclusion

The site is a designated housing land allocation in the adopted Local Development Plan and the principle of the residential development is therefore clearly established. The proposed residential development and associated works have been designed to recognise the location and constraints of the site and through appropriate layout and sensitive mitigation is considered to be in accordance with planning policy and will not result in significant environmental effects.

During pre-application discussions with the LPA, and the Design Commission for Wales specific design requirements were identified and which have been incorporated into the current proposals. Careful consideration has been given to the character of the area, the residential amenities of existing and future occupiers. The proposals will not adversely affect highway safety or other interests of acknowledged importance and on this basis, it is considered that the proposed development accords with relevant national and local planning policy and planning guidance.

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.

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RECOMMENDATION:

APPROVE, subject to the completion of a Section 106 Planning Obligation in respect of:

Highway Contribution / Active Travel

The developer to enter into Section 106 agreement to make a payment of £140,000 prior to beneficial works commencing on site to put towards off-site highways works / active travel requirements to enhance measures towards pedestrian and cycling facilities, in particular:

- o Shared Use Path adjacent to Pantycelyn Road, linking towards Nicander Parade and Townhill Road;
- o Active Travel Links through Cockett Woods Park, also facilitating a link to funded infrastructure on Cockett Road and along Penlan Crescent.

With a trigger point for payment to be made upon occupation of 50% of the development i.e. 80 units based upon a scheme of 160 units.

Affordable Housing

20% affordable housing onsite in line with the LDP proposal. The AH units need to be DQR compliant, there should be a mix of property sizes/types and affordable tenures. The affordable units should be spread across the site not concentrated in one area. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

Section 106 Management and Monitoring Fee

Costs incurred against the management of the obligation based on 2% of the value of the obligations = £2,800.00

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS1, PS2, PS3, I01, H1, T1 and T2 of the Swansea Local Development Plan (2010-2025).

and subject to the planning conditions set out below:

- 1 The proposed development shall be carried out substantially in accordance with the approved Design and Access Statement, das Addendum No. 2, Planning Statement, Design Principles Plan, Parameters Schedule Rev B & Site Masterplan which set out the vision, objectives, urban design principles, development strategy, masterplan, accessibility and movement, scale, quantum of development, building concept, infrastructure, environmental sustainability and structural landscaping principles of the development.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.

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- 2 The development of the 1912 building - the Full Application - shall be carried out in accordance with the following plans and documents:
17067_P(0)_C 1912 Rev E Proposed Ground Floor Plan;
17067_P(0)_Rev E Proposed First Floor Plan;
17067_P(0)102_1912 Rev E Proposed Second Floor Plan;
17067_P(0)103_1912 Rev E Proposed Third Floor Plan;
17067_P(0)010 Rev C Proposed Site Plan;
17067_P(0)104 Rev D Proposed Roof Plan;
17067_P(0)200 A 1912 Rev B Building Proposed Sections;
17067_P(0)300 Rev C Proposed North & South Elevations 17067_P(0)301 A 1912 Rev A Proposed East West Elevations;
- Amended Plans Received 5 July, 2019.
Reason: To define the extent of the permission granted.
- 3 Prior to the commencement of development of an individual phase, a phasing programme of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved under Condition 3, or required by the conditions of the permission and the approved phasing programme. The approved phasing programme shall be reviewed and re-submitted for the further approval of the Local Planning Authority as necessary.
Reason: To ensure that the development is carried out in a logical and comprehensive manner in accordance with sustainable urban design principles.
- 4 No development of the new build elements on the 'Upper Plateau' / 'Lower Terraces' and 'Lower Plateau' - the Outline Application - (apart from demolition / enabling works, earthwork or access works), shall commence before applications for the approval of the details of the means of access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') for each phase of the development has been submitted to and approved in writing by the Local Planning Authority. Each respective phase shall be supported by a Design and Access Statement Addendum for that phase which shall substantially accord with the Parameters Plans and related plans referred to in Condition 1 of this planning permission.
Reason: To ensure that each phase of the development corresponds to the approved development; and to ensure the development is carried out with best practice in relation to design and the built environment.
- 5 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 6 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

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7 A phased landscaping scheme for the site shall be submitted as part of the reserved matters for each phase and the scheme as approved shall be carried out in accordance with the phased scheme. The landscaping shall substantially follow the principles outlined in the Landscape Strategy Higher Plateau and Lower Plateau drawings. Any trees, shrubs or plant material which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved Landscape Strategies.

8 All reserved matters applications shall be accompanied by details of the proposed levels for each phase of the development indicating its relationship to the adjoining land and any changes to the site itself. The development shall be completed in accordance with the proposed details.
Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land.

9 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 (excluding demolition, excavation, site preparation and enabling works) 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. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.
Reason: In the interests of visual amenity.

10 Prior to the commencement of any external works to the 1912 building - the Full Application - details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window and door units within their openings;
- o Details of the location, external design and finishes of all visible external ventilation;
- o Rainwater goods;
- o Balustrading;
- o PV panels;
- o Masonry repairs.

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

Reason: In the interests of visual amenity.

11 No soil stacks, soil vent pipes, flues, ductwork or any other pipework or ventilation details shall be fixed to the elevations of the buildings unless details are submitted and agreed in writing by the Local Planning Authority.
Reason: to ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area.

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- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 25 of Schedule 2 shall not apply. If required, the installation of any satellite antenna associated with the residential apartment blocks shall comprise of a single satellite television system solution to serve each residential apartment block in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 13 No development shall commence (excluding demolition, excavation, site preparation and enabling works) until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of any respective phase of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public foul sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 14 No development shall commence (excluding demolition, excavation, site preparation and enabling works) until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. Any respective phase of the development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 15 Prior to the commencement of any phase of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement for each phase of the development shall be implemented and adhered to at all times.
Reason: In order to minimise traffic impacts on the surrounding highway network.

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- 16 No works in relation to the alteration or part demolition of the 1912 building shall commence until an appropriate programme of historic building recording and analysis for this building has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
Reason: As the building is of architectural and cultural significance, the specified records are required to mitigate impact.
- 17 Prior to the occupation of any phase of the development, a car parking management strategy (including cycling provision) for that phase shall be submitted to and approved in writing by the Local Planning Authority. No phase of the development shall be brought into beneficial use until the parking facilities associated with that part of the development have been laid out and are available for use. The approved car parking strategy shall be implemented in accordance with the approved phasing plan pursuant to condition 2.
Reason: To ensure that each phase of the development is provided with adequate car and cycling parking provision.
- 18 Prior to the occupation of any residential unit within a designated building; all residential secure bicycle storage spaces associated with that building shall have been provided and made available for use and retained thereafter in perpetuity.
Reason: To ensure that each phase of the development is provided with adequate cycling parking provision.
- 19 No part of the development shall be occupied in any phase of the development until a Travel Plan for the occupiers of that part of the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plans shall include provision for surveys, targets, monitoring and adjustments in consultation with the Local Authority, and shall be implemented and subject to review in accordance with the approved details.
Reason: In order to promote sustainable transport measures and maintain the free flow of traffic.
- 20 Prior to the commencement of the development, (excluding demolition, excavation, site preparation and enabling works) full road engineering details of the vehicular access into the site, including the reinstatement of the existing access and minor amendments to the secondary access shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 21 Prior to the commencement of the development, (excluding demolition, excavation, site preparation and enabling works), full engineering, drainage, street lighting and constructional details of the streets proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway safety.

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- 22 Prior to the first beneficial occupation of respective phase of the development, the proposed arrangements for the future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
Reason: To ensure that the internal roads are subject to a future management and maintenance agreement.
- 23 Notwithstanding the details indicated in the application, the development layout shall incorporate a pedestrian connection through to Penlan Crescent to the south of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The linkage shall be completed in accordance with a timescale to be submitted to and approved in writing by the Local Planning Authority.
Reason: In order to maximise the permeability of the site to allow future residents adequate accessibility to local facilities and in order to assess such details in the interests of pedestrian safety.
- 24 Prior to the beneficial use of the commercial retail unit, details of vehicular servicing, including the timing of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular servicing of the site shall thereafter take place in accordance with the approved details.
Reason: In the interests of highway safety and the residential amenity of the future residents.
- 25 Prior to the beneficial use of each residential phase of the development, details of a Waste / Refuse Management Plan (including recycling facilities) for future operation 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: To ensure the management and movement of refuse within the site in the interests of site safety.
- 26 Prior to the beneficial use of the commercial retail unit; all refuse storage areas associated with that building shall have been provided and made available for use and retained thereafter in perpetuity.
Reason: To ensure that adequate provision is made within the development for the storage of refuse.
- 27 The residential landscaped gardens and play areas associated with each respective phase of the development shall be implemented in accordance with a phasing strategy that has been approved in writing by the Local Planning Authority and completed prior to the beneficial occupation of no more than 50% of each respective phase of the development.
Reason: To ensure that play facilities are provided within the development to an appropriate standard and at the time the demand for them arises.

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|------------------------|----------------------------|---------------|
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- 28 Prior to the beneficial use of any respective phase of the development, a management strategy for the maintenance of all areas of formal and informal open spaces associated with that phase shall be submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference and shall be carried out thereafter as approved.
Reason: To ensure that the landscaped, woodland areas and play areas are adequately maintained.
- 29 The development shall be carried out in accordance with the approved Arboricultural Method Statement and all protection fencing, ground protection, and construction methods shall be retained intact for the duration of the development hereby approved, and shall only be removed, or altered with the written approval of the Local Planning Authority.
Reason: To ensure the protection of retained trees on the site whilst the development is being carried out.
- 30 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.
Reason: To ensure the protection of the retained trees during construction works.
- 31 The detailed ecological mitigation measures as outlined in the Preliminary Ecological Appraisal and Roost Assessment Report shall be incorporated into each phase of the development prior to that part of the development being occupied.
Reason: In order to enhance the ecology of the site in accordance with the Environment (Wales) Act, 2016.
- 32 The development shall be carried out in accordance with the bat mitigation measures set out in the Application for EPS Licence - Bat Method Statement (Document Ref: WWE18045.ms. Rev B - October, 2018).
Reason: In order to minimise the potential disturbance of bats within the application site.
- 33 All habitable rooms exposed to external road traffic noise 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. The approved measures shall be retained thereafter to serve the development.
Reason: To protect the occupiers of the residential units against noise emanating from the surrounding area.

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- 34 Prior to the beneficial use of the 1912 residential conversion 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 residential class uses within the development. The scheme supplied shall achieve a minimum $D_{nT,w} + (Ctr)$ of 50dB for the ceiling/floor between the residential uses and be verified by the appropriate testing methodology upon completion. The approved measures shall be retained thereafter to serve the development.

Reason: To protect the occupiers of the residential units against noise emanating from within the building.

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

- o A BS4142:2014 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

- 36 Site Characterisation

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- o a list of potential receptors
- o an assessment of the extent of the contamination
- o an assessment of the potential risks
- o an appraisal of remedial options, and proposal of the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study this shall:

- o Provide information as to site history, setting, current and proposed use.
- o Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- o Identify if further investigation or remediation is required.

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In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation this shall:

- o Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

Provide for a more detailed investigation of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact NRW 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 Options Appraisal this shall:

- o 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

- o On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

Reason: In order to carry out a comprehensive site investigation in the interest of conserving public health and local amenity.

Informatives

- 1 Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

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- 2 Note 2: The applicant is advised that to the proposed arrangements for future management and maintenance of the proposed streets that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- 3 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [LDP Policies PS1, PS2, PS3, IO1, IO2, H1, H2, H3, SI1, SI3, SI5, SI6, SI8, RC2, RC6, ER1, ER2, ER8, ER9, T1, T2, T5, T6, T7, EU4, RP1, RP3 & RP9).
- 4 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

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

- 5 Please note that SAB (SuDS Approval Body) approval will be required if planning permission is granted subject to a condition that requires reserved matters to be submitted, and a valid application for approval of the reserved matter is not made before 7th January 2020 (with the exception of single dwellings and developments with a construction area of less than 100 square metres). This is a separate application process to planning permission and a fee will be payable. Complying with SAB criteria may impact on the permission hereby granted. For queries and further information on the requirement for SuDS on new developments, please contact: water@gov.wales
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Item 2

Application Number:

2019/1373/RES

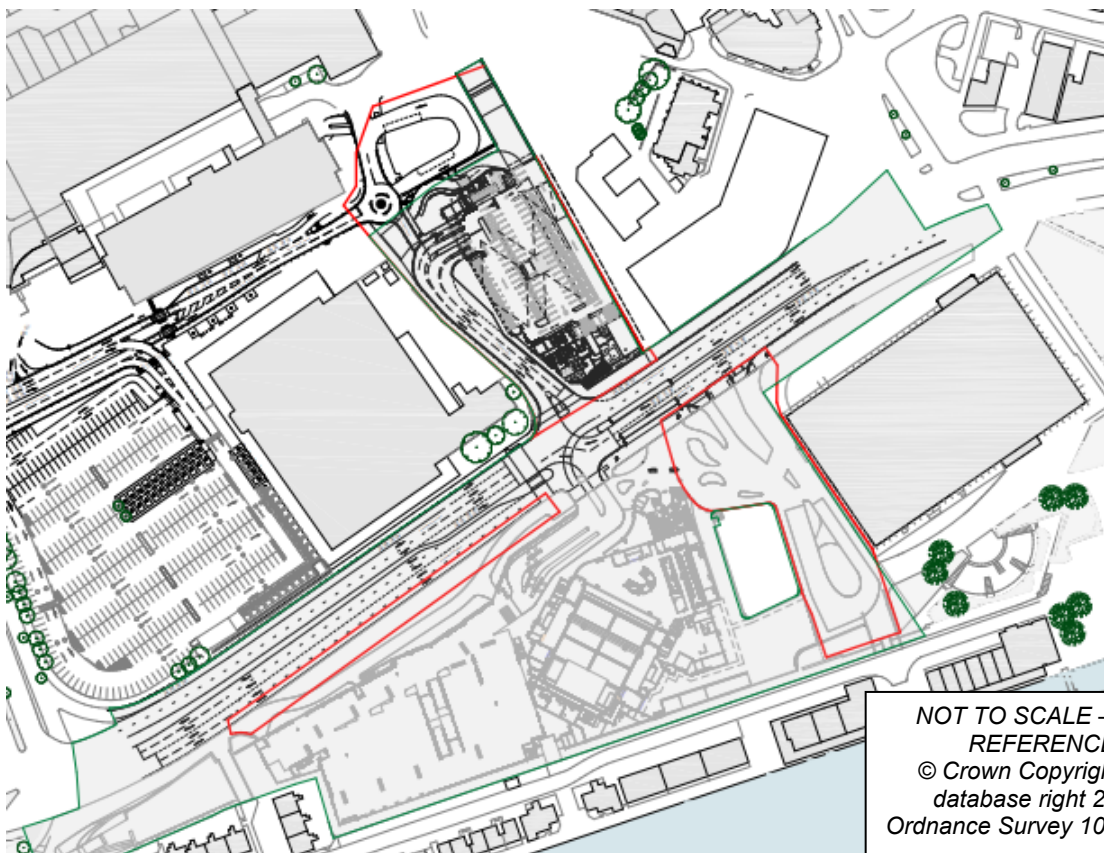
Ward:

Castle - Bay Area

Location: Former St Davids Centre And Other Land North And South Of, Oystermouth Road, Swansea,

Proposal: Approval of revised reserved matters (access, appearance, landscaping, layout and scale) for part of Phase 1 of Swansea Central, including parts of: Development Zones 1a, 3, 4a, 4c and 5 of outline planning permission 2017/0648/OUT as amended (LPA Ref: 2019/0980/S73, pursuant to Condition 3, comprising details of the: servicing areas; Mixed use block extending to 36.5m, comprising multi storey car park, new commercial floorspace (use Class A1/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 35 (ecological enhancement measures).

Applicant: The City And County Of Swansea



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - PS3 - Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

LDP - SD1 - Strategic Development Areas

Strategic Development Areas - the Plan allocates 12 locations to provide new homes and opportunities for job creation and commercial investment at a strategic scale. Residential led SDA's are capable of accommodating a minimum of 400 homes. Mixed use SDA's will provide new homes as part of wider mixed-use proposals to also deliver significant investment and economic benefit from commercial, community and/or cultural regeneration projects. The SDA's are capable of delivering a greater number of homes beyond the Plan period.

LDP - SD2 - Masterplanning Principles

Masterplanning Principles - On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that must comply with relevant masterplanning principles. Strategic Development Areas must also accord with additional relevant masterplanning principles. Design and Access statements are required to support the strategic placemaking approach.

LDP - SDJ - Site specific policy Swansea Central

Site specific policy for Strategic Development site Swansea Central Area setting out placemaking principles and development requirements.

LDP - RC1 - Swansea Central Area Regeneration

Swansea Central Area Regeneration - In order to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must comply with appropriate development requirements and proposals set out in adopted Supplementary Planning Guidance.

LDP - RC2 - Retail and Leisure Development

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

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Application Number:

2019/1373/RES

LDP - RC3 - Swansea Central Area Retail Centre

Swansea Central Area Retail Centre - Swansea Central Area Retail Centre sits at the top of the retail hierarchy and is the sequentially preferred location for all significant retail and leisure development. Proposals within or outside the Swansea Central Area must not put at risk the regeneration of the St David's/Quadrant site priority proposal, and must deliver the development principles specified in the policy.

LDP - T1 - Transport Measures and Infrastructure

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

LDP - T2 - Active Travel

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

LDP - T5 - Design Principles for Transport Measures and Infrastructure

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

LDP - T6 - Parking

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Site History

App Number	Proposal	Status	Decision Date
2017/0648/OUT	Outline planning application (with all matters reserved)	APP	13.06.2017

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Item 2 (Cont'd)		Application Number:	2019/1373/RES
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)	RWG	04.01.2019
2019/0222/DOC	Discharge of condition 5 (Method Statement - repairs) and condition 6 (Method Statement - stonework re-use and removal) of planning permission 2018/1823/LBC granted 12th December 2018	INV	
2019/0224/DOC	Swansea Central Redevelopment - Partial Discharge of conditions 39 ((Noise From Commercial Deliveries and Servicing),40 (Noise From Traffic) and 41 (Noise From Commercial Activity) in relation to Plot DZ3 - Phase 1 only of outline planning permission 2017/0648/OUT granted 13th June 2017	APP	09.05.2019

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Item 2 (Cont'd)	Application Number:			2019/1373/RES
2019/0234/DOC	Swansea Redevelopment Discharge of condition 23 (Construction Site Waste Management Plan) of outline planning permission 2017/0648/OUT granted 13th June 2017	Central -	APP	15.04.2019
2019/0235/DOC	Swansea Redevelopment - Partial Discharge of condition 26 (Written Scheme of Archaeological Investigation) relating to GWR Revetment Wall area only of outline planning permission 2017/0648/OUT granted 13th June 2017	Central -	APP	15.04.2019
2019/0236/DOC	Swansea Redevelopment Discharge of condition 25 (Construction Method Statement) and condition 34 (Arboricultural Method Statement) of outline planning permission 2017/0648/OUT granted 13th June 2017	Central -	APP	07.05.2019
2019/0238/DOC	Discharge of condition 23 (Construction Site Waste Management Plan) of outline planning permission 2017/0648/OUT granted 13th June 2017		WDN	31.01.2019
2019/0240/DOC	Swansea Redevelopment Discharge of condition 24 (Environmental Management Plan) of outline planning permission 2017/0648/OUT granted 13th June 2017	Central -	APP	18.04.2019

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Item 2 (Cont'd)		Application Number:	2019/1373/RES
2019/0312/DOC	Discharge of condition 8 (programme of Archaeological works) of planning permission 2018/1823/LBC granted 11th July 2018	INV	
2019/0313/DOC	Swansea Central Redevelopment - Discharge of condition 27 (Archaeological Watching Brief) of planning permission 2017/0648/OUT granted 13th June 2017	APP	19.03.2019
2019/0355/DOC	Swansea Central Redevelopment - Discharge of condition 2 (Phasing Programme) of planning permission 2017/0648/OUT granted 13th June 2017	APP	08.04.2019
2019/0537/DOC	Swansea Central/former St Davids Centre - Discharge of condition 7 (temporary car parking strategy and assessment plan) of planning permission 2018/1648/RES granted 3rd October 2018	APP	07.05.2019
2019/0583/DOC	Swansea Central Redevelopment - Partial Discharge of Condition 17 (Piling Risk Assessment) relating to Phase 1 South Site of planning permission 2017/0648/OUT granted 13th June 2017	APP	06.06.2019
2019/0878/DOC	Swansea Central Redevelopment - Partial Discharge of condition 20 (Surface water drainage strategy) relating to Southern side only of planning permission 2017/0648/OUT granted 13th June 2017	APP	06.06.2019

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Item 2 (Cont'd)	Application Number:			2019/1373/RES
2019/0980/S73	Outline application (with all matters reserved)	planning	APP	05.06.2019
2019/1084/DOC	Swansea Redevelopment Discharge of condition 17 (Piling) of outline planning permission 2017/0648/OUT granted 13th June 2017	Central -	WDN	21.05.2019
2019/1112/NMA	Swansea Redevelopment outline planning permission 2017/0648/OUT granted 6 June 2017 to amend the "means of access" parameter plans, sections and supporting documents under Condition 1 to allow cyclists access the new bridge over Oystermouth Road together with connections through the development.	Central - Non Material Amendment to planning	APP	11.06.2019
2019/1160/DOC	Swansea Redevelopment Discharge of Condition 26 - Phase 1 area - written scheme of investigation) of planning permission 2017/0648/OUT granted 13th June 2017	Central -	APP	01.07.2019
2019/1551/DOC	Swansea Redevelopment Discharge of condition 20 (surface water drainage) of planning permission 2019/0980/S73 granted 5th June 2019 relating to the southern side of Phase 1 only	Central - Partial	PCO	

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2019/1553/DOC

Swansea Central PCO
Redevelopment - Partial
Discharge of condition 20
(surface water drainage) &
21 (Surface Water
Strategy) of planning
permission 2019/0980/S73
granted 5th June 2019
relating to the northern part
of phase 1

Introduction

This revised 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 for the revised reserved matters (access, appearance, landscaping, layout and scale) for part of Phase 1 of Swansea Central, including parts of: Development Zones DZ1a, DZ3, DZ4a, DZ4c and DZ5 of outline planning permission 2017/0648/OUT as amended (LPA Ref: 2019/0980/S73).

Specifically, the application relates to three parcels of land within the 'Swansea Central' development:

- o Land to the north of Oystermouth Road (parts DZ1a, DZ3, and DZ5);
- o Land between the LC and proposed Arena (part of DZ4a, DZ4c and DZ5); and
- o Land adjacent to the approved South MSCP / Coastal Parkland (part of DZ4a).

The regeneration scheme referred to as 'Swansea Central' would represent a significant strategic development within Swansea City Centre and aims to create a unique destination for Swansea.

Background

On 13 June 2017, planning permission (LPA: 2017/0648/OUT) was granted for the following development:

"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".

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The outline planning permission was granted with all matters reserved. However, a series of parameter plans are submitted which set out the maximum and minimum quantum of development with regard to building forms and uses. Two illustrative schemes (Option 1 and Option 2) were designed to demonstrate how development could come forwards at the site within the prescribed parameters. These illustrative schemes were submitted for illustrative purposes only; it is the parameter plans which were submitted for approval and which will guide future reserved matters proposals for the site.

Whilst the proposal was submitted for outline permission with all matters reserved, a number of key issues were identified which would guide the overall development concept through the phased submission of the reserved matters applications. These issues were outlined within the Design and Access Statement and supported by the parameter plans, the Design Principles document and the Public Realm Strategy.

The exact quantum of proposed uses had not been determined and the application therefore builds in a degree of flexibility to allow for scheme evolution dependant on market conditions and demand from operators. Additionally, it is worth noting that the scheme will be delivered through a number of phased developments and reserved matters applications.

The proposed development has been broken down into five distinct but interconnected development zones.

- o Development Zone 1 (DZ1) - Will comprise retail / restaurant / café uses at ground floor with residential above. This block occupies the north-west corner of the scheme fronting the market to the north and the Tesco site to the south. DZ1 sits in front of St Mary's Square and the eastern façade of the building will provide active frontages to activate this space and the central pedestrian route / public realm through the scheme (DZ5).
- o Development Zone 2 (DZ2) - Will comprise a range of uses including retail / restaurant / café / cinema / offices / education use, and potential residential accommodation. This includes the proposed church hall. DZ2 fronts the main public realm route (DZ5) and surrounds St David's Church.
- o Development Zone 3 (DZ3) - DZ3 is bound by Tesco to the west and DZ1 to the north. It will comprise a new multi-storey car park with retail / restaurant / café uses at ground floor level to provide animation, together with residential uses above.
- o 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).
- o Development Zone 5 (DZ5) - Comprises the central public realm route running north south through the scheme.

Ref: 2018/0942/NMA

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.

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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. On 1 June 2018, non-material amendments were approved (Ref: 2018/0942/NMA) for:

"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"

Ref:2018/1648/RES

Following the above a Reserved Matters were submitted for Phase 1 in July 2018. In October 2018 these were approved, for:

"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)."

Ref: 2018/1823/LBC

Additionally, Welsh Ministers have issued Listed Building Consent in Dec, 2018 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 (application for Listed Building Consent)".

Additionally, concurrently with the reserved matters submission, a further non-material amendments application (under Section 96a) was submitted to secure revisions to the approved "means of access" parameter plan. Specifically, in relation to allowing bicycle users on the bridge over Oystermouth Road, along the northern edge of the coastal park and the east west route between Development Zone 5 and Development Zone 2 - ref: 2019/1112/NMA.

Section 73 Submission - ref: 2019/0980/S73

Since the outline planning permission and the Reserved Matters for Phase 1 were granted, additional studies and detailed design development have continued which identified a number of key areas where changes are needed to the consented development parameters to allow for an improved design for Development Zone 3 and Development Zone 4a. As a result of these changes, public revisions to Development Zone 5 and Development Zone 2 were required. The Section 73 sought to minor material amendments to the approved parameters to allow a revised Reserved Matters to be submitted in accordance with the amended parameters.

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The required minor material amendments parameters involved the following:

- o Enlargement of the developable envelope for Development Zone 3, including adjustments to the vertical limits of deviation, maximum and minimum building footprints and maximum and minimum floorspace quantum;
- o Means of access around Development Zone 4a, including relocation of bus/coach stops and increase in the number of stops; and relocation of key pedestrian routes between the marina and Oystermouth Road.
- o Amendments to the public realm in Development Zone 5 and Development Zone 2 as a result of the above changes and the emerging new cycle route towards Princess Street (being sought separately via the NMA - ref: 2019/1112/NMA).

Details of the Section 73 Submission

Development Zone 3

Following a review of the approved development, in particular the site layout and the options for build massing on the site it has been considered that it would be appropriate to optimise the heights of the proposed development in Development Zone 3. As such, the vertical limits of deviation have been increased from 27m to 36.5m, which represents an overall uplift of 9.5m, however the previous NMA Ref: 2018/0942/NMA has already increased the building heights to 30m, so the overall uplift in heights is in fact only 6.5m above the original Parameter Plan - Vertical Limit of Deviation.

In order to assess the increase in maximum height on DZ3, the revised parameters have re-assessed the daylight and sunlight impact which has confirmed that the amendments to the masterplan would "no material impact beyond the masterplan site, as the adjacent buildings, the multi-storey car park to the northwest and the supermarket to the west, have no particular requirement for daylight or sunlight. Given the relatively modest nature of the proposed amendments, this would remain the case, with any potential material effects occurring within the masterplan site". The detailed impact on daylight and sunlight will be further assessed and mitigated as appropriate through the forthcoming Reserved Matters Applications.

As a result of the revision to the vertical limit, the building footprints has been revised to ensure that the proposal does not result in an incongruous massing in the masterplan. As such the western zone for the building edge has been moved eastwards away from Albert Row, specifically away from Welsh Water assets that are present underground. This issue is addressed in more detail within the drainage section below. The western building line will no longer allow for a deviation of -15m, instead the limit will be adjusted to have a deviation of +3m/-3m.

As a result of the above changes, the approved maximum and minimum floorspace quantum for DZ3 will be remain at 24,000m to 15,500m for the development zone as a whole. When broken down into use classes, between 20,000m and 14,000m for car parking and between 0m (0 units) and 4,500m (36 units) for residential will be enabled.

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In addition, the approved use classes in DZ3 will be widened to allow for retail uses (Use Class A1) with the maximum 1,300sqm (GIA) of restaurants/cafes (Use Class A3) floorspace, and up to 3,000sqm of B1/D1 floorspace. This will ensure that the units are flexible and attractive to a wide range of tenants.

The proposed amendments will ensure that the proposal for DZ3 will be well integrated into the fabric of the existing building environment and the emerging Swansea Central masterplan. This approach is therefore in accordance with PPW and Swansea Local Development Plan which both seek the optimisation of brownfield land in sustainable locations.

Development Zone 4a

The application seeks to vary the approved means of access parameters which have been approved. In particular, the access point to the undercroft service yard area to the Arena / Hotel, will be omitted from the area within DZ4a between DZ4b (arena) and DZ4c (hotel) and re-routed to the southern part of DZ4a. Additionally, it is proposed to relocate the two bus/coach stops currently approved on Oystermouth Road, to an area of the site between DZ4c and the adjoining LC. Having regard to these changes the key primary pedestrian routes passing through this area, between the marina and Oystermouth Road, will be slightly realigned within the area for safety reasons. This is assessed in detail within the Public Realm Addendum and within the Transport Statement and Framework Travel Plan Addendum considered below.

Development Zone 2 and Development Zone 5

As a result of the changes to DZ3 and DZ4a, the approved public realm strategy has been reviewed, appraised against the emerging illustrative scheme and amended where necessary to ensure that the parameter amendments are deliverable, having regard to the detail design stage for the forthcoming revised Reserved Matters application.

Proposed Development

This application represents part of Phase 1 of Swansea Central, which will comprise the southern part and parts of the central areas of the wider redevelopment site, with the remaining parts being delivered in subsequent phases. The application seeks:

- o Reserved Matters approval for access, appearance, landscaping, layout and scale for part of Phase 1;
- o 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 35 (ecological enhancement measures) for part of Phase 1;

Full details of the proposed scheme are set out in the Design and Access Statement, but the scheme is summarised below.

Layout

The layout of the buildings and public realm infrastructure have been designed in accordance with the approved parameters for each Development Zone under the Outline Consent.

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A key design objective has been to enhance permeability and connectivity in this part of the City Centre with the provision of well-connected new public realm and open space, and in this respect the north-south pedestrian link and new pedestrian and cycle bridge connecting to the arena, south MSCP and the coastal park at podium level will provides a safe route for crossing Oystermouth Road.

North of Oystermouth Road

The northern part of the site proposes a new mixed use block incorporating retail, restaurants/cafes uses at ground floor, residential units and multi-storey car parking (MSCP). The mixed use block, which has been designed to be outward facing and will front the new north-south pedestrianised link and pedestrian and cyclist bridge over Oystermouth Road. The commercial units at ground floor level have been located in areas where there will be greatest footfall and will also activate the frontage. The entrance to the MSCP will be provided on Albert Row, via Oystermouth Road adjacent to the Tesco service yard.

The 6 ground floor commercial units (rising along the ramp to the pedestrian and cyclist bridge) will be within Use Classes A1/A3/B1/D1 (Retail, Café and Restaurant), which will provide active frontages, however B1 (Business) and D1 (public services) uses are also permitted and ensure that the floorspace is flexible.

The residential accommodation on the upper levels will be incorporated along the southern elevation of the northern block fronting Oystermouth Road. 33 residential units (Use Class C3) which accords with the approved amended parameter plans which set a maximum of 36 units. Of the 33 units, 15 will be 1 bed 2 person units and 18 will be 2 bed 3 person units and will be provided as affordable housing.

South of Oystermouth Road

The southern part of the site within the redline boundary comprises land between DZ4c and the neighbouring LC. Previously this area of the site was approved to comprise a taxi drop off area, route into the service yard, and a north south link to the marina under the former GWR revetment wall. Largely the approved elements have been retained albeit redesigned to meet refined development requirements, and will now comprise a coach loop for drop off and pickups.

Additionally, the red line boundary includes a small parcel of land adjacent to Oystermouth Road, which previously accommodated coach laybys for drop off and pickups. These have now been relocated to the aforementioned location and additional soft landscaping has been incorporated in to this location.

Scale

The scale of the northern block has been designed to accord with the approved parameters (as amended) for Development Zone DZ3 under the Section 73 application - ref: 2019/0980/S73. The amended parameter plans sets out that development within Development Zone 3 can extend up to 36.5m in height, and in compliance with this, the proposed development will extend to 36.5m in height, equating to seven storeys.

Vehicle Access

Oystermouth Road currently provides vehicular access to the northern part of the site via Albert Row, which leads into the St Mary's surface car park, the Quadrant MSCP, and to the LC2 in the southern part of the site. It is proposed that the junction with Albert Row is re-modelled and that Albert Row will only provide access to the new north MSCP car park from the south. 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 and will lead into the south MSCP. To the east of this new junction is a multi-functional access point for taxi drop off and services yard. New bus stops to the east of the site and new coach drop off lay-bys adjacent to the south MSCP will be integrated into Oystermouth Road. The site layout within the mixed-use block has also been designed with consideration for the collection of refuse and recycling (along Albert Row).

Pedestrian Access

The pedestrian links through the public realm will comprise of the following:

- o new north-south pedestrian link, leading to a partially covered bridge over Oystermouth Road in the south and to an east west ramp to the north of DZ3;
- o improved east-west footpaths along the southern edge of Oystermouth Road;
- o new north south link between the LC and DZ4c through to the GWR Revetment wall onto the Marina;

Car and Motorbike Parking

The proposals include 606 car parking spaces within the new Multi Storey Car Park (MSCP), of which 37 of the parking bays will be accessible and 26 will be enlarged for use by, for example, mother and child. In addition 16 motorbike bays will be provided in the car park.

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 without the need to dismount to cross. Cycle parking spaces will be provided on the site for use by employees, visitors and residents in secure stores or within the public realm, and residents cycle parking will be provided in the basement level of the northern block.

Accessibility

The scheme has been designed to be fully inclusive and accessible, with a number of lifts proposed within the public realm (and within the northern block), on both sides of Oystermouth Road close to the proposed staircases, to enable access to the public realm / podium levels.

Compliance with Outline Permission Conditions

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Condition 3 Reserved Matters

Condition 3 requires the submission and approval of Reserved Matters before development granted by the outline planning permission, as amended is commenced, to include details of access, appearance, landscaping, layout, and scale. This Reserved Matters application provides full details each as summarised above for this part of Phase 1.

Condition 6 Landscaping

Condition 6 requires the submission and approval of a phased landscaping scheme for each phase. The landscaping is required to follow the principles outlined in the Public Realm Strategy and should include details of a Public Art Strategy. A new landscaping scheme for this part of Phase 1 has been prepared by Capita Lovejoy has been submitted in support of this reserved matters application. This scheme sets out the hard and soft landscaping principles and methods for this part of the first phase, as well as an inclusion of details of a Public Art Strategy.

The landscaping strategy covers the following areas of the scheme:

- o Public realm improvements along part of Oystermouth Road;
- o Ground level public realm between the arena and neighbouring leisure centre; and
- o Public realm adjacent to the northern MSCP leading up to and over the new bridge.

As indicated to the 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, however, the green infrastructure consisting of trees and shrubs will unify the hard and soft landscapes to knit together. The same approach will be applied to the east-west connection to the northern edge of DZ3 where a new ramp access has been incorporated.

In term of a public art strategy, it is proposed that that this Phase 1 incorporates existing and proposed strategies from the city centre for continuity. To reinforce the unique identity of the city the strategy seeks to reflect the sites location and historical references. It is envisaged that the art could be in the form of paving, incidental play, furniture and lighting. A condition on the reserved matters will secure the public art and lighting scheme. The application therefore accords with the requirements of Condition 6.

Site Levels

Condition 8 of the outline planning permission seeks the provision of the proposed levels of the development in the Reserved Matters submission for each phase, to demonstrate the relationship of the proposal with adjoining land and changes within the site itself. Full details of site levels are indicated on the application floorplans and elevations drawings for this part of the Phase 1 site.

The proposed levels have been informed by the approved development parameters (as amended), which established an appropriate massing for the proposed built development.

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The drawings demonstrate that the scheme provides appropriate transitions between the site and the surrounding land, and incorporate high quality public realm and ramps where necessary to ensure vertical transition between the proposed spaces. The application therefore accords with the requirements of Condition 8.

Appearance / External Finishes

Condition 9 states that all reserved matters applications should be accompanied by details and disposition of the external finishes for each phase and shall accord with the aspirations outlined within the approved Design and Access Statement and the Design Principles documents, and the supporting AFL Section 73 comparison document. The submission of this reserved matters application is supported by a Design and Access and proposed elevations prepared by AFL Architects. Each include details of external finishes for all buildings and structures within this part of Phase 1.

The materials to be used throughout the Phase 1 site are as follows:

- o Multi Coloured Tiles;
- o Aluminium and Steel with Copper and Gold metallic or dark finishes;
- o Locally Sourced Dry Stone Wall;
- o Smooth Light Grey Render;
- o Dark Precast Concrete; and
- o Polycarbonate Cladding.

Within the Northern Block on Development Zone 3, the residential façades will be treated with Welsh blue pennant stone at ground level, light grey brick slips and metallic window surrounds. The commercial units will have folded aluminium canopies, metallic window surrounds and open glazing. The outward facing walls of the MSCP will be treated with an extruded aluminium fin profile and precast concrete to add to the interest and variety across the block's façade. The final external finishes will need to be approved via the submission of specific samples for each element controlled through the planning condition.

Wind Mitigation

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 was submitted as part of approved Reserved Matters for Phase 1 (LPA Ref: 2018/1648/RES). It assessed the wind conditions using a wind tunnel modelling methodology. A further update was submitted as part of the Section 73 application (2019/0980/S73) to the outline planning permission. The proposed mitigation comprises the installation of a weather protection canopy above the commercial units. The proposed measures would accord with the original and updated wind assessment.

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Surface Water Drainage

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

- o 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
- o 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 was submitted as part of approved Reserved Matters for Phase 1 (LPA Ref: 2018/1648/RES), with the strategy for the Southern part being discharged of this decision and the northern part requiring further approval of details submission. The application therefore accords with the requirements of Condition 21.

Ecological Enhancement Measures

Condition 35 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, measures are to be incorporated into the phase of development. This submission is supported by an addendum Ecological Technical Note, which supports the approved version of this document.

This statement includes details ecological enhancement measures to be undertaken on this part of the Phase 1 site, demonstrating a reference to the approved Ecological Appraisal. 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, sensitive lighting, and the provision of bat and bird boxes across the development. The application therefore accords with the requirements of Condition 35.

Planning Application

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

- o Application Drawings;
- o Planning Statement;
- o Design and Access Statement;
- o Highways Note (including Travel Plan);
- o Landscaping and Public Realm Report;
- o Ecology Letter & Technical Note.

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Consultations

Statutory Planning Application Consultation

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

Design Commission for Wales ('DCFW')

Design Review 30, May 2019

Consultations to Date

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, January 2017 and May 2018. This report should be read in conjunction with the earlier reports. 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. Outline planning consent was gained in March 2017 and a Reserved Matters application has also been submitted. Changes to the proposals beyond the parameters of the outline application require Section 73 application.

Main Points in Detail

Residential Accommodation

It is disappointing that the residential units that were proposed to front the development block along the main north-south route are no longer part of the scheme. Whilst the reasons for this are understood, the visual screening of the car park and natural surveillance that they provided have been lost. This will have a detrimental impact on the eastern edge of the development, although shifting the residential accommodation to the south does help to address the corner on Oystermouth Road. All options for diverting the sewer to avoid or minimise the impact of the easement should be fully explored.

The information presented at the review in relation to the residential accommodation was very limited focusing mainly on the external appearance of the building. Given that the Commission has not had the opportunity to review the proposals for this block previously it would have been helpful to have information showing the layout, entrances, circulation, views, environmental strategy and more generally, information which clearly shows what it will be like as a place to live. Some concerns here include balancing noise and ventilation given that the homes will have a south-facing aspect which could result in overheating and which are in close proximity to the arena. A strategy for this is required, linked to the overall environmental strategy.

Circulation and Public Realm

The public entrance to the car park lift must be visible and distinguishable from the other doors on Albert Row. The massing of the potential phase two development opposite the retail units is necessary to help determine the quality of the public realm proposed.

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Trees are no longer being shown on this route. The temporary treatment of the east edge of the ramp and how it interacts with the temporary landscape needs to be addressed.

Challenges

Much of the presentation focused on the methods of treating the walls and boundaries that are created by the need to reach the bridge level. Considerable thought is being given to this by the design team, but it is a very difficult challenge to overcome and there remains the potential for Oystermouth Road to become a negative space in this location.

The viability of a green wall on the north facing elevation of the deck car park needs to be evidenced. The reality of how green this wall will be on day one, how long it will take to grow and how it will be maintained indefinitely need to be explained.

Delivery

The Commission has previously commented on the bridge and our view has not changed. The rationale and viability of the proposed bridge remains a concern in terms of design, construction and cost. Design decisions must be driven by user experience and what is practical within the available budget, alongside appearance. Very limited information was available about the bridge structure.

The success of the proposed cladding and wall treatment, in terms of quality of appearance, will be dependent on the budget available for high quality materials and skill available to deliver it. For example, the proposed dry stacked (in appearance) walling will need to be carefully detailed and constructed to ensure that the mortar is not visible. The approach taken by the design team is deliberately to concentrate on the superficial features, with very little importance given to tectonics or to the relationship between internal layout and external expression. At the same time, the proposals for façade treatments have no specific contextual or functional rationale. This means that they are vulnerable to being changed, whether by the intervention of key stakeholders or, potentially, by the contractor in order to reduce cost. There is a serious concern that what can be achieved will not realise the ambition represented by the images provided. Preserving the design intent through the design and build process is critical but the information was not yet available to judge whether it can be maintained.

Maintenance will also be essential to minimise the potential for the proposed elevation treatments and the public realm areas to become problematic. There will be a significant amount of landscape and structures that will need regular and sustained maintenance.

Further review

This remains an ambitious project. We would encourage the client team to engage with DCFW on future phases of the Swansea Central development but to ensure that this comes at the right time and with sufficient information to review all aspects of the design and not just the external appearance.

Glamorgan Gwent Archaeological Trust

You will recall from our letter of 19th June, 2019 in response to 2019/1160 regarding Condition 26 relating to 2017/0648, that we had received an archaeological Written Scheme of Investigation prepared by GGAT Projects Ltd. (dated May, 2019 ref: 2019/0025). This detailed an appropriate methodology for the archaeological mitigation of the Phase 1 Area of the redevelopment, and we noted that it met current professional standards.

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The current application relates to the revised reserved matters within this area. The changes do not significantly alter the impact on the historic environment and archaeological resource. However, the applicant should inform their archaeological contractor of any changes in order that the methodology for the archaeological mitigation can be appropriately implemented and achieved.

CADW - Having carefully considered the information provided, we have no objections to the impact of the proposed development on the scheduled monuments. Our assessment of the application is given below.

Assessment

In response to a planning application 2019/0980/S73, we considered that the proposed development would alter the significant view westward from the castle by adding a large, solid, flat-topped structure to it, but would not obstruct it. We concluded that this would have a very slight but not significant adverse impact on the setting of scheduled monument Swansea Castle (GM012).

Council's Drainage Engineer - We are unable to offer any comments on this revised application as no surface water information pursuant to Condition 21 has been submitted with respect to the north side, this has been acknowledged in Section entitled Surface Water Drainage within the Planning Statement which indicates that the required report will be submitted separately.

Dwr Cymru Welsh Water

We acknowledge that this latest application (ref: 2019/1373/RES) seeks approval of a revised reserved matters on Phase 1 Swansea Central Regeneration and follows previous approval of a similar application (ref: 2018/1648/RES). In this instance, however, it is understood the application is for approval of reserved matters on part of Phase 1 and would appear to be associated with recently approved amendment to the outline parameters (Ref: 2019/0980/S73).

With respect to our previous consultation responses on the application for approval of reserved matters, we offer no objection in principle to this latest application, subject to compliance with the requirements of Conditions 17 - 20 & 22 of outline planning permission 2017/0648/OUT. In this respect, whilst our previous comments recommend that Condition 21 could be partially discharged for Phase 1 development, we remind you that a scheme for protection of the 1650mm combined sewer below Albert Row is still required in accordance with Condition 22. We recommend that any scheme, submitted for discharge of this condition, is consistent with details submitted for approval to Dwr Cymru Welsh Water under the Water Industry Act 1991.

Natural Resources Wales

As we did not request the reserved matters listed below, we leave the discharge of these conditions to the discretion of your Authority.

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

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Highway Authority -

The Section 73 Consultation Response advised:

The Highway Authority recommends that no objection is raised to the Section 73 application, subject to the refinement of the layout at detailed design stage, to include improved HGV and PSV turning on Oystermouth Road from the Arena service access and ensuring that Tesco service yard can be served from the Wellington Road approach.

The above recommendation will require that the previous conditions associated with our planning consultation response are retained.

This is valid and we would advise that the vehicle turning manoeuvres will need to be addressed. Please ensure that the conditions are retained throughout.

Material Planning Considerations

As indicated above, since the outline planning permission and the Reserved Matters for Phase 1 were granted, additional studies and detailed design development have continued which identified a number of key areas where changes were needed to the consented development parameters and the Section 73 application sought consent to revisions to the approved scheme to allow for an improved design for Development Zone 3 and Development Zone 4a. The Section 73 made minor material amendments to the approved parameters to allow this revised Reserved Matters to be submitted in accordance with the amended parameters.

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

- o Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- o Urban Design and Townscape / Visual impact;
- o Highways, traffic, car parking, access and pedestrian movements.

Development Plan Policy and Supplementary Planning Guidance

Planning Policy Wales - PPW (Edition 10, December, 2018)

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.

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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 Local Development Plan 2010-2025

Since the previous consent was granted, the Local Development Plan (LDP) has been adopted - February 2019. The LDP designated 12 Strategic Development Areas (SDAs) to provide new homes and opportunities for job creation and commercial investment at a strategic scale. These include SD J: SWANSEA CENTRAL AREA which is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance. It includes proposals for a high quality retail and leisure led scheme, mixed use waterfront developments, circa 856 homes, 4 hectares of potential development areas that could accommodate B1 uses, and area initiatives and environmental enhancements during the Plan period.

Development proposals should accord with the following Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent. With particular regard to the St Davids/Quadrant Site and LC car park area this will be developed to create a comprehensive retail and leisure-led mixed-use place of a quality, scale and critical mass appropriate for a Regional Centre properly integrating, and complementing the existing Retail Centre. The development will create new streets and spaces with active edges and an urban scale including a high quality built edge and active frontages to Oystermouth Road. Additionally, the provision of a North South pedestrian and cycle linkages will be strengthened with an improved crossing over Oystermouth Road, the creation of a new high quality gateway location, the existing listed St Marys' Church and St David's Priory should be treated as focal points, the provision of high quality car parking for the redevelopment and wider Central Area and new innovative public realm and public open spaces with significant greening.

Policies RC 1, RC2 and RC3 - Swansea Central Area Regeneration - require development to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must accord with the key strategic aims of delivering the comprehensive regeneration and revitalisation of the Retail Centre.

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Retail / Leisure developments together with increased amounts of high quality office space and city living, including student accommodation; education facilities for teaching and research; and a wider range and choice of visitor attractions and facilities should be centred within the Swansea Central Area.

Affordable Housing

The need for affordable housing is a material planning consideration and Condition 12 of the outline consent requires the development shall incorporate affordable housing at not less than 30% in accordance with the Council's adopted Supplementary Planning Guidance - Planning Obligations. Since then the LDP has been adopted and Policy H3 requires residential developments to provide affordable housing on site within the Central area at a targeted percentage of 20%. As indicated the proposed 33 residential units included within the scheme are intended for use as affordable housing to be managed by a RSL and would be in compliance with the planning condition and LDP Policy.

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

- o Creating a Working Living and Learning Area
- o Delivering a Retail and Leisure Led Mixed Use Centre
- o Connecting the Centre to the Waterfront
- o 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.

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 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.

Tall buildings can be iconic structures for an individual use, signify areas of regeneration or act as symbols of economic activity. In the context of Swansea, tall buildings can serve a number of functions that:

- o Create a distinctive skyline;
- o Form key landmarks within a legible city;
- o Contribute to a cluster signalling a key gateway or area;
- o Mark important public, civic or institutional uses;
- o Demonstrate a growing economic position and
- o Set a precedent for sustainable development through the application of best practice requirements, maximising densities and proximity to public transport.

The SPG indicates that tall buildings should:

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

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 is an opportunity for clustering; and the Retail and Leisure core, where there is an opportunity for City living and greater intensity of scale.

Policy Summary

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 redevelopment of the St David's / Quadrant area has the potential to create economic growth and to act as a catalyst for the wider regeneration of Swansea City Centre. 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 permission application has addressed.

Both the LDP 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.

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Urban Design and Townscape / Visual impact

Design process

This reserved matters application forms part of the priority Swansea Central regeneration scheme comprising a new Arena, extensive public realm areas and complimentary mixed uses. The overall outline planning masterplan was approved under ref: 2017/0648/OUT and the first phase reserved matters comprising Arena, Coastal Parkland, MCSPs, residential and commercial uses was approved under ref: 2018/1648/RES. The design and deliverability of the first phase has been tested and refined with the approval of the Section 73 application - ref: 2019/0980/S73, and currently enabling ground works are on site and the main contract work is expected to start on site in Autumn 2019.

The consented reserved matters scheme for north block (DZ3) was constrained by the presence of the Welsh Water sewer on Albert Row and also by the servicing arrangements for Tesco. As a result the design of the mixed use scheme comprising the residential units (affordable housing), commercial active frontages and MSCP has been re-designed, whilst retaining the main north south ramp alignment linking St Mary Square to the new Arena via the bridge over Oystermouth Road. The location of east façade in the amended scheme follows the building line parameter set at the outline stage to maintain the view corridor from west side of St Mary's Square to the Arena frontage.

The development parameters set at the outline planning for this area have previously been amended by the Section 73 application - ref: 2019/0980/S73 - to accommodate this revised design. The proposals are accompanied by a Design and Access Statement to explain the changes and compliance with the outline parameters.

Streets and spaces

The retention of the ramp and not building over Albert Row has reduced the footprint available for new development which is also constrained north by Oystermouth Road and the cross link to Tesco. The alignment of the north south ramp has been retained as approved but minor changes are proposed at the east entrance to the residential block and MSCP to create a localised plateau where the ramp slopes down to ensure a level threshold into the building. This disrupts the uncluttered nature of the ramp public realm and needs to be refined through the planning conditions. The east west ramp to Tesco has been redesigned as a gentle slope with curving alignment to ease the gradient and make the area accessible, removing the need for a formal ramp.

The application also includes amendments the south side of Oystermouth Road to omit coach drop off from laybys alongside the road to be replaced with new coach drop off/ pickup spaces between the site of the proposed hotel (DZ4c) and the west elevation of the LC. The outline parameters have previously been amended under the Section 73 application to allow the multi-functional use of this area combining the coaches, service access to the Arena and public realm area for pedestrians walking to the LC and National Maritime Museum and linking through new arches in the listed GWR wall to the marina. The proposals ensure that the access for all (including vulnerable pedestrians) and desire lines are accommodated. This amendment also has the benefit of increasing the area of planting along Oystermouth road with the linear coach lay by omitted.

Development blocks/ Architecture

In order to accommodate the critical mass of residential accommodation this element has been changed from a five storey linear block comprising four floors of flats above a commercial ground floor facing east into a seven storey low rise tower in the south part of the site comprising 33 flats over six floors with outlook to the east, south and west and commercial on the ground floor. This results in a building that is two stories taller (approx.. 6m higher) than the original and will create a 'landmark' on Oystermouth Road facing the Arena and overlooking the new Coastal Park. This is a welcome change to the massing that conforms to the development parameters.

The residential block maintains the aesthetic of the previous approval with coloured tiles (likely to be unglazed terracotta tiles in range of natural colours), feature window hoods and emphasised curved corners. This will provide a strong contemporary aesthetic that highlights the contribution to city living whilst ensuring a building of quality in the setting of the new Arena. The final detail of the materials can be controlled through a condition requiring a composite sample panel. Currently the detail for the windows shows a very large head louvre which detracts from the quality, the glazing bar arrangement is unresolved and there are no details of the boiler vents to individual flats which are understood to be a requirement of the housing association who will manage the facility for their tenants. Therefore a condition is needed to control the design and location of all visible vents and flues and the detail design of the windows/ window hoods.

The MSCP maintains the scale, form and aesthetic of the previous approval with vertical sculptural twisted fins. As a change from the previously reserved matters approval, the current drawings show fire protection behind the fins which could result in an awkward clashing appearance of elegant vertical fins and blocky horizontal fire protection 'letter box' type openings. The option to omit the fire protection or to amend the fire protection to better with the elegant fins (especially when the car park is lit internally at night) needs to be explored and the final external finishes are controlled through the planning conditions.

The west side of the ramp leading up to the new approved bridge would be lined by active commercial frontage as per the previous scheme. This will include a continuous canopy that flicks up at the north end to create corner feature when approaching from St Mary's Square. The commercial frontages below the MSCP would be kiosk units whilst the public realm level of the residential block would be a larger commercial unit potentially a restaurant.

The MSCP has pedestrian entrances in the north, south east and south west; and the legibility and detailing of these entrances will be controlled through the planning conditions. Similarly, the ground level treatment of this block has proven difficult to resolve as a plinth; this area is more functional with service and plant room elements but is also prominent onto Oystermouth Road. Again these issues will be resolved through the planning conditions.

Visual impact

The outline application included an assessment of the visual impact of the proposed layout, scale and massing from agreed public vantage points. The approved Section 73 application in relation to the increased height parameters considered the visual impact.

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The revised height parameter of DZ3 allows a maximum height of 36.65m AOD. This absolute height is measured above ordnance datum and given that the existing ground level is circa 6m AOD, the proposed building is 30.65m. This is to accommodate the quantum of residential units on a compact footprint above the podium for the bridge/ramp. This area is a tall building 'consider zone' as defined in the Council's Tall Building Strategy SPG where well designed tall buildings are encouraged. The maximum height parameter would allow a new residential building of similar scale to the nearby existing Excelsior Building at the southern end of Princess Way. The proposed increase in height does not change the assessment/ positive findings of the Townscape and Visual Impact Assessment carried out at the outline stage, notably the impacts on views 3 and 5 looking east and west along Oystermouth Road. The proposed height is considered acceptable in this location to create a marker building on Oystermouth Road. This will have a presence in the context of the significant new Arena to the south and will increase overlooking/ natural surveillance of Oystermouth Road and the new coastal parkland area.

Heritage

The Grade II Listed St David's Priory Church lies outside the red line for this Reserved Matters Application. The current proposals 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 north south 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. This is not a designed view in the original character of the church. Whilst the current application increases the height of the residential block by 3 stories, there is sufficient separation to not be overbearing and the quality of architecture ensures a positive visual relationship. Furthermore 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 Statue which lies at the south west corner of St Mary's Square. The setting of this statue 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 statue is adequately protected in situ during the demolition and public realm works.

Highways, traffic, car parking, access and pedestrian movements

The outline planning application was accompanied by a Transport Assessment (TA) and Framework Travel Plan to assess the highway and transportation matters related to the outline development proposal. The highway works form part of the Swansea Central scheme granted outline planning permission under ref: 2017/0648/OUT, and the revisions to the highway layout were established under the Section 73 application ref: 2019/0980/S73.

The approved Section 73 application comprised of amending the layout and access arrangements to the northern MSCP. The application is accompanied by a Highways Note to provide an overview of the proposed amendments and a consideration of the highways and transportation impacts.

Approved Development proposals

Oystermouth Road bisects the site into two distinct areas ('North' and 'South' Sites) and as part of the proposals, improved pedestrian connectivity will be achieved between the North and South site through the introduction of a new wide pedestrian/cycle bridge over Oystermouth Road linking the two sites and the city centre to the waterfront.

This partial resubmission of the Phase 1 Reserved Matters is required to take account of the Arena service / yard and the northern MSCP, which were approved in principle under the Section 73 approval. These changes include:

- o Amendments to the layout and access arrangements at the northern MSCP;
- o Amendments to the servicing and coach drop off arrangements to the proposed Arena, hotel and existing LC building;

Northern MSCP

As part of the North Site proposals both the existing St Mary's and St David's car parks will be removed and replaced with a new Multi Storey Car Park (MSCP) car park situated alongside Albert Row providing a maximum of 606 spaces will be provided at DZ 3. The new MSCP car park will be accessed from Oystermouth Road to the south via the Albert Row/Oystermouth Road signalised junction which will be reconfigured as part of the development scheme.

Compared to the northern MSCP arrangements for the approved outline application, the revised scheme will result in the MSCP's entrance/exit being moved further northwest along Albert Row (i.e. away from the Albert Row/Oystermouth Road junction). The number of entrance and exit barriers at the MSCP will not to change, however the lane widths on Albert Row be widened and amended to provide two separate southbound lanes for left turning and right turning traffic from the MSCP onto the Albert Row/Oystermouth Road junction. The above amendments to the car park access are required to tie in with the revised layout proposed for the MSCP. It is considered that the amendments will have a beneficial highways impact compared to the previously approved scheme as it allows additional queuing space for vehicles between the MSCP exit and the Albert Row/Oystermouth Road junction.

The revised car park layout will mean that the upper levels will no longer overhang Albert Row, and will also result in an alteration to the internal layout of the car park, increasing its capacity to 606 car parking spaces, including 37 (6%) disabled spaces and 24 enlarged spaces, with 15 spaces with electric vehicle charging points, 16 motorbike and 42 cycle parking spaces.

Arena Servicing Amendments

The main highways and transportation components of the proposed amendments in relation to the Arena site are the removal of the previously proposed long coach layby provided along the westbound carriageway of Oystermouth Road in front of the Arena and the revision of the Arena service access off the westbound carriageway of Oystermouth Road. A bus stop proposed on the eastbound carriageway of Oystermouth Road will also be removed.

The layout of the Arena service access will be revised to allow access to two coach drop-off/pick-up bays and the service area for the Arena. The two coach spaces will be shared with the proposed Arena, hotel and existing LC2 building.

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The location of the proposed Arena service yard access along Oystermouth Road will not change significantly compared to that of the approved 2018 RM scheme.

The amended service vehicle access will serve an amended service area for the Arena and hotel and provide access to two new coach bays and a taxi drop-off (replacing a previous internal coach/taxi drop-off facility illustrated in the approved outline application scheme). The coach/service vehicle access will incorporate a vehicle rejection point arrangement, most likely controlled by rising bollards. It is planned that the rejection point will only be in operation during events at the proposed Arena, and that outside these times the service access will be open to traffic.

As indicated, the amendments include omitting the previously proposed six coach layby on Oystermouth Road. This will be replaced with the two number on-site coach bays at the Arena, accessed via the amended Arena access, an additional two coach drop-off/pick-up layby approx. 365m to the west of the Arena along a route currently used as a bus route adjacent to Oystermouth Road, along with the opportunity for Arena coaches to use the two new bus/coach bays that have been constructed on Wellington Street to the north of the Arena as part of the recent associated improvement works along Wellington Street. These coach spaces will also be available for use by LC2.

Therefore, compared to the coach parking provision set out in approved outline application and RM schemes, it is not intended that the proposed amendments will result in any loss of coach parking provision. As such it is considered that the proposed coach parking arrangements remain suitable to accommodate the potential coach parking demand of the Arena, hotel and LC2 buildings.

It is intended to retain the previously agreed coach management arrangements - coaches needing to layover after dropping off visitors at the Arena until an event has finished will be directed, through the use of a Coach Management Plan, to lay over at the Park-and-Ride facilities or at Bracelet Bay which are the official coach lay over areas for Swansea. This arrangement will keep coach bay occupation times to a minimum.

It is intended to retain the principle of a dedicated left-in/left-out arrangement at the service yard access on the westbound carriageway of Oystermouth Road and a servicing plan would be put in place setting out the routes through the city coaches/service vehicles should use when exiting the site. The left in/left out arrangement will minimise impact to traffic on the main road, and vehicles would be able to take advantage of gaps in traffic created by the proposed signal junction to the east to egress back onto Oystermouth Road.

LDP Policy T1 requires new developments to be served by appropriate parking provision and circulations areas and T6 requires proposals to be served by appropriate levels of parking in accordance with standards. LDP Policy T2 considers active travel and requires developments to enhance cycling opportunities within the site and Policy T5 requires proposals to provide suitable facilities which are attractive to non-motorised modes of transport. The level of new car and cycle parking is considered appropriate and accords with LDP Policy.

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The Highways Note has assessed the access and highway layout changes proposed to the 2018 Reserved Matters scheme and concludes that the proposed access and highways arrangements are suitable to serve the Arena and norther MSCP and that these changes will not significantly impact the previously established traffic attraction to the proposed Arena and northern MSCP.

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. 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 wider Phase 1 will act as a catalyst for further regeneration and investment in Swansea city centre, including the latter phases of Swansea Central; and the delivery of the mixed use scheme including commercial floorspace, affordable housing will help to create a mixed and balanced community in a sustainable location. The provision of the purpose built MSCP with 606 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 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 LDP and the SCARF; The development is in compliance with the parameters set by the amended outline planning permission and the prevailing planning policy framework.

This is a significant development within the City Centre and would also have an impact on the surrounding area, however, taking into account all the material considerations, it is considered that the proposed development would not have an unacceptable detrimental impact upon the wider environment and that any negative impacts can be ameliorated by the imposition of the appropriately worded planning conditions.

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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RECOMMENDATION:

APPROVE, subject to the following planning conditions:

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

C18052-CLY-ZZ-ZZ-DR-L0020 SITE BOUNDARY PLAN FOR RMA SUBMISSION;
SW1-AFL-00-00-DR-A-20109 P03; PLANNING GA, SITE PLAN, DROP OFF AREA;
SW1-AFL-00-00-DR-A-20940 P03 PLANNING GA, SITE PLAN, AREA AROUND
BRIDGE; SW1-AFL-00-01-DR-A-20941 P03 PLANNING GA, SITE PLAN, AREA
AROUND BRIDGE; SW1-AFL-00-02-DR-A-20942 P02 PLANNING GA, SITE PLAN,
AREA AROUND BRIDGE; SW1-AFL-00-03-DR-A-20943 P02 PLANNING GA, SITE
PLAN, AREA AROUND BRIDGE; SW1-AFL-00-ZZ-RP-A-00060 - P04 - RESERVED
MATTERS DESIGN AND ACCESS STATEMENT; SW1-AFL-04-09-DR-A-20189 - P03
PLANNING GA, ROOF LEVEL; SW1-AFL-04-XX-DR-A-20231 - P03 PLANNING GA,
NORTH SOUTH ELEVATION; SW1-AFL-04-XX-DR-A-20330 - P03 PLANNING GA,
BUILDING SECTIONS SHEET 1; SW1-AFL-04-XX-DR-A-20331 - P03 PLANNING GA,
BUILDING SECTIONS SHEET 2; SW1-AFL-04-ZZ-DR-A-20209 - P04 GA, MASSING
ELEVATIONS FOR NMA PLANNING; SW1-AFL-04-ZZ-DR-A-20930 - P04 ZONE 4 CGI
VIEW 1; SW1-AFL-04-ZZ-DR-A-20931 - P03 ZONE 4 CGI VIEW 2; SW1-AFL-04-ZZ-
DR-A-20932 - P04 ZONE 4 CGI VIEW 3; SW1-AFL-04-ZZ-DR-A-20933 - P03 ZONE 4
CGI VIEW 4 - received 19 June, 2019.

SW1-AFL-04-02-DR-A-20701 - P01 PLANNING GA, SITE BOUNDARY - received 20
June 2019

C18052-CLY-04-ZZ-DR-L-00100 NORTH SITE PUBLIC REALM LANDSCAPE
GENERAL; SW1-AFL-00-00-DR-A-20155 - PLANNING GA, SITE LOCATION PLAN,
LEVEL - P04; SW1-AFL-00-01-DR-A-20157 - PLANNING GA, SITE PLAN, LEVEL 1 -
P04; SW1-AFL-00-02-DR-A-20158 - PLANNING GA, SITE PLAN, LEVEL 2 - P04;
SW1-AFL-00-09-DR-A-20107 - PLANNING GA, SITE PLAN, ROOF LEVEL, WILDLIDE
BOXES - P04; SW1-AFL-00-09-DR-A-20159 - PLANNING GA, SITE PLAN, ROOF
LEVEL - P04; SW1-AFL-04-00-DR-A-20190 - PLANNING GA, LEVEL 0 - P04; SW1-
AFL-04-01-DR-A-20191 - PLANNING GA, LEVEL 1 - P04; SW1-AFL-04-02-DR-A-
20192 - PLANNING GA, LEVEL 2 - P04; SW1-AFL-04-03-DR-A-20193 - PLANNING
GA, LEVEL 3 - P04; SW1-AFL-04-04-DR-A-20194 - PLANNING GA, LEVEL 4 - P04;
SW1-AFL-04-05-DR-A-20195 - PLANNING GA, LEVEL 5 - P04; SW1-AFL-04-06-DR-A-
20196 - PLANNING GA, LEVEL 6 - P04; SW1-AFL-04-07-DR-A-20197 - PLANNING
GA, LEVEL 7 - P04, SW1-AFL-04-08-DR-A-20198 - PLANNING GA, LEVEL 8 - P04;
SW1-AFL-04-XX-DR-A-20230 - P034 PLANNING GA, EAST WEST ELEVATION -
received 4 July, 2019.

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 for this phase of the Phase 1 reserved matters development 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.

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3 Prior to the commencement of any superstructure works for this phase of this Phase 1 reserved matters development, large scale details of architectural elements at an appropriate scale shall be submitted to and agreed in writing by the Local Planning Authority and shall include:

- Typical window unit;
- Typical external door within its opening;
- Commercial frontage strategy including shopfront / glazed areas, 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 and to ensure active, attractive and transparent shopfronts which will maintain and enhance vitality at street level and avoid dead retail frontages.

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

Reason: In the interests of visual amenity.

5 Notwithstanding the details shown on the landscaping scheme, no works shall commence on the implementation of the landscape phase until the precise details of the scheme for the hard and soft landscaping / public realm / public art / wayfinding / lighting and heritage interpretation of the site have 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.

6 The approved scheme shall be implemented and carried out during the demolition and construction phase of the development in accordance with the Car Parking Management Strategy approved under the discharge condition application under ref: 2019/0537/DOC or any subsequent approved document.

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

Item 2 (Cont'd)

Application Number:

2019/1373/RES

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [LDP Policies PS1, PS2, PS3, SD1, SD2, SDJ, RC1, RC2, RC3, T1, T2, T5, T6].
 - 2 Please note that SAB (SuDS Approval Body) approval will be required if planning permission is granted subject to a condition that requires reserved matters to be submitted, and a valid application for approval of the reserved matter is not made before 7th January 2020 (with the exception of single dwellings and developments with a construction area of less than 100 square metres). This is a separate application process to planning permission and a fee will be payable. Complying with SAB criteria may impact on the permission hereby granted. For queries and further information on the requirement for SuDS on new developments, please contact: water@gov.wales
-

Item 3

Application Number:

2019/0500/FUL

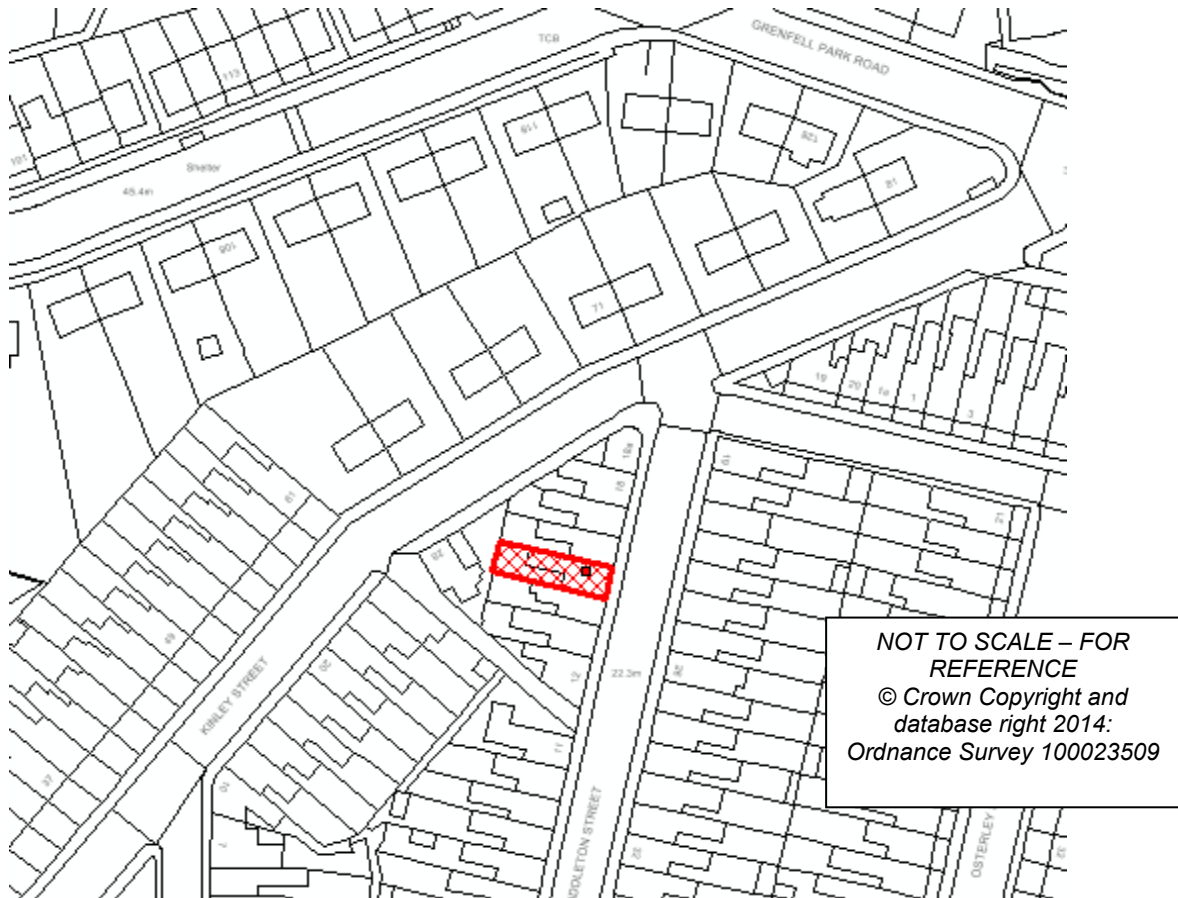
Ward:

St. Thomas - Bay Area

Location: 15 Middleton Street, St Thomas, Swansea, SA1 8HH

Proposal: Change of use from residential (Class C3) to 4 bed HMO for 3 people (Class C4)

Applicant: Mr. R. M. Jenkins



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

Item 3 (Cont'd)

Application Number:

2019/0500/FUL

LDP - H9 - Housing in Multiple Occupation

Housing in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles.

LDP - T6 - Parking

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Site History

App Number	Proposal	Status	Decision Date
2019/0500/FUL	Change of use from residential (Class C3) to 4 bed HMO for 3 people (Class C4)	PDE	

Procedural Issues

This application has been called to Planning Committee for decision at the request of Councillor Joe Hale and has been supported with a petition which meets the criteria specified in the Council Constitution.

Description

Full planning permission is sought for the change of use of No. 15 Middleton Street from residential (Class C3) to a 3 bedroom HMO (Class C4) for 3 people.

The plans indicate that there will be one bedroom, a lounge, kitchen, W.C, shower room to the ground floor and 2 bedrooms and a shower room to the first floor.

Assessment of the immediate area

Middleton Street consists of predominantly two storey traditional terraced residential dwellings, as do the majority of the neighbouring streets.

Planning History

There does not appear to be any relevant planning history in association with this site.

Planning Policy

Item 3 (Cont'd)

Application Number:

2019/0500/FUL

The Swansea Local Development Plan ('LDP') was adopted 28th February 2019, the policies contained within this will therefore be used in the determination of this application.

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and subsequently adopted. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council, that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H 9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included with it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the adopted Policy H9 states:

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- I. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;*
- II. outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- III. the development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;*
- IV. the property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and*
- V. there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.*

HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

Item 3 (Cont'd)

Application Number:

2019/0500/FUL

Consultations

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 also posted within the vicinity of the application site.

A petition of objection containing 40 signatures and 14 letters of objection have been received which are summarised below:

- o Parking issues
- o Local community is being destroyed
- o Too many HMOs
- o No protection for Swansea communities
- o Further research should be undertaken to identify all HMOs
- o Affordable housing not available to residents
- o Additional traffic
- o Social degradation is occurring
- o Room sizes are too small
- o Noise pollution
- o Damage to properties

Analysis and Recommendation

Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the property as a HMO, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Use

The application property is a mid-terrace dwelling along Middleton Street which is situated in the local ward of St Thomas. In terms of the principle of use, reference must be made to Policy H9 of the Local Development Plan and specifically the radius approach contained within this Policy. Policy H9 states that outside the HMO Management Area a limit of 10% of all residential properties within a 50m radius can be HMOs.

National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can in some instances begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. The policy objectives of not exceeding this threshold strikes an appropriate balance between recognising the established character of different streets and areas, whilst also supporting sustainable communities.

Item 3 (Cont'd)

Application Number:

2019/0500/FUL

Within a 50m radius of the application property there are 40 residential properties and according to records held one is an existing HMO at No. 28 Kinley Street. On this basis, if this application were to be approved the concentration percentage would be 5% within the 50m radius and therefore would not exceed the 10% threshold.

On this basis the principle of a HMO is considered to be acceptable in accordance with the requirements of Policy H9.

Visual Amenity

There are no external alterations proposed, therefore the change of use will not have an impact upon the visual amenity of the dwelling or the wider surrounding street scene.

Residential Amenity

Regard needs to be given to the fact that a family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 3 people as a HMO would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwelling.

The applicant has provided scaled floor plans which indicate that the proposed bedrooms will measure between approximately 9.8m² and 13.9m². The kitchen will measure approximately 13.2m² and the living area approximately 10.8m².

HMO amenity licensing standards provide a basic indication as to whether the internal living arrangements would be adequate for the future occupiers of the property. The amenity standards state that a single bedroom (where a separate lounge is provided) be 6.5m² and a double bedroom (where a separate lounge is provided) be 10.2m². According to the licensing standards, a kitchen used by 1-5 people should be a minimum of 7m². The proposed property exceeds the requirements in terms of HMO Licensing and it is considered that the property provides for an adequate level of living accommodation for its future occupiers.

Parking and Highway Safety

Regard needs to be given to the adopted Supplementary Planning Guidance document entitled 'Swansea Parking Standards'. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwellinghouse.

In view of the above, 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 H9 and T6. Furthermore it appears from the submitted plans that there is adequate space to the rear of the property to provide for undercover cycle storage and refuse storage, the details of which can be controlled via condition.

Imposition of Conditions

Condition 3 relates to requiring appropriate facilities for both refuse and bicycle storage. It appears from the submitted site location plan that there is adequate space to the rear of the property for undercover cycle storage and refuse storage.

Item 3 (Cont'd)

Application Number:

2019/0500/FUL

Condition 4 limits the number of occupiers of the dwelling and is imposed given that the nature of a C4 use class would generally allow the property, without planning permission to be occupied by 6 people - a different proposal to that contained within the planning application and submitted plans. The key issue here is that once the property is approved as a C4 HMO and is set out as per the approved plans the description of the development being for 3 people would have no defined status in preventing such a change occurring without a separate restrictive condition being imposed. Whilst the imposition of such a condition could be considered unduly restrictive as part of a blanket approach, what needs consideration here is whether the change from 3 to 6 people would bring adverse harm to the living conditions of future occupiers and those of existing neighbouring residents having regard to Policies PS 2 and H9 of the Swansea Local Development Plan. In allowing an increase in the numbers of occupiers to occur without scrutiny of a planning application the change could allow additional bedrooms to be created which would provide for a different layout to that approved. This could have detrimental impacts upon future occupiers by reason of resulting in cramped living conditions and reduced shared spaces. For example additional occupiers would likely result in the need for extra bedrooms within the property. This could only be achieved by amending the layout of the approved HMO thus resulting in either smaller bedrooms or removing the shared living room. This could result in bedrooms without windows and generally a lack of shared space which would be unacceptable to both amenity and the future well-being of the occupiers. Whilst planning permissions should not generally be used to control internal spaces the issue is whether it would impact upon neighbouring occupiers should the nature of the use intensify. It is therefore considered that this condition is both reasonable and necessary and reasonable in this instance and that any alterations to the number of occupiers be subject to planning control.

Condition 5 refers to the removal of permitted development rights and is suggested to tie into Condition 4 given that at a future date current permitted development rights provided for under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would allow the property to be changed i.e. extension added without the need for planning permission. Whilst such a restriction would generally be unreasonable for a householder development here the Local Planning Authority would have concerns with the intensification of the HMO use and allowing extensions to be added without the need for planning permission would conflict with the nature of the submitted and assessed scheme of development.

Conclusion

In view of the assessment undertaken based on the evidence before the Local Planning Authority the proposed HMO would not 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 PS1, PS2, H9 and T6 of the Swansea Local Development Plan and the Parking Standards SPG.

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 WFG Act").

Planning Committee – 6th August 2019

Item 3 (Cont'd)

Application Number:

2019/0500/FUL

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.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, received 26th April 2019. Existing and proposed floor plans, received 23rd July 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the submitted details, prior to the first occupation of the development hereby approved, details of facilities for the secure and undercover storage of a minimum of three bicycles and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained and not used for any other purpose.
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.
- 4 The use of the property as a HMO shall be limited to a maximum of 3 persons at any one time occupying the property in accordance with the internal layout indicated on the approved floor plans received 23rd July 2019.
Reason: In order to restrict the use of the property to that applied for, in order to safeguard the amenities of neighbouring occupiers and the amenities of future occupiers of the HMO and to provide for suitable levels of internal space to serve the occupiers.
- 5 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking or re-enacting that order with or without modification), no extensions shall be erected to the property without the benefit of planning permission.
Reason: In order to restrict the use of the property in order to safeguard the amenities of neighbouring occupiers and the amenities of future occupiers of the HMO to provide for suitable levels of internal space to serve the occupiers.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, H9 and T6. Page 103

Item 3 (Cont'd)

Application Number:

2019/0500/FUL

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

Item 4

Application Number:

2019/1325/FUL

Ward:

Uplands - Bay Area

Location: 20 Edgware Road, Uplands, Swansea, SA2 0NA

Proposal: Change of use from residential (Class C3) into a 4 person 4 bed HMO (Class C4)

Applicant: Mrs Amanda Francis Lovering



Background Information

Policies

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - H9 - Housing in Multiple Occupation

Housing in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles.

Item 4 (Cont'd)

Application Number:

2019/1325/FUL

LDP - RP2 - Noise Pollution

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

LDP - T6 - Parking

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Site History

App Number	Proposal	Status	Decision Date
2019/1325/FUL	Change of use from residential (Class C3) into a 4 person 4 bed HMO (Class C4)	PDE	

Procedural Matters

The application has been called in for determination at Planning Committee by Local Ward Members; Cllr Irene Mann and Cllr Peter May and has been supported with a petition which meets the criteria specified in the Council Constitution.

Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) into a 4 person 4 bed HMO (Class C4) at No. 20 Edgeware Road, Uplands.

Plans indicate the existing property is set over two floors with a lounge, dining room, kitchen and bathroom to the ground floor, and 3 bedrooms and a toilet to the first floor.

The proposal includes the provision of a bicycle and bin storage area to the rear amenity area.

Assessment of the immediate area

The site is positioned within a fairly modest sized street, comprised predominantly of two storey traditional terraced dwellings, with an unmade lane to the Western end of the street providing access to a row of garages.

Item 4 (Cont'd)

Application Number:

2019/1325/FUL

Planning History

There is no relevant planning history for the site.

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

The Swansea Local Development Plan ('LDP') was adopted 28th February 2019, the policies contained within this will therefore be used in the determination of this application.

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and subsequently adopted. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council, that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H 9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included with it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the adopted Policy H 9 states:

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- I. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;*
- II. outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- III. the development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;*
- IV. the property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and*
- V. there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.*

Item 4 (Cont'd)

Application Number:

2019/1325/FUL

HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos.19 and 21 Edgware Road, and 19 and 21 Maple Crescent on 14th June 2019. A site notice was also posted within the vicinity of the application site on 17th June 2019.

Nine individual letters of objection have been received, the contents of which can be summarised:

- o Noise and disturbance
- o Parking pressure and highway safety concerns
- o Litter
- o Impact on social cohesion
- o Property is too small to provide adequate accommodation
- o Crime
- o Impact on value of properties

One petition of objection has been received comprising 71 signatures from 63 identifiable separate addresses.

"We the undersigned object to the above planning application on the following grounds:

1. *It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
2. *It will affect the general amenity of the area and lead to an already harmful over-concentration of HMOs in the area.*
3. *The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed use tenure and sustainable communities)".*

Analysis and Recommendation

Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the dwellinghouse as a HMO, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Item 4 (Cont'd)

Application Number:

2019/1325/FUL

Principle of Use

The application property is a mid-terraced, two storey dwelling along Edgware Road in the local Ward of Uplands. In terms of the principle of use, reference must be made to Policy H 9 of the Local Development Plan and specifically the radius approach contained within this Policy. Policy H 9 states that outside the HMO Management Area a limit of 10% of all residential properties within a 50m radius can be HMOs. Within a 50m radius of the application property there are 47 residential properties, according to records held two are existing HMOs. If the proposed HMO was approved the concentration percentage would be 6.38%. The proposal would therefore pass the harmful concentration/intensification test described in Policy H 9 of the LDP. There are further criteria set out in Policy H9 that need to be satisfied for the application to be considered acceptable, the property needs to be suitable for conversion, provide satisfactory amenity space, dedicated areas for refuse storage and appropriate room sizes. The proposal must also have no unacceptable adverse impacts caused by noise and general disturbance.

Visual Amenity

The application does not include and external alterations to the dwelling, but does include the siting of bike and bin storage to the rear amenity area. The rear garden does lack visibility from wider public vantages and it is not considered that the bin or bike storage would have any significant harmful impacts. On this basis it is considered that the visual impact would be acceptable.

Residential Amenity

The existing property is comprised of 3 bedrooms and is two storeys in height. The proposal will see the conversion of the ground floor lounge into a bedroom with the kitchen also reduced in size to accommodate an additional toilet. The upstairs remains largely unchanged, however, the toilet will be removed to facilitate the enlargement of one of the bedrooms, whilst one other is fitted with an ensuite. It is noted that the property is relatively modest and the proposals will result in a loss of some of the internal living space. Despite the loss of lounge the existing dining room and remaining kitchen area are considered to provide adequate shared amenity space. On balance the proposed use of the property as a 4 person 4 bedroom HMO is not considered to be an over intensification of the property and would be adequate for this number of residents. However the size of the property would not be sufficient for 5 or 6 occupants, which could be allowed under the C4 use class, therefore any permission shall restrict the number of occupants to no more than 4 persons.

The proposal will result in additional levels of activity in the property and the wider area, however, it cannot be regarded that this in itself would have a significant effect upon residential amenity of neighbouring occupiers. The property would no doubt attract additional visits to and from the premises being occupied by more people but it would be difficult to argue that this in itself would be harmful. Furthermore it is not considered that the proposals would have any negative impacts on neighbouring occupants in regards to increased overbearing, overshadowing or overlooking.

On this basis the proposed creation of a HMO in this location can be considered acceptable and compliant with the aims of LDP Policies PS2, H9 and RP2.

Item 4 (Cont'd)

Application Number:

2019/1325/FUL

Parking and Highway Safety

The applicant has indicated a bike storage area to the rear garden and the site is in a fairly sustainable location, albeit at the top of a steep hill. In regards to car parking no spaces are proposed, although it is noted that no spaces are currently available within the curtilage of the property. In regard to the level of demand the Authority's Parking Standards SPG advises that C3 dwellings should have space for one car on site for every bedroom up to a maximum of three. The SPG considers that C4 HMOs have the same level of demand as C3 dwellings and therefore it can be considered that the proposed four bedroom HMO would have the same level of demand as the existing three bedroom house. On this basis the proposal is considered to have an acceptable impact on highway safety and parking.

Response to Objections

The objections in regard to noise, disturbance, social cohesion, parking, highway safety and size of the property have been addressed in the above report. In terms of the concentration of HMOs in the area, this has been considered above. In regards to the potential increase of crime, it is not considered that the change in use from a C3 dwelling to a HMO itself would directly result in an increase in crime. In regards to litter the application site includes sufficient bin storage, whilst the potential impact on neighbouring property values is not a material consideration. The application is considered compliant with the aims of The Future Generations Act 2015 and Planning Policy Wales (to promote and provide mixed use tenure and sustainable communities).

Conclusion

In conclusion it is considered that the proposal represents an acceptable form of development. It can be regarded that the principle of providing a HMO in this location is acceptable and that the proposed change of use would not result in an over intensification of the property. Furthermore the proposal would have an acceptable impact on the visual character of the local area, the concentration of HMOs in the area and neighbouring residential amenity. Therefore it is considered that the development is compliant with the requirements of Policies PS2, H9, RP2 and T6 of the Swansea Local Development Plan and advice provided within the Places to Live Residential Design Guide SPG (2014) and Parking Standards SPG (2012).

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.

Item 4 (Cont'd)

Application Number:

2019/1325/FUL

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, block plan, proposed floorplans/PRF1 received on 10th June 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of four cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interests of providing facilities for sustainable transport and general amenity.
- 4 The use of the dwelling as a HMO shall be limited to a maximum of 4 persons at any one time in accordance with the internal layout indicated in the approved floor plans received 10th June 2019.
Reason: In order to restrict the use of the dwelling to that applied for in order to safeguard the amenities of neighbouring occupiers, the amenities of future occupiers of the HMO to provide for suitable levels of internal space to serve the occupiers and prevent an over demand for on street parking to the detriment of highway safety.
- 5 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking or re-enacting that order with or without modification), no extensions shall be erected to the property without the benefit of planning permission.
Reason: In order to restrict the use of the property in order to safeguard the amenities of neighbouring occupiers and the amenities of future occupiers of the HMO to provide for suitable levels of internal space to serve the occupiers.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS2, H9, RP2 and T6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

Item 5

Application Number:

2019/1204/S73

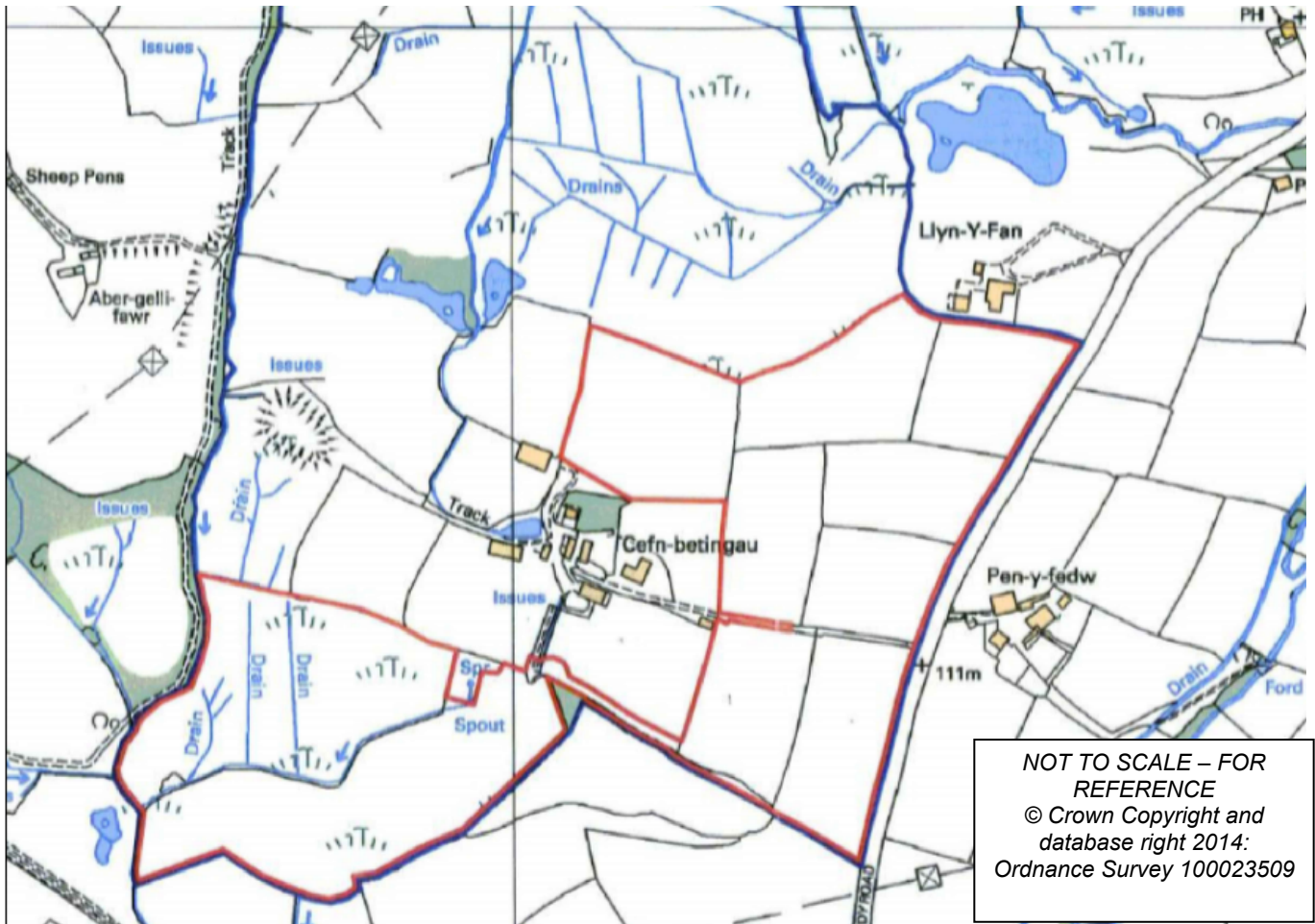
Ward:

Mawr - Area 1

Location: Cefn Betingau Farm , Rhydypany Road, Morrison, Swansea, SA6 6NX

Proposal: Variation of condition 2 of planning permission 2016/0086 granted 15th June 2016 to allow for a limited period being 40 years instead of 24 years

Applicant: Betingau Solar Limited



Background Information

Policies

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - ER1 - Climate Change

Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

Planning Committee – 6th August 2019

Item 5 (Cont'd)

Application Number:

2019/1204/S73

LDP -EU1 - Renewable and Local Carbon Energy
 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria

Site History

App Number	Proposal	Status	Decision Date
2016/3484/NMA	Non Material Amendment to planning permission 2013/0865 granted 28th August 2013 for amendment to Swales, changes to amount and layout of ancillary cabins, fencing and access road and installation of a storage container and satellite system	APP	09.01.2017
2019/1204/S73	Variation of condition 2 of planning permission 2016/0086 granted 15th June 2016 to allow for a limited period being 40 years instead of 24 years	PDE	
2015/2406	Discharge of condition 3 of planning permission 2013/1639 granted 20th February 2014 (decommissioning method statement)	NOBJ	20.01.2016
2015/1331	Non Material Amendment to planning permission 2013/1639 granted 20th February 2014 to alter the design and location of ancillary buildings, aerial on substation, satellite dish on control room, spare parts container and ir/cctv cameras mounted on 2.4m high wooden posts	APP	08.09.2015
2014/1218	Discharge of conditions 2, 4, 5, 6, 7, 8, & 10 of planning permission 2013/1639 granted 20th February 2014	NOBJ	10.12.2014

Planning Committee – 6th August 2019

Item 5 (Cont'd)		Application Number:	2019/1204/S73
2014/1055/DOC	Discharge of condition 9 of planning permission 2013/1639 granted 20th February 2014 (details of Japanese Knotweed management plan)	NOBJ	08.10.2014
2013/1739	Discharge of conditions 2, 4, 5, 6, 7 and 10 of Planning Permission 2013/0865 granted 28th August 2013	NOBJ	24.01.2014
2013/1639	Construction of 7 megawatt solar park consisting of installation of up to 28,250 pv panels and up to 6 inverter/transformer cabins, a single control building and provision of security fencing	APP	20.02.2014
2002/0697	Single storey side/rear extension incorporating attached garage and conservatory	APP	09.07.2002

Procedural Matters

This application is reported to Planning Committee for decision as the site area exceeds the development threshold set out in the Council Constitution.

Background

Planning permission was granted on the 28th August 2013 for the construction of a 9 MW solar park consisting of up to 135,000 pv panels and associated buildings (application 2013/0865 refers). A further planning permission was granted by the Council in June 2016, following Planning Committee approval to vary condition 8 of planning permission 2013/0865 to allow for the development to be implemented without the need to plant a hedge to sub divide fields 9 and 10 of the application site (reference 2016/0086 refers).

Description of Development

This application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) proposing to vary condition 2 of planning permission reference 2016/0086 to allow for the solar farm to be in existence for 40 years instead of 24 at Cefn Betingau Farm, Rhydypanyd Road in Morryston.

Item 5 (Cont'd)

Application Number:

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Condition 2 of planning permission reference 2016/0086 states:

"The development hereby permitted shall be for a limited period being the period of 24 years from the date of this planning permission when the use shall cease and all apparatus/equipment shall be removed from the site in their entirety and the land restored in accordance with the details of condition 3 of this consent.

Reason: To ensure the landscape impact of the development exists only for the lifetime of the development."

The solar park (granted under reference 2013/0865) is complete and fully operational with all relevant conditions discharged.

Relevant Planning Policies

PS 2 Placemaking and Place Management refers to development enhancing the quality of places and spaces and should accord with relevant placemaking principles.

ER 1 Climate Change states that to mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

To mitigate against the effects of climate change, adapt to its impacts and ensure resilience, development proposals should take into account:

- i. Reducing carbon emissions;
- ii. Protecting and increasing carbon sinks;
- iii. Adapting to the implications of climate change at both a strategic and detailed design level;
- iv. Promoting energy and resource efficiency and increasing the supply of renewable and low carbon energy;
- v. Avoiding unnecessary flood risk by assessing the implications of development proposals within areas susceptible to flooding and preventing development that unacceptably increases risk; and
- vi. Maintaining ecological resilience.

2.13.11 Provision should be made for the removal of temporary structures, plant and equipment from the site once construction works are completed. When the installation has come to the end of its operational life, all structures, plant, equipment and associated infrastructure should be removed within six months (or a pre-negotiated period) after decommissioning and the land restored to an acceptable standard as agreed prior to consent being granted.

EU 1 Renewable and Local Carbon Energy Developments states that :

Proposals for renewable or low carbon energy development will be permitted subject to the following criteria:

i Strategic Search Area (SSA)

Within or adjacent to the SSA, proposals for wind energy greater than 25MW will be permitted subject to criteria iii to v; all other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the SSA.

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ii. Local Search Areas (LSAs)

Solar PV: Within the LSAs, proposals for solar PV between 5 - 50 MW will be permitted subject to criteria iii to v. All other proposals for renewable and low carbon energy will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.

iii. Proposals for all types of renewable and low carbon energy development and associated infrastructure, either on their own, cumulatively or in combination with existing, approved or proposed development, should comply with all other relevant policies in the Plan and should not have a significant adverse effect on:

- a. The characteristics and features of the proposed location as a result of the siting, design, layout, type of installation and materials used;
- b. public amenity or public accessibility to the area;
- c. Radar, Aircraft Operations or Telecommunications;
- d. carbon sinks, or it can be demonstrated that on-site loss can be adequately mitigated;
- iv. Satisfactory mitigation should be in place to reduce the impact of the proposal and its associated infrastructure; and in the case of solar proposals must mitigate against any impacts of glint and glare. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use. This will be agreed with the Council prior to the development being carried out.
- v. Where necessary, additional compensatory benefits will be sought by agreement with the applicants in accordance with Policy IO 1 Supporting Infrastructure.

Planning Supporting Statement

In support of the application, within the document entitled 'Planning Supporting Statement' the applicant has stated:

"An extension from 24 years as set by the relevant condition from application 2016/0086 to 40 years from the date electricity generation was commenced is sought. This will realise the significant benefit of an additional 16 years of operation, which, could result in a saving of 2,882 tonnes of CO₂ per annum without any additional environmental effects. At the end of this period, the intention is that the solar farm would be removed and the land reinstated in accordance with the agreed decommissioning condition. The proposed additional period will provide further operational certainty for the solar farm."...

"It is clear from the stated reason for the planning condition that its purpose was to secure the timely removal of the solar farm once it ceases to operate. In this context it is clear that the extended operation of the solar farm between years 25-40 would result in environmental benefits through the generation of electricity from a renewable source, whilst still ensuring that the solar farm would ultimately be removed, and could therefore comply with the reasons for the original condition..."

"For clarity and simplicity this application seeks to vary the wording of the condition as follows:

The development hereby permitted shall be for a limited period being the period of 40 years from the date of when electricity was first exported from the site on the 27th March 2014.

Item 5 (Cont'd)

Application Number:

2019/1204/S73

On the 27th March 2054 or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the use shall cease and all apparatus/equipment shall be removed from the site in their entirety and the land restored in accordance with the details of condition 3 of application 2016/0086, unless otherwise agreed in writing.

Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner."

Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) on site. No public responses have been received.

The Gower Society - Comments as below:

This application is noted and we offer the following comments :

1. We note that it is proposed to plant new hedgerows but it is unclear if any are to be removed. We consider the retention of all original hedgerows to be an absolute necessity as they perform not only wildlife havens and corridors but screen the solar panels within the landscape.

2. We understood that the original installation was for the lifetime of the panels or a maximum of 24 years. We would object to any replacement of panels in order to allow the retention to 40 years as this defeats the principle of being sustainable.

Main Issues

Section 73a ('S73a') of the Town and Country Planning Act 1990 (as amended) provides that an application may be made for planning permission for development already carried out without complying with conditions applied to a previous permission. Local Planning Authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter/remove conditions. Thus it is possible to apply for conditions to be struck out, modified or relaxed. In considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73a application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

Condition 2 was imposed on the planning permission to ensure the landscape impact of the development exists only for the lifetime of the development. The main issue for consideration with regard to this application therefore relates to the acceptability of the proposal in terms of the impact of extending the lifetime of the development from 24 years to 40 years in terms of potential impact upon the visual amenity of the area, having regard to prevailing planning policies PS 2, ER 1 and EU 1 of the Swansea Local Development Plan.

Item 5 (Cont'd)

Application Number:

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There are in this case considered to be no additional overriding considerations arising from the provisions of the Human Rights Act.

Assessment of Planning Merits

In terms of visual amenity, the impact for a further 16 years is not considered to be unacceptable and there is clear benefit of the increase in time in terms of renewable energy generation and impact. The original considerations from application reference 2013/0856, in visual terms related to the impact from views further afield and the cumulative impact of this solar park with the nearby solar park also granted planning permission at Abergelli Farm (reference 2013/0135 refers), Morrision Hospital (approximately 800m away) and the lines of pylons in the vicinity. The separation distances between these developments was considered to not result in any adverse cumulative impact or result in negative inter visibility effect. This is still considered to be the case in the longer term as the trees and hedgerows that were previously in situ still remain and continue to provide an element of shielding from close vantage points.

In terms of the impact of the scheme upon the character and appearance of the open countryside for the longer terms, it is recognised that the development is legible in the landscape from a range of vantage points. The site runs parallel to Rhyd Y Pandy Road and the panels are located in fields adjacent to the road. There are hedgerows and other mature vegetation along this stretch of the site which serves to restrict views from the immediate vicinity and adjacent highway to passing glances through gaps in the vegetation. There are instances where there are almost open views into the site for small sections of this length of the site but the remainder of the site is located away from the highway and is protected from the primary vehicular routes by fields, hedgerows and trees. Views into the site are from low level and/or from a significant distance away and as such and due to the presence of hedgerows and other vegetation along the boundaries of the site and within the site, the proposal would not present a significant visual impact in the landscape from close vantage points in the longer term.

With regard to views of the site from the wider surrounding area, the site is located on a generally undulating landscape where the existing hedgerows have been mostly retained and as such the site retains an element of rural character and appearance particularly when viewed from a distance. It is also considered that the site retains its definition in terms of fields and hedgerows in the wider context of the site, albeit of a different colour in a landscape containing many fields of varying colour and contrast.

When viewed from further afield, particularly from the built up areas to the south and from higher ground around the north of the application sites, there are views from public vantage points of the site. However, such views are of a significant distance away (upwards of 1.6km to the south i.e. properties on higher ground in Cwmrhydyceirw and Morrision, 1km eastwards towards Mynydd Gelliwastad and 2.5km northwards towards Mynydd Y Gwair

There are private dwellings in the vicinity of the site, the nearest being Llan Y Fan to the north and the solar park is visible from private views from that dwelling or other dwellings in the surrounding area. However, the impact of the development on a localised level for a further length of time than originally proposed is not considered to be of such a significance that would warrant a refusal in this instance. Furthermore the retention and addition of hedgerows and trees within and surrounding the site is considered to minimise the extent of the site when viewed from both private and public vantage points.

Item 5 (Cont'd)

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Along with the development at Abergelli Farm, it is clear that that this area already contains several industrial disturbances such as the national grid site, pylons and overhead lines, Morryston Hospital and the water treatment works, all of which contain structures and other buildings significantly higher above ground level than that of the current site. In this context, it is considered that the overall impact of the scheme does not result in a significant and adverse impact upon the character and appearance of the open countryside on which it is sited. Furthermore the site can still remain in simultaneous use as agricultural land for sheep grazing and therefore will still maintain an agricultural presence within the rural setting but for an increased length of time. Upon decommission, the land can be reverted to full agricultural use.

To this end, the proposal would not be to create any further development but to maintain the existing acceptable situation for an extended period of time. The proposal is therefore considered to comply with Policies PS 2, ER 1 and EU 1 of the Local Development Plan.

With regard to impact upon residential amenity, there are not considered to be any amenity issues arising as a result of this application due to the vast separation distances involved and the nature of the proposal.

With regards to the comments of The Gower Society, the reference to the hedgerows in the description was an original error and this has been removed. No details are provided as to whether the panels will be replaced during the lifetime of the development but as the planning permission doesn't prohibit this, then they could be replaced like for like with no further recourse to the local planning authority. However, it is not anticipated that this will be the case. Indeed the applicant states in this planning statement:

"as it would both continue to generate electricity from a renewable energy source, whilst also representing an efficient use of resources by utilising the existing solar farm equipment for a longer period."

Conclusion

In conclusion, it is considered that the variation of condition 2 of planning permission 2016/0086 to allow the life span of the development to be increased to 40 years results in an acceptable form of development having particular regard to Policies PS2, ER1 and EU1 of the Swansea Local Development Plan (Adopted 2019). Accordingly, approval is recommended

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

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Application Number:

2019/1204/S73

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall be for a limited period being the period of 40 years from the date of when electricity was first exported from the site on the 27th March 2014. On the 27th March 2054 or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the use shall cease and all apparatus/equipment shall be removed from the site in their entirety and the land restored in accordance with the details of condition 3 of application 2016/0086, unless otherwise agreed in writing.
Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner.
- 2 The site shall be decommissioned and restored in accordance with the document 'Decommissioning Plan - 24/3/2015' that was approved to discharge conditions 3 of planning permission 2013/0865 on the 20th April 2015, within 12 months from the date of the last electricity generated should the site no longer be utilised for the permission hereby granted.
Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner.
- 3 The sustainable drainage system (SUDS) and environmental mitigation measures outlined in section 6.5 + 6.8 of the Environmental Report (Wessex Solar Energy, May 2013) shall be maintained in accordance with the document 'Code of Construction Practice' that was approved to discharge conditions 4 and 7 of planning permission 2013/0865 on the 23rd January 2014.
Reason: To ensure the SUDS system is maintained in accordance with the approved details and the programme of indigenous planting is undertaken in accordance with the approved details.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, EU1, ER1.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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Item 6

Application Number:

2016/1356

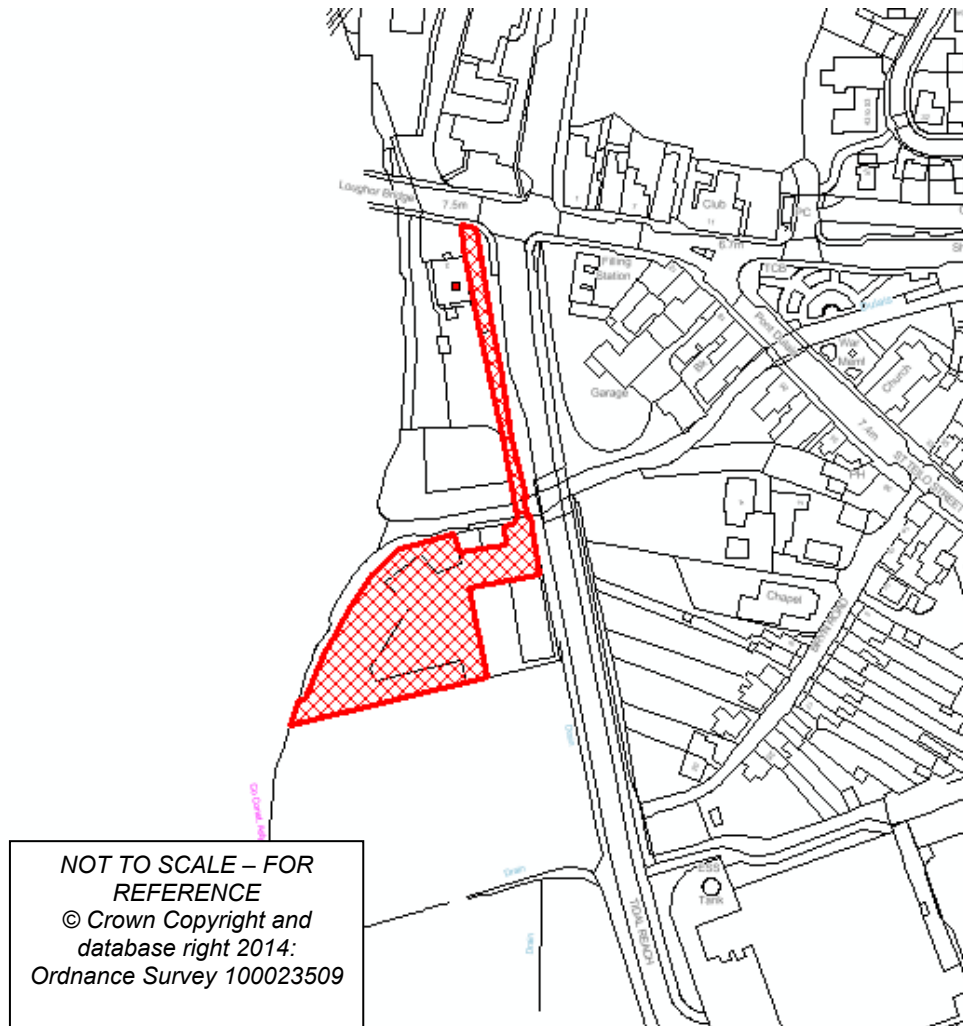
Ward:

Pontarddulais - Area 1

Location: Gwyn Yard 4 St Teilo Street Pontarddulais Swansea SA4 8TH

Proposal: Waste Recycling Transfer Station incorporating machinery, conveyors, portable/temporary buildings and material storage bays

Applicant: Mr Stuart Hughes



Background Information

Policies

LDP - T1 - Transport Measures and Infrastructure

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

Item 6 (Cont'd)

Application Number:

2016/1356

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - RP2 - Noise Pollution

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

LDP - RP4 - Water Pollution and the Protection of Water Resources

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

LDP - RP8 - Sustainable Waste Management

Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

LDP - ER6 - Designated Sites of Ecological Importance

Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

LDP - RP5 - Avoidance of Flood Risk

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

Planning Committee – 6th August 2019

Item 6 (Cont'd)

Application Number:

2016/1356

**Site History
App Number**

Proposal

Status

Decision Date

99/0420	CONVERSION OF FIRST FLOOR LANDLORD'S ACCOMMODATION TO BED AND BREAKFAST ACCOMMODATION (CLASS C1)	APP	28.05.1999
98/1455	ERECTION OF 2no SINGLE STOREY SIDE/REAR EXTENSIONS (INCLUDING ALTERATIONS TO EXISTING LEAN TO ROOF ON REAR EXTENSION), CONSTRUCTION OF NEW BAY WINDOW AND CANOPY TO FRONT ELEVATION, NEW ELEVATED WALKWAY ALONG SIDE	APP	21.12.1998
2016/1356	Waste Recycling Transfer Station incorporating machinery, conveyors, portable/temporary buildings and material storage bays	PDE	
2016/0467	Change of use to cease A3 use of the former Gwyn Hotel and change of use to hand car wash facility including the erection of two canopies	APP	24.06.2016
2015/0737	Continuation of use as Class B2 (application for a Certificate of Lawfulness)	INV	
2009/1759	One internally illuminated fascia sign	INV	

Procedural Matter

This application is reported to Planning Committee for decision as to represents a Waste development and therefore meets the threshold set out in the Councils Constitution.

Item 6 (Cont'd)

Application Number:

2016/1356

Description

Full planning permission is sought to install a waste recycling transfer station with associated machinery, conveyors, portable/temporary buildings and material storage bays at Gwyn Yard, St. Teilo Street in Pontarddulais. The layout would include a new weighbridge, waste transfer area, continued storage of skips as currently on site, lorry parking as currently on site, 6 staff parking areas, and new office building, welfare facility, storage container, 6no. separate storage material bays with a waste transfer concrete base beyond.

The proposal involves the upgrade of the site infrastructure to include the improvement of the site drainage if deemed appropriate and the upgrade of the site surfacing, as required by the site permit. The site upgrade does not include the construction of any new buildings however new storing bay structures and waste containers would be placed on the impermeable surfacing. The proposed bins and containers, which are to be used for storage, will not be permanent structures but movable equipment.

In terms of the working of the facility, the waste will be delivered to the site by the Company's own drivers. All vehicles and containers will be weighed on entering the site and are directed to the appropriate sorting bay where the manual sorting of glass from wood, metals and plastics will be undertaken, together with stone segregation. The individual materials will be placed into the designated bay or bin, to await removal for recycling by a registered carrier to the appropriate licensed facility.

The wastes that are accepted at the site are subject to specific waste handling procedures and a quarantine area is also to be provided to hold waste that may be received on the site which is not compliant with the site licence. It is proposed that an office will be located in a portable structure located in the main yard. This unit will be allocated as the Waste Transfer Operations Manager's office and will be located adjacent to the transfer operation so that the site operations can be scrutinised and managed in line with the requirements of the site permit and site working plan.

The creation of the waste transfer station and recycling facility would allow an increased volume of waste, including waste collected from residential, industrial and commercial clients to be recycled. This may include, glass, plastic, wood demolition waste and metals. There is no intention to take hazardous waste at the site.

It is proposed that the facility will allow a maximum quantity of 1500 tonnes of waste to be recycled at the site, the split of volumes would be determined by market forces and trends. All waste would be stored for containment and the control of pollution in line with standard permit conditions.

It is anticipated that the proposal will result in 8 lorry movements into the site per day and 8 lorry loads out of the site. Vehicles arriving at the site will be controlled via a new security office. All vehicles and containers are weighed and on entering the site are directed to the appropriate sorting bay.

The applicant has stated that there will be at least two operatives and one member of the administrative staff who will be present and run the Facility during operational hours.

Item 6 (Cont'd)

Application Number:

2016/1356

Due to the fluctuating demand for the recovered materials there may be the requirement to supplement with temporary staff as necessary according to workload requirements. All site operatives will be trained appropriately and will be made aware of the requirements of the Site Licence and will be made aware of the requirements to take all reasonable measures to safeguard the environment and the local amenities whilst undertaking their site duties. This is a requirement of the site licence It is proposed that the working hours for the operation will be:

Monday - Friday: 7.00 -17.00

Saturday: 7.00 -13.00

Sunday: No Working

Bank Holidays: No Working

Access to the site is via the current access off Water Street/Loughor Bridge and will pass through the existing business premises to the south of the site.

The site is currently used for the storage of 12 skips with an office, parking for 2 lorries and 6 staff parking spaces. The applicant described the current use as "skip collection/non-ferrous metal and scrap yard".

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

Local Development Plan Policies PS2, T1, RP2, RP4, RP5, RP8 and ER6 are the policies most relevant to the consideration of this application the detail of which can be set out below:

PS2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

T1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

RP2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

RP4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

Item 6 (Cont'd)

Application Number:

2016/1356

Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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

RP8 Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

Planning Policy Wales (10th Edition) 2018

Paragraph 5.9.17 states that planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

Paragraph 5.13.1 states *"The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:*

- o minimising adverse environmental impacts and avoiding risks to human health;*
- o protecting areas of designated landscape and nature conservation from inappropriate development; and*
- o protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities."*

Technical Advice Note ('TAN') 21 - Waste (February 2014)

Paragraph 4.60 states *"Transfer stations are of significant importance to all sectors. They serve to manage the flow of waste more effectively and can reduce overall reliance upon landfill; as increasingly the capture of recyclable materials takes place at these facilities. Sited carefully, they can enhance the area in which they are sited and reduce costs to waste carriers by providing alternative markets for targeted bulk materials rather than to deposit small volumes continuously to landfill. Some transfer stations may include physical treatment options to optimise their recycling, recovery and the efficiency of onward transport (e.g. sorting of wastes, compaction of mixed loads, shredding of wood wastes etc)."*

Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) on site and in the press.

One letter of objections has been received from Pontarddulais Town Council (on 23 December 2016) as set out below:

1. The development is environmentally unacceptable in terms of noise, pollution, contaminated waste seeping into the Rivers Loughor and Dulais which are renowned for their salmon, sewin and trout fishing.
2. Traffic movement is already overloading the existing lights. Consideration has to be made to the new LDP which would lead to a further increase in the traffic flow around this junction.
3. The development is on a flood plain which increases the risk of river pollution from the site.
4. The site is located at the entrance to the town and is seen as an eyesore to visitors entering from the West. Pontarddulais is becoming a tourist location and this site will detract from any future leisure use of the River Loughor adjacent to the site.

One public objection has also been received (on 23 July 2019) raising the following concerns:

1. With all the vehicles that are using that junction, from Tesco the new housing estate and another 60 houses being submitted for planning it is going to turn this junction into a nightmare.
2. We also have the LDP proposed and passed by the council for 750 new homes.
3. Concerns for the possible pollution that is going to be caused, not only in the air but with the main Dulais river flowing into the estuary what damage will that cause.
4. I would not like to buy a new house next to a waste transfer station and I bet that most of the new residents were not told about this when they purchased their new homes.
5. We also have a new estate waiting to be passed in Cambrian Place. These are all factors that are going to affect the infrastructure all ready congested.

Natural Resources Wales - Original Comments (dated 20 December 2016) -

As the site is adjacent to the River Loughor and River Dulais, which are both designated as main rivers at this location, we would also advise that a Flood Risk Activity Permit will be required for any works within 16m of the top of bank.

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To ensure that the risk of flooding elsewhere is not increased, adequate consideration will also need to be given to the management of surface water from the site. Section 8 of TAN15 advocates the use of Sustainable Urban Drainage Systems (SUDS) in the management of surface water from a site. Developers must give a good reason as to why SUDS cannot be utilised on a site and a conventional drainage system must improve upon the existing status quo.

Waste

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2010. An environmental permit or exemption must be in place before any waste activity takes place on site.

Natural Resources Wales - Amended Comments (dated 5 September 2017 - on receipt of FCA) -

We have no objection to the proposal, but do wish to make the following comments.

Flood risk

The proposed development lies within zone C2 as defined by the development advice map referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Our Flood Map information also confirms the site is at risk of flooding.

The proposal is for a waste transfer station which is classed as less vulnerable development according to TAN 15. We assume that we are being consulted as your Authority have justified the proposal in line with Section 6 of TAN 15.

We have reviewed the FCA and although the site is shown not to comply with TAN 15 we acknowledge that the proposal does not include any permanent buildings or extensions to the site boundary. We therefore strongly advise to ensure safe management of the site that a flood management plan should be provided to yourself using the best currently available information. The information within the FCA is considered suitable for this purpose.

Please note that any future application for permanent buildings or extension of the site would be subject to a requirement for a new FCA with updated modelling.

This area is covered by our Floodline Warning Direct Service. This is a free service that provides flood warnings, giving time to prepare, direct by telephone, mobile, email, SMS text message and fax. The applicant can register by calling Floodline on 0345 988 1188; Typetalk on 0345 602 6340 or by following the link on our website at

<https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

The developer should also be aware of their requirements of Section A6.7 of TAN 15 which outlines relevant Health and Safety Act duties.

Additional guidance on how to prepare for flooding can be found on our website at <http://naturalresources.wales/flooding/what-to-do-before-a-flood/?lang=en>

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The site is adjacent to the River Loughor and River Dulais which are both designated as main rivers at this location. Any works within 16metres of the top of either river's banks may require a Flood Risk Activity Permit. Further guidance can be found on our website at <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/?lang=en>

Protected sites

We note that the site is located approximately 2km from the boundary of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC). The River Loughor on the western boundary of the site provides a direct hydrological link between the application site and the SAC.

We consider it unlikely that the on-site works would have a significant adverse effect on the SAC, providing appropriate pollution prevention measures are adhered to on site. Best practice would be for the applicant to prepare a Construction and Environmental Management Plan for use on the site.

There is also a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2010. Regulation 61 of the Regulations, requires the competent authority to undertake a test of the likely significant effects of the proposal on the SAC.

If it cannot be demonstrated that there will not be a significant effect, either alone or in combination with other plans and projects, you are required to undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission

Environmental Permitting (England and Wales) Regulations (EPR) 2010-

The operation proposed will require authorisation under EPR (E7W) 2010 (as amended). An environmental permit or exemption must be in place before any waste activity takes place on site. Guidance is available on our website at <https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>. We would advise the applicant begins discussions with NRW as soon as possible. It should be noted that there is no guarantee a permit will be issued."

Pollution Control Team - Request the following conditions to be placed on the application:

* Hours of operation to be restricted to Monday to Friday - 08:00hrs to 17:00hrs; Saturday - 08:00hrs to 13:00hrs; Sunday and Public/ Bank Holidays - No operation

Reason: To protect nearby residents from vehicle and skip movement noise and plant noise generated from the site.

* A close boarded timber fence to be erected around the boundary of the site.

Reason: To protect nearby residents from operational noise generated by the site.

Council's Planning Ecologist - The site is within approximately 1km of the Carmarthen Bay and Estuaries SAC and is adjacent to the river Loughor. There is therefore a possibility that pollution from the waste material could enter the SAC via the river, this could adversely affect the features of the SAC.

Suitable bunding and pollution control must be in place in order to prevent pollution reaching the SAC. If this is done there will be no risk to the SAC features and it will be possible reach a conclusion of no significant adverse effect. We do need proof that the pollution control work is likely to be effective.

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Council's Drainage Officer- We have reviewed the application and recommend that Natural Resources Wales be consulted with respect to the Flood Consequences Assessment.

We also note that no surface water drainage details have been submitted, we would be looking for agreed discharge rates with NRW and any attenuation details necessary and details of a pollution management scheme to prevent any pollutants entering the River Loughor.

Highway Authority - Original Comments (15 December 2016) - Request a Transport Statement to support the application, and also that the red edged outline is extended to show the proposed vehicular access route.

Highway Authority - Amended Comments (20 July 2018) - The statement sets out that parking will accord with the supplementary parking guidance but does not confirm what will be provided. The proposed traffic movements have been reported as 8 and then 8 to 12 movements. Further information is required, evidence and justification would be of benefit,

Highway Authority - Final comments (12 July 2019) - The site is well served by access to local amenities and public transport provision. Previous correspondence on this planning application requested additional information to support the Transport Statement that was submitted (at the request of Highways).

This information was not forthcoming so these formal comments are based on the information that had been received to date, and an on balance recommendation arrived at. The scrap yard use has been in operation at the site for a number of years. This planning application was to extend the use at the site to allow for recycling and waste transfer to take place.

Pollution control have suggested conditions relating to opening hours and this will reduce down the overall usage when compared to the existing unrestricted use at the site. The commercial use is established, as is the use of the vehicular access, which forms a priority junction with St Teilo Street (albeit that it is forward of the stop line and hence in uncontrolled). Visibility at the access is acceptable.

The Transport Statement refers to a delivery routing strategy to reduce the impact of the HGV'S on the Highway network. Whilst all lawful vehicles have the right to use any part of the adopted highway it would be beneficial if vehicles could mainly perform left turns out onto St Teilo Street and prioritize trips via the M4.

The document estimated that between 8 to 12 HGV movements per day would be expected in addition to minimal car trips. Given the existing trip generation it is not considered that the introduction of the waste transfer element will directly give rise to any highway safety concerns.

It is considered that the proposed scheme can be incorporated within the existing highway infrastructure without detriment to highway safety.

I recommend that no highway objections are raised to the proposals.

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Supporting Statement from owner of site

The site has been in continuous use as a scrap yard since the 1970's. I bought the site in 2003 and the site was used for the storing and breaking of cars. I held a waste carriers license in 2004/2005 and there has never been a change of use planning application made for the yard. It has been a scrap yard/ waste disposal and storage site since 2004.

The site has been used for the breaking of vehicles, processing of ferrous and non-ferrous metals, including vehicle salvage, dismantling, smelting and crushing, the selling of new and second hand vehicle parts and tyres, general recycling of metals, batteries and general waste by the various companies from 1970 until the present day.

Main Issues

The main issues to consider in the determination of this application relate to the principle of development, impact of the proposal on the visual and residential amenities of the area together with any impact upon ecology, drainage, the nearby watercourse and highway safety having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

As set out above the site has historically been used as a scrap yard. The proposed use is similar in form and thus its principle can be supported in accordance with the thrust of Policy RP 8 which allows for the in-building sustainable waste management facilities in appropriate areas alongside consideration of a range of detailed planning considerations.

Visual Amenity

In overall visual amenity terms the amount of equipment on site would not be significantly over and above that which is currently on site, albeit that the amount of hardstanding will be increased. The proposal would increase the amount of material being brought and stored on site but it is considered that having regard to the long standing use of the site as a scrap yard/skip hire, then the visual impact of the current proposal would not result in a significant further visual harm at this particular location. However, to ensure that the amount of waste being stored at the site remains within acceptable levels, a condition is recommended to restrict the height of the contents of the site to not being higher than the proposed concrete storage bays i.e. 1.8m.

If this condition is imposed then it is considered that the amount of materials being stored and brought onto site and the increase in the size of the overall site area would not increase its visual impact to an unacceptable level given the established use of the site and the existing adjacent business use. In addition, the Council's Pollution Control Officer has requested that a fence be installed around the site and this will also help to mitigate against the material within the site from wider views.

The Council's Planning Ecologist has requested that a bund be put in place along the river boundary to protect the adjacent river bank and as mentioned Pollution Control have recommended that a fence be placed around the same boundary.

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These will further shield any visual impact of the site from the wider surrounding area. A condition is recommended for details of both to be submitted to the Local Planning Authority for approval prior to commencement of works. Subject to this the application is considered to be acceptable in relation to its visual impact.

Residential Amenity

The nearest residential properties are sited approximately 76m to the south and south west. It is recognised that the area fronting the application site is already used as a commercial enterprise and this use brings with it an amount of noise and disturbance, dust etc. It is considered therefore that the proposed use would not increase the amount of activity at the site and in turn, the amount of noise and disturbance. In addition, the proposed opening hours are restricted to day time hours and as such, on balance, it is not considered that the proposal would warrant a recommendation of refusal on this issue alone.

In addition, the waste brought onto the site will be stored and controlled in line with standard permit conditions employed by Natural Resources Wales, which is applied for separately from the planning application process. In addition, Natural Resources Wales have recommended that a Construction and Environmental Method Plan be submitted for consideration prior to the commencement of works.

Subject to appropriate conditions to deal with the above matters the application is considered to be acceptable on its impact upon residential amenity.

Ecology

The Council's Planning Ecologist raised concerns that as the site is within approximately 1km of the Carmarthen Bay and Estuaries SAC and is adjacent to the river Loughor, there is a possibility that pollution from the waste material could enter the SAC via the river. This could adversely affect the features of the SAC. It was stated that suitable bunding and pollution control must be in place in order to prevent pollution reaching the SAC and that, if this is done, there will be no risk to the SAC features and it will be possible to reach a conclusion of no significant adverse effect. However, proof was needed to show that the pollution control work is likely to be effective. A condition to this effect is therefore reasonable and necessary and is recommended.

NRW also comments on this aspect of the scheme and concludes that it is considered unlikely that the on-site works would have a significant adverse effect on the SAC, providing appropriate pollution prevention measures are adhered to on site. Best practice would be for the applicant to prepare a Construction and Environmental Management Plan for use on the site. A condition to this effect could therefore be imposed and would not warrant a recommendation of refusal on environmental grounds.

Burry Inlet Habitat Regulations Assessment

Introduction

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

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

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

Water Quality

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

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

As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits, as it is considered that the relevant parts of the earlier parts of the assessment remain robust and have not become outdated by further developments.

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

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Other Possible Effects on CBEEMS features

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

Conclusion

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

Drainage

The Council's Drainage Officer commented that no surface water details had been submitted with the application, but discharge rates would need to be agreed with Natural Resources Wales (NRW) along with any attenuation details necessary and also details of a pollution management scheme to prevent any pollutants entering the River Loughor. These are issues that could be dealt with via an appropriate planning condition.

Natural Resources Wales (NRW) has identified that the site lies within a C2 flood zone. The applicants acknowledge that the site is located within the fluvial flood plain of the River Loughor and Afon Dulais. They propose the following mitigation measures as part of the submitted Flood Consequences Assessment (FCA):

1. The applicants will take advantage, and subscribe to the Environment Agency/NRW service - "Floodline Direct", to receive advance warnings of any impending extreme flood event.
2. Should an extreme flood event be predicted, the site shall be evacuated, and the materials that are stored on site, the empty skips and some buildings will be removed prior to the occurrence.
3. The applicants will also advise all staff and other licensed carries that enter the site to relocate to an appropriate location, on higher ground, away for the floodplain.
4. In accordance with paragraph 11.23 of TAN 15, the applicant will erect warning signage at the entrance of the site. The signage will warn visitors and staff of the evacuation in times of an extreme flood event. The signage will be updated upon advice from NRW, and maintained in a clean and tidy manner in perpetuity.

In view of the location of the site within a C2 flood zone and as per Section 7 of Technical Advice Note (TAN) 15, a Flood consequences Assessment has been submitted to justify the development on this brownfield site. Natural Resources Wales (NRW) were consulted on this document and raised no objection subject to conditions.

Highway Safety

The Highways officer considered that the proposal should be accompanied by a Transport Statement and to this end, one was submitted as requested. The Highways Officer raised concerns with the contents as detailed in the consultation response section above. Further information was requested, however, as further information was not forthcoming with time having elapsed on this application, the scheme was then considered on the basis of the information formally submitted.

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To this end, and on balance, the Council's Highways Officer has concluded that no highway objections are now raised to the scheme stating: *"The document estimated that between 8 to 12 HGV movements per day would be expected in addition to minimal car trips. Given the existing trip generation it is not considered that the introduction of the waste transfer element will directly give rise to any highway safety concerns. It is considered that the proposed scheme can be incorporated within the existing highway infrastructure without detriment to highway safety."*

In view of the above it can be concluded that the application is acceptable in relation to potential highway impacts given the clear fall back position of the current/former use of the site.

Response to consultations

The comments raised by the objectors are noted but the concerns with regards to pollution, highway safety, traffic have been addressed above in the main body of the report. Conditions have also been imposed as requested by the statutory consultees.

Conclusion

In conclusion and having regard to all material planning considerations the proposal is an acceptable form of development at this location that has demonstrated that it would not have an unacceptable impact upon the visual or residential amenities of the area, ecology or highway safety conditions, thus complying with the requirements of Policies PS2,ER6,RP2, RP4, RP5, RP8 and T1 of the Swansea LDP 2019. Appropriate planning conditions are recommended in order to deal with site specific matters that will ensure the development is acceptable on its planning merits.

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

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: 0132-02-P-101 external elevation details, 0132-02-P-102 concrete block storage bays details, 0132-02-P-103 portacabin/welfare facilities cabin, 0132-02-P-104 hardstanding details received 7th July 2016, 0132-00(P)103 proposed block plan received 20th October 2016, site location plan received 21st June 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 The use shall not be carried out outside the hours of Monday to Friday - 08:00hrs to 17:00hrs; Saturday - 08:00hrs to 13:00hrs; Sunday and Public/ Bank Holidays - No operation
Reason: To protect nearby residents from vehicle and skip movement noise and plant noise generated.
- 4 Prior to the commencement of development, details of an earth bund to the west/north of the site and pollution control works to prevent waste entering the SAC via the river shall be submitted to and approved in writing by The Local Planning Authority. Once approved, the scheme shall be implemented in accordance with the approved plan and details prior to the use commencing.
Reason: in the interests of ecology, protection of the watercourse and SAC.
- 5 Prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. All works associated with the development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure that contaminated water cannot run uncontrolled into any watercourses.
- 6 No development shall commence until details of a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
- 7 Prior to the commencement of development details of a close boarded timber fence around the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the fence shall be installed in accordance with the approved details prior to the use commencing and shall be retained thereafter.
Reason: To protect nearby residents from operational noise generated by the site.
- 8 The height of any stored material within the site shall not exceed 1.8m above ground level.
Reason: In order to ensure that stored material is not prominent in the interests of visual amenity.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: T1, PS2, RP4, RP2, RP8, ER6, RP5.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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- 3 A Flood Risk Activity Permit will be required for any works within 16m of the top of bank. The applicant should contact the Flood Risk Analysis team on 03000 653319 to discuss this further.
- 4 The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2010. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:
<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>
- Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000, or use the link below:
<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/?lang=en>
- Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.
- Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.
- 5 The site operator shall operate all best practice to minimise nuisance to locals residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations
-

Item 7

Application Number:

2019/0960/FUL

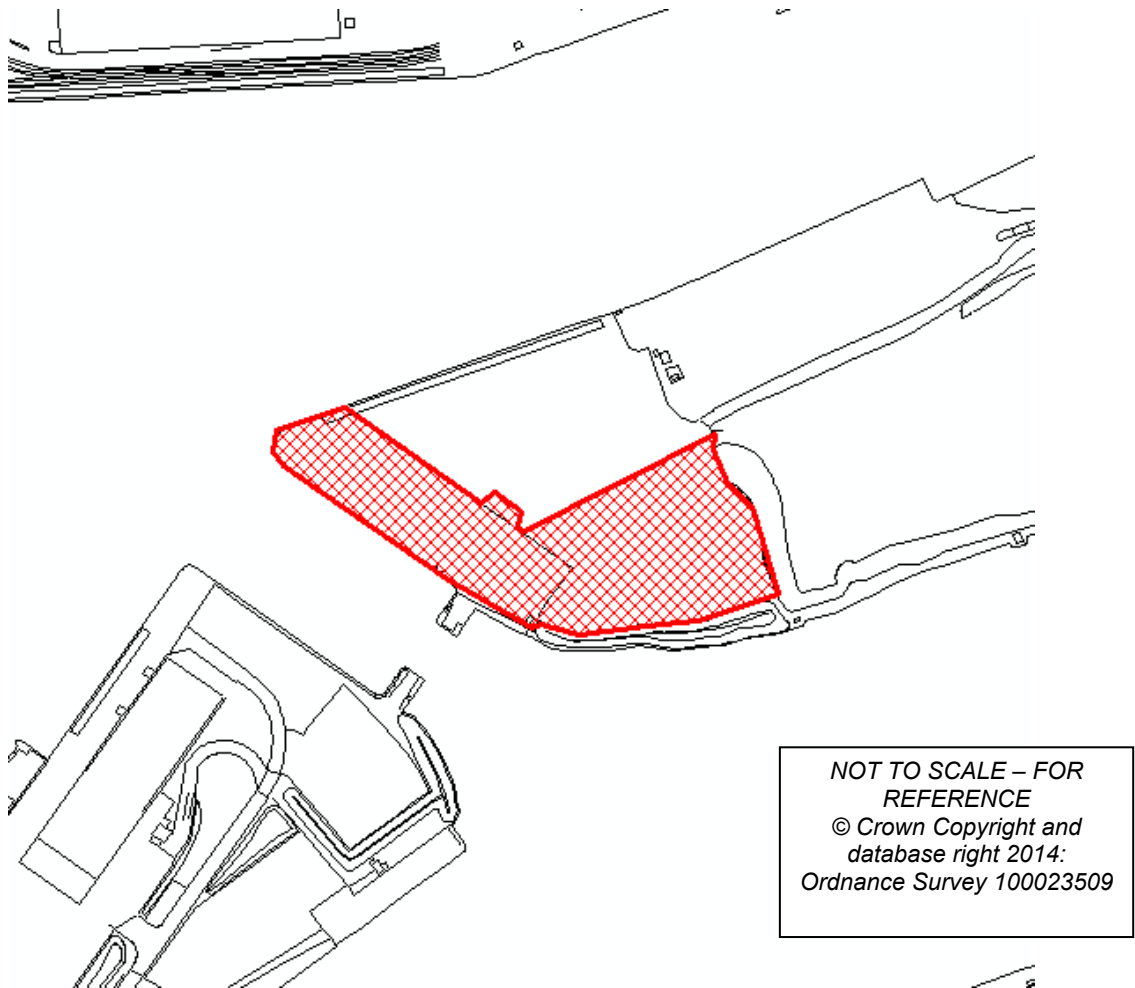
Ward:

St. Thomas - Bay Area

Location: Kings Dock, Swansea , SA1 8QT

Proposal: Extension to scrap metal processing facility

Applicant: Mr Enric Brotons Apolo Celsa Manufacturing UK Limited



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

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LDP - RP1 - Safeguarding and Public Health and Natural Resources

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

LDP - RP2 - Noise Pollution

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

LDP - RP5 - Avoidance of Flood Risk

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

LDP - T1 - Transport Measures and Infrastructure

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

LDP - T6 - Parking

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

LDP - T9 - Port and Docks

Port and Docks - Development and transport proposals that enhance the viability of the port and docks, and increase appropriate employment and business opportunities, will be permitted provided that such proposals are compatible and/or complementary with surrounding uses and have no significant adverse impact on seascape and natural heritage.

LDP - RP8 - Sustainable Waste Management

Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

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Item 7 (Cont'd)

Application Number:

2019/0960/FUL

Site History

App Number	Proposal	Status	Decision Date
2017/2094/FUL	Change of use of land from waste storage to scrap metal processing facility	APP	29.01.2018
2018/1809/DOC	Construction of new UWTSD Library and Faculty of Architecture, Computing and Engineering (FACE) & Technology Building & Construction Wales Innovation Centre - Discharge of condition 26 (car parking strategy) of planning permission 2015/1584 granted 13th May 2016	APP	05.10.2018
2019/0960/FUL	Extension to scrap metal processing facility	PDE	

Procedural Matter

This application is reported to Planning Committee for decision as it meets the threshold set out in the Councils Constitution. Furthermore a call in request was originally made by Councillor Joe Hale.

Description

This application seeks full planning permission to extend the existing scrap metal processing facility at Kings Dock. The proposed extension will include the provision of offices, storage areas for scrap, a screener and shear. The existing scrap metal processing facility was granted planning permission under application reference 2017/2094/FUL.

The development includes:

1 no. Shear (18.17m x 5.8m)

1 no. Screener

Storage areas for scrap

1 no. Diesel Tank

Offices

2 no. Weighbridge; and

4 no. parking bays

The applicant has submitted a 'Planning, Design and Access Statement' which sets out information relating to the proposed development. It states that the volume of metal processed at the Site would not increase from that already consented which relates to an annum total waste amount of 120,000 tonnes which is 10,000 per week.

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The only increase over the existing situation would be the amount of storage spaces which would rise from 5,000 tonnes to 7,000 tonnes.

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

The most relevant policies contained with the Adopted Local Development Plan are as follows:

PS1: Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS3) and Sustainable Employment Strategy (PS4); safeguards Green Wedges; and resists development in the open Countryside.

PS2: Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 2 : Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses.

RP5: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP8: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

T1: Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

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T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

T 9 Ports and Docks - Development and transport proposals that enhance the viability of the port and docks, and increase appropriate employment and business opportunities, will be permitted provided that such proposals are compatible and/or complementary with surrounding uses and have no significant adverse impact on seascape and natural heritage.

Planning Policy Wales (10th Edition) 2018

Planning Policy Wales sets out that the provision of Sustainable Waste Management Facilities is supported on a National scale with a clear emphasis on reducing the need to utilise landfill. Paragraph 5.13.1 states:

The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- o minimising adverse environmental impacts and avoiding risks to human health;*
- o protecting areas of designated landscape and nature conservation from inappropriate development; and*
- o protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.*

The Waste Hierarchy (detailed as Figure 10 in the document) sets out that priority is given to prevention and reuse, then preparation for reuse, then recycling, then other recovery and finally disposal. Paragraph 5.13.4 states; *"The Welsh Government's policy for waste management is contained in Towards Zero Waste and associated sector plans⁷³. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy (see Figure 10) as far as possible."*

Consultations

One letter of objection has been received which is summarised below:

- o This area of the docks is opposite a new and improving residential area*
- o More pollution - noise and vehicles*
- o No method statement*
- o Application at odds with the aspiration of the area*

Item 7 (Cont'd)

Application Number:

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Highway Authority

The Head of Transportation and Engineering was consulted on the application and responded with the following comments:

The principle of the scrap yard use was established under previous planning permission reference 2017/2094/FUL. During the course of determining that application a Transport Statement was requested and supplied to determine the impact on traffic that the site may have. This is still a valid document now (produced by Tneigroup.com) in looking at an extension to the site.

The Planning, Design and Access Statement outlines that access will be as currently along the Kings Dock and back to the A483. The volume of metal processed at the plant will not increase from that already consented and the metal as currently is shipped to Celsa's site in Cardiff. Celsa proposed at various points in the year to allow a shipment to go to Spain which would be loaded dockside and be transported by sea to their destination. At those times therefore there would be a nominal reduction in road trips arising.

Traffic numbers are not projected to increase as a result of the proposed extension and remain within the levels of movements as set out in the original TS.

The site is not open to the general public and a parking area is available for staff employed at the site.

Given the minimal impact that this proposal will have on traffic flows and the associated highway network it is not considered that the development will give rise to any highway safety issues.

I recommend that no highway objections are raised to the proposal.

Associated British Ports (ABP)

Associated British Ports is the owner of the land subject to the application and is supportive of the proposal in principle as it is considered to be an appropriate use for this location within the Port of Swansea and we are in discussion with the applicant to agree contract terms for a lease of the land.

We therefore do not wish to raise any objections on the application but thank you for giving us the opportunity to comment.

Health and Safety Executive (HSE) - No objection

Swansea Bay Port Health Authority - No objection

NRW - No objection

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Application Number:

2019/0960/FUL

Applicant's Supporting Statement

As part of the planning application the applicant has submitted a Planning, Design and Access Statement which sets out the nature of the development and the key considerations. In connection with the need for the development the applicant states: at paragraph 3.1;

"The Proposed Development is intended to contribute to a circular economy and reduced carbon footprint through the use of material that would otherwise be disposed of via landfill. It moves the waste management of metal up the Waste Hierarchy, from 'disposal' (the fifth tier) to either 're-use (the second tier) or 'recycling' (the third tier). Collection would focus mainly on cars, white goods/household appliances and sorted light collectors's scrap from industrial and medium sized businesses within the local Swansea area. Following collection, approximately 15% of material would be re-distributed and the remaining 85% processed through a mixture of shearing, screening and combustion operations on site. The recovery of metal in this way helps to reduce greenhouse gas emissions and uses much less energy than producing metal from virgin ore. Recycled metals have already been refined and processed once and therefore the use recycled materials reduces the use of natural resources and energy as the second time is much less energy-intensive."

Main Issues

The main issues in the consideration of this application relate to the acceptability of the proposed use as an extension to the existing site having regard to the principle of development, visual impact, residential amenity and highway safety impacts, having regard to Policies PS1, PS2, RP1, RP2, RP5, RP 8, T1, T6 and T9 of the Swansea Local Development Plan (Adopted February 2019). There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

In terms of the principle of development the application site itself has historically been used for industrial types uses with previous uses understood to have been waste processing and storage whilst it is currently a disused hardstanding adjoining the current scrap metal processing site. The emphasis of Policy within the LDP is to direct such uses to appropriate locations and given the context of the site adjacent to an existing scrap metal processing facility and on land previously used for industrial type uses the application site is considered to be appropriate in principle subject to consideration of other potential impacts. The use lends support to the waste strategy in Planning Policy Wales and the LDP and this further support the principle of development.

Visual Amenity

It is proposed to extend the existing scrap metal facility to provide a shear, screener and offices on the site. Given the nature of surrounding land uses and the industrial nature of this part (King's Dock) of the overall dock area, it is not considered that the siting of such facilities, plant or materials would result in an unacceptable visual impact upon the application site or on the wider dockland area. In fact the proposal will sit comfortably within the environment and be acceptable on its visual impact.

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Residential Amenity

The proposal is situated within the long-established industrial and working area of the Docks and specifically a minimum of 500m to the nearest residential properties at Langdon Road to the north and over 700m to those properties in the Marina. Given this siting and despite the nature of the proposal, it is unlikely to have an adverse impact upon residents of those nearby properties/dwellings by virtue of noise and disturbance or air or other pollution.

The site also lies adjacent to the consultation zone for the Notified Hazard of the BP Chemicals site within the Queens Dock area. However, it is not considered that the current proposal would result in significant risk to life or health, so that its siting in the vicinity of this existing hazardous installation is not precluded.

It is not considered that the fairly minor extension to the existing scrap metal processing facility would have any additional impact upon the residential amenity of any nearby properties over and above that of the existing site.

Concern has been raised through consultation about no method statement having been provided. The applicant has submitted a document entitled 'Environmental Management Plan' which relates to the operations associated with the scrap metal processing facility namely the receipt of incoming scrap metal, mobile shear treatment area plus storage areas. Here it is clear that the development proposed would be subject to an Environmental Permit Application (to be controlled by NRW) in a similar way to the existing site. Given this control it is not considered necessary to duplicate control over on site practices via the planning application process.

Highway Safety

As specified in the consultation response received from the Highway Authority as presented above the submitted Planning, Design and Access Statement outlines that access will be as currently along the Kings Dock and back to the A483. The submission refers to the volume of metal processed at the plant not increasing from that already consented and the metal as currently is shipped to Celsa's site in Cardiff. Celsa proposed at various points in the year to allow a shipment to go to Spain which would be loaded dockside and be transported by sea to their destination. At those times therefore there would be a nominal reduction in road trips arising. Given there is no evidence to suggest that this minor extension would result in any real increase in traffic it can be regarded that the application will not give rise to any unacceptable highway safety issue.

Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development. The proposal will not have an adverse impact upon the visual amenity of the area or the residential amenity of any nearby residential properties nor will it impact highway safety. The proposal therefore accords with Policies PS1, PS2, RP1, RP2, RP5, RP 8, T1, T6 and T9 of the Swansea Local 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").

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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 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 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: Figure 1.1 site location plan, figure 1.3 shear elevation, figure 1.4 shear base elevation, figure 1.4 site access plan, received 24th April 2019. Figure 1.2 site layout, 13322-004 office elevations and plan view, received 16th May 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reasons: Given the complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 4 The use shall not be carried out outside the hours of 0600 to 1800 Monday to Friday, 0600 to 1700 on Saturdays and 06.00 to 14.00 on Sundays and Bank Holidays.
Reason: To protect the amenities of nearby users and residential occupiers.
- 5 Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 to 1800 Monday to Friday, 0700 to 1700 on Saturdays and 0700 to 1400 on Sundays or Bank Holidays.
Reason: To protect the amenities of nearby users and residents.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, RP1, RP2, RP5, RP8 T1, T6 and T9.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

Planning Committee – 6th August 2019

Item 8

Application Number:

2019/1562/FUL

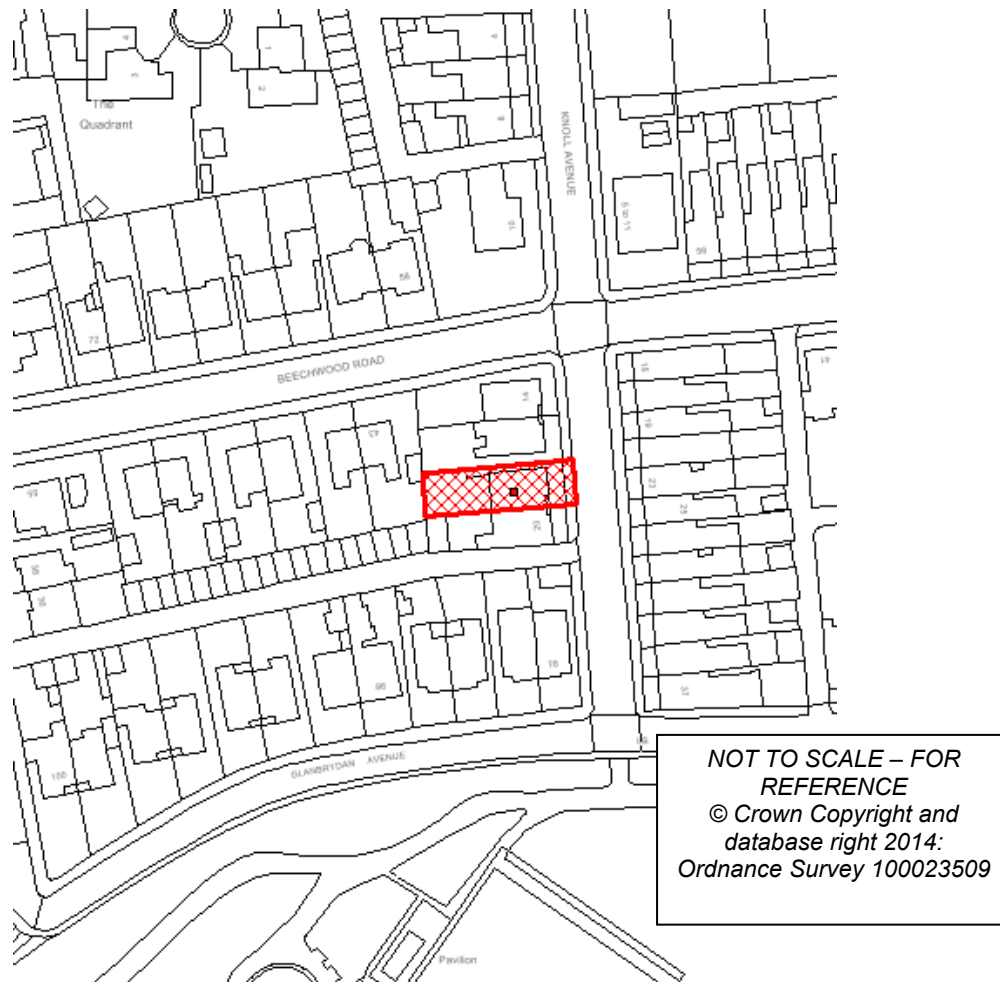
Ward:

Uplands - Bay Area

Location: 18 Knoll Avenue, Uplands, Swansea, SA2 0JE

Proposal: Front bike store

Applicant: Mr Simon Hughes



Background Information

Policies

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

Planning Committee – 6th August 2019

Item 8 (Cont'd)

Application Number:

2019/1562/FUL

Site History

App Number

2019/1562/FUL

Proposal

Front bike store

Status

PDE

Decision Date

Procedural Matter

This application is being reported to Planning Committee for decision as the applicant is an Officer involved with the planning application process as defined in the Council Constitution.

Response to Consultations

Following public consultation through neighbour notification letters sent 8th July 2019, no adverse comments have been received to this application to date.

Introduction

The application site comprises a semi-detached property sited on the western side of Knoll Avenue, Uplands. The property is sited at a lower land level than the highway, which slopes upwards from south to north, with a low stepped red brick wall spanning the front boundary with planting behind offering further screening of the relatively small front amenity space. The adjacent neighbour to the north is sited at an elevated land level to the application property, with a tall brick wall (extending above the height of the front wall) acting as side boundary between the two properties, both of which have pedestrian access at the side. The boundary treatment along the southern shared boundary comprises a low brick wall with established vegetation beyond spanning from front boundary wall to front door.

Description

Full planning permission is sought for the construction of a front bike store at 18 Knoll Avenue, Uplands sited within the front garden area of the property.

The proposal measures 1.4m wide by 1.75m deep with a shallow mono-pitched roof at a height of 1.8m (measured from ground level within amenity space, 1.14m high when measured from highway), sloping to an eaves level of 1.5m (1.05m above highway). Taking into account the stepped front boundary wall, the proposal would project approximately 44cm above the wall at its ridge, sloping to 20cm above the boundary wall at eaves level.

External finishes are proposed to be timber feather edge for the walls and green corrugated bitumen roofing.

The proposal would be sited against the shared side boundary with the adjacent neighbour to the north and run parallel to the front boundary wall.

Policy Issues

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity, having regard to Policy PS 2 of the Swansea Local Development Plan 2010-2025 (LDP). ^{Page 148}

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The application is also considered with regard to the Supplementary Planning Guidance Document (SPG) entitled 'A Design Guide for Householder Development (2008)'.

There are in this case considered to be no overriding considerations arising from the provisions of the Human Rights Act.

Visual Amenity

It is noted that the streetscene is void of any comparable front storage buildings and the householder design guide generally advises against utilising front amenity space for detached outbuildings/stores unless forming part of the streetscene. However, it is also noted that the application property has a high degree of screening of the front amenity space by virtue of the lower land level in comparison to the highway, the height of the front and side boundary walls and planting beyond, which would limit the visibility of the proposal in the public domain other than directly in front of the property. Indeed, the proposal would be largely screened to those using the highway north or south of the property until passing the front boundary wall. In addition, given the front boundary wall ranges from approx. 90cm to 70cm in height (measured from highway level), the proposal would project approximately 44cm above the wall (at ridge height) sloping to 20cm (at eaves level) limiting the degree of structure visible in the public domain. The scale and design of the bike enclosure would ensure that there is no possibility it would be viewed as a front extension whilst the materials would allow a degree of weathering to assist in blending in with existing planting to the front and south. Within this context, it is not considered that the proposed bike store would be overly prominent in the streetscene.

There are potential concerns over the precedent that could be set by allowing front storage of this scale for domestic properties at this location, particularly with the prevalence of properties under multiple occupancy in the locality and their higher demand for shared storage such as this. However, it is also acknowledged that the specifics of the property, its land level and screening afforded are rarely replicated elsewhere in the neighbouring vicinity. Indeed, the vast majority of the properties in the street have far more visually prominent front amenity spaces, such that similar proposals would have a greater visual impact than that of the application structure. Furthermore, each application would be considered on its own merits, with few being able to demonstrate comparable mitigation.

In light of all of the above, it is considered that, on balance, the proposal would have an acceptable impact on visual amenity at this location, in accordance with Policy PS 2 of the LDP.

Residential Amenity

The scale, design and siting of the proposal is such that no concerns are raised in relation to any impact on neighbouring amenity by virtue of any overbearing impact, overshadowing or overlooking, particularly given the screening of the proposal by existing boundary treatments to the north and south. It is not considered that the use of the storage area would result in increased noise/ disturbance for residents either. The proposal would therefore have an acceptable impact on residential amenity, in accordance with Policy PS 2 of the LDP and the design principles of the SPG.

Item 8 (Cont'd)

Application Number:

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Access and Highway Safety

Parking provision is unaffected by this proposal, such that no access or highway safety concerns are raised by this proposal. To the contrary, the proposals would provide a bike storage area for the occupants of the dwelling which is clearly a more sustainable travel option than use of private car and adds further weight (albeit limited) to the proposal.

Conclusions

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.

Having regard to all material planning considerations, including the Human Rights Act, the development is considered to represent an acceptable form of development, complying with the criteria of Policy PS 2 of the Swansea Local Development Plan 2010-2025.

RECOMMENDATION

APPROVE, subject to the following conditions;

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Block plan and elevations, site location plan, floor plan and southern elevation, received 5th July 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policy PS 2 of the Swansea Local Development Plan 2010-2025.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

Planning Committee – 6th August 2019

Item 9

Application Number:

2018/2313/FUL

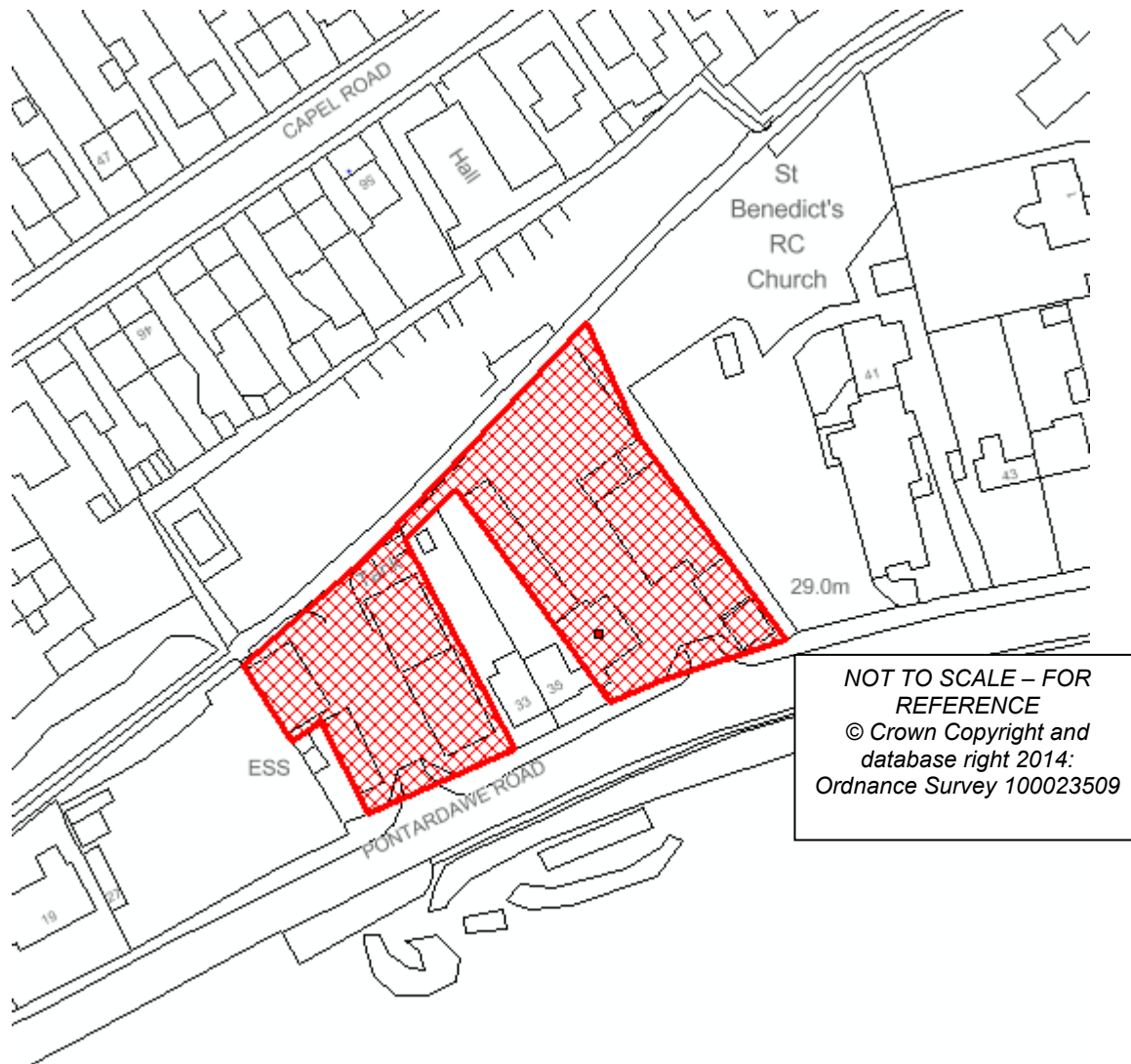
Ward:

Clydach - Area 1

Location: Former Council Depot, 37 Pontardawe Road, Clydach, Swansea, SA6 5NS

Proposal: Construction of 46 apartments, in two blocks, for occupation by people aged 55 and over with associated car parking and facilities

Applicant: Mr Terence Berry Canter Limited



Background Information

Policies

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

Item 9 (Cont'd)

Application Number:

2018/2313/FUL

LDP - T6 - Parking

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

LDP - RP4 - Water Pollution and the Protection of Water Resources

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

LDP - RP5 - Avoidance of Flood Risk

In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

LDP - HC3 - Development in the Welsh Language Sensitive Area

Development in the Welsh Language Sensitive Area - Proposals within the Language Sensitive Area (defined on the Proposals Map) will safeguard and promote the Welsh language throughout the County by complying with the policy principles.

LDP - The Canal Network

The Canal Network - Swansea's Canal Network, and any potential links to the River Tawe or the Prince of Wales Dock, will be preserved and enhanced. Development should enhance the setting and safety of the Canal Network and not result in specified outcomes.

UDP - R1 - Development of Mineral Resources

Proposals for the development of mineral resources will be permitted subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number

2018/2313/FUL

Proposal

Construction of 46 apartments, in two blocks, for occupation by people aged 55 and over with associated car parking and facilities

Status

PDE

Decision Date

Item 9 (Cont'd)

Application Number:

2018/2313/FUL

LV/90/0019/03

NEW
EXTENSION,
VEHICULAR
ACCESS/EGRESS

OFFICE
NEW

APP

30.03.1990

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press and seven individual properties were consulted. THREE LETTERS OF OBJECTION have been received, which are summarised as follows:

1. Object to the development in its entirety regarding size of the development and use of the land, height in regards to privacy, change to the local environment, increase in traffic and impact on local utilities.
2. Concerns over noise during and after completion.
3. Concerns over health and safety, the demolition and construction phases with asbestos removal and asbestos dust, piling, vibration etc.
4. Works could undermine our property's foundations.
5. Concerns over overshadowing and property prices.
6. Footpath connecting blocks A and B will be on our land boundaries.
7. The residents of Capel Road have not been consulted.
8. The flats will not be purchased by Clydach people as they are not in the wage bracket.
9. This will impede the restoration of the canal.

Clydach Community Council - Council considered this application at their most recent planning committee and monthly meeting and expressed concern at the number of dwellings potentially being added to the local infrastructure. In Council's view the proposed development is not in keeping with the area and will have an adverse effect on traffic in the village and the utilities which are already stretched.

Natural Resources Wales:

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement: A bat survey to be submitted in accordance with "Bat Surveys: Good Practice Guidelines 3rd Edition" published by the Bat Conservation Trust (BCT) 2016.

Condition: Submission of a Construction Environmental Management Plan (CEMP).

Dwr Cymru Welsh Water:

Only foul water from the development site shall be allowed discharge to the public sewerage system. A public sewer crossed the site. It appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline.

Item 9 (Cont'd)

Application Number:

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Accordingly, our response advised that it may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act, which is acknowledged in the accompanying 'Flood Consequences Assessment' report, albeit does not appear any contact has been made to consider possible solutions. No objections raised subject to conditions and informatives.

The Coal Authority:

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out (as required by Planning Policy Wales paragraph 6.9.23, 26 and 27). Therefore, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site can be made, safe and stable for the development proposed you may wish to consider the imposition of planning conditions which cover the issues set out below.

The Coal Authority withdraws its objection to the proposed development, subject to the imposition of a planning condition or conditions to secure the above.

Glamorgan Gwent Archaeological Trust Limited:

Information in the Historic Environment Record indicates that the area is shown on the First Edition OS Map of 1879 as including an engine house, and a tramway, linking the mouth of the Ynyspenllwch Graigola slant to the south of Pontardawe Road with the Swansea Canal, crosses the site. The Second Edition of 1899 shows a different building on the site of the engine house, and the modern depot building was constructed on the same site.

Given our current information, it is unlikely that archaeological remains of significance would be encountered during the development, as it is likely that they have been removed as part of subsequent development. We therefore do not make any recommendation for mitigation in this case, and have no objection to the determination of the application.

However the HER is not definitive, and should previously unknown archaeological material be encountered during the development, please contact us as archaeological mitigation may be necessary.

Glandwr Cymru Canal and River Trust in Wales:

Based on the information available, our substantial response (as required by the Town and County Planning (Development Management Procedure) (Wales) Order 2012 (as amended)) is that the trust has concerns relating to the following issues:

The impact of the proposal on the Swansea Canal Restoration project

Connectivity and active travel

The design and layout

Ecology

Water Equality

Planning Obligations

We advise that suitably worded conditions and a legal agreement are necessary to address these matters.

Item 9 (Cont'd)

Application Number:

2018/2313/FUL

Swansea Canal Society:

The Society endorse the comments made by the Canal and River Trust and share their concerns about the impact of the proposal on the plan to restore the Clydach lock.

Drainage Officer:

Notwithstanding the new legislation that the development is required to comply with, we would highlight that the Swansea Canal Trust must be consulted with respect to this application as their asset is being used as the proposed discharge point of all surface water and their approval is essential to application.

Pending the canal trust's approval we recommend the following is appended to any permissions given.

Condition

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

Reason.

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

Commercial Waste Manager:

Waste and Recycling Storage Areas

Storage area A – To the north-west of the site located at the rear of the property. This storage area appears to be approximately 30 metres from the roadside. This would be too far for refuse & recycling crews to wheel bins out to Pontardawe Road where the collection vehicle would be parked.

Storage area B – To the east of the site. The access to this storage area does not appear to be readily accessible from Pontardawe road. To my limited knowledge of reading plans, it appears that the closest access to this waste & recycling area is via the steps. Alternatively, access would be via an opening close to car park space no.3.

Waste Management- The waste & recycling storage areas need to be adjacent to the roadside where a collection vehicle can stop safely and legally, to allow the crew to carry out their duties with the minimum time.

Housing Enabling Officer:

I can confirm the Housing Service requires 15% affordable housing in line with the LDP. The affordable apartments to be mixed across the site not clustered in one block, they need to be to DQR standard, the design and specification to be the same as the Open Market Units. Services charges need to be confirmed, they should be set low on the affordable units.

Item 9 (Cont'd)

Application Number:

2018/2313/FUL

The units will be transferred to the Council/RSL. This site falls within Swansea East where the highest need is for social rented tenure. The ACG band for Clydach is Band 1.

Ecology Officer:

Relevant documents received:

Preliminary Environmental Assessment, NW Environmental Ltd, July 2018

Bats

At least four species of bat have been recorded from within 400m of the site. The submitted report concluded that all 11 buildings on site have low bat potential. Therefore, at least 1 activity survey must be undertaken for each building, to be carried out by a qualified and licensed bat ecologist. This report must be submitted to the LPA.

Please note that all British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

Pre-construction/site clearance checks for bats and nesting birds must be undertaken (including of any trees destined for felling).

Breeding/nesting birds

Records exist of many bird species from within 500m of the site. These include breeding birds such as swift, housemartin, swallow, gull species and barn owl.

Please note that it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds)

Kill, injure or take any wild bird

Take, damage or destroy the nest of any wild bird while that nest is in use or being built

Take or destroy an egg of any wild bird

Disturb dependent young (schedule 1 birds)

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to August

Hedgehog

Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. On this basis, the following Informative must be added to any permission granted: To avoid killing or injuring of hedgehogs it is best practice for any brush piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape.

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Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing such as that proposed to be erected on this site. This allows foraging hedgehogs to be able to pass freely throughout a site. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

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

Lighting strategy

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be agreed with the LPA Planning Ecologist.

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance.

The lighting strategy must be placed as a condition on any planning permission granted.

Landscaping

Native trees, shrubs and wildflowers should be planted as part of the landscape scheme. The species must be of local or at least Welsh provenance.

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and a plan for aftercare. The use of native species or species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats.

Construction Environmental Management Plan (CEMP)

The Construction and Environmental Management Plan (CEMP) documents the systems and controls to be adopted to minimise any adverse environmental effects during construction. The CEMP must be adopted by all Contractors and Subcontractors working on the development to ensure a consistent and coordinated approach to construction management and to manage environmental impacts.

A detailed CEMP is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding the adjacent Swansea Canal SINC and other water bodies eg ponds), for the construction and operational phase of the development.

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Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'

In addition, The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). Under this Duty, development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 [transposed into the Environment (Wales) Act 2016], every public authority has a duty to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Paragraph 2.1 of TAN 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1); In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing.

Placemaking and Heritage Officer:

In principle the proposed over 55s development is welcomed; this accommodation within walking distance of Clydach town centre will increase the local housing stock and allow downsizing as part of a cohesive and mixed community. The facilitation of the canal restoration is also a significant positive aspect that celebrates and strengthens the heritage of Clydach and the area.

A previous pre-application proposal was submitted earlier this year under application ref: 2018/0715/PRE. Design comments were provided for the layout proposals submitted at this time and points of concern were raised with the conclusion being that the scheme would not therefore be supported at that time.

In summary there are a number of concerns with regards to the proposals, most significant of which is the scale of these and the detrimental impact upon the amenity of the neighbouring dwellings at nos. 33 & 35 Pontardawe Road, and unless these are addressed they are in themselves a reason for refusal. In addition to this there are concerns with regards to the character and appearance of the proposals, some of which are a result of the scale and height of the proposals and which in combination with the former concerns suggest an overdevelopment of this sensitive site. The other concerns with regards to the proposals relate to the over-complication of the elevations and roofs which result in a disjointed character which lacks visual cohesion and local contextual references. Whilst the proposals are an improvement of the previous iteration in many ways, there are still a number of placemaking concerns. Therefore further refinements and amendments are needed for this proposal to be supported on placemaking and heritage terms.

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Highways:

The parking provided in substandard compared to both the use classes of the standards for self-contained older persons dwellings (not wardened) and self-contained older persons (wardened) with the minimum requirement working out at 23 spaces (not wardened). 19 are being proposed. There is no evidence been put forward to demonstrate that over 55's are less likely to have a car than any other user group. In fact from previous experience with the DVLA this category of person have higher than average car ownership. As the age for retirement is now 67 then a reasonable threshold for residency would be 65 (as previously advised).

Whilst the continued use of the access points is agreed in principle there are concerns regarding the vehicular speeds past the site. It's a 20mph zone yet the 85% recorded speeds were in the region of 35mph (as documented in their transport note).

The majority of trips generated by the use of the site as a council depot would have been by car but the new use as residential would be likely to result in an increase in foot, cycle and public transport. A request was made for a Section 106 contribution in the region of £32,500 to put towards access improvements for pedestrians, cyclist and public transport users. The submitted document says that they are prepared to discuss a contribution but do not feel that the excessive speeds are an issue. They conclude by saying that there is no need to mitigate against undesirable transport impacts, as there are none attributable to the site.

In summary I recommend that the application is refused on the grounds that the applicant has not demonstrated that adequate parking is being provided for the development. No justification has been provided for the substantial reduction from standards that has been claimed. In addition with the excessive speeds in the area no mitigation measures have been suggested nor improvements proposed for access to cycle, pedestrian or bus users and on that basis it is considered that the introduction of the development would be detrimental to highway safety by virtue of indiscriminate parking, and that the speed of traffic on the road would be detrimental to the safety of pedestrians and cyclists alike.

Note: if the applicant were to raise the age limit to 65 and engage with CCS regarding funding a series road safety improvements then we would be likely to be more positive with regard to the development.

Applicant's Statement

This statement relates to planning application reference 2018/2313/FUL for 46 residential units on the former council depot at 37 Pontardawe Road, Clydach. During recent discussions with the planning authority, the principle of residential use has been accepted but the mass and scale of the proposed development has been questioned. This paper seeks to answer the questions of why the proposal is the size it is.

Number of Units

The principle comments relate to the size and mass of the building; two blocks predominantly 3/4 storey height, the fourth floor being accommodation within the roof, making use of otherwise unused space. This mass is a function of the number of units and thus the reason for the proposal having 46 units is explored. This comes down to factors affecting the development of the site and the local market. These are dealt with in turn.

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The Site

The site is a former council depot, or more precisely, is part of a former council depot, as the rear part away from Pontardawe Road and on the line of the Swansea Canal has been given separate title and transferred to the Swansea Canal Society, a move which the developer supports as this gives the site a unique character with a future canal frontage once the society have restored the waterway to working order. However, this means that the site for the developer has three particular characteristics:

1. There is a hard boundary to the canal - as the canal and the development are in separate ownerships and being delivered by different entities, there is no scope to soften the boundary with an overlap or to move it to mutual benefit.
2. The site is effectively in two parts with room only for a connecting footpath between the two without venturing onto third party land.
3. There is a major public realm project adjacent to the site (the canal restoration) that benefits from and is of benefit to the development but is not within the developer's gift, although the developer and the canal society are seeking to cooperate and have the same planning agent.

These dictate the shape of the development but also that there is a strong interaction with the adjacent canal restoration.

Site Clearance and Preparation

At present that part of the site that is in the developer's ownership has several buildings on it, none of which are suitable for reuse as part of the proposal or any other development that is likely to come forward. These buildings had a particular function for an operation depot that doesn't lend itself to any other purpose. Even to create a level site that could be used as, say a car park, these buildings would have to be removed. These buildings are various ages and are known to contain asbestos. In addition, one building has a party wall with 33 Pontardawe Road, and this will require careful dismantling if it is to be demolished (the current plan retains the wall to maintain privacy and leave the aspect from 33 and 35 largely unaltered).

Removing the buildings will simply create a level site and then there are then further issues of contamination that must be addressed. The depot, when in operation, was a refuelling depot for council vehicles and thus had diesel tanks and a diesel dispenser pump. The tanks will need to be removed and any leakage that may have occurred cleared up. In addition, it is inevitable over 50 years that spillage, whilst refuelling, will have occurred and such spillage will contaminate the surface and over a period of time the ground beneath.

Further, the use of the site as a council depot where vehicles visited (whether or not based on site) and plant and materials stored means that further contamination is likely from fuel and oil spills, metal fragments and any other materials stored such as paint and weed-killer. Overall this site requires a huge clean up before ANY development can commence.

Finally, there is a sewer running under the site between St Benedict's churchyard and the gate entrance to Block A, thus a sewer runs under block B, and then under the gardens of the 33 and 35. For effective sewerage provision this must be diverted such that the main sewer enters the highway from Block B with the remainder becoming a spur that serves Block A and 33/35.

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All this must be done before even one residential unit can be built on this site – it is a fixed cost that does not vary with the number of units proposed.

Type of Unit

Compared to any national (Wales or UK) index property, prices in Clydach are low. Although the principle of residential development is accepted it is worth reiterating that residential is typically the second highest land value after retail, and away from town centres and existing retail centres residential is generally the highest value. Other uses such as offices are nowhere near this value and in any event there is no evidence for demand for offices in this location.

Residential values in Clydach are low due to local economic circumstances rather than net-outmigration or lack of demand, and thus property finding a market will sell. The values associated with houses, and the low numbers that can be established on this site (a previous proposal by British Waterways had nine housing units) show that the cost of site preparation cannot be justified, and thus apartments are the way forward. There are four possible markets: student, social/affordable, open market, and retirement.

The developer has chosen retirement apartments given the following considerations: the site is too far from the main university campuses to interest students or an operator of student accommodation; attempts were made to interest a social housing operator but none came forward, and open-market apartments have little appeal here given the pricing of houses (as opposed to flats). Typically, open market apartments are only viable where values are high. This leaves retirement accommodation.

Once this decision has been made it is simply a matter of when the fixed costs of preparing the site, and the unit cost of each apartment and each floor of the building, are overtaken by the revenue from selling or leasing the completed development either individually or en-bloc. This threshold is reached at 46 units. We could seek permission to build fewer units, but it would not then be viable to implement consent if it were given. Similarly, any consent for, for example, offices is likely to remain unused until it lapses.

Outdoor Space

Many of the proposed apartments have balconies, giving private open space. The nature of the site, as described above, restricts the opportunity for communal private space within the development although some is provided. However, the canal gives the opportunity for residents to interact with a local public space that will be something of a local landmark. We are in discussions with the Canal Society towards achieving this.

Placemaking

The key to placemaking at this location is the interaction with the canal rather than the development site itself. The canal society have set a target of having the canal open past the site by 2023, at which point the site benefits from proximity to the waterspace as well as a sustainable route into the town centre via the canal path. The canal also benefits from the backdrop of the building rather than from being adjacent to a derelict site. Collectively these will lift the immediate area to the benefit of Clydach as a whole.

Similar Developments Elsewhere

We note that there is a McCarthy and Stone development similar to our proposal at Birch Court, Morriston; 2.3 miles from our site towards the centre of Swansea.

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This development has a building of a similar scale, which substantially fills the site. Birch Court has 49 apartments with 20 parking spaces (a ratio of parking per unit somewhat lower than our proposal) and whilst it has a communal garden, it has no access to public space other than the public highway on two sides.

Conclusion

Whilst profitability and value is not a planning concern, the deliverability of a proposal is. In our view, this site cannot be delivered with anything other than retirement residential, and that use needs 46 units to make it viable. A development that is not viable won't be delivered.

Further we note that there is a similar development in Morriston that is of a comparable scale and mass in an area of predominantly two-storey buildings, and that development has a slightly lower parking ratio and has no access to public open space.

APPRAISAL

Full planning permission is sought for the construction of 46 apartments for occupation by residents aged 55 and over on land at 37 Pontardawe Road, Clydach. The site is a former Council Depot made up of two separate parcels linked by a narrow linear stretch at the rear and two residential properties lie between the blocks i.e. 33 and 35 Pontardawe Road.

The proposal comprises of two blocks of 3/4 storey apartments; Block A would be located to the west of no. 33 and Block B located to the east of no. 35. Each block has its own vehicular access points onto the highway and the site is joined together via a narrow and short strip of land running to the rear of the gardens of the existing dwellings. To the rear of the site lies an existing car park/storage area which previously formed part of the council depot site but which does not form part of the application site. This area is to undergo restoration works by the Swansea Canal Society to reinstate its former canal use and link the 2 currently disjointed sections of the canal to either side of this. These works would also allow for a Sustrans cycle/ active travel route to be developed along the canal path.

Block A would measure approximately 32m in depth, between 10m and 29m wide, have an approximate varied eaves height of between 7.4m and 9m and an approximate varied overall height of between 11m and 12.4m.

Block B would measure approximately 45m in depth, between 7.7m, 21m and 25m wide, have an approximate varied eaves height of between 7.8m and 10.4m and an approximate varied overall height of between 11m and 14.5m.

The site slopes down from Pontardawe Road to the canal area at the rear of Capel Road in Clydach and also slopes NE-SW with the fall of both the road and the canal towards Clydach centre. The area of the site proposed for development has several buildings and structures that would be demolished as part of the proposal.

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Main Issues

The main issues to be considered are the impact of the proposal on the visual and residential amenities of the area, impact on protected species and highway safety having regard to the requirements of Policies PS2, T6, T8, H3, RP4, RP5, ER8 of the Swansea Local Development Plan 2019.

PS 2 Placemaking and Place Management – development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

H 3 Affordable Housing – sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

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

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

T 8 The Canal Network - Swansea's Canal Network, and any potential links to the River Tawe or the Prince of Wales Dock, will be preserved and enhanced. Development should enhance the setting and safety of the Canal Network and not result in specified outcomes.

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

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

Planning Policy Wales (10th Edition)

Para 3.3 states that “Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.”

Para 3.4 states that “Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.”

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Visual Amenity

The current proposals have been reduced in height from that proposed with the previously submitted pre-application enquiry so that the blocks sit lower and would have a better relationship with the existing dwellings at 33-35 Pontardawe Road which are approximately 8.6m high.

However there are still concerns with the height and bulk of the parts of the proposals which sit behind the street frontage elements as these have an awkward relationship to the frontage elements which is exacerbated by the flat roofed, boxy appearance of these.

Turning to the form and character of the proposals, the proposal provides a contextual, gable ended industrial approach that is in essence an appropriate approach for the site. That said the majority of the elevations are overly complex with a number of different roof types which sit awkwardly with one another and do not read as a unified whole. For example the Pontardawe Road frontage of Block A has a double gable front onto the street with a hipped roof section to the rear which then ties into a taller flat roofed section running at a perpendicular angle to this behind. This results in a confused approach, out of keeping with traditional Welsh industrial buildings which have a simple character with linked forms.

Nevertheless, the proposed approach of having a gable fronted, industrial character onto both Pontardawe Road and the canal side with a more contemporary flat roofed section running between these could potentially work, however the current flat roofed 'linking' section between these (which forms the majority of each block) is overly tall and does not successfully tie into either of these gable roofs. This is not only an issue of scale/height as raised above but also diminishes the quality of the character and appearance of both blocks. To address these concerns, the height of this 'linking' section should be reduced.

In addition, all of the elevations individually, as well as the development overall, incorporates a variety of window sizes and shapes which results in a visually disjointed appearance to these. The fenestration therefore needs to be rationalised to provide a simpler and more cohesive appearance across the development and careful consideration given to the solid-to-void ratio of the elevations in order to provide a balanced appearance to these. In addition, the Block B elevation onto the canal has a lean-to roof canopy at 2nd floor level above the recessed windows, which adds uncharacteristic ornamentation to the simple character of the industrial aesthetic of such gable ended developments and is not acceptable.

The Block A parking area is a visually dominant element and together with the proposed approach to the Block B parking area, it is considered that the scheme promotes a car dominated layout when looking into the site. Furthermore, the Block A parking space labelled no. 8 would be difficult to manoeuvre into and out of given its location and is not acceptable in design or highway terms.

The landscaping areas around Block A are minimal and as a result it is considered that the scheme proposes a lack of green focal space and a question of the usability of the provided landscaped areas for the future residents.

The proposal therefore is not considered to comply with the requirements of Policy PS2 in particular of the Swansea Local Development Plan 2019.

Residential Amenity

The submitted site plan and section drawing shows an approach of seeking to retain the outer walls of the existing/former site buildings running alongside the side garden boundaries of both no. 33 and no. 35 in order to provide additional screening from the proposed 4 storey elements of the proposals and numerous windows that would face onto properties. The wall on the boundary with no.35 would be approximately 5.9m in height (5.2m on application site side) and the one adjacent to no.33 approximately 2.4m. However as the section itself shows, this approach does not sufficiently minimise the overlooking impact from the top floor windows and 3rd floor balconies into these gardens, especially no. 33. Both the actual and perceived level of overlooking into these gardens as a result of the proposed balconies and large windows on these 4 storey elevations is not considered acceptable and would result in an unacceptable loss of privacy for the occupiers of the existing dwellings.

It is also considered that the approach taken which seeks to retain the existing oppressive walls simply to provide visual screening from the proposed development is contrived and demonstrates that the excessive scale and height of the proposals and subsequent impact upon the existing residential properties cannot be minimised without this contrived approach, especially with regards to the impact from Block B. The retention of the large boundary feature on the boundary with No. 35 would also dominate the outlook for future residents of block B which are single aspect properties and is considered to result in poor living conditions for the ground floor flats as it would have an overbearing impact and reduce natural light. In addition to this, and notwithstanding the incongruous features that these walls would become, there are concerns over the intended structural approach of retaining these walls as single freestanding structures, without giving rise to significant personal safety issues for both the existing and proposed future residents in the event of a potential future collapse.

Whilst it is recognised that there are tall buildings on the common boundary with no.35, the increased height and siting of Block B would result in unacceptable overbearing physical impact for the occupiers of no.35 in particular, but would also still appear very prominent when viewed from no.33. Block A would not have such an physical impact upon the existing occupiers of nos. 33 to 35 as the main body of the block would be sited further away from their common boundary. However, the northern section of Block A facing the Canal would be more physically overbearing than the rest of the block as it is wider at this point and comes to within 4m of this boundary. There are also two habitable room windows on this elevation (kitchen) which would result in direct overlooking towards the rear gardens of no. 33 and to a lesser extent no.35.

To this end therefore, it is considered that the proposal fails to comply with the requirements of Policy PS2 of the Swansea LDP 2019.

It is recognised that the internal space standards for the units exceed the requirements for the proposed unit types as set out in the Residential Design Guide SPG and as such this approach is welcomed to provide spacious units to meet the needs of modern living as promoted in Planning Policy Wales (PPW) (edition 10) as well as the Well-being of Future Generations (WCFG) Act (2015).

It should be noted that the above visual and residential amenity concerns were raised with the applicant and amendments were put forward to reduce the amount of development on the site, as it is considered that a lesser development could be more successfully accommodated.

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However, the applicant declined to amend the proposal in line with the suggestions given and as such the scheme is being considered as originally submitted.

Access and Highways Issues

The Local Highway Authority raise concerns that the amount of off street parking proposed is not in line with the amount required in the Parking Standards SPG and no sustainability index has been submitted to justify the reduction in provision. Similarly, no evidence has been provided that over 55s are likely to be less reliant on private transport than other age groups. In addition, the amount of traffic generated by the development would lead to an increase in traffic and subsequent indiscriminate on street parking to the detriment of highway safety. The Highways Authority also has concerns with the speed of traffic on Pontardawe Road that in most cases exceeds the 20mph limit on the road. Whilst this is not something that can be controlled by the developers, the lack of mitigation or control measures proposed to minimise the impact of the development is considered to be detrimental to the safety of pedestrian and cyclists alike. The applicants however, consider in their Transport Statement that there is no need to mitigate against undesirable transport impacts, as there are none attributable to the site.

The Highways Authority disagrees with this conclusion and recommend that the application is refused for the above reasons given.

Drainage

The Council's Drainage Officer offers no objection to the scheme providing the Swansea Canal Trust are happy with their asset being used as the proposed discharge point of all surface water. A condition requesting further details of foul and surface water disposal is recommended. Dwr Cymru Welsh Water have raised no objection to the proposals subject to conditions but has advised that the combined public sewer crosses the site, which would need to be diverted under a Section 185 agreement for any development to take place.

Ecology

The Council's Ecologist and NRW have advised that as buildings are to be demolished on site and there are records of bat usage in the immediate vicinity, a protected species survey should be undertaken. This was provided by the applicant and once reviewed, no objection was offered as the report concluded that there was no on-site bat activity. However, the surrounding habitats provide foraging and feeding opportunities for bats, particularly pipistrelle species nearby and as such it was recommended that informatives be imposed relating to bats, birds, hedgehogs, lighting and landscaping.

Other Issues

The Housing Enabling Officer requested that 15% of the unit be allocated as affordable units. This could be secured via a Section 106 agreement if the scheme were to have received a favourable recommendation. The Coal Authority withdrew their objection following the receipt of a Coal Mining Risk Assessment.

The applicant has indicated that 46 flats are required to make the scheme viable but has not provided a viability assessment of the anticipated costs of the development that includes site remediation, construction costs or anticipated sales values to give this consideration any significant material weight. As noted above, the individual flat sizes are above the space standards and unit sizes could be reduced whilst still providing the same number of units in any event to potentially overcome concerns of the overall scale/ massing of the development.

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The example that the applicant has referred to in their statement is considered to be of a different context to that of the current application and as such does not provide a precedent or a direct comparison for the current scheme. The scheme was considered under a different policy context (the scheme was granted permission in 2006) and it has subsequently become apparent that car ownership does not necessarily decrease as people get older. Birch Court had a higher percentage of parking provision per flat and per occupant than the current proposal and is also on the doorstep of the District Centre (60m) from the nearest boundary (as identified in the District Centres SPG) whereas the application site is 330m away from the District Centre of Clydach (with Site B located 50m further away). In any event, every application is to be considered on its own individual merits and circumstances at each site.

Conclusion

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In conclusion and having regard to all material considerations, the proposal is considered an unacceptable form of development at this location, that would have an undue impact on the visual and residential amenities of the area and highway safety. The proposal is therefore contrary to the requirements of Policies PS2 and T6 of the Swansea Local Development Plan 2019 and refusal is recommended.

RECOMMENDATION

REFUSE for the following reasons:

- 1 The layout, design, scale and massing of the proposal is considered to be excessive for the site and would appear as an inappropriate, insensitive and over-intensive form of development that lacks design cohesion, out of keeping with the character and appearance of the area to the detriment of visual amenity. The retention of the boundary wall with No. 35 Pontardawe Road is considered to be a contrived design response to limit overlooking and the development as a whole is considered to be contrary to the requirements of Policy PS2 of the Swansea LDP 2019 and design advice contained within Planning Policy Wales (10th Edition).
- 2 The scale, layout and design of the proposal would give rise to significant and unacceptable impact upon the occupiers of Nos. 33 and 35 Pontadawe Road in terms of loss of privacy and overbearing physical impact. The large boundary wall between plot B and No. 35 Pontardawe Road that is proposed to be retained would have an overbearing impact on the ground floor flats of Block B resulting in an oppressive outlook for these single aspect flats. The proposals are therefore considered to have a detrimental impact on residential amenity of existing and future occupiers and are therefore contrary to the provisions of Policy PS2 of the Swansea LDP 2019 and design advice contained in Planning Policy Wales (10th Edition).

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- 3 The applicant has failed to provide sufficient off-street parking provision within the site to cater for the proposed development, that would result in indiscriminate parking that would be detrimental to the freeflow of traffic and highway safety in the vicinity of the site and has not demonstrated that over 55s would be less dependent on private transport. In addition, the development does not provide any highway safety works to encourage alternate sustainable transport options. The development is therefore considered to increase risk to highway safety contrary to the provisions of Policy T6 of the Swansea LDP 2019.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, T6, RP4, R5, HC3, T8.
- 2 PLANS
P100-C 05 site location and block plan, P105-R site layout and ground floor plan, P107-L proposed first floor plan, P113-L proposed roof plans, P120-R proposed development canal and road elevation, P122-R proposed block A elevations 1 & 2, P122-Rproosed block A elevations 3 & 4, P125-R proposed block B elevations 1 & 2, P126-R block B elevations, P130-R proposed site sections 1.1 , P144-A proposed landscaping planting and paved areas, P145-A proposed landscaping fencing, gates, balustrades, walls and boundaries received 29th October 2018, 2017-13-P132 Rev A section 2-2 received 19th November 2018, 2017-13-P109 Rev N proposed second floor plan, 2017-13-P111 Rev N proposed third floor plan received 14th January 2019.
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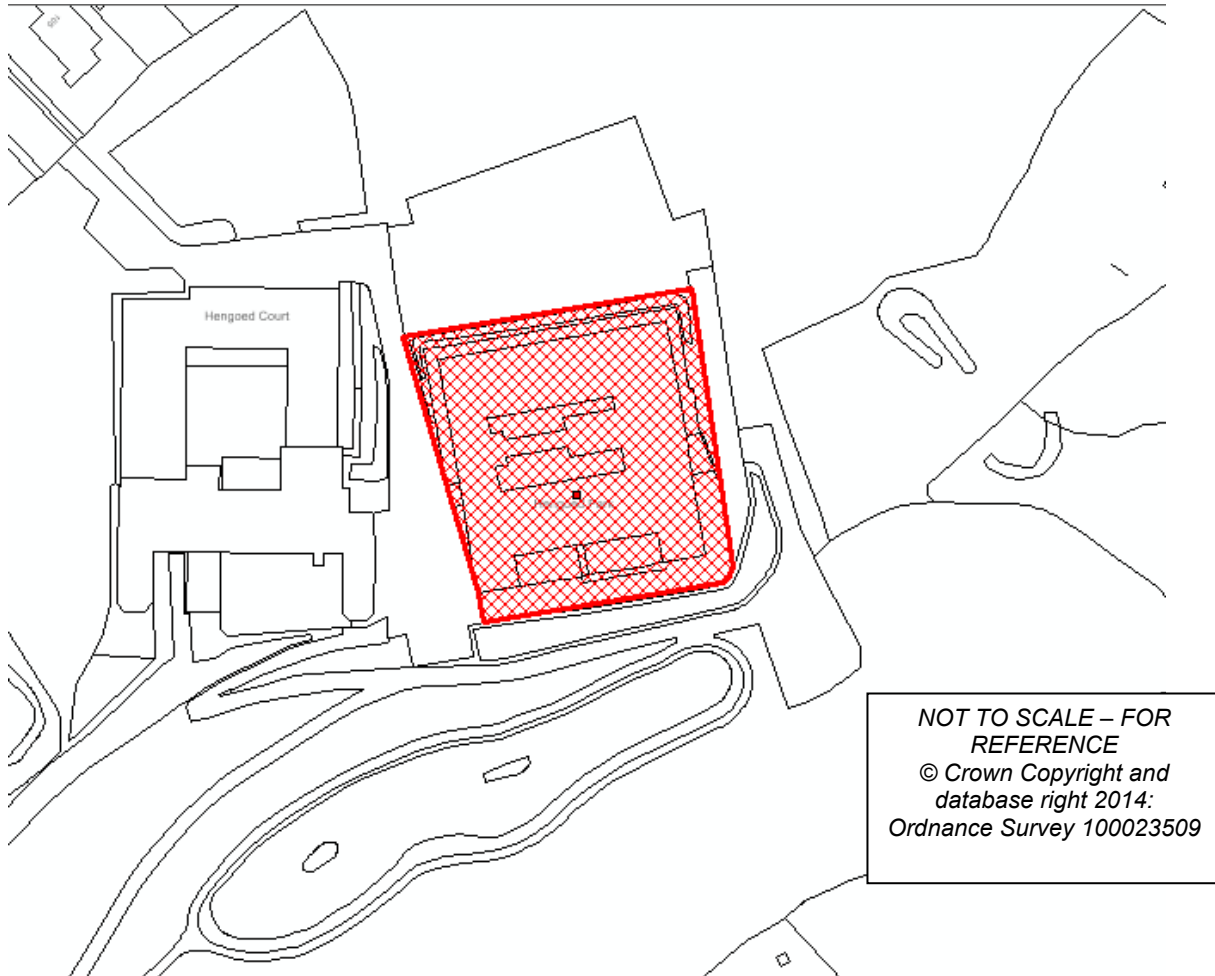
Ward:

Bonymaen - Area 1

Location: Hengoed Park Care Home , Cefn Hengoed Road, Winch Wen, Swansea, SA1 7LQ

Proposal: Two storey extension to provide communal lounge/living area with balconies

Applicant: Mr D Davies



Background Information

Policies

LDP - EU4 - Public Utilities and New Development

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

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

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LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - RP1 - Safeguarding and Public Health and Natural Resources

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

LDP - RP6 - Land Contamination

Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

LDP - RP7 - Land Instability

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

LDP - ER6 - Designated Sites of Ecological Importance

Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

LDP - ER8 - Habitats and Species

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

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

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

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LDP - RP4 - Water Pollution and the Protection of Water Resources

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

Site History

App Number	Proposal	Status	Decision Date
2018/1683/FUL	Construction of 79 retirement bungalows, doctors surgery and well-being spa, access roads and landscaping	PCO	
2019/0177/PRE	PRE APP for a two storey extension	MIXPRE	11.02.2019
2019/0717/FUL	Two storey extension to provide communal lounge/living area with balconies	PDE	
A00/0922	SINGLE STOREY REAR WING EXTENSION TO PROVIDE ADDITIONAL 15 NO. BEDROOMS AND CONSERVATORY EXTENSION	APP	03.01.2001
A00/0372	ERECTION OF RESIDENTIAL HOME AND DAY CARE CENTRE	APP	06.06.2000
98/0648	SINGLE STOREY FRONT EXTENSION	APP	09.06.1998

RESPONSE TO CONSULTATION

The application was advertised by a site notice. One petition of objection has been received with 32 signatures from different people at different addresses. The concerns raised are summarised as follows:

1. The development would not be in accordance with the Swansea Local Development Plan (LDP).
2. The proposed development, which includes the provision of a usable roof area, would be detrimental to the visual amenity of existing residents to the north and west of the site.
3. There is no merit that can justify the planning application.

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Summary of Other Consultation Responses:

Pollution Control Division - Condition recommended in relation to unforeseen contamination.

Drainage and Coastal Management Officer - The development will require SuDS Approving Body (SAB) consent.

Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins.

Planning Ecologist - Conditions requested in respect of a construction environment management plan, landscape plan and ecological enhancement.

Coal Authority (initial response)

The application site falls within the defined Development High Risk Area. Within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically a thick coal seam outcrops across the site which may have been worked in the past.

Holding objection pending the submission of a coal mining risk assessment.

Coal Authority (amended response following the submission of further information by the applicant)

The Coal Authority concurs with the recommendations of the Outline Strategy for Site Preparation that coal mining legacy poses a risk to the proposed development and that remedial measures are necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the undertaking of the outlined scheme of remedial stabilisation works for shallow workings prior to the construction of the proposed extension.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to secure the above.

Dwr Cymru Welsh Water (DCWW)

No objection in principle. Request a condition in respect of the drainage scheme to be in accordance with the approved details

APPRAISAL

This application is reported to the Planning Committee for determination on the basis that the application has been 'called in' by Councillor Mandy Evans and a petition of objection has been received with over 30 qualifying signatures.

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This application seeks planning permission for an extension to the established residential care home facility at Hengoed Park. The proposed development comprises a stepped two storey extension off the northern elevation of the existing three and a half storey building. The Planning Design and Access Statement submitted with the application explains that the proposed development would provide an additional lounge/dining area for residents and would include a roof top garden area.

Hengoed Court and Hengoed Park is an established care home facility serving Swansea and the wider area with approximately 232 residents accommodated across the two buildings that comprise the care home. Access to the site is derived off Cefn Hengoed Road and there are several surface car park areas around both buildings.

There is considerable planning history relating to the development of the site, most recently planning permission was granted on appeal for the provision of an additional surface car park to the west of Hengoed Court (2016/3255/FUL). There is a current planning application to develop land to the north of the application site for 79 retirement bungalows, doctors surgery and well-being spa with access roads and landscaping (2018/1683/FUL). This application is currently under consideration and will be reported to the Planning Committee in due course.

Main Issues

The main issues are considered to be the impacts of the development upon the character and appearance of the area, the impacts upon the living conditions of neighbouring residential occupiers, the impacts upon land stability and the impacts upon drainage and ecology.

The proposed development will not increase the numbers of staff or residents at the site. Therefore the proposed development will not result in any material parking or highway safety impacts.

Planning Policy

The Swansea LDP is the extant development plan and the following Policies are considered to be relevant to the determination of this planning application: ER6 (Designated Sites of Ecological Importance), ER8 (Habitats and Species), ER9 (Ecological Networks and Features of Importance for Biodiversity), EU4 (Public Utilities and New Development), PS2 (Placemaking and Place management), T5 (Design Principles for Transport), T6 (Parking), RP1 (Safeguarding Public Health and Natural Resources), RP4 (Water Pollution and the Protection of Water Resources), RP6 (Land Contamination) and RP7 (Land Stability).

On the LDP Proposals Maps, the application site is identified as white land within the urban area. As such the principle of an extension to the existing facility at Hengoed Park would not, it is considered, conflict with any Policy within the LDP.

Visual Amenity

The proposed extension would extend from the north elevation of the existing building at ground floor level and would bridge across the gap between the building and the landscaping area, which is mainly covered in tarmac with several raised planters.

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The extension is designed with a broadly L-shaped footprint, its roof would terminate at eaves level and there are extensive areas of glazing which, together with the use of a modern cladding system for the walls, would ensure that the proposed extension would read as a contemporary small scale addition to the care home. The extension would not be widely visible from public vantage points and would add to the variety of building forms across the Hengoed Park Care Home complex. On this basis, it is considered that the proposed development would not conflict with LDP Policy PS2, which broadly requires that developments accord with good placemaking and design principles.

A roof top terrace is indicated as being enclosed by a glass balustrade. It is considered important to the modern design approach for the extension that this high level element is designed to be as transparent as possible, subject to adhering to the necessary health and safety requirements. Therefore, in addition to a condition requiring details of the materials for the extension, it is considered necessary for a condition requiring the design details of the balustrade to be submitted to the Local Planning Authority for approval.

Residential Amenity

The proposed extension would be sited some 70m from the boundary of the nearest residential property. Therefore, the proposed development would not result in any unacceptable impacts upon the living conditions of the occupiers of existing properties to the north on Cefn Hengoed Road.

Ecology

A Preliminary Ecological Assessment (PEA) has been submitted. The PEA confirms the extension would be limited to the confines of the care home's hardstanding and amenity grassland areas and would therefore be unlikely to impact on the neighbouring and surrounding Pentredwr Grasslands SINC. The PEA recommends a bat emergence survey is undertaken to determine the presence or likely absence of roosting bats. A bat activity survey report has therefore been submitted which found no bat roots at the site.

The Council's Planning Ecologist has reviewed the submission and has requested conditions for the provision of a Construction Environment Management Plan, landscaping plan and ecological enhancements.

Subject to these conditions, it is considered the proposed development would not result in any unacceptable impacts upon natural heritage and on this basis the proposal would not conflict with LDP Policies ER6 (Designated Sites of Ecological Importance), ER8 (Habitats and Species) and ER 9 (Ecological Networks and Features of Importance for Biodiversity).

Land Contamination

In view of the past uses on or near the site, the Pollution Control officer has recommended a condition in relation to unforeseen contamination that may be encountered during the construction phase. This is considered to be necessary in the interests of health and safety and to accord with LDP Policies RP1 and RP6.

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Land Stability

Following an objection from the Coal Authority, the applicant has submitted further information to address the risks posed to the development from former coal mine workings. Having reviewed the additional information supplied by the applicant, the Coal Authority have now recommended the imposition of a condition in order to address the residual land stability risks posed by the development. Subject to the imposition of this condition it is considered the proposed development would not conflict with LDP Policy RP7.

Drainage

The Council's Drainage Officer has noted that the surface water drainage for the development must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. As such the approval of surface water details will be dealt with under separate legislation. In terms of the foul water, the planning submission has confirmed that foul water would be drained to the mains system. DCWW have offered no objection on this basis, subject to a condition requiring the foul water drainage to be completed in accordance with the approved plans. Subject to this condition it is considered that the proposed development would not conflict with LDP Policies RP4 and EU4.

Other Matters

The concerns raised in the petition of objection - that the proposal would not accord with LDP Policies and would be detrimental to the visual amenity and living condition of existing residents - are discussed above. Concerns have been raised that there is no merit that can justify the proposed development. In response to this concern, it is not for the Local Planning Authority to assess whether this development is justified; this is not a planning policy requirement in this instance. However, in the absence of any identified harm in relation to the above matters, it is considered that the proposed development would be acceptable.

Conclusion

Having regard to the above matters, it is considered that the proposed development would be acceptable in terms of its impacts upon the character and appearance of the area and its impacts upon the living conditions of local residents. Matters relating to ecology, land contamination, land stability and drainage have been given full consideration and, subject to conditions, the proposal would not result in any significant impacts in relation to these matters. On this basis it is considered that the proposed development would not conflict with LDP Policies.

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 for approval.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
LP 01 Location Plan, 05 (Roof Plan), CS 16 (Cross Sections 1), CS 17 (Elevations 2) and 05 (Roof Plan), received 27th March 2019.
04 Rev A (First Floor Plan), E06 Rev A (Elevations 1) and E07 Rev A (Elevations 2), received 10th April 2019. SEWER1 (Foul Drainage Layout), received 19th June 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the construction of any superstructure works, details of the design, materials and location of the rooftop glass balustrade shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and shall thereafter be retained in accordance with the approved details for the lifetime of the development.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with LDP Policy PS2.
- 4 No superstructure works shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out and shall thereafter be retained in accordance with the approved details for the lifetime of the development.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with LDP Policy PS2.
- 5 The development shall be implemented in accordance with the remedial stabilisation works for shallow mine workings specified within the document 'Outline Strategy for Site Preparation' produced by Integral Geotechnique, dated 30th May 2019.
Reason: To ensure the risks posed to the development from former mine workings are mitigated in accordance with LDP Policy RP7.
- 6 Prior to the occupation of the development hereby approved a fully detailed scheme of hard and soft landscaping including species, spacings and height when planted of all new planting shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policy PS2.

- 7 Prior to the beneficial occupation of the building hereby approved, the foul drainage works shall be implemented and thereafter retained in accordance with drawing no. Sewer 1 received 19th June 2019. No surface and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with LDP Policies RP4 and EU4.

- 8 No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: The prevention of pollution to the adjacent SINC and the wider environment in accordance LDP Policies ER8, ER9 and RP5.

- 9 The biodiversity enhancement measures as specified within Chapter 5 of the Wildwood Ecology Bat Activity Survey Report shall be implemented prior to the occupation of the development hereby approved in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The biodiversity enhancement measures shall thereafter be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure the development maintains, protects and enhances features of importance for biodiversity in accordance with LDP Policy ER9.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: ER6, ER8, ER9, EU4, PS2, RP1, RP4, RP6 and RP7.
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Agenda Item 6

Electoral Division:
Penllergaer

Report of the Head of Planning & City Regeneration

Planning Committee – 6 August 2019

Planning Application Ref: 2019/1678/106 and 2018/2671/S73

Construction of 80 no. Residential Units with Associated Access and Landscaping Former Civic Centre Site, Penllergaer

1.0 Purpose of the Report

- 1.1 To seek authorisation to modify the Unilateral Undertaking made pursuant to S106 of the Town and Country Planning act 1990 (as amended) for the development at the former Civic Centre, Penllergaer.
- 1.2 The request has been submitted under S106A(1)(a) of the Town and Country Planning Act 1990 (as amended).

2.0 Background

- 2.1 An application for the residential development of the former Civic Centre in Penllergaer was submitted in July 2017, prior to the adoption of the Local Development Plan (Ref: 2017/0986/FUL). At the time of the submission, the Adopted Unitary Development Plan was time expired, but was still the development plan for S38(6) purposes. The application was considered to be a departure to the Adopted UDP as it was located outside of the settlement boundary. The site was proposed as an allocated site in the then Emerging LDP.
- 2.2 Development subsequently commenced on the site, but additional survey work indicated that the proposed Dormouse mitigation was not required as no dormice were found. The applicant subsequently submitted a S73 application to remove the condition regarding dormice. The application was reported to Committee in March 2019 with a recommendation of approval subject to a Deed of Variation in May 2019.
- 2.3 At the current time, the site is nearly complete. The majority of the dwellings have been constructed but due to the site only having one access, the dwellings have not been occupied at present for site management purposes. It is envisaged that the first occupation will take place shortly.
- 2.4 The applicant (Enzo Homes) has submitted an application to vary the terms of the Unilateral Undertaking which was amended pursuant to a Deed of Variation. As the original application was reported to Planning Committee, any variation of the legal Agreement also needs to be referred to Planning Committee.
- 2.5 In terms of the Affordable Housing, the Officer Report noted that 20% of the development would be affordable units (reduced from 30% on viability grounds) with a tenure split between social (25%) and intermediate (75%) tenure types also accepted on viability grounds. The Council's Housing Department reviewed the revised site layout plan and confirmed their acceptance of the amended housing offer.

- 2.6 Following recent discussions with Coastal (following the Committee Item Report prepared for July's Planning Committee that was refused to amend overall provision), an issue has arisen in that the intermediate tenure properties are restricted to intermediate rental properties in the definitions contained within the S106 agreement. This would not allow Coastal to provide Low Cost Home Ownership (a Welsh Government approved intermediate product) on site. This appears to have been an error when the S106 agreement was originally drafted and the applicant is seeking to vary the S106 agreement to refer to "intermediate tenure" rather than "intermediate rented tenure".
- 2.7 The applicant has also sought the inclusion of a Mortgagee in Possession Clause on the social rented units as this provides RSL's with greater options to finance developments.
- 2.8 As the Deed of Variation was signed in May 2019, the applicant can only vary the terms of the S106 agreement in agreement with the Council.
- 2.9 A copy of the 2017 and 2018 Officer Reports to Planning Committee are available to view via the link below (Page 68 onwards – Item Report 5):
<https://democracy.swansea.gov.uk/documents/g8568/Public%20reports%20pack%20Tuesday%2002-Jul-2019%2014.00%20Planning%20Committee.pdf?T=10&LLL=0>

3.0 Consultation

- 3.1 The Local Ward Member and the Housing Officer were consulted on the application.
- 3.2 The Council's Housing Officer has commented as follows:
"I can confirm that the Housing Service agrees to the request for the inclusion of the Mortgagee in Possession (MIP) clause on the social rented units being provided on this site.

The Housing Service also agrees to the request to remove the word "rented" from within the Section 106 description of Intermediate Housing to enable Intermediate sale products to be provided on site.

Affordable Housing is defined as housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable Housing may be broken down into two categories; Social Rented Housing and Intermediate Housing.

Intermediate Housing provided by Registered Social Landlords covers housing provision where prices or rents are above those of social rented housing but below market housing prices or rents. The Registered Social Landlords can only use a Welsh Government approved Intermediate Rent or Sale Product, therefore the Housing Service supports this variation to provide Intermediate Sale."

- 3.3 The Local Ward Member has commented as follows:
"I am happy with the arrangements you outlined previously which are that 4 houses will be social rented and 12 are Intermediate units which may or may not be rented."

4.0 Main Issues

- 4.1 On an application for modification by agreement pursuant to section 106A(1)(a) of the 1990 Act the Courts have considered the matters that a Council must have regard to (see R(Bachelor Enterprises Ltd) v North Dorset District Council [2003] EWHC 3006 and in R(Millgate Development Ltd) v Wokingham DC [2011] EWCA Civ 1062).

The Council has to ask itself:

- a. Does the existing planning obligation still serve a useful planning purpose?;
 - b. If it does and modification is proposed, then the question is whether that planning purpose could be equally served by the proposed modification?
 - c. If it would, then the Council should agree to the modification;
 - d. If it would not then the Council should refuse the application to modify.
- 4.2 Any decision by the Council to agree to a modification of the S106 agreement could be the subject of a challenge via Judicial Review however the decision cannot be appealed.
- 4.3 Firstly, it is considered that the original obligation still serves a useful planning purpose in that the required affordable housing (16 units on site) would still be provided in the same split between intermediate and social rented housing. This would not change as a result of this application.
- 4.4 The requirement for Affordable Housing is clear in both local and national planning policy. Technical Advice Note 2: Affordable Housing (2006) provides practical guidance on the role of the planning system in delivering such housing. The guidance defines affordable housing for the purposes of the TAN and provides advice to local planning authorities on how to determine affordability.
- 4.5 Secondly, the question is whether that planning purpose could be equally served by the proposed modification. The definition of 'affordable housing' for the purpose of the land use planning system as described in the Technical Advice Note (Para 5.1) is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. However, it is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing. Affordable Housing includes:
- Social rented housing;
 - Intermediate housing.
- 4.6 Social rented housing is that provided by local authorities and registered social landlords. Intermediate housing is that where prices or rents are above those of social rent but below market housing prices or rents.
- 4.7 As part of the original application, due to viability concerns, it was agreed that the Affordable Housing provision on site would be 20% (16 units); of which 25% would be social rented units and 75% would be intermediate units. This requirement was replicated again in the S73 application approved earlier this year.

- 4.8 The term “intermediate rented housing” was contained within the first S106 agreement and the terminology has followed through into subsequent agreements. It was not the intention of the Housing Officer or Committee in approving the application to further restrict the intermediate offering to intermediate rented only.
- 4.9 The Housing Officer has not objected to the proposals, and has clarified that Pobl would be using an Intermediate sales product approved by the Welsh Government. For clarification, Low Cost Home Ownership is not the same as low cost market housing referred to in TAN 2. The Local Councillor has no objections either.
- 4.10 The planning purpose for the S106 agreement was to secure the percentage and make up of affordable housing. The planning purpose would therefore still be served by the proposed modification as a WG approved intermediate product would still be provided.
- 4.11 In light of what was an apparent error when preparing the S106 agreement in the first instance, the intention of the applicant is the same as was reported to Planning Committee for the original application. 75% of the 16 affordable units would still be “intermediate units” which is considered acceptable. The remainder of the Affordable Housing provision (25%) would be social rented units.
- 4.12 The applicant has also requested that a Mortgagee in Possession (MIP) Clause is inserted into the document for the Social Rented units. These are clauses that allow a (commercial) lender who has repossessed the property to operate free of restrictions which are placed upon individual properties. Essentially, a MIP occurs when a borrower defaults on their repayments and the lender subsequently takes possession of, and sells, the property.
- 4.13 This MIP Clause would only apply to the Social Rented units which would be owned by the Registered Social Landlord (likely to be Coastal). In the first instance, it should be noted that repossessions are a relatively rare event and the RSL would need to become insolvent before this would come into effect.
- 4.14 In addition, the MIP Clause would state that the MIP can only operate freely (and unencumbered by the affordable housing restriction) after a 3 month period. These clauses were previously resisted by Local Planning Authorities as there is a chance, albeit very small, that the affordable housing unit(s) could be lost permanently.
- 4.15 Since the financial crisis, and tighter lending requirements, lenders are increasingly looking at S106 agreements to ensure that there is provision to recoup their money in the event of default. RSL’s have discussed this issue directly with the Welsh Government and they have indicated support for this approach and advised that they are likely to step in in such a situation if an RSL got into difficulties to avoid the loss of affordable housing stock. This 3 month period is considered sufficient time to resolve the issue and is reasonable.
- 4.16 For clarity, these clauses are not accepted on Intermediate tenure units.

5.0 Recommendation

5.1 It is recommended that:

- i) **Members authorise the modification of the S106 agreement (planning obligation) to amend the terminology to omit the term “rented” from the definition of “intermediate housing” and update the remainder of the agreement accordingly so that the applicant can utilise other WG approved intermediate products and provide a MIP clause for Social Rented units only.**

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:
Application file, together with the files and documents referred to in the background information section of the appended Development Management committee report.

Contact Officer:	<i>Andrew Ferguson</i>	Extension No:	<i>7310</i>
Date Production:	of <i>26th July 2019</i>	Document Name:	<i>Penllergaer Civic Centre 106 report</i>