

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 24TH JUNE 2014

ITEM 1

APPLICATION NO.

2012/1226

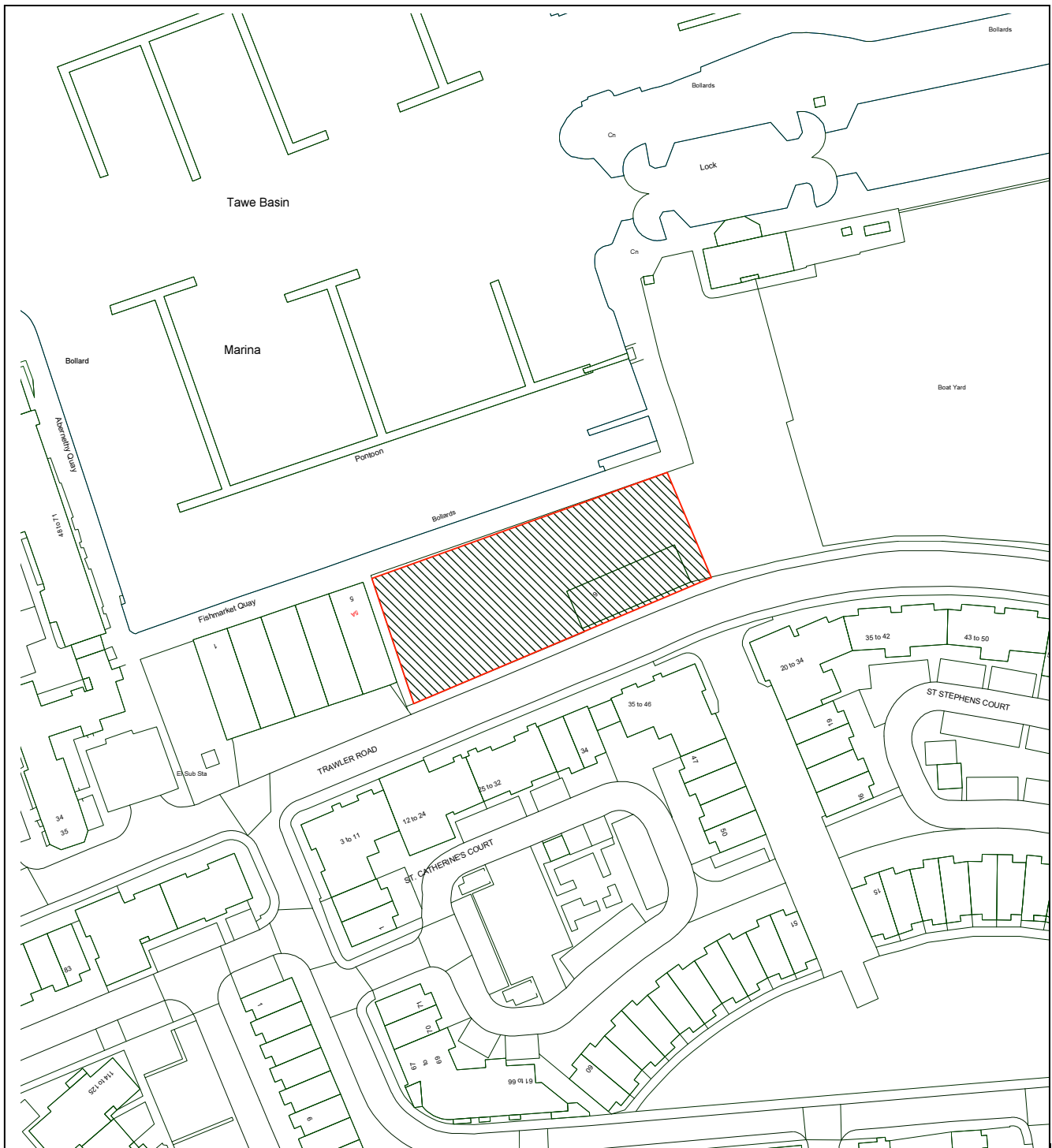
WARD:

Castle
Area 1

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

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

Applicant: Waterstone Estates (Trawler Road) Ltd



NOT TO SCALE

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BACKGROUND INFORMATION

The application was DEFERRED from the Meeting on 27 May 2014 to allow consideration of costs associated with closure or prejudicial impact on the operation of the boatyard and for information to be provided in the report on visitor parking requirements. Since the last meeting a Site Visit has been requested.

The information from the Council's Marina Manager in relation to the cost implications on the operation of the boatyard have yet to be received and will be reported as a late item.

In respect of the clarification on visitor parking requirements, the Head of Transportation has made further observations in this regard which are incorporated into the report.

An additional letter has been received from Byron Davies AM and has been incorporated into the report.

Additionally, since the last meeting, in respect of a request to the Welsh Ministers to call in the planning application, confirmation from the Welsh Government has been received indicating:

Having considered the issues associated with the application in the light of the Welsh Government's policy on call-in and the advice provided by the consultees, which advice I accept, I am of the opinion that those issues are not of more than local importance. In view of this, I do not consider that that application should be called in for determination by the Welsh Ministers and it is now for your Council to determine the application as it sees fit.

a. Relevant Planning Policies

Swansea Unitary Development Plan

- Policy EV1 New development shall accord with a defined set of criteria of good design.
- Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.
- Policy EV3 Accessibility criteria for new development.
- Policy EV4 Creating a quality public realm
- Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.
- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.

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- Policy HC1 Housing site allocated for development
- Policy HC2 Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.
- Policy HC3 In areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs.
- Policy AS1 New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
- Policy AS2 Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
- Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking

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

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

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

Technical Advice Note (TAN) 11: Noise 1997

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

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

b. Relevant Planning History

None

c. Response to Consultations

ORIGINAL PROPOSAL

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

1. Trawler Road already has far too many empty flats and unlet shops. There are 4 unlet shops at the Marina Villas and Aurora developments about 150 yards further along from the Celtic Marine site. There are further unlet shops at the eastern end of Trawler Road, near the big Meridian Tower.

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There are empty shops facing Trawler Road on the Victoria Quay / Mannheim Quayside. To build yet more shops and flats on this one road makes no sense, and the empty store fronts are depressing.

2. More flats will cause an imbalance to the character of Swansea Marina. The Marina's unique difference is that there are working boatyards and moorings in it. Building flats over what remains of the boatyard space will change the character of the area from a working Marina into a high rise suburb. There is nothing in the plans to explain how the loss of the boatshed and the boatyard will be compensated for. We are also worried that the historic fish market will be shut down by the new residents complaining about the smells and noises of a working fish market. This is not a sustainable use of the land, the proposed development demolishes the very thing which makes the marina special and desirable.
3. Trawler Road cannot handle any more traffic. The plans show 61 parking spaces – one for each flat – but none for parking at the shops. Getting onto Oystermouth Road is difficult enough without another 61 flats and 3 shops being added. There is only one way into Trawler Road, if the eastern end is blocked, emergency vehicles cannot gain access to the greatly increased number of flats on Trawler Road. The junction at Duvant Place is already overloaded, the extra traffic of 61 flats and 3 shops has been accounted for – there's just a vague hope that people will walk instead of drive.
4. The plans are dangerous. The boat hoists weighs twenty tons, the boats weigh many tons and are stored propped up on the hard standing. There is nothing in the plans to show how the increased number of people will be protected from this risk. If the hoist gets shut down as a safety risk the Marina's only boat hoist will have been lost. If boats cannot be raised from the water they must travel elsewhere for repairs – costing Swansea jobs.
5. These plans do not respect the distinctive local character of Swansea Marina. We owe a big debt of gratitude to the people who designed Swansea Marina. The proof that they did a good job is the vibrancy and popularity of what is now Swansea's "Jewel in the Crown". The boatyard land at the Celtic Marine site is an integral part of the design, and should not be destroyed just to add more flats and shops. There is a huge amount of land that can be built on – especially in SA1 but only one boat hoist and very little boat yard land.
6. The livelihoods of 8 skilled tradespeople, depends on the smooth running of Swansea Fish Market, historically there has always been a fish market in Swansea Marina, and have been trading for 22 years here. The fish market starts works at 5 o'clock in the morning and also smokes fish overnight which would not pleasant for anyone living close to the fish market. The business would put under threat by the development.
7. The boat shed is the only undercover repair facility in Swansea. The nearest similar facilities are in Neyland or Penarth Marinas.

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A local boat repair company were not allowed to but the freehold and there are other companies in the Marina who would take over the boatyard for its intended use.

8. If the proposed development has an impact on the operation boat hoist, this could threaten the future of the Marina.

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

1. The proposed development brings in to question the sustainability of the area as a working marina and undermines our ability to pass on Swansea's heritage to future generations. If these plans go ahead, we are in danger of losing our ability to pass on a fully functioning marina.
2. The Maritime Quarter operates as a fully operational marina and, as such, needs an adequate supply of boatyard capacity with appropriate infrastructure; it is believed that any change of use to the land in question will seriously diminish the ability of the marina to fulfil one of its primary functions.
3. It has been stated elsewhere that boats must be removed from the water annually for maintenance work and to prevent water-logging due to 'osmosis'. The construction of residential units adjacent to the primary lifting hoist for such vessels must pose a threat to the continued existence of such a vital service.
4. The development of more residential units adjacent to a heavy lifting device, reportedly weighing 20 tons, plus the weight of the boats being lifted, must increase the risk of serious health and safety issues, especially when children are present.
5. When barnacles and other marine growth are power washed off the hulls of boats, the fine mist of very smelly water generated will undoubtedly be unwelcome in a residential environment, as will the noise being created during cleaning and lifting operations.
6. The Maritime Quarter has seen a tremendous growth in the number of apartments being built in less than ten years and it is clear that such accommodation is excess to requirements. This is evidenced by the number of "For Sale" and "To Let" signs erected around the Maritime Quarter and the fall in prices for such properties.
7. It is a concern that the number of commercial units which have been made available in the Maritime Quarter over recent years, but which remain unoccupied (e.g. in Atlantic Square, Meridian Quay and at Aurora), demonstrates that further such developments are unnecessary, economically unviable or unattractive to investors. Before allowing more, we feel more appropriate solutions should be sought for this site to truly establish the Maritime Quarter as "the jewel in Swansea's crown" and a vibrant waterfront location attractive to visitors and residents alike.

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8. The impact of this development on Trawler Road will also exacerbate existing major traffic issues, as reported at public PACT and MQRA meeting, in three ways:
 - Parking – it is widely acknowledged and identified that the growing Maritime Quarter has a major problem with inadequate and uncontrolled parking, which the Council is unable to manage effectively and which has not been addressed satisfactorily. The access points to this development would appear to further reduce parking capacity as the stretch of Trawler Road in question is currently a relatively long parking bay. Visitors to residents on the south side of the Marina already have great difficulty finding available parking. Building more residential units in this area will only add to the problem.
 - Speeding – this issue has been regularly agreed at PACT sessions as a priority for attention but, as in the case of parking, the authorities have been unable to solve the problem. The large number of apartments in the Maritime Quarter has resulted in an influx of younger people to the area, some of whom appear to have a predisposition to travelling at high speeds along Trawler Road. Further apartments will probably impact adversely on this serious cause for concern.
 - Accidents – against this background of speeding, the proposed development seeks to create two additional access points to Trawler Road precisely at a location where some road-users are moving at high speed.....this is in spite of numerous speed retarders, which occasionally only serve to damage the sumps of car engines! In a space of approximately 150 metres the development would result in three potential blind spots, significantly increasing the risk of accidents, especially as two of the access points could be visually obstructed by car parking adjacent to the development.
9. A further major issue relating to traffic, has been regularly reported at public MQRA and PACT meetings, and which time and again has been brought to the attention of Council leaders, is the inability of current traffic controls at the Oystermouth Road / Dunvant Place junction to cope with the volume of current road movements in and out of the marina. This development along with the plans already approved for the construction of a neighbouring hotel on Trawler Road, will merely serve to increase volume and create further traffic congestion. Trawler Road effectively leads into a cul-de-sac and traffic management remains a serious and frustrating problem (as identified at the time of constructing Meridian Tower) still to be addressed for the Maritime Quarter.
10. Finally, it is believed that the current boatyard operation lies in Use Class B2, while the new development may fall into various Class A and categories.

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We question how any change of Use Class could even be contemplated, while it is understood that the recent granting of a significantly extended lease by the Council for the existing commercial operation may be under investigation.

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

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

AMENDED PROPOSAL following receipt of detailed drawings 18 June 2013.

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

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

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

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

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

3. Nowhere in this application is any mention made of the ability of the Victorian dock walls to withstand being undermined with a car park. The developers should prove that the site has been properly surveyed and the land declared able to withstand such massive change. The application does not mention how the disruption caused by excavating the car park and building flats will be minimised or mitigated. This is an obvious point that needs to be addressed.
4. The applicants need to state how much of this development will be used for “social housing”. Mention is made in the application about an “end user”. What is the name and nature of this end user, and what do they intend to do with the development if permission is given? This is an obvious point to be clear up.
5. There is not enough boatyard land in Swansea Marina, but there is a lot of land elsewhere where any amount of flats can be built.
6. The health and safety issues are not addressed by this application. The images show people milling about by the site but we are not shown the twenty ton boat hoist or what happens when as high powered hose is used to blast marine life off a hull less than two car lengths away from the proposed site. Indeed the “photomontage” is very misleading as we do not see that this is a busy industrial site. Nowhere in this application are there any proposals to shield the residents of the flats from the very real health risks posed by building in a working boatyard. This proposal should be rejected purely on the grounds of health and safety – there are plenty of other sites available for development that do not share space within a working boatyard. By the way, has anyone checked to see if the site is contaminated with industrial chemicals? If not, why?
7. The application does not explain how the loss of the boatyard and the 200 square metre shed will be made good. These proposals will deny Swansea Marina of boatyard land and a large shed, the applicants have a duty to make good this loss to the boat repair industry. Our fear is that the work will disappear to other marinas such as Cardiff. Skilled jobs will be lost from Swansea and a vital, and lucrative, service to boat owners will be lost.
8. The development will impact on Swansea Fish Market by future complaints from residents about smell.

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9. The daylighting analysis contains inaccuracies and is flawed. The development would result in a loss of natural light, privacy and overlooking.
10. The Noise Assessment makes the assumption that all windows should be closed to avoid nuisance from noise.

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

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

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

- The proposed development still brings into question the sustainability of the area as a working Marina and undermines our ability to pass on Swansea's heritage to future generations. If these plans go ahead, Swansea is in danger of losing its ability to pass on a full-service maritime repair and maintenance facility.
- A key feature of the Maritime Quarter is that it continues to operate as a fully functioning Marina; as such, it needs an adequate supply of boat yard capacity with appropriate infrastructure and it is believed that any change of use to the land in question will seriously diminish the ability of the Marina to fulfil one of its primary functions.
- It must be recognised that boats have to be removed from the water annually for maintenance work and to prevent water-logging due to osmosis. Failure to retain the boatyard as an operational unit will reduce potential boatyard capacity by 30-40% with the Council's yard appearing to run at close to maximum capacity currently.
- The construction of residential units adjacent to the primary lifting hoist for such vessels must pose a threat to the continued existence of this unique service. It is inconceivable that the heavy lifting device, reportedly weighing 20 tons, plus the weight of the boats being lifted, will not increase the risk of serious Health and Safety issues to potential residents of the new apartments, especially when children are present. Furthermore, when barnacles and other marine growth are power washed off the hulls of boats, the malodorous waste water generated will undoubtedly be unwelcome in a residential environment, as will the noise being created during cleaning and lifting operations.
- Equally, the planning application poses a new threat to Health and Safety for residents and visitors as the new building would create a long, narrow and dark walkway between the Fishmarket and the proposed development which could become a potential focal point for anti-social and criminal behaviour.
- The Maritime Quarter has seen a tremendous growth in the number of apartments being built in less than ten years and it is clear that such accommodation is excess to requirements.

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This is evidenced by the number of “For Sale” and “To Let” signs erected around the Maritime Quarter and the construction of further residential units appears superfluous, especially against a background of the loss of potential local employment opportunities, if the boatyard were to be retained.

- It is believed that the current boatyard operation lies in Use Class B2, while the new development may fall into various Class A and C categories. We question how any change of Use Class could even be contemplated, while it is understood that the recent granting of a significantly extended lease by the Council for the existing commercial operation may be subject to third-party Audit. Full details of the lease negotiations should be made available for public scrutiny before any consideration is given to planning applications relating to this plot of land.
- In spite of the reduced number of flats with dedicated parking in the new plan, the impact of this development on Trawler Road will still exacerbate existing major traffic issues, as reported at public PACT and MQRA meetings, in three ways:
 1. Parking – it is widely acknowledged and identified that the growing Maritime Quarter has a major problem with inadequate and uncontrolled parking, which the Council is unable to manage effectively and which has not been addressed satisfactorily. The access points to this development would appear to further reduce parking capacity as the stretch of Trawler Road in question is currently a relatively long parking bay. Visitors to residents on the south side of the Marina already have great difficulty finding available parking. Building more residential units in this area will only add to the problem.
 2. Speeding – this issue has been regularly agreed at PACT sessions as a priority for attention but, as in the case of parking, the authorities have been unable to solve the problem. The large number of apartments in the Maritime Quarter has resulted in an influx of younger people to the area, some of whom appear to have a predisposition to travelling at high speeds along Trawler Road, particularly along the stretch adjacent to the site in question. Further apartments will no doubt impact adversely on this serious cause for concern.
 3. Accidents – against this background of speeding, the proposed development seeks to create two additional access points to Trawler Road precisely at a location where some road-users are moving at high speed ... this is in spite of numerous speed retarders. In a distance of approximately 150 metres, the development would result in three potential blind spots, significantly increasing the risk of accidents, especially as two of the access points would be visually obstructed by cars parking adjacent to the development.
- A further major concern relating to traffic, as has been regularly reported at public MQRA and PACT meetings, and which time and again has been brought to the attention of Council leaders, is the inability of current traffic controls at the Oystermouth Road/Dunvant Place junction to cope with the volume of current road movements in and out of the Marina. This development, along with the plans already approved for the construction of a neighbouring hotel on Trawler Road, will merely serve to increase volume and create further traffic congestion.

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Trawler Road effectively leads into a cul-de-sac and traffic management remains a serious and frustrating problem (as identified at the time of constructing Meridian Tower) still to be addressed for the Maritime Quarter.

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

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

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

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

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

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

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

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

We would emphasise that MLM appear wrong when they state that "none of the flats had external amenity space" and, therefore, it follows that the report may be inappropriate in suggesting that BS8233 be used to assess noise nuisance instead of BS4142.

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The Amended Plan of Elevations (91166 dated 15 October 2013) clearly identifies “Juliette Balconies” and “Glazed Balcony Balustrades” and it is misleading to suggest that residents will have no “external amenity space”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I would therefore suggest that this application be refused.

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Further letter received 4 June 2014

I understand that following the Welsh Audit Office's findings in respect of the above development, a report went to Area 1 Committee on the 27 May, 2014 with a recommendation to approve the scheme. However, a decision was taken to defer the matter until the next meeting on the 24 June 2014, due to the impact this may have on adjacent commercial businesses. I therefore, take this opportunity to add to my previous comments and trust that they will be considered.

I believe that 'common sense' should be a material consideration in this case. Much has been said about the noise impact and how this can be overcome with mechanical ventilation but who would want to live in an area where you cannot open a window and enjoy fresh air?

I also believe the residential units, being so close to the smoked fish factory, would have an adverse effect on the small business, to the point of closure. The comments made by the Environmental Health Officer are not excessively cautious; after all they deal daily with complaints of this nature and know that they are very difficult to resolve to the satisfaction of both parties.

What I would not like to see happen if the residential development is approved, is the properties then become unsellable / abandoned and fall into disrepair at this waterside prestigious SA1 site.

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

The application was re-advertised on site and the Maritime Quarter Residents Association were re-consulted neighbouring properties and objectors were reconsulted. 2 further LETTERS OF OBJECTION has been received making the following points:

1. We disagree that 'gagging orders' be imposed on all tenants. This is clearly against one's free will and against local and national policies. Every future resident has every right to complain against noise nuisance whatever conditions are applied to the design.
2. The Report does not address the issue of the fish smells from the fish market.
3. The Marina cannot sustain any more building work.
4. This area is a BOAT yard situated right alongside the Marina Office and Boat Hoist. Also the fishmarket is adjacent to this yard where they have deliveries throughout the night as well as the early morning operating hours.

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

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

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

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Summary

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

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

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

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

TAN 11 applies to Wales. Paragraph 10 states:

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

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

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

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

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

Detailed comments on Technical Report 180005-002

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

1. Introduction

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

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

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

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

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

2. Assessment Methodology

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

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

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

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

2.7 This paragraph quotes BS4142

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

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

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

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

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

Initial Consultation with City & County of Swansea.

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

3. Local Planning Policy
Unitary Development Plan

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

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

3.2 Policy EV40 of the UDP states:

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

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

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

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

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

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

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

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

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

4. Site Description & Development Proposal

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

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

5. Existing Conditions

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

6. Noise Assessment

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

7. Mitigation Requirements

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

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

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

8 Discussion

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

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

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

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

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

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

Acoustic Benefits of the Scheme

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

Incongruity of Environmental Health Response with Planning Policy

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

8.15 This paragraph is copied below for ease of reference.

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

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

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

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

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

8.18 Again, the Applicant is ignoring the BS4142 assessment.

8.19 Contrary to what the Applicant states in this paragraph, the noise levels are more than 'significant'. They are calculated as 'complaint likely'. The EHO are not being unreasonable in their objection to this proposal. They have correctly followed good environmental and health assessment procedures.

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The MQRA agrees that “the objection should be considered in light of this report” and therefore rejected on the basis that complaints are likely. This could jeopardise the future of the Marina Boat Yard operation.

Potential Further Mitigation

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

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

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

Appeal/Inquiry example

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

In Summary

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

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

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

Flood Risk

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

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

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Although the development will comply with the requirements of TAN15 the only existing vehicular access along Trawler Road is at a lower level and is shown to be at risk of flooding. It is possible therefore that over the lifetime of the development there will be occasions when the road is flooded and emergency access restricted. In order to ensure the safety of all residents, we would recommend that a flood management plan should be provided for approval by the local planning authority. The plan should include flood warning, emergency access/evacuation arrangements and clear responsibilities.

Surface Water Drainage

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

Foul Drainage

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

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

Contaminated Land

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

Other

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

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

Glamorgan Gwent Archaeological Trust (GGAT) – the Historic Environment Record curated by this Trust shows that the application area is located on the wharf area of the South Dock Half Tide Basin, adjacent to the site of the Globe Dry Dock. Begun in 1852, the entrance to the South Dock was remodelled at the turn of the 19th – 20th centuries, with alterations to the lock access and the conversion of the Globe to a wet dock.

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Since then, the area has been significantly remodelled and as the application area is on made ground there is nothing to suggest that any previously unknown archaeological features are present in the vicinity. We have no objection to the positive determination of this application.

Head of Public Protection –

Original Comments (4 Dec. 2013)

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

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

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

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

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

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

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

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

Marina Manager –

Original Comments (15 Oct. 2012)

Noise:

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

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Any operational restrictions imposed on us on the grounds of noise pollution would seriously impact our business and the day to day activities that we have been carrying out since 1982.

Hoist Lifting Bay:

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

Car Parking:

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

Major Infrastructure Running Costs:

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

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

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

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

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

Highway Observations – Amended plans dated 18th June 2013.

1. Introduction

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

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- 1.2 The indicative plan shows 13 two bedroom apartments (including 3 wheelchair accessible apartments) and 37 one bedroom apartments. The site is to be accessed off Trawler Road at three locations, one is via an existing access which serves the existing public parking area/boat yard to the east, and two are newly formed providing access to the main body of the car park.
- 1.3 The car parking is laid out on the ground floor and comprises 49 car parking spaces (including 3 for disabled users), and storage for 50 bikes. Access to the parking area is gained via a one way in-one way out system for spaces 1 to 40 , whereas spaces 41 to 49 are utilized accessed via an existing point.
- 1.4 The site is well served by public transport with a service running along Trawler Road at a frequency of 60 minutes. In addition the site is within close proximity to the Quadrant bus station with services both locally and nationally. In terms of cycling the site is in close proximity to the National Cycle Network with county wide links. In terms of pedestrian movements the site is well located in terms of road, footways and bridges to link to the both the city centre and the waterfront.
- 1.4 A transport assessment has been submitted in support of the application due to the sensitive nature of traffic issues in the area, perceived problems brought about by recent large scale developments in the area and the objection letters submitted by local residents. The results are discussed below.
- 2 Transport Assessment
- 2.1 The Transport Assessment has been submitted to support the proposal for residential flats with ground floor retail. The assessment has considered the impact on the Trawler Road (Dunvant Place)/ Oystermouth Road Junction as this is the sole access in and out of the marina. The assessment has been undertaken in accordance with nationally accepted standards and best practice where committed traffic and development traffic is added to base traffic movements and the efficiency of the junctions. The output gives an indication of the degree of saturation at the junction and predicted queuing. All testing is undertaken during the am and pm peak periods.
- 2.2 The development has been checked for the year of opening (2014) and five years later (2019) this is standard practice. The base traffic flows are factored using growth factors and the trip rates are calculated using the TRICS database which is a nationally used software package. The report outlines the transport characteristics of the proposed development and the likely impact on the local transport network.
- 2.4 A manual count was undertaken on behalf of the developer in October 2012 at the Trawler Road (Dunvant Place)/Oystermouth Road signalised junction.
- " Flows of 4688 vehicles on Oystermouth Road were recorded in the a.m. peak (0730 to 0930) which averages out at 2344 per hour
 - " Flows of 5680 in the p.m. peak (1630 to 1830) which averages out at 2840 vehicles per hour.
 - " Flows of 447 vehicles were recorded on Dunvant Place in the a.m. peak (0730 to 0930) which averages out at 224 vehicles per hour
 - " Flows of 578 in the p.m. peak (1630 to 1830) which averages out at 289 vehicles per hour.

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

- 2.5 The development of 50 flats is predicted to generate 6 arrivals and 10 departures in the morning peak (16 total traffic movements), and 11 arrivals and 8 departures in the pm peak (19 total traffic movements). It is clear therefore that given the volumes of traffic along Duvant Place/Trawler Road that these additional movements represent an increase of 7% in the morning peak (diluted to virtually zero on Oystermouth Road). Similarly in the p.m peak the effect is an increase of 6%, again diluting down to virtually zero impact on Oystermouth Road.
- 2.6 For the year of opening plus five years (2019) due to an increase in traffic on the road in general the impact of the proposal on the highway and congestion is further reduced.
- 2.7 As the retail element is intended to be ancillary to the residential use, and its size is aimed at local shoppers then no trip generation has been included. This assumption was agreed in the scoping for the Transport Assessment.
- 2.8 The fall back position as a working boat yard was not included in the analysis thus the increase in vehicular movements will be offset to a certain degree by the trips generated by the current lawful use. This would have the effect of reducing down the impact even further.
3. Parking provision.
 - 3.1 Parking is provided at 49 spaces for 50 flats, this equates to 98% provision. The sustainability appendix of the Swansea parking standards was completed and demonstrated that a reduction to one space per flat could be justified. Whilst the site is one space short of 100% provision it is not felt that this alone would be a sustainable reason for refusal that could be sustained at appeal
 - 3.2 Cycle parking is being provided at one cycle space per flat and this is well in excess of the current recommended levels of provision for residential apartments. This will also reduce the dependency on cars.
 - 3.3 Whilst no visitor parking is being provided there are a number of pay and display car parks in the area to accommodate this use.
 - 3.4 As servicing for the units will take place on Trawler Road (as it the case for the adjacent retail/commercial units) I would recommend a condition restricting the servicing to be outside of the traditional peak hours, i.e. not between 0800 and 0900, and 1700 and 1800 in the interests of highway safety.
 - 3.5 The parking layout is in line with adopted standards, and each of the two new access points are adequate for two way flow thus allowing vehicles to pass and reduce the likelihood of obstruction being caused on the adjacent highway.

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4 Accessibility / Sustainability

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

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

5. Conclusions

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

6 Recommendation

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

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

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

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

Further observations

Whilst the parking guidelines do suggest visitor parking should be provided at a ratio of one space per 5 units in this instance it has not been possible to achieve these levels. Historically (dating back to the days of Swansea City Council) development in the Marina has traditionally been quite high density and as such the majority of residential developments have not been able to provide parking for visitors within the site boundary. In fact the full parking requirements for residential use have not always been achieved (as a result of Planning Policy in order to support redevelopment of the docks area). The proximity of Public parking facilities both on street and in public pay and displays is such that it was not felt that lack of visitor parking within the site would give rise to highway safety concerns.

Using the Census figures for the old City Centre ward from 2001 showed that 55% of households did not own a car. In the Maritime Quarter (including this site location) this figure is 44%. Considering Swansea overall in 2001 there were 28% of households that did not own a car. Preliminary results from the 2011 census are available but do not give a breakdown by ward as yet but overall in Swansea 26% of households do not own a car.

On that basis it is not considered that the exclusion of dedicated visitor parking facilities within the site would be sustainable as the sole reason for a highways refusal at appeal, and on that basis we are supportive of the application (subject to conditions, as per our original report.)

APPRAISAL:

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

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

The original submitted proposal sought outline planning permission (with all matters reserved) for the construction of 61 no. residential apartments and 3 no. ground floor retail units (246 sq. m). The application was accompanied by an illustrative layout / elevation details indicating a 6 storey apartment block and 60 no. car parking spaces.

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However, this raised fundamental urban design issues in respect of the scale and design of the proposed development. Subsequently, a revised proposal has now been submitted for consideration seeking outline planning permission but with details of the reserved matters including access, appearance, layout and scale to be considered at this stage (with details of landscaping being reserved for subsequent submission) to construct a single ground floor retail unit, 50 no. residential units comprising of 3 no. ground floor 'wheelchair accessible' flats, 37 one bed roomed flats and 10 no. two bed roomed apartments within a four storey development with associated landscaping and car parking (49 spaces).

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

Main Issues

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

Development Plan Policy and Land Uses

National Planning Policy

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

Unitary Development Plan (UDP)

The former Spontex site within the Maritime Quarter is allocated for housing development under UDP Policy HC1 (81) and has been substantially built out under the Swansea Point development. However, the application site of the boatyard is not allocated under a specific land use allocation policy. Whilst Policy HC31 encourages the opportunities for the development of water based recreation, there is no specific policy preventing the re-development of this site.

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Policy HC2 indicates that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals provided the proposed development does not result in cramped / overintensive development; significant loss of residential amenity; significant adverse effect on the character and appearance of the area or significant harm to highway safety. The amplification to this policy indicates that this policy offers guidance on the determination of proposals for residential development on unallocated sites, or white land. It seeks to maximise the use of previously developed (brownfield) land and buildings, with higher density encouraged on easily accessible sites within or adjacent to the Central Area. Infill development is defined as the development of land within an existing settlement and within this context, the proposal falls to be considered against the above criteria for urban infill housing.

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

Urban Design

The overriding design context is dominated by the three / four storey contemporary development of the residential development of Swansea Point. As originally submitted, the illustrative proposals which accompanied the application indicated a six storey apartment block of 61 no. apartments with 3 no. ground floor retail units and 60 no. undercroft car parking spaces. However, as indicated above, this raised fundamental urban design issues in respect of the scale and design of the proposed development and was not considered to conform to the local design context.

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

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The upper floor apartments would be accessed from a central corridor which allows the apartments to either have an aspect to Trawler Road or over the Tawe Basin.

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

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

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

Affordable Housing

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

UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs. The general threshold is on new housing developments more than 25 units in the urban area are viewed as appropriate for consideration to be given to the inclusion of affordable housing.

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The requirement to provide affordable housing will depend upon factors such as the site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives. The Local Housing Market Needs Assessment (LHMNA) assessed the dynamics of the housing market in and around Swansea and underpins the Council's Local Housing Strategy and has been adopted as Council policy. The Council's adopted SPG on Planning Obligations establishes an affordable housing target of 25 - 30% of all new developments.

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

Environmental Sustainability

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

Residential Amenity

Privacy and Daylight Analysis

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

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

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

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

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

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

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

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

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

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

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

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

Noise

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

Additionally, UDP Policy EV40 states that development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. The amplification to the policy states: *where proposed development is to be located in close proximity to a source of noise pollution, or includes possible noise conflicts within the proposed site, proposals will be required to incorporate design, landscaping and other measures to minimise the effects on future occupants. The layout of buildings can frequently be designed or modified to reduce the effects of noise disturbance. Similarly schemes can be designed to incorporate materials, features and landscaping which reduce the impact of noise on the surrounding buildings.*

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Where there are potential noise implications, developers may be required to provide an assessment of noise impact, together with proposals for mitigation in support of planning applications. Planning permission will be refused if the Council is not satisfied with the results of the assessment and proposed mitigation measures. Notwithstanding the use of good design and materials, there will be some instances where new residential and other noise sensitive uses such as hospitals and schools will not be acceptable in close proximity to existing noise generating uses or activities.

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

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

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

The Acoustics Report highlights that the likelihood of a complaint from a future resident will depend on internal noise levels. The BS8233 standard suggests that an internal noise level of 35dB L^{Aeq,T} for bedrooms is a 'reasonable' standard, whilst 40 dB L^{Aeq,T} is a 'reasonable' standard for living areas. Noise levels are however predicted to be between 62Db(a) and 52Db(A) during the daytime on Fishmarket Quay and Trawler Road facing rooms. To attenuate noise levels to within the 'reasonable' design range of BS823, the facades would need to be treated with acoustically attenuated passive ventilation units. The Acoustics Report concludes that mitigation measures provided by minimum performance requirements for double glazing, ventilation and external walls can satisfy the 'reasonable' internal noise level standard of BS8233.

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

Whilst accepting that the acoustic survey is adequate, it was advised that the logical conclusion would be that the dwellings only become reasonable to occupy by undertaking a thorough sound insulation scheme and keeping the doors and windows closed to protect the indoor environment.

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Whilst such schemes are used in noisy environments, it must be accepted that this requires living with mechanical ventilation and closed windows which seems unreasonable in the maritime quarter. In the view of Divisional Manager for Housing, Public Health and Pollution this type of scheme is only appropriate for sites under developmental pressure for other reasons which are close to major roads/railways/airports etc.

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

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

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

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

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

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

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

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

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

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

To conclude, the proposal introduces a noise sensitive use alongside existing noise generating uses and could result in complaints from future residents which could impact upon the operation of the boatyard as a business as indicated above. However, subject to the imposition of planning conditions to ensure that the measures are incorporated to control the acoustic amenity of future residents and the further mitigation measure provided by the replacement / refurbishment of the boat hoist engine, it is concluded that on balance the incorporation of the additional measures would render a recommendation of refusal to be unsustainable.

Highway Considerations

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

The Transport Assessment has considered the impact on the Trawler Road (Duvant Place) / Oystermouth Road Junction as this is the sole access in and out of the marina. The assessment has been undertaken in accordance with nationally accepted standards and best practice where committed traffic and development traffic is added to base traffic movements and the efficiency of the junctions.

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The output gives an indication of the degree of saturation at the junction and predicted queuing. All testing is undertaken during the am and pm peak periods. The development has been checked for the year of opening (2014) and five years later (2019); this is standard practice. The base traffic flows are factored using growth factors and the trip rates are calculated using the TRICS database which is a nationally used software package. The report outlines the transport characteristics of the proposed development and the likely impact on the local transport network.

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

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

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

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

Car Parking

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

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

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

Flood Risk

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

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

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

Other Issues

Site Investigation

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

The application is accompanied by a Geo-Environmental Desk Study which is essentially a Phase 1 Preliminary Risk Assessment to provide preliminary information on potential ground hazards which could impact on the proposed development.

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

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

Dock Wall Stability

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

Conclusion

Having considered the application in detail and had regard to the objections received, overall it is considered that the final detailed designs represents an acceptable urban design solution to the site in terms of scale, building mass and detailed elevational design. The new development would provide adequate car parking and the conclusion of the Transportation Section is that the additional traffic from the development will not significantly impact on the capacity of the local highway network. As outlined above, it is not considered that the development would result in an unacceptable loss of residential amenity to any existing residential property having regard to the scale and design of the new development and its juxtaposition with those properties.

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

Approval is therefore recommended.

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RECOMMENDATION:

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

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

CONDITIONS:

- 1 The development shall be completed in accordance with the approved details of the access, appearance, layout and scale, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council.
- 2 The application for the approval of the reserved matter (i.e. the landscaping works) shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, unless otherwise agreed in writing by the Local Planning Authority. The landscaping scheme shall include all details of the external surfaces to the undercroft and car parking areas, pedestrian areas and any external lighting.
Reason: In the interests of visual amenity, and to ensure full planning permission has been obtained for the development and to comply with the provisions of the Town and Country Planning Act 1990.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the reserved matter, whichever is the later.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, and to ensure that development is begun within a reasonable period.

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

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

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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- 7 Reason: In the interests of visual amenity.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 25 of Schedule 2 shall not apply, and if required, the installation of any satellite antenna shall comprise of a single satellite television system solution to serve each residential block in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 9 The vehicular crossings over the existing footpath shall be completed before any of the development is occupied and shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: In the interests of highway safety.
- 10 Prior to the occupation of any part of the development hereby approved, the on site car parking shall be laid out within the development site in accordance with the approved site plan (Drg. No. AL.00.Rev. D), with the incorporation of 3 disabled parking bays and shall be retained as such for that purpose (unless otherwise approved by the Local Planning Authority).
Reason: To ensure adequate on site car parking provision in the interests of highway safety.
- 11 Prior to the occupation of any part of the development hereby approved, the on site cycle parking shall be laid out within the development site in accordance with the approved site plan (Drg. No. AL.00.Rev. D), unless otherwise approved by the Local Planning Authority and shall be retained as such for that purpose by the residents of the development.
Reason: To ensure adequate on site cycle parking provision in order to encourage the future residents to cycle.
- 12 Unless otherwise agreed in writing by the Local Planning Authority, a scheme for the management of the access to the undercroft and surface car parking area, along with the servicing of the site shall be submitted to and agreed in writing by the Local Planning Authority. The roller shutter doors and other form of automated enclosure shall incorporate a manual override facility to ensure that in the event of a power failure, vehicles would be able to continue to access and egress the site in accordance with details to be submitted as part of the management scheme.
Reason: To maintain the free flow of traffic on the highway.
- 13 Servicing / deliveries to the development shall not take place between 0800 and 0900 hours and 1700 and 1800 hours, unless otherwise agreed by the Local Planning Authority.
Reason: In the interests of the free flow of traffic.

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- 14 Unless otherwise agreed by the Local Planning Authority, the development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority within 12 months of the date of this planning permission or prior to the beneficial use commencing, whichever is the earlier. The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.
Reason: In order to reduce car borne traffic and encourage other modes of transportation in the interests of sustainability.
- 15 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public foul sewerage system.
Reason: To ensure a satisfactory means of drainage.
- 16 Unless otherwise agreed in writing by the Local Planning Authority, the development shall operate in accordance with a flood management plan to be submitted to and approved in writing by the Local Planning Authority prior to the beneficial use of the development commencing. The plan should include flood warning, emergency access / evacuation arrangements and clear responsibilities.
Reason: To ensure that the consequences of flooding can be acceptably managed.
- 17 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of superstructure works, details of the sound attenuation properties of the windows and doors, ventilation and external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To ensure reasonable noise levels are met within the proposed development in the interests of the residential amenities of the future occupiers.
- 18 Prior to the beneficial occupation of the Class A1 retail unit, a scheme for protecting residential units from noise generated by any plant requirement shall be submitted to and approved in writing by the Local Planning Authority. On approval the scheme shall be installed and thereafter be properly maintained.
Reason: In the interests of residential amenity.
- 19 Prior to the commencement of demolition/construction works on the application site, a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the Local Planning Authority. The CPMP shall include the following:
- a) Demolition/Construction programme and timetable;

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- 19
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc;
 - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
 - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - e) Proposed working hours;
 - f) Principal Contractor details, which will include a nominated contact for complaints;
 - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
 - h) Details of on site dust mitigation measures having regard to BPM;
 - i) Details of on site noise mitigation measures having regard to BPM;
 - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
 - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by the Principle Contractor on the Local Authority.

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

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

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

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

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

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- 2 The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3 A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

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

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EV1, EV2, EV3, EV4, EV34, EV40, HC1, HC2, HC3, AS1, AS2 & AS6)
- 2 The following restrictions should be applied to all works of demolition/ construction carried out on the development site

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

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

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

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

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

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

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

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

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

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

PLANS

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

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ITEM 2

APPLICATION NO.

2014/0076

WARD:

Castle
Area 1

Location: 34 Hanover Street, Swansea SA1 6BA

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

Applicant: Mr Glen Kathrens



NOT TO SCALE

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ITEM 2 (CONT'D)

APPLICATION NO.

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BACKGROUND INFORMATION

This application was DEFERRED by the Area 1 Development Control Committee on 27th May 2014 to allow clarification of the accuracy of the plans to be obtained. It has been confirmed that the plans of the proposed extensions are accurate. In addition further plans of clarification have been submitted indicating the relationship between the application site and properties to the rear.

My report has been updated to include the following information:

- a summary of the representations made on behalf of local residents at Committee on 27th May
- amended condition 11, as reported to last Area 1 Committee
- an additional condition restricting access to and egress from Oaklands Terrace to emergency situations only.

My recommendation of approval remains unchanged.

POLICIES

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

SITE HISTORY

App No.	Proposal
74/1359/03	EXTENSION TO OFFICE PREMISES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 30/01/1975

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74/0387/01	EXTENSION TO OFFICE PREMISES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 26/09/1974	
79/1767/03	ERECTION OF A COMPTON BUILDING FOR STORAGE OF NON-CURRENT FILES Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 31/01/1980	
81/0621/03	EXTENSION TO OFFICE AND CARETAKERS ACCOMMODATION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/06/1981	
82/0948/03	TWO PRIVATE GARAGES WITH OFFICE SPACE ABOVE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 30/09/1982	
83/1140/03	EXTENSION OF OFFICE SPACE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 27/10/1983	
85/1469/03	TWO STOREY OFFICE EXTENSION; CONVERSION OF UPPER PART OF GARAGE FOR FILE STORAGE. Decision: *HDAPC - DEFERRAL AT AREA PLANNING CMTE Decision Date: 28/11/1985	
86/1002/03	NEW TEMPORARY CABIN FOR USE AS OFFICES. Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/09/1986	
2003/0649	Single storey rear extension Decision: Grant Permission Conditional Decision Date: 30/05/2003	
2002/0408	Construction of detached garage Decision: Grant Permission Conditional Decision Date: 07/05/2002	

RESPONSE TO CONSULTATIONS

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

- 1) There has been no neighbour consultation by the applicants
- 2) I want the application to be reported to the Area Committee
- 3) Inaccuracies in the DAS

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ITEM 2 (CONT'D)

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- 4) Over-intensive
- 5) Loss of amenity for neighbouring residents due to massing and ridgeline
- 6) It will be overlooked by properties on Heathfield
- 7) Land stability concerns
- 8) The plans are inaccurate
- 9) Loss of privacy
- 10) Loss of views
- 11) Impact of wildlife
- 12) Highway Safety concerns
- 13) Refuse access issues
- 14) Have the deeds been checked?
- 15) Security lighting will be intrusive at night
- 16) Noise concerns due to proposed use
- 17) There is a covenant on the site which restricts development above a certain height.

At the last Committee, residents addressed members, the content of which is summarised as follows:

- Plans are not accurate and would invalidate any permission granted
- No neighbour consultation by the applicant, issue of land stability and existence of covenants should be borne in mind in reviewing the application
- Cramped & over intensive form of development, leading to a significant loss of amenity
- The exclusion of spaces 7 & 8 would increase risk to highway safety on an already dangerous road

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

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

Highways & Safety - No highway objection subject to:

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

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ITEM 2 (CONT'D)

APPLICATION NO. 2014/0076

Description

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

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

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

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

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

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

Policy Implications

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

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

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

The extension to the west (element A) is to be raised by a storey to provide an additional floor. The roof is to match the existing building in terms of scale and eaves height and will appear set down from the ridge.

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As the existing extension is set back from the building and the proposed extension at this location is to be sited above it, then this element of the proposal would appear subordinate to the main building. Furthermore the proposed fenestration will match that of the extension on the east (B1 and B2).

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

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

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

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

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

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

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

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ITEM 2 (CONT'D)

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

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

In terms of the impact of element A on the occupiers of the properties to the west, the building to the west is a three storey block of flats with habitable room windows on the eastern elevation. However, the increase in height of the application property at this location by one storey would be mitigated by the separation distance of approx. 13m, the presence of significant and mature vegetation on the common boundary and the demolition of the existing large garage on the land to the west of the building. The windows on the western elevation of element A are serving bathrooms and therefore would be obscure glazed. Therefore it is considered that element A would not have any adverse impact upon the occupiers of the flatted development to the west in terms of overbearance, overshadowing, or overlooking.

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

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

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

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

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ITEM 2 (CONT'D)

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

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

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

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Notwithstanding the submitted plans, samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.
- 3 Notwithstanding the plans hereby approved, car parking spaces 7 and 8, as indicated in Plan No. 3337/PA/10 shall be specifically excluded from the proposed development due to their inadequate size, access and egress.
Reason: In the interest of highway safety.
- 4 Before the development hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force.
Reason: In the interest of highway safety.
- 5 The development hereby approved shall not be occupied until cycle parking has been provided within the curtilage of the site in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be retained as approved at all times.
Reason: In the interest of sustainability.

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- 6 Prior to beneficial occupation of any of the units, the parking areas shall be laid out in accordance with the approved plans and retained as such at all times for use by the residents of the development only.
Reason: In the interest of highway safety.
- 7 No external lighting shall be erected on the building except in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The lighting shall be retained as approved at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of amenity.
- 8 Foul water and surface water discharges shall be drained separately from the site.
Reason: To protect the integrity of the Public Sewerage System.
- 9 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
- 10 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 11 Notwithstanding the submitted details, the proposed new parking area hereby approved shall be:
(i) porous or permeable; or
(ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the property; and be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).
Reason: To ensure no surface water from the development enters the highway drainage network, in the interests of sustainability.
- 12 Except in the case of emergencies, there shall be no access or egress to and from the site via Oaklands Terrace.
Reason: Reason: To prevent the indiscriminate parking of vehicles on Oaklands Terrace, in the interests of Highway Safety.

INFORMATIVES

- 1 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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- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
 - Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 With regard to condition 2, the use of metal cladding with standing seams is not considered appropriate.

PLANS

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