

PLANNING COMMITTEE – 11TH AUGUST 2015

ITEM 1

APPLICATION NO.

2015/0070

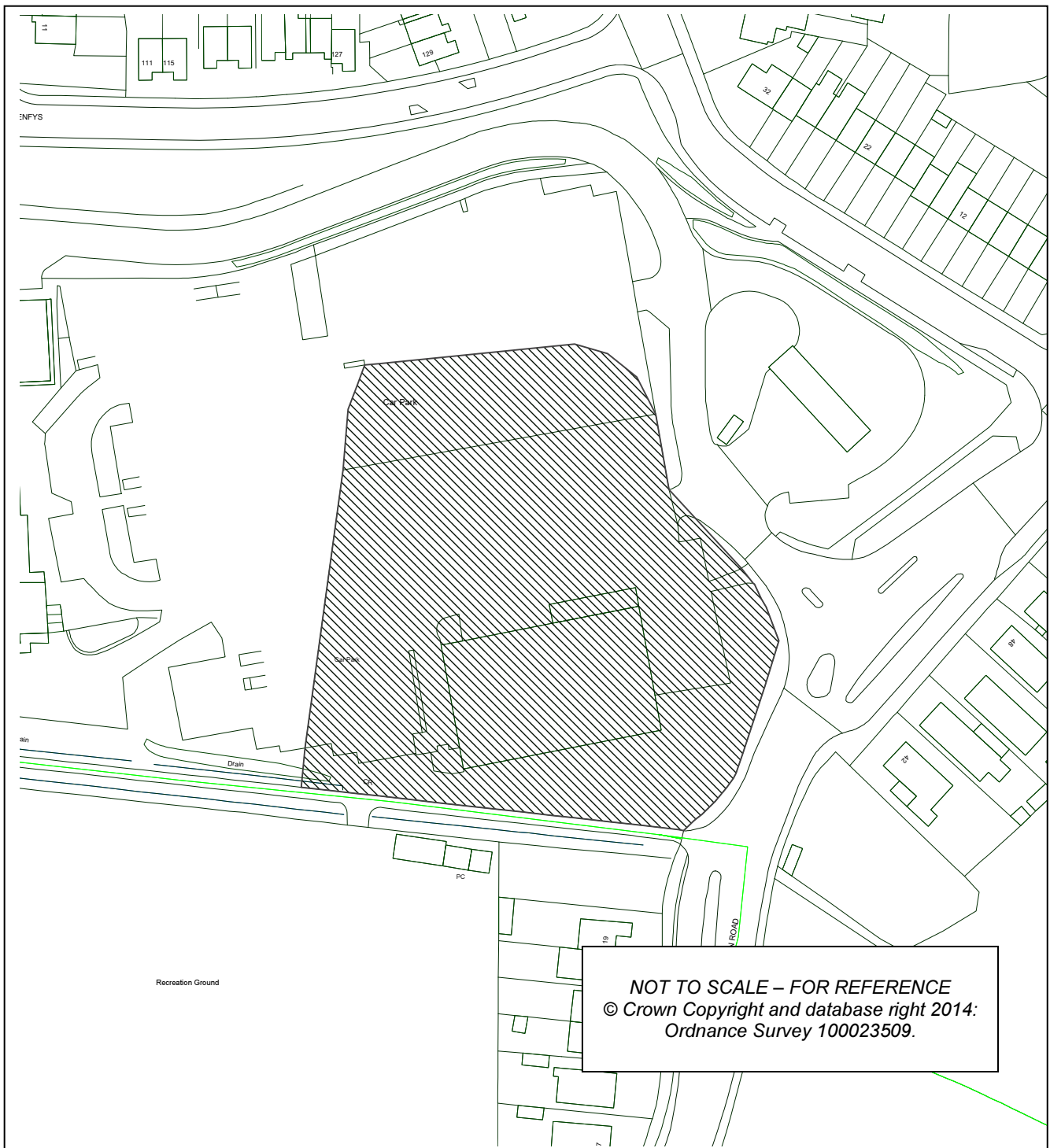
WARD:

Llansamlet

Location: Lidl UK Gmbh Trallwn Road Llansamlet Swansea SA7 9WL

Proposal: Demolition of existing food store (1082sqm gross internal floorspace) and construction of a new food store (2130sqm gross internal floorspace) with associated access, parking and servicing arrangements

Applicant: Dr Wendy Hurst



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BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EC9	Retail development at out of centre locations will be restricted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
99/0173	ERECTION OF COVERED BICYCLE STORE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 15/03/1999

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2012/0158	One non-illuminated, free-standing, double-sided advertisement hoarding Decision: Grant Advertisement Consent (C) Decision Date: 20/03/2012	
2006/2729	Installation of 2.8m palisade fencing Decision: Refuse Decision Date: 14/04/2009	
2010/1751	One non illuminated wall mounted sign Decision: Refuse Advertisement Consent Decision Date: 19/01/2011	
2008/2410	Installation of a 12m high streetworks monopole with 3 antennas (overall height 13.4m) and associated equipment cabinet (application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval is Refused Decision Date: 11/02/2009	
98/0973	ERECTION OF A SINGLE STOREY RETAIL STORE WITH CAR PARKING AND SERVICING Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/09/1998	
99/0517	FORMATION OF 2 NO. EXTERNAL GARDEN PRODUCT DISPLAY AREAS AND ERECTION OF TWO STOREY HIGH REAR EXTENSION FOR THE DISPLAY AND SALE OF GARDEN PRODUCTS Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 18/06/1999	
99/6060	ERECTION OF 3NO EXTERNALLY ILLUMINATED AND 1no INTERNALLY ILLUMINATED SIGNS ON FRONT AND SIDE ELEVATIONS AND 1no NON ILLUMINATED SIGN ON FRONT ELEVATION Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 30/07/1999	
2011/1380	Construction of new south and east elevations, new roof to whole of building, landscaping works and car parking Decision: Grant Permission Conditional Decision Date: 13/01/2012	

RESPONSE TO CONSULTATIONS

The application was advertised by site notice and press notice. ONE LETTER OF OBJECTION has been received, which may be summarised as follows:

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1. Concerns the development would result in the loss of the trees at the site. These trees are valued for their amenity and are vital for birds and wildlife. Lidl need to address and retain this mini woodland.
2. Concerns regarding litter generated by the store.
3. Concerns regarding the Japanese knotweed on the site and its potential to spread.

Other consultation responses:

Highways Observations

1. Introduction

A planning application has been submitted for the above proposed new store. The site is currently occupied by an existing Lidl with associated car parking and landscaping.

At the request of CCS Highways a Transport Statement (TS) has been submitted in support of the application to quantify the increase in movements expected as a result of the extended store. The TS has used survey data taken in the field and thus has provided a site specific analysis of this store. The document is mainly concerned with the impact in the peak hours 08.00-09.00 and 17.00-18.00 although for retail developments the flows are greatest during the Saturday morning/lunchtime

The redevelopment of the site will see the store orientation shifted and to update/improve the warehousing and operational functions within the site.

Access will remain as existing directly off Trallwn Road

2. Site location

The site is located to the south east of Llansamlet. The overall site covers 6782 square metres and includes an existing foodstore with a gross internal area of 10823 square metres of which 871 is sales area.

To the north and west of the site is the Range retail unit and associated car park, to the east by Trallwn Road and to the south by residential properties and playing fields.

Vehicular access to the site is gained off a priority junction which links to Trallwn Road. Established pedestrian and cycle access is also available to the site.

The site is well served by public transport with regular services running along Trallwn Road.

The existing vehicular access is being retained so there are no highway safety issues arising by virtue of a new access being created.

The latest personal injury statistics show that there has been one reported accident in the last five year, as such it not considered that there is any specific highway safety issue at this site.

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Part of the application site is shown to be on highway maintainable at public expense (adopted). This may necessitate 'Stopping up' under the town and country planning act section 247. This is administered by Welsh Government, the Highway Authority is a Consultee. A condition can be sought to address this aspect.

3. Trip generation.

Trips to the existing store have been derived from on-site surveys undertaken in March 2015 between 08.00 and 20.00 on a Friday and a Saturday. The Friday movements showed peaks coinciding with the afternoon peak (approx. 204 movements) and the Saturday movements showed peak trips at approximately 12.00 (229 movements) and again at 16.00 (215 movements).

For the proposed store the GFA will increase to 2057 square metres with an increase in floor area of the sales part from 871 to 1286 square metres.

4. Car parking

Currently there are 99 car parking spaces. The surveys showed that on the Saturday in question the maximum car park usage was 57% between 13.00 and 14.00, thus there is spare capacity currently at the site.

The proposals include parking for 131 cars which includes 5 for use by a disabled person, and 4 for parent and child. As you would expect they are situated closest to the store access. This equates to one space per 15 square metres which is in line with our parking standards (SPG).

The car park has been detailed with incorrect parking spaces sizes but this can be secured by condition with minimal impact on the layout/level of provision.

5. Cycle and pedestrian access

The site is located in a sustainable position and pedestrian access to the site is good. Long term and short term cycle parking is referenced within the supporting documents although it is not shown on the layout. This should help promote non car travel to the site for both staff and shoppers. A suitable condition can be added to ensure that these are provided.

6. Servicing

An Autotrack run has been submitted showing that delivery vehicles can enter, turn within the site and exist in a forward gear. Given that the access is existing and there appears to be adequate space for turning I do not consider that this will give rise to any highway safety issues.

7. Impact

The main bulk of the proposed extension will be for backroom activities, storage etc. The Design and Access Statement makes reference to the fact that there will be no now lines stocked therefore the increase in traffic movements is expected to be negligible.

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Notwithstanding this assumption in order to provide a robust case for the impact of the development I have considered the scheme to have an impact of between 10-15% additional vehicles and I have outlined the details in the following text.

Traffic on Trallwn Road is currently approaching 7000 movements over a 12 hr survey period with 1250 movements in the morning peak and 1500 in the afternoon peak (CCS tube survey December 2014). The mean speed reported was 26mph.

From dealing with similar retail expansions for Tesco's and Sainsbury's it has been demonstrated that a percentage expansion of floor space does not generate an equivalent percentage increase in trips. Thus an approximate increase in floor space of 50% will not result in an extra 50% of trips. From experience an increase of approximately 10-15% may be generated. This would equate to an additional 20-30 vehicles in the Friday peak p.m. hour. Given the existing flows leaving/arriving at Lidl of 204 vehicles over the hour then this equivalent to an extra one vehicle every 2-3 minutes. This is not considered that this is a significant impact given that the baseline flows are 1500 vehicles on Trallwn Road (which includes the existing flows generated by the current Lidl) so the nett increase is only 2% (based on the predicted additional trips).

Given that the existing store operates without issue I do not consider that this minor increase in movements will have any detrimental impact on highway safety nor congestion in the area.

8. Recommendations

I recommend that no highway objections are raised to the proposal subject to:

1. The front boundary wall at the access being kept below 1m in the interests of visibility.
2. A revised parking layout being submitted showing parking spaces at 2.6m width by 4.8m length and not as shown the submitted site layout plan.
3. A scheme for cycle parking to be submitted for approval to the LPA, to be implemented prior to beneficial use of the store commencing.
4. 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.
5. No work on the highway is to be carried out until stopping up of any part of the highway has been carried out via Section 247 of the Town and Country Planning Act.

Natural Resources Wales 14.04.15

We object to the above application until further surveys are carried out to fully assess the potential for the proposals to impact on bats potentially roosting in the trees at the site.

Natural Resources Wales 22.07.15

We welcome the submission of the document entitled; '*Trallwyn Road: Bat Survey Report*', dated 26 June 2015, by BSG Ecology.

We note from the report that a dawn survey was carried out on the 18 June 2015 and that no bats used the tree. The survey also states it is very unlikely that the tree would support a bat roost and that it has been downgraded to a Category 2 tree – with no further survey works required or recommended.

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We support the recommendations made in Section 6 of the document entitled; *'Lidl, Trallwn Road, Swansea: Ecological Survey Report'*, by BSG Ecology, in relation to: sensitive lighting design and the proposals for general enhancement.

We noted that it was proposed to discharge surface water to the mains sewer. Whilst we acknowledge that this may be the existing scenario, we would advise that should there be any opportunity to divert the surface water from the main sewer to, for example soakaway (if ground conditions are acceptable), then it should be taken in accordance with Section 8 of TAN15.

We would also advise that Dwr Cymru/Welsh Water (DCWW) should be consulted with regards to the potential increase in impermeable area and therefore any increase in surface water flows into the mains sewer.

Given the nature of the proposals and the presence of a ditch close to the southern boundary of the site, we would recommend appropriate pollution prevention measures are in place during demolition and construction. As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan, to be agreed with your Authority.

Information provided in the document entitled *'Lidl, Trallwn Road, Swansea: Ecological Survey Report'*, by BSG Ecology; states that Japanese knotweed is present on the site. If this invasive plant species is present, then appropriate measures must be implemented for its removal or long-term management. Japanese knotweed is classed as a controlled waste under the Environmental Protection Act 1990 and as such must be disposed of in a suitable manner.

Furthermore, if not treated properly, Japanese knotweed will continue to grow and spread and can easily compromise the structural integrity of all hardstanding areas and built structures of the development.

We would not object to the above application, providing appropriately worded conditions are attached to any planning permission your Authority is minded to grant.

Drainage and Coastal Management 26.03.15

We have reviewed the submitted application and note that the new, larger store will utilise the existing SW connections to the DCWW sewers in the area, given the increase in impermeable area and consequential increase in discharged rates we strongly recommend that DCWW are consulted.

Planning Ecologist Comments 27.03.15

The site at Lidl Llansamlet (2015/0070) appears from the ecological survey to be of low ecological value. It seems unlikely from the building inspection that the site is unlikely to contain bat roosts although one tree was noted as having features suitable for bats, this should be checked by a suitable qualified ecologist if it to be felled. The only habitat of any value is the small area of woodland behind the present building, this should be retained. If this area of woodland is to be reduced in size the continuity of the hedge should be maintained. Any loss of habitat should be compensated for by suitable areas of landscape planting. As a precaution please include the informatives below.

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Planning Ecologist Comments 15.07.15

No bats were recorded using the tree at the time of the survey, I don't think any further work is required. Bats that use trees will move roosts frequently so as a precaution please could we add a bat informative.

Swansea Access for Everyone (SAFE) 10.04.15

In a car park of 132 spaces only 5 are allocated for Blue Badge/disabled use. The Council's parking guidelines require 6% of the total spaces to be for Blue Badge/disabled use. This would mean an allocation of 8 spaces, an increase of more than 50%.

We request that the Blue Badge/disabled parking spaces be increased to 8 before planning permission is granted.

Pollution Control Comments 13.04.15

I have looked at the noise assessment and I don't believe there should be any issues caused by plant or deliveries so I don't feel any conditions are necessary. If at a later date we receive any complaints from residents we will investigate and use statutory nuisance legislation if necessary.

Dwr Cymru Welsh Water (DCWW) 15.04.15

No objection to the proposal subject to standard conditions and advisory notes.

The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times.

South Wales Police 23.04.15

Detailed comments provided in relation to designing out crime.

Landscape Officer 6.07.15

My overarching comment is that there is little space allowed for screening or softening the impact of the building or mitigating the loss of trees to be removed to build the development, mainly due to the very narrow, often tapering to nothing spaces allowed for planting between the car parking bays or other structures (including the building) and the boundaries. I am also concerned that the shrub planting has been designed to be as low as possible and to maximise views of both the car parking areas and the building.

Most of the smaller planting areas are unfeasible for planting and consideration should be given to designing the car parking layout to allow for a cohesive planting design as oppose to filling up the spaces that are left after maximising the potential car parking numbers. Small and in particular narrow planting areas don't work as they are trampled or bake adjacent to hard landscaped areas / underground concrete haunching etc. even if they are protected by suitable barriers.

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Any tree planting within 1m of hard landscape will need to be pit planted with tree pits being detailed to provide suitable water holding capacity and root anchorage.

I would contend that any trees planted as part of a new landscape scheme or that can be retained from the existing planting be protected by TPO as soon as they are planted.

Environment Officer 9.04.15

A planning condition must be placed upon this application.

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

APPRAISAL

This application seeks full planning permission for the demolition of the existing Lidl store (1082m²) on Trallwn Road and the construction of a new 2130m² food store (class A1) with parking, landscaping and associated works.

According to the application details the proposal has been submitted to provide a new store at the site as the current 'first generation' store no longer meets the preferred operational model for the operator, Lidl UK GmbH. The proposed food store will provide a new sales area of 1,286m² (existing 860m²), improved staff facilities and customer toilets.

The application site forms part of a wider commercial site which includes The Range, a car wash and car sales business. The existing store and car park are located in the south eastern corner of this wider site and are bounded to the north and west by car parking areas, to the south by playing fields and housing, and to the east by Trallwn Road. The southern and eastern boundaries are defined by mature landscaping. A public right of way also runs adjacent to the southern boundary which provides access from Trallwn Road to the adjacent playing fields.

In view of the scale of the development it, in accordance with paragraph 4 of Part II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority must screen every application for Schedule 2 Development, in order to determine whether or not an Environmental Impact Assessment (EIA) is required. The application has been screened and it has been determined that the proposed development would not result in any significant environmental impacts to the extent that an Environmental Impact Assessment would be required to accompany the planning application.

MAIN ISSUES

The main issues for consideration with this application are the principle of a larger retail store in this location having regard to National Planning Policy and the Development Plan; the retail need and impact of the proposal on established stores and nearby shopping centres, including sequential considerations; the transport impact of the proposal in terms of traffic generation, public transport accessibility, accessibility for pedestrians and cyclists and car parking; the impact of the proposal on the residential amenities of neighbouring occupiers; the impact of the development on the character and appearance of the area; and any environmental implications arising from the development of the site.

The Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) (2008).

The following UDP policies are relevant to the consideration of this proposal: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Tree, Woodland and Hedgerow Protection), EV40 (Air, Noise and Light Pollution), EC4 (New Retail Development) and EC9 (Out-of-Centre Retailing).

In addition Planning Policy Wales provides up to date national policy guidance together with TAN 4 'Retailing in Town Centres' and TAN 23 'Economic Development'.

The application site lies in an out-of-centre location and is not allocated for any specific use within the adopted UDP.

The retail policies of the UDP are generally aimed at supporting the maintenance and enhancement of the established shopping structure. They aim to prevent the dispersal of major retail investment to locations outside established shopping centres where such development would serve to undermine the appeal and ultimately the success of nearby centres. The plan is fully consistent with national planning policy guidance in this regard. Strategic Policy SP6 emphasises that out of centre retailing will not generally be supported in the interests of the above stated aims. This is amplified by Policy EC9 which states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example, small scale shopping facilities required to meet local needs (Policy EC6 refers). Small scale is defined as a maximum 1000 sqm, which is exceeded by the scheme proposed. Aside from the exceptions stipulated, Policy EC9 does also acknowledge that an out-of-centre retail scheme in excess of local needs provision may be considered appropriate if a clear deficiency in shopping provision exists and there are no sequentially preferable sites available. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.

National planning policy guidance on retail policy is set out in PPW, Chapter 10. The guidance makes clear that town, district and local centres are the most appropriate locations for retailing, in the interests of sustaining communities, enhancing accessibility and safeguarding the vitality and viability of established shopping centres. The critical factors for determining a planning application for a retail scheme best located in a town centre are identified as: the need for the development; the sequential approach to site selection; the impact on existing centres; accessibility and transport implications; and compatibility with any community strategy or up to date development plan strategy. In terms of the sequential test, developers are required to demonstrate that all potential town centre locations have been thoroughly assessed before edge of centre sites are considered, requiring a flexibility of approach from both the developer and planning authority.

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The guidance makes clear that the retailer must be innovative about the format, design and scale of the proposed store, which should be tailored to fit local circumstances. In establishing the need for the development, the retailer is required to demonstrate quantitative need, in precedence of any qualitative need. Fundamentally, the guidance makes clear that the scale, type and location of out-of-centre retail developments should not be such as to be likely to undermine the vitality, attractiveness and viability of those town centres that would otherwise serve the community well.

PPW and TAN 23 also explain, for planning purposes, that Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction and energy sectors are also important to the economy and are sensitive to planning policies. In addition PPW states that Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

Key Issues

Preventing retail development that is likely to have an unacceptable adverse impact on established shopping centres is a key objective of planning policy at both local and national level. Maintaining the health of the City Centre and all district and local shopping centres within Swansea is important to sustain communities, support other essential services, and provide combined shopping facilities. The application site does not lie within any established shopping centre and the abovementioned UDP policies make clear that significant new retail proposals in such locations will only be supported if it can be demonstrated that:

- a) there is an identified need (quantitative/qualitative) for the size of store proposed;
- b) no suitable sequentially preferable sites exist
- c) there would be no detrimental impact on established centres and stores; and
- d) it is a highly accessible site and can realistically be reached by a choice of means of transport

It is the extent to which the application sufficiently addresses matters a - d above together with due regard to the economic benefits that are most critical to the consideration of the principle of the proposal. These key elements are appraised under the headings below:

Need for the store

The application is supported by a Retail Statement (RS), which assesses qualitative need in terms of the operational needs of the operator and quantitative need based on retail capacity within the catchment area of the store.

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In terms of quantitative need taking into account the approved scheme for the new Aldi store on Samlet Road (Planning Ref: 2014/0275) and the proposed replacement store at Trallwn Road, the RS finds there is a residual retail capacity of £7.03m at 2019. This information suggests that there is sufficient surplus expenditure within the local area to accommodate the proposal. On the basis of the information provided within the RS, it is considered that a quantitative need has been established.

In terms of qualitative need reference is made to the existing store being a 'first generation' store which, according to the RS, no longer meets the preferred operational model for the operator. In particular it is claimed that the standard product range cannot be stocked in sufficient depth and stock handling cannot be carried out efficiently, particularly at peak times when the store is busy.

The RS emphasises, however, that there will not be a material increase in the range of products that are displayed for sale. Instead, the new store will allow more facings of the same product to be stocked. In addition, the RS considers the increase in trading floorspace will be small at 332m² net convenience and 83m² net comparison.

The submission of this planning application demonstrates a desire by the applicant to continue to operate at this established location. The business model for the operator has evolved from when this store was first constructed and the growing popularity and success of deep discount stores is well reported in the media. Against this context, and in light of the information submitted, it is considered that the applicant has demonstrated a justifiable case for the need to increase the retail floor space at this location, as described.

Impact

In relation to the impact on local stores and centres, the applicant's assessment includes convenience goods impacts and the impact on existing centres and stores.

This takes the form of a 'high level' assessment of potential trade diversion and resulting impacts with the trading of the replacement store. This draws upon the findings of the retail assessment submitted in support of the planning application for the new Aldi store at Llansamlet approved under Planning Ref: 2014/0275. The impact of the additional comparison goods turnover has not been assessed, this was considered to be negligible and outweighed by expenditure growth in the period up to and beyond 2019. In view of the limited increase in the floor space for comparison goods (83m²) and that the non-food range varies from week to week it is accepted that no further assessment of the impact from comparison goods is required.

The RS expects the majority of the proposed turnover would come from large out of centre stores in the catchment area particular the Tesco Extra store at Nantylffin Road and the Asda at Upper Forest Way.

The RS expects a negligible level of impact (0.1%) on the convenience goods turnover of Morryston which is the nearest centre with a tangible convenience store offer. When the combined trading effects of the replacement Lidl and proposed Aldi stores are considered, the impact on Morryston District Centre is estimated at 1.6%. The RS considers this is a small level of impact can be sustained and offset by expenditure growth post 2019. The RS identified no perceptible impact on Trallwn Road Local Centre has been identified given its limited retail offer and minimal influence over shopping patterns in the catchment area.

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It is acknowledged there will be some trade diversion from these centres to the proposed store although, in the context of existing retail provision in the surrounding area, it is not considered that there would be an unacceptable impact upon the health of these centres.

Therefore, whilst there would be an adverse impact upon nearby district and local centres, it is considered the scale of impact would not lead to an unacceptable impact upon the health of these centres thus warranting a specific reason for refusal in relation to impact. On this basis, it is considered that with the provision of suitable conditions to restrict the occupation of the development to deep discount foodstore operators and to restrict the net sales area and range of goods to be sold, it is considered the proposed development would not have a significant impact on existing shopping centres.

The Sequential Test

The consideration of alternative sites assessed by the applicant was limited to those within local centres in proximity to the site and the closest district centres of Morriston and Clydach. It is accepted, particularly when considering that this application is for a replacement store, that there are no alternative sites that would provide any satisfactory sequentially preferable locations for the development.

Economic Benefits

The RS confirms that the new store would result in two additional jobs. In line with the advice in PPW the potential economic benefits arising from the development is a material planning consideration, however, given the small increase in employment as a result of the proposed store only limited weight in favour of the proposal may be afforded in terms of its economic benefits.

Conclusions on the principle of the development

UDP Policy EC9 allows for new out of centre retailing in excess of local needs where it would meet a deficiency. The applicant's retail statement has demonstrated a quantitative need, and there is a justifiable need for the operator to increase the size of the premises to fit with their business model, which has evolved since the construction of the existing 'first generation' store. It is acknowledged that the proposal would have an adverse impact on surrounding centres, however, this would not be so significant as to recommend the proposal be refused for this reason. The application has demonstrated there are no sequentially preferable locations for the development and having regard to the limited positive economic benefits arising from the proposal, it is considered the principle of an increase in the size of the discount store at this location is considered to be satisfactory having regard to national and local planning policies.

Design and Visual Impact

In order to try to address officer concerns regarding the visual impact of the development the building has been re-sited some 2m to the north, which will allow more space for planting along the southern boundary.

The existing store is single story in height with a duo-pitched gable roof form. The external material are mainly profile cladding with rendered panels. The building has the following dimensions: width- 42m, depth-31m, height to ridge-7m. It is sited centrally within the site and is splayed away from the southern boundary.

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Between the store and this boundary is a mature landscaping screen comprising a mature hedge and trees which effectively screen the development from views when approaching the site from the south along Trallwn Road. This landscaped setting also frames and softens the development when approaching the site from the north.

The proposed building has a rectangular footprint with a monopitched roof form that rises to the north. The external materials proposed are profile metal sheeting to the roof, a cladding system to the upper parts of the structure with large areas of glazing within the side elevation facing Trallwn Road. The remainder of the building is generally faced in plasterwork infill panels. The proposed building has the following approximate dimensions: width- 75.6m, depth-32m, height to ridge-8.1m. The proposed building would be sited some 7m from the southern boundary and at its closest would be approximately 4 metres from the footway on Trallwn Road. Parking provision is indicated to the north of the building within a revised parking layout. Servicing for the store would be from the western elevation.

In terms of its scale and design the proposed building would not be out of keeping with the surrounding commercial context, which includes the large commercial premises 'The Range' to the west of the site and the expansive areas of car parking associated with this premises. Notwithstanding this, the siting of the building in proximity to the southern boundary and the proximity to the Trallwn Road frontage would result in the loss of the existing hedge and tree screen together with a reduction in the landscaping area adjacent to Trallwn Road. It is acknowledged the site is located within a commercial area, however, it is surrounded to the east and south by residential and leisure uses as such there is a high sensitivity to change from these receptors. The existing landscape screen, whilst not protected by a tree preservation order, provides a good level of screening to the existing store and a pleasant contrast to the large expanses of car parking to the north. UDP Policy EV30 encourages the protection of both trees and hedgerows which are important for their visual amenity and natural heritage. A tree survey has been submitted which identifies in total 15 individual trees, a group of approximately 77 trees and a fragmented hedge. Five trees have been assessed as being Category B trees mostly due to their landscape value. Seven trees have been assessed as being Category C trees and according to the survey have little arboricultural, landscape or cultural benefit. Three trees have been assessed as Category U trees meaning they are of such poor condition that retention is not a feasible option.

Without suitable mitigation for the loss of these landscaped areas, which positively contribute to the visual amenity of the area, there is a concern that the proposed development would be overly prominent and would have a harmful visual impact when viewed from Trallwn Road and the public right of way to the south. Furthermore, the use of paladine mesh fencing along the southern boundary is not supported. Given the location of this boundary adjacent to a public right of way which leads to a playing field, the use of vertical railings is considered to be more visually appropriate. This element of the scheme can be controlled by condition.

In order to address the above concerns the applicant has submitted a landscaping scheme for the site which proposes a new native hedge along the southern boundary, a line of trees to the western boundary and tree and shrub planting along the eastern boundary. The Council's landscape officer has critiqued the applicant's landscape scheme and has expressed concerns that there is insufficient space allowed for screening or softening the impact of the building or mitigating the loss of trees to be removed.

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It should be noted, however, that these comments were made on the landscaping scheme which shows the original layout, whereas the amended layout now allows for greater space for planting along the prominent southern boundary of the site.

The landscaping officer has provided detailed comments on measures that could be incorporated into the landscaping scheme to improve its screening and softening function. These measures include planting species within the proposed native hedge along the southern boundary that will be allowed to grow to maturity, the use of evergreen planting to the east elevation which can reliably reach a height of 2m and 4m respectively, and the planting of tree species that will provide better screening to the east elevation.

A revised landscaping scheme has now been submitted which has incorporated a number of the amendments recommended by the landscape officer. With these amendments, it is considered that the applicant has demonstrated that a landscaping scheme can be provided that would serve to soften the visual impact of the development and would provide satisfactory mitigation for the loss of the existing trees on the site. On balance, therefore, it is considered that any significant visual impacts arising from the proposed development can be adequately mitigated through the proposed landscaping scheme, the final details of which can be agreed by condition. In view of the commercial context of the site, on balance, therefore it is not considered the proposed development would have such a harmful visual impact that a refusal for these reasons could be sustained at appeal. In terms of the visual impact, therefore, the proposal would be in accordance with UDP Policies EV1 and EV2.

Residential Amenity

The nearest residential property is sited to the south and has its gable end facing the site. There are also residential properties on the opposite side of Trallwn Road. A separation distance in excess of 25m would be maintained to these properties which is considered to be sufficient to ensure that there would be no significant overbearing, overshadowing or overlooking impacts to the occupiers of these properties.

The application has been accompanied by a noise survey which considers noise from delivery vehicles, customer vehicles and fixed plant/refrigeration equipment. The assessment covers day and night time periods. The plant noise assessment concludes that the specified plant for the store will represent a reduction in noise exposure to the closest properties. The assessment also identifies that noise from vehicle deliveries and full occupancy of the car park during the quietest measured period of the day is highly unlikely to change prevailing noise levels at the closest properties. The Pollution Control Division have considered the survey results and concur with its findings. As such it is not considered the proposed development would result in any significant noise or disturbance impacts to neighbouring occupiers over and above the existing situation

In light of the above it is considered the proposed development would not result in any significant impacts to the residential amenities of neighbouring occupiers. In this respect the proposed development would be in accordance with UDP policies EV1 and EV2.

Access, Parking and Highway Safety

The site will utilise the existing access to the site off Trallwn Road. The service access is the same vehicular access that staff/customers will use. Autotrack has been superimposed onto the car park layout to show that delivery vehicles can access, turn within the site then egress all in a forward gear.

The application has been supported by a Transport Assessment which assesses the highways impacts of the development. This information has been supplemented with information held by the Council.

Trips to the existing store have been derived from on-site surveys undertaken in March 2015 between 08.00 and 20.00 on a Friday and a Saturday. The Friday movements showed peaks coinciding with the afternoon peak (approx. 204 movements) and the Saturday movements showed peak trips at approximately 12.00 (229 movements) and again at 16.00 (215 movements).

Traffic on Trallwn Road is currently approaching 7000 movements over a 12 hr survey period with 1250 movements in the morning peak and 1500 in the afternoon peak (CCS tube survey December 2014). The mean speed reported was 26mph.

The Head of Highways and Transportation has noted from dealing with similar retail expansions for Tesco's and Sainsbury's it has been demonstrated that a percentage expansion of floor space does not generate an equivalent percentage increase in trips. Thus an approximate increase in floor space of 50% will not result in an extra 50% of trips. From experience, they consider an increase of approximately 10-15% may be generated. This would equate to an additional 20-30 vehicles in the Friday peak p.m. hour. Given the existing flows leaving/arriving at Lidl of 204 vehicles over the hour then this equates to an extra one vehicle every 2-3 minutes. The Head of Highways and Transportation does not consider that this is a significant impact given that the baseline flows are 1500 vehicles on Trallwn Road (which includes the existing flows generated by the current Lidl) so the net increase is only 2% (based on the predicted additional trips).

In terms of parking the proposals include parking for 131 cars which includes 5 for use by a disabled person, and 4 for parent and child. This equates to one space per 15 square metres which is in line with adopted parking standards.

The car park has been detailed with incorrect parking space sizes, it is considered a revised car parking layout to adopted guidelines can be secured by condition with minimal impact on the layout/level of provision.

In view of the above the Head of Highways and Transportation considers that the proposed development would not result in any significant highway safety impact and has offer no objection to the proposal subject to the requirements outlined in the Highways observations (above), which may be secured by conditions and informatives. Having regard to these observation the proposal is considered to be in accordance with UDP policies EV1, EV2, EV3, AS2 and AS6.

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Drainage

The applicant's drainage strategy indicates that surface water would be discharge to the existing SW connections to the DCWW sewers in the area. It is noted that the proposed development would increase the impermeable area at the site as such it is considered necessary for drainage details to be agreed by condition. However, in principle DCWW have raised no objection to the proposal subject to standard conditions and advisory notes.

Ecology

The application has been accompanied by an ecological survey which found overall that the site is of low ecological value. One tree was identified as having the potential to support small numbers of roosting bats. A further bat survey has been undertaken at the request of the Council's ecologist and NRW. No bats were recorded using the tree at the time of the survey, as such it was not considered necessary for further survey work. The Council's planning ecologist has requested the retention of the woodland area to the south of the site, however, it has not been possible to retain this area with the siting and scale of the building as proposed. Instead, replacement tree planting has been provided as part of the landscaping scheme which will provide mitigation for this loss. NRW have requested that the recommendations within the ecological survey should be implemented these relate to bats and lighting, vegetation to be cleared outside of the breeding bird season, a roof check of the existing building prior to demolition, construction works to avoid impacts to the ditch to the south, and the provision of bat boxes to the new store. These mitigation measures can be secured by conditions and informatives. It will also be necessary for a condition to be imposed for a scheme to be implemented to eradicate Japanese knotweed from the site.

Other Matters

Concerns have been raised in letters of objection regarding litter arising from the premises. In order to address this potential concern it is recommended that a condition is imposed requiring the submission of a litter management plan for the new store. All other material matters raised in the consultation exercise have been addressed in the above report.

Conclusion

Having regard to all material considerations it is considered that the proposal represents an acceptable form of development. For the reasons discussed in the main body of the report it is not considered that the likely level of adverse impact to existing shopping centres to be of such material significance to withhold planning permission for this reason. On balance the proposed development would not result in any significant harmful visual impacts upon the character and appearance of the area. The proposal would not result in any significant impacts to the residential amenities of neighbouring occupiers and the development is considered to be acceptable in terms of its impacts on parking and highway safety. Subject to conditions there would be no significant ecological impacts. In view of the above, therefore, the proposal is recommended for conditional approval.

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RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan - 1000 PL.1, Proposed Floor Plan - 1100 PL.1, Proposed Roof Plan - 1101 PL.1, Proposed Elevations 1200 PL.2, Section 1300 PL.2 received 20th January 2015. Site Layout Plan - 1020 PL.6 received 7th May 2015. Landscape Proposals and Section - 2015/43 Rev A, Landscape Proposals Planting Details - 2015/48 Rev A received 3rd August 2015.
Reason: To define the extent of the permission granted.
- 3 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of any ground disturbing works on site.
Reason: In the interests of the ecology and amenity of the area.
- 4 Notwithstanding the submitted details, prior to the commencement of development a landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority. The approved scheme which relates to areas that will be affected by the Japanese Knotweed treatment scheme under condition 3 shall be planted in the first planting season following the completion of the Japanese Knotweed eradication scheme. The residual areas shall be planted in accordance with the approved scheme within the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and shall be maintained as specified within the approved scheme. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within four years of planting shall be replaced by trees or shrubs of a similar size and species to those originally planted.
Reason: In order to provide satisfactory landscaping for the development in the interests of visual amenity.
- 5 The development hereby approved shall not to be brought into beneficial use until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the approved details.
Reason: In the interests of promoting sustainable modes of transportation.

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- 6 No development shall commence until details of lighting schemes for the construction phase and the operation phase have been submitted to and approved in writing by the Local Planning Authority. The lighting schemes shall be implemented as approved.

Reason: To ensure the lighting schemes are not detrimental to the ecology of the area.

- 7 The development hereby approved shall not to be brought into beneficial use until a revised car parking layout has been completed on site in accordance with details to be submitted to and approved in writing by the local planning authority. The revised car parking layout shall include the following elements:

a) Cycle parking provision and disabled parking provision to be provided in accordance with adopted standards.

b) Car parking spaces (non-disabled use) to be laid out to the following dimensions 2.6m in width by 4.8m in length.

The development shall be completed and retained in accordance with the approved details for as long as the use continues.

Reason: In order to provide a satisfactory parking layout for the development and in the interests of highway safety.

- 8 No development shall commence until a Construction Pollution Management Plan (CPMP) has been submitted to and approved in writing by the Local Planning Authority. The CPMP is to include the following:

a) Demolition/Construction programme and timetable

b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc

c) Traffic management scheme (access and egress) in respect of all demolition/construction related vehicles;

d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;

e) Proposed working hours;

f) Principal Contractor details, which will include a nominated contact for complaints;

g) Details of all on site lighting (including mitigation measures) having regard to best practicable means(BPM);

h) Details of on site dust mitigation measures having regard to BPM;

i) Details of on site noise mitigation measures having regard to BPM;

j) Details of waste management arrangements (including any proposed crushing/screening operations); and

k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

l) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.

- Continued -

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- 8 m) How each of those watercourses and pathways will be protected from site run off.
n) How the water quality of the watercourses will be monitored and recorded.
o) How surface water runoff from the site will be managed during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.

The CPMP shall be implemented in accordance with the approved details.

Reason: To ensure minimal nuisance impact to surrounding occupiers from construction activities and no detriment to the environment nor highway safety.

- 9 The materials used for the external surfaces of the development shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any superstructure works are commenced. The development shall be implemented and retained in accordance with the approved details and shall be retained for the duration of the use.

Reason: In the interests of visual amenity.

- 10 No superstructure works shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority. The approved scheme shall be completed prior to the construction of any impermeable surfaces draining into the system and shall be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of a satisfactory means of surface water disposal and to protect the health and safety of existing residents and to ensure no detriment to the environment

- 11 The building hereby approved shall only be occupied by a Limited Assortment Discounter retailer.

Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

- 12 The gross retail floorspace hereby permitted shall not exceed 1286 square metres of which 257 square metres only may be used for the display and sale of comparison goods.

Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

- 13 The retail unit hereby permitted shall not be sub-divided to form more than one retail unit.

Reason: To ensure the development does not have an adverse impact on the vitality and viability of existing shopping centres.

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- 14 The retail unit hereby permitted shall only be open to customers between the hours of 08:00am and 22:00pm on Mondays - Saturdays; 10:00am to 16:00pm on Sundays and Bank Holidays.
Reason: In the interests of residential amenity.
- 15 A scheme of litter management for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the building hereby approved. The premises shall be operated in accordance with the approved scheme for the duration of the use.
Reason: To ensure reasonable steps are in place to prevent the generation of excessive litter from the site.
- 16 Two bat boxes shall be erected on the southern elevation of the building hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details on the completion of the construction of the development or prior to occupation, whichever occurs first, and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of providing mitigation for the loss of a tree at the site which has the potential to support roosting bats.
- 17 Notwithstanding the submitted details, the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The approved means of enclosure shall be retained for the duration of the use unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and security.

INFORMATIVES

- 1 A Limited Assortment Discounter is a retailer as defined in Part 1 of The Groceries Market Investigation (Controlled Land) Order 2010 and for the avoidance of doubt means a Grocery Retailer which sells a significantly more limited range of Groceries than a Large Grocery Retailer at a low price.
- 2 The front boundary wall shall be kept below 1m in the interests of visibility at all times.
- 3 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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- 4 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 : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091
 - 5 No work on the highway is to be carried out until stopping up of any part of the highway has been carried out via Section 247 of the Town and Country Planning Act.
 - 6 Before demolition of the building precedes a visual check should be made of the roof by contractors to ensure no breeding gulls or other roof nesting birds are utilising the roof for breeding purposes. If any birds are found to be nesting then works will have to cease and the advice from a suitably qualified ecologist should be sought for further guidance.
 - 7 The ditch 4m south of the site boundary was assessed as offering potential to support water vole. Construction works should avoid impacts on this feature. If impacts are unavoidable then advice from a suitably qualified ecologist should be sought.
 - 8 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV40, EC4, EC9, AS2, AS6.
 - 9 Bats may be present in the dead alder surveyed by BSG ecology on the 18th June. 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 (Natural Habitats & c.) Regulations 1994. 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 or intentionally disturb such an animal. If evidence of bat use is encountered (e.g. live or dead bats or droppings), work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
 - 10 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.
-

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ITEM 2

APPLICATION NO.

2015/0036

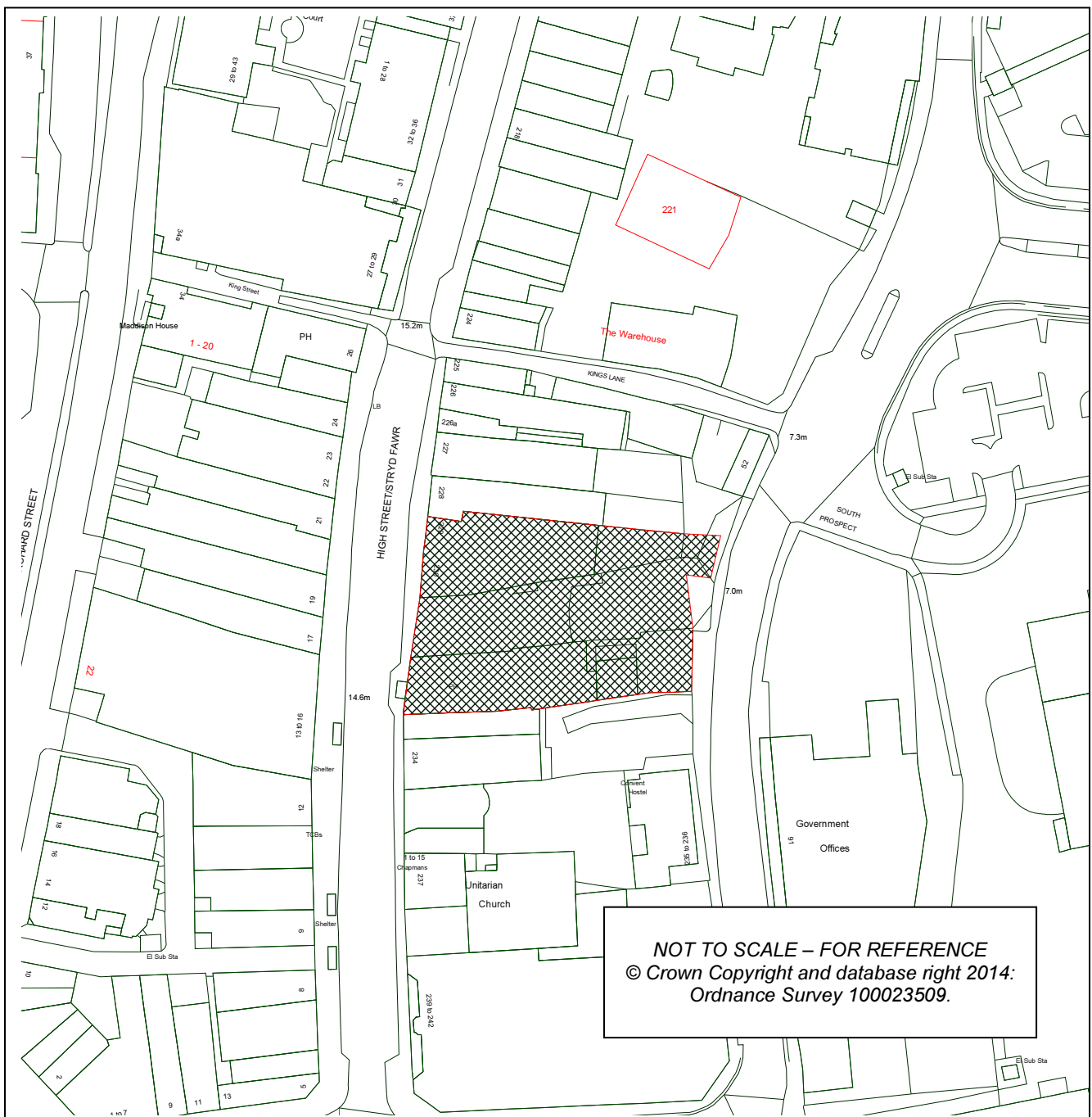
WARD:

Castle

Location: 229-233 High Street and 49 - 51 The Strand, Swansea

Proposal: Mixed use development comprising of demolition of existing properties at 229/230 High Street and construction of 4 storey block to High Street incorporating 3 no. ground floor retail units (A1) (with the option to include 1 no. Class A3 unit), and 27 residential units on upper floors (incorporating the reconstruction of the Bush Hotel), 7 storey block to The Strand elevation comprising basement car parking / plant / refuse store and 30 residential units on the upper floors, with landscaped courtyard, infrastructure and associated works.

Applicant: Coastal Housing Group Ltd



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BACKGROUND INFORMATION

RELEVANT PLANNING POLICIES

Swansea Unitary Development Plan

- Policy EV1 New development shall accord with a defined set of criteria of good design including to have regard to the desirability of preserving the setting of any listed building
- 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.
- PolicyEV5 The provision of public works of art, craft or decorative features to enhance the identity and interest of major new developments or refurbishment schemes will be supported.
- Policy EV8 Permission will not be granted for the total or substantial demolition of a listed building other than where there is the strongest justification and convincing evidence that:
- i) Every reasonable effort has been made to sustain existing uses or find viable new uses compatible with the building's character and setting, and
 - ii) Preservation in some form of charitable or community ownership is not possible or suitable, and
 - iii) The proposed new development would produce substantial benefits for the community, which would decisively outweigh the loss resulting from demolition.
- Policy EV13 Proposals for new shopfronts should be sympathetic to the character of the building, adjacent properties and the surrounding area.
- Policy EV33 Planning permission will only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational
- Policy EV34 Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.
- Policy EV35 Surface water run-off
- Policy EV36 New development within flood risk areas will only be permitted where flooding consequences are acceptable.
- Policy EV38 Development proposals on contaminated land will not be permitted unless it can be demonstrated that measures can be taken to overcome damage to life, health and controlled waters.

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- Policy EV40 Development proposals will not be permitted that would cause or result in significant harm to health, local amenity because of significant levels of air, noise or light pollution.
- Policy EC3 Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancements, environmental improvements, infrastructure works, development opportunities and targeted business support.
- Policy EC4 All new retail development will be assessed against need and other specific criteria
- 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 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 HC17 In considering proposals for development the Council will, where appropriate, enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:
- (i) Improvements to infrastructure, services or community facilities,
 - (ii) Mitigating measures made necessary by a development, and
 - (iii) Other social, economic or environmental investment to address reasonable identified needs.
- Provisions should be fairly and reasonably related in scale and kind to the individual development
- 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 New developments should be designed to promote the use of public transport and facilitate sustainable travel choices, and comply with the principles of accessibility for all.
- Policy AS5 Development proposals will be required to consider the access requirements for pedestrians and cyclists, where necessary, provide appropriate facilities and / or infrastructure to encourage their use.
- Policy AS6 Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking
- Policy CC1 Within the City Centre, development of the following uses will be supported:-

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- (i) Retailing and associated uses (Classes A1, A2, A3),
 - (ii) Offices (B1),
 - (iii) Hotels, residential institutions and housing (C1, C2, C3),
 - (iv) Community and appropriate leisure uses (D1, D2, A3)
 - (v) Marine related industry (B1, B2).
- Subject to compliance with specified criteria.

Policy CC2 New retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged subject to compliance with specified criteria.

RELEVANT PLANNING HISTORY

- 2015/0073 Demolition of the former Bush Hotel in conjunction with the proposed Urban Quarter mixed use development (incorporating the reconstruction of the building's facade) (Application for Listed Building Consent).
Currently being considered
- 2015/0951 Demolition of 229-230 High Street (application for the Prior Notification of Proposed Demolition)
Prior Approval not required June, 2015

RESPONSE TO CONSULTATIONS

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

Swansea Civic Society –

Background: During the planning process for the Urban Village in High Street and The Strand, the Civic Society expressed their strong concerns relating to the achieving of active frontages to both streets and the risk of an overbearing nature of the residential tower block. It is of considerable regret that the final form of the Urban Village and especially it's frontage onto The Strand failed in these aspects. The elevation to the High Street dominates the location with little or no active frontages which combined with gated entrances leave the street scape dead out of hours. In addition the promise of an internal courtyard space as a venue for public events disappeared. The frontage onto the Strand is dominated by a multi storey car park with a residential tower block above it, lacking in interest or activity.

The Civic society supports the established planning policy to reinvigorate the High Street and develop The Strand as a stronger link between the City Centre and Parc Tawe and the river. The recently published City Centre Strategic Framework Review reinforces this objective and states that future developments should:

“Create an attractive high quality development with active frontages along.....The Strand.”

“Significantly improve links to the City Centre..... The Strand and the river corridor”.

“Redevelopment of vacant sites along the west of The Strand, some of which are taking place, should provide edge definition, a mix of uses that provide natural surveillance and points of activity”.

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Having reviewed the documentation in support of the above application, described as the Urban Quarter, it would appear that a similar approach has been employed which will replicate the shortcomings of the previous Urban Village project.

Objections & comments

1. The proposed frontages to the High Street will not contribute to the public realm and active street scene, with the retail/commercial units of minimal dimensions which will not provide sufficient space for significant businesses. Amendments should be made.
2. To create a replica or imitation of the former Bush Hotel is an insult to the intelligence of the City and only serves to highlight what many perceive as the wilful neglect of its owners. Despite any “private” agreement which may have been arrived at with CADW, this element should be removed from the scheme, the salvaged columns to the original entrance porch could be incorporated into a design without requiring an imitation of a Georgian façade which sets out to deceive.
3. The proposed frontage onto The Strand consists of a screened car park and a resident’s entrance with no attempt to enhance the public realm or provide an active frontage. This should not be accepted.
4. The residential tower block to The Strand is described as finished in flat rain-screen panels. This is a blank and brutal block and must be improved with better quality materials with a greater degree of architectural interest deserving of its key position. It should not replicate the shortcomings of nearby Alexandra House.
5. It is notable that the Design Report by the Design commission for Wales supports our concerns and objections and also recommends improvements.

It is therefore the recommendation of the Swansea Civic Society that this application be refused and an amended proposal submitted to reflect the concerns raised.

Natural Resources Wales – would not object to the application, providing appropriately worded conditions are attached to any planning permission your Authority is minded to grant.

Protected Species

We note the findings of Emergence / Return Bat Surveys (dated 16 June, 2014) report, that no bats were recorded emerging or returning to any building onsite during the survey. Nevertheless, the report states that given the presence of potential roosting features, it is possible that bats may utilise these features at some point in the future.

Therefore, the applicant should be reminded there is a possibility that bats may be encountered unexpectedly. We recommend that the development proceeds with caution whilst carrying out works to the walls and / or roof. Building contractors must be informed of the possibility of encountering bats unexpectedly during works. If any bats are encountered during works, the development must stop immediately and NRW contacted for advice.

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We support the recommendations for ecological enhancements laid down in the Report.

Pollution Prevention

We advise that a robust Construction Environmental Management Plan (CEMP) is provided.

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

As best practice, we would advise the developer to produce a site specific construction management / pollution prevention plan with particular reference given to the protection of the surrounding land & water environments.

Waste Management

Given the size of this development, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer / contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

Surface Water Disposal

Wherever possible surface water should be managed by means of a sustainable drainage system (SUDS), as advocated by current planning guidance PPW and TAN15 (July 2004). Paragraph 8.2 of TAN 15 states that '*SUDS can perform an important role in managing run-off from a site and should be implemented wherever they will be effective on all new development proposals irrespective of the zone in which they are located*'.

Whilst we would prefer to see surface water removed from the mains sewer, we acknowledge that the connection is existing and options to utilise infiltration techniques on the site have been explored.

Nevertheless, we advise that you discuss the proposal with your Authority's own Drainage Engineers and that you seek confirmation from Dwr Cymru / Welsh Water (DCWW) that they are satisfied with the proposals.

Foul Water Drainage

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

Dwr Cymru Welsh Water – request conditions and informatives to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

Glamorgan Gwent Archaeological Trust – We have concluded that the proposed works require archaeological mitigation.

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You will recall that precious archaeological work in the area of the proposed development has included an archaeological appraisal and archaeological watching brief during geotechnical work in 2007 and an archaeological evaluation following the clearance of part of the site in 2014. In both 2007 and 2014 archaeological work identified presence of medieval and post-medieval remains within an application area and were noted that the degree of preservation of the remains was high. As a result, there is considerable likelihood that ground disturbing activities during the proposed development will encounter significant archaeological remains. In addition, the building forming 229-23 High Street, appear similar in their ground plan to the present on the 1879 first edition Ordnance Survey map, it is possible therefore that elements of the early building may survive as part of the existing structure.

Consequently, whilst we do not object to the granting of planning permission for the development, in our role as the archaeological advisor to your Members we strongly recommend that a condition be attached to any consent that is granted ensuring that a programme of archaeological investigation be implemented during the construction work.

It is envisaged that the programme of investigation would include investigation and recording of any historic feature forming part of 229 / 23 High Street prior to the demolition and further archaeological evaluations, excavations and watching briefs during ground disturbing activities within the area of archaeological potential, and should include suitable contingency arrangements to allow for sufficient time and resource to enable any archaeological features and finds that are discovered, including any human remains, to be fully investigated and recorded.

Pollution Control –

Noise:-

- Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:
 - a) Demolition/Construction programme and timetable
 - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
 - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
 - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - e) Proposed working hours;
 - f) Principal Contractor details, which will include a nominated contact for complaints;
 - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
 - h) Details of on site dust mitigation measures having regard to BPM;
 - i) Details of on site noise mitigation measures having regard to BPM;
 - j) Details of waste management arrangements (including any proposed crushing/screening operations); and

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k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

*Note: items g – j inclusive need to take particular account of the potential for statutory nuisance arising from site related activities [see **Informatives**].*

Note: If, during the writing of the CPM, any specific issue needs to be discussed/clarified the applicant should contact the Pollution Control Division, Housing and Public Protection Service, Rm 401 Guildhall SA1 4PE 01792 635600

- Prior to the beneficial occupation of the development, the developer shall confirm in writing the provision of R_w40dB , R_w38dB and R_w32dB glazing and the associated MVHR central ventilation system (High Street) and a MEV (central extract) system pulling air through acoustic trickle vents to achieve a minimum $D_{n,e,w}$ (Ctr) of 42dB. The developer shall provide the independent laboratory test data to confirm that the glazing and ventilation systems meet the stipulated standard.
- The building services plant noise emissions from the proposed development shall be designed so as not to exceed the sound pressure levels as set out within section 5.2 Environmental Noise Survey & External Building Fabric Acoustic Assessment. 3393/ENS1-R1
- Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum $D_{nT,w}$ – (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses.

Contaminated Land:

The remediation works advised in the Ground Investigation Report (sections 5.4.5 and 5.4.6) are satisfactory for the protection of future users at the site. I'm not sure if you wish to condition the requirement to adhere to them or not?

With regard to Asbestos, the report refers to chrysotile being discovered (sporadic fragments) by location WS107 and that measures will be utilised by the contractor during the construction phase to ensure staff are protected as it is not envisaged to be a ground issue but I would like to see further information regarding the amosite stated as found at location WS103?

- If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

The site investigation report refers in 5.4.4 that the Generic Assessment Criteria for residential land use without plant uptake has been used, as long as they carry out the works as stated within the report it maybe worth ensuring that no growing of produce for consumption is allowed.

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Air Quality

High Street is currently an area of interest for the annual mean objective of $40\mu\text{g}\text{m}^{-3}$ of Nitrogen Dioxide (NO_2). However due to the increase specification for fenestration required and the use of mechanical ventilation on the High Street elevation, the Pollution Control Division has no objection to make. I have been through the information posted on the Portal and have not been able to ascertain the exact location of the air and out for the mechanical ventilation system they propose. I would be grateful if this information could be forwarded to ensure that 'no objection' is still valid.

Highway Observations – Mixed use Urban Quarter development comprising of demolition of existing properties at 229/230 High Street and construction of 4 storey block to High Street incorporating 3 no. ground floor retail units (A1) (with the option to include 1 no. Class A3 unit), and 27 residential units on upper floors (incorporating the reconstruction of the Bush Hotel), 7 storey block to The Strand elevation comprising basement car parking / plant / refuse store and 30 residential units on the upper floors, with landscaped courtyard, infrastructure and associated works.

Limited parking facilities are proposed within the site (8 spaces) and ten cycle stands and all servicing of the retail units will have to take place from High Street. The flats total 57 units. Direct vehicular access is available directly off the Strand

Adopted parking guidelines do not require any resident parking for this proposal as it is located within the city centre core area and therefore it complies with parking policy. Cycle parking is indicated within the development and this is acceptable. It is important that any future residents are aware of the parking situation and therefore a Travel Plan needs to be formulated which will include information packs for new residents identifying alternative modes of travel that are available.

As the works could involve damage to the footways to the front and rear then it will be a condition to re-construct the footways and resurface carriageways along both the High Street and Strand boundaries under a section 278 Agreement with the Highways Authority. There could also be upgrades necessary to the public Lighting particularly and possible amendments to the Traffic Regulation Orders in the area.

Due to the restricted site accesses it will also be a requirement to provide a Construction Traffic Management Plan in order to safeguard existing traffic flows during the construction Phase.

I recommend no highway objection subject to the following;

1. The provision of the cycle parking facilities within the development prior to beneficial occupation of any part of the development.
2. A Travel Plan must be submitted for approval within 12 months of consent and the approved Travel Plan must be implemented prior to the beneficial use of the building commencing.
3. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

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4. The re-construction / re-surfacing works/new vehicular accesses/TRO's/public lighting alterations to be undertaken under a section 278 Agreement with the Highway Authority.

Note 1: 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: jim.marshall@swansea.gov.uk or the Principal Engineer, e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Note 2: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.

Note 3: The applicant should be made aware that no resident parking facilities will be provided by the Authority and therefore the development is suitable for non-car owning residents only.

Note 4: Applicants must satisfy themselves with regard to exact site/highway boundaries before carrying out any development works, in order that any necessary highway works licenses are obtained, or the requirement to extinguish highway rights are addressed

APPRAISAL

This application is reported to Committee for decision as the proposal relates to a development which meets the Development Threshold – c i) *the provision of the number of dwelling houses to be provided is 20 or more.*

Introduction

The application seeks full planning permission for a mixed use redevelopment of 229 – 230 High Street and 49-51 The Strand comprising:

- the demolition of existing properties at 229/230 High Street;
- Construction of 4 storey block to High Street incorporating 3 no. ground floor retail units (A1) (with the option to include 1 no. Class A3 unit), and 27 residential units on upper floors (incorporating the reconstruction of the Bush Hotel);
- Construction 7 storey block to The Strand elevation comprising basement car parking / plant / refuse store and incorporating 30 residential units on the upper floors, with landscaped courtyard, infrastructure and associated works.

This development is proposed to take place on land which will be referred to as the 'Urban Quarter' proposal (229 – 233 High Street and 4 – 51 The Strand) and should be considered in conjunction with the corresponding application for Listed Building Consent for the demolition 2015/0073 of the former Bush Hotel (incorporating the reconstruction of the building's facade) (Ref:2015/0073). The proposed development is intended to form part of a wider regeneration of High Street and in this context, the site to the south of Coastal's Housing Group Urban Village Scheme, which is currently being completed. In this respect, the Planning Statement indicates that Coastal Housing Group's long term vision is:

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“To deliver a series of integrated development proposals that together transform the area contained by High Street, The Strand and Castle Lane through the creation of safe and vibrant residential led mixed use schemes that introduce vitality into this quarter of the City through the creation of a greater connectivity with the wider context and which reflects its important historical context. Development proposals which capitalise on this strategically important arrival point into the city centre and recognise the relationship with adjacent future development opportunities”.

The application is supported by the following information:

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Travel Plan
- Drainage Statement
- Archaeological Field Evaluation
- Ground Investigation Report
- Extended Phase 1 Habitat Survey (including Bay Survey)
- Sun Path Analysis
- Design Commission for Wales Design Review (20 /11 / 14)
- Environmental Noise Survey
- Sustainability Statement

Site Description

The site is bounded by High Street to the west and The Strand to the east, and the site slopes steeply from west to east with The Strand frontage some 8 m below High Street. A large part of the site has already been cleared, and includes the demolished Grade II Listed Building of the Bush Hotel (233 High Street). The existing buildings at 229 230 High Street will be demolished as part of the scheme. In mitigation for the loss of the Bush Hotel, a facsimile of the building will be constructed as part of the development so as to ensure the urban design heritage is re-introduced into the townscape.

Material Planning Considerations

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

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Urban Design;
- Impact on residential amenity including noise impact;
- Highways, traffic, car parking, access and pedestrian movements;
- Impact on archaeology;
- Drainage ;
- Geology and Ground Contamination;
- Impact on ecology;
- Issues arising from the representations received.

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

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Compliance with prevailing Development Plan policy and Supplementary Planning Guidance

Development Plan and Supplementary Planning Guidance

National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Wales (PPW) (July 2014 7th Edition), the redevelopment of the site 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 UDP vision is a sustainable approach to the development of a prosperous region, which capitalises on Swansea's waterfront location. In this respect, the application proposals are considered to amount to an inherently sustainable scheme, proposing a mix of uses on a brownfield site in an accessible city centre location in very close proximity to frequent local and national public transport services.

The site is not specifically allocated under the UDP and 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 the overall mix of uses proposed, UDP Policy CC1 supports retailing and associated uses (Classes A1, A2, A3), offices (Class B1), housing (Class C3) and community and leisure uses (Classes D1, D2 and A3) within the City Centre. The uses proposed are therefore in principle in accordance with Policy CC1.

Further policy support for the proposal is drawn from Policy EC3 of the UDP, which encourages the enhancement of established industrial and commercial areas along with Policy CC2 which encourages development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a shopping destination.

On the matter of affordable housing, the Head of Strategic Services (Housing Enabling) is supportive of the redevelopment of this site as proposed. Whilst the accompanying Planning Statement confirms that all affordable units will be retained as such in perpetuity, it is recommended however, in accordance with UDP Policy HC3 (which seeks to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/accessibility terms where a demonstrable lack of affordable housing exists), that the retention of affordable housing be secured by way of a Section 106 Planning Obligation.

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Having regard to the foregoing, the Urban Quarter proposal is supported in principle, subject to the assessment below of other relevant UDP Policies and SPG.

Of particular relevance to this application is the Swansea City Centre Strategic Framework which was endorsed as SPG in January 2009. The vision for High Street is to contribute to a mixed-use area of distinctive character, and form a key link between the core retail area and adjacent Districts which provide employment, housing and other uses. It is envisaged that new development and refurbishment will consolidate this mixed-use role. It is recognised that the east side of High Street has development potential that would benefit from its attractive ridge setting with views to the east, and provide an attractive gateway vista of Swansea from the river bridges and approaches to the east.

The development principles for High Street are to:

- Establish an attractive mixed-use character street with individual buildings of an appropriate scale reflecting the existing pattern of development;
- Encourage further housing development as part of mixed use schemes, which should possibly also include offices, live-work premises, specialist or service retail, and education/cultural/arts uses;
- Encourage development or refurbishment on the eastern side of High Street to generate attractive frontage development to High Street, and a positive gateway impression of Swansea from the east;
- Continue to address the issue of “problem buildings”, and encourage refurbishment, modernisation or redevelopment where appropriate for active uses.

This application represents the latest iteration of the Urban Village / Quarter proposals presented by the Coastal Group Ltd. The Framework recognises that the scheme will stimulate further investment in individual or small groups of properties, and could itself be extended north towards the station. It is stated that the scheme should safeguard the specific qualities of High Street, and deliver real improvements along the Strand.

The proposals therefore in principle, fully accord with the aspirations of the Swansea City Centre Strategic Framework. The wider design requirements of the Framework are considered in the Urban Design section of the report below.

Given the height of the proposal, in particular The Strand elevations, the application also falls to be considered against the Council’s Tall Buildings Strategy, which was also endorsed as SPG in January 2009.

The Strategy considers the urban context of the city, the role of tall buildings and identifies appropriate places where tall buildings may be located. The aim of the Strategy is not to be site specific, nor to establish appropriate building heights, but to identify areas of opportunity. It focuses on the responsibility of the applicant to justify their tall building application, encouraging high quality design. The Strategy recognises that tall buildings can have a positive role in the city, but that they must relate to the context of the area, be well designed, demonstrate the application of sustainability principles and be close to supporting uses and infrastructure.

The application site falls within the identified City Gateway area and Tall Building Consider Zone. In principle therefore proposal could be acceptable in this location, subject to the considerations set out below in the Urban Design Townscape section of the report.

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Urban Design

In assessing the landscape and visual impact of the proposal, specific regard must be had to Policies EV1, EV2 and CC5 of the Council's adopted UDP.

Policy EV1 UDP sets out the council's commitment to achieving high standards of design and layout in all new developments whilst Policy EV2 addresses the siting and location of new development and gives preference to the use of previously developed land over greenfield sites, having regard to the physical character and topography of the site and its surroundings. Policy CC5 states that the design of all new development schemes will be required to make a positive contribution to enhancing the City Centre's environment.

The proposal is in two distinct elements; firstly, an infill frontage onto High Street, secondly a standalone block onto The Strand.

The High Street block comprises the rebuild of the former Bush Hotel frontage and an infill development alongside, which require the demolition of the Volcano building. This new frontage has been designed as number of separate joined buildings that references the historic medieval burgage plots and the remaining positive characteristics in other parts of High Street. This approach is supported. The proposed scale of the infill development at three storeys plus roof accommodation reflects the general scale on High Street and leaves the rebuilt Bush Hotel frontage as a focal building at four stories. The roof accommodation is handled in a subservient manner for example with a pitched roof and traditional 'cat slide' dormer alongside the rebuilt Bush Hotel to respect its setting.

The ground floor uses comprise a number of small commercial units and a feature screen that conceals the bin store within the building. The main residential entrance is provided via a corridor to the courtyard which is secured by a gate but allows glimpsed views into the private green space.

The frontage is designed as four separate buildings using different architectural treatments and materials. This is supported and it is considered that this development must raise the quality of architecture on High Street in all aspects following the legacy of the Urban Village project and the details also need to show the same commitment to quality. A condition is recommended to control the precise detailing of the scheme and use of materials.

The rear elevation of High Street block is full four stories throughout with the rear of the rebuilt Bush Hotel apparent. This results in a different elevation onto the private courtyard and this is broken down by projections in the elevation and through the use of materials. This courtyard elevation is proposed to be finished with rain screen cladding as opposed to render (with the exception of the rebuilt Bush Hotel) and this continues the high quality materials of Urban Village which will weather well and is welcomed subject to a condition to control colours, joints and fixings.

The upper floors of the High Street block are proposed to accommodate 25 flats, of which 9 face onto High Street. This activity and natural surveillance from upper floors coupled with the use of the main residential entrance on High Street will further help to bring life to the High Street.

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At Strand level the street edge is dominated by advertising hoardings and is completely devoid of active frontage. The block onto the Strand which defines the eastern side of the courtyard is proposed as a much simpler building taking inspiration from the former and existing warehouses in this area. The building has six floors of accommodation above a ground floor parking/ entrance area and accommodates 30 flats of which 15 will face the Strand to provide natural surveillance.

This block is proposed to be clad in rain screen panels. The risk that the building will appear monolithic has been discussed with the applicant and their response is the subtle variation in the cladding panels, plus use of splashes of colour on the reveals to enliven the elevation.

The success of the Strand block as a piece of architecture will depend on detailing. Therefore items such as vents/ service penetrations, rain screen panel fixings and joints will be very important and this should be conditioned. The applicant has acknowledged this and is proposing to group the boiler flues into the recessed zones relating to the corridors. This detail is very important as a Strand elevation peppered by numerous boiler flues will not be acceptable. These details can be conditioned to control all vents and flues.

The scale onto the courtyard is 6 stories due to the topography of the site with the lower ground level of the stand block set below the level of the courtyard. An overbearing relationship is avoided through the courtyard being sloped down to these units.

At Strand level a vehicle entrance to a small car park (8 spaces) is proposed along with a residential entrance. This continues the Urban Village approach of creating points of activity on the Strand (as opposed to active frontages on High Street). The Strand frontage at street level has been revised so that the entrance doors are now pushed out as a feature lobby, the gabion wall is punched with slot windows and a projecting canopy the full length of the Strand elevation unifies the various ground floor elements. This revision is welcomed to create a 'focal point of activity' on the Strand and the details such as canopy materials etc can be controlled by condition.

The development on The Strand is 7 storeys above street level. As explained above, the Urban Village site is identified in the Tall Buildings Strategy (SPG) as part of a Consider Zone which is defined as an area of the city where tall buildings may have a positive impact, subject to the availability of supporting information. The SPG indicates that tall buildings should emphasise key locations, help define the edges of streets and open spaces. Proposals should consider the human scale of the building at ground level, and clearly define the public and private realm. It is stressed that consideration should be given to the design of the top of the building and its contribution to the skyline, plus proposals should encourage interaction at the street level, ensuring active frontages and well overlooked spaces. The positioning of the entrance and access to the building should form a key consideration.

At seven stories this block is considerably higher than the two storey church building to the south on The Strand, however the block is also viewed with the rear of the Argos building behind the church building which is considerably taller. Looking north the proposed building is viewed in context with the completed and consented buildings at the Urban Village to the north, therefore this scale is considered acceptable in this context.

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The end elevations are proposed to be broken up as follows; the north elevation is stepped relative to the internal corridor to reduce the apparent depth of the building and enlivened by a stack of 'porthole' windows overlooking the sites owned by Coastal Housing Group. The land to the south isn't controlled by Coastal so this area cannot be overlooked by habitable room windows as this may fetter future development onto the Strand. Therefore the building form is split at the central corridor by means of a slot and the corridor windows in this area can be obscure glazed if required.

This project has been the subject of two Design Review sessions with the Design Commission for Wales who are generally supportive of this project and their most recent comments can be summarized as follows:

“Overall, the Design Commission is supportive of the approach taken by Coastal Housing in this part of Swansea. We commend the earlier phases and the impact they are having on the city, especially the regeneration of High Street. The proposals for High Street presented at this review appear to be a continuation of the successful approach to the Urban Village streetscape.”

“The positioning and massing of this large residential block (Strand Block) is improved since the previous review. The current position now provides better potential for sunlight in the courtyard space and an opportunity for the block to better address The Strand.”

“At the moment, The Strand is not an attractive street for walking or cycling and it lacks active frontages. This new block presents an opportunity to improve The Strand by strengthening the street edge, creating active frontage and making the street a more attractive and safe place to walk. The proposed residential entrance off The Strand will help by adding some activity, but the Commission was not convinced that other opportunities for the scheme to act as a catalyst for improvement along The Strand had been fully explored. The detailing and materiality of the car park entrance and block at street level will be important, but there was insufficient detail in the proposals presented at the review to properly assess this. It would be useful to explore the impact of the block on views from different approach points along The Strand.”

“The current proposal shows a simple, repetitive elevation (to the Strand). This could be very successful if the detail design and execution is of exceptionally high quality. However, boiler flues and other protrusions will compromise the elegance of a simple façade and should be avoided.”

It is considered that these issues have been addressed.

Overall therefore this mixed use, high quality proposal is welcomed to further enhance the regeneration of High Street and The Strand with a scheme with a distinctive, high quality character. It is considered that the scheme will deliver the design principle aspirations of the Swansea City Centre Strategic Framework and Tall Buildings SPG and in doing so will make a significant contribution to enhancing the City Centre environment in accordance with UDP Policy CC5. It is also considered that the scheme would meet the design criteria of Policy EV1 and the siting, locational, character and topography criteria of Policy EV2.

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Impact on residential amenity including noise impact

As stated above, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design. Criteria (iii) is that the development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements.

Having regard to the generally degraded appearance of the site and many parts of its immediate surroundings, it has already been concluded that the proposal would have a significantly positive visual impact both in terms of The Strand and High Street. Whilst the application site is located within a mixed use area, the predominant land use is however commercial in nature. Residential properties are almost entirely restricted to flats located above commercial ground floor uses. Whilst the proposal will result in a greater critical mass of activity in this location, this is considered to be a positive regenerative aspect of the proposal for High Street and would not result in an unacceptable level of disturbance for existing residents, having regard in particular to the levels of disturbance that can be reasonably expected in a City Centre location as apposed to a suburban location.

Other than further servicing as per the existing situation on High Street, traffic movements associated with the development would be mostly restricted to The Strand and therefore would not unacceptably impact on the residents of existing properties in the vicinity of the application site.

In terms of future residents of the development, a noise impact assessment has been submitted in support of the application. Having regard to the location of the development and the mix of uses proposed, the Head of Environment, Management and Protection has recommended a number of sound attenuation conditions to ensure that compatibility issues are satisfactorily resolved. Noise attenuation conditions including time conditions are therefore considered necessary to ensure that the amenities of residents are not unacceptably compromised for those living in close proximity to any commercial development.

The window to window distance across the private courtyard varies from 17m to 23m between the four and six storey buildings. Whilst this is below the 21m suburban separation standard, the distances are considered acceptable in this urban context. The supporting information in the Design and Access Statement indicates that the private courtyard will received good levels of sun and daylight through much of the day and the plans indicate that this space can be laid out to provide useable amenity space for the residents. Whilst being a high density urban scheme, it is not considered that the proposed layout is such that unacceptable levels of overlooking or loss of privacy would be created for any future residents of the development itself. Moreover, it is not considered that the proposal results in unacceptable levels of overshadowing within the courtyard areas and residential elements of the scheme, again having regard to its high density urban context.

Accordingly it is not considered that the development conflicts with criteria (iii) of Policy EV1 which states that development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements.

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Furthermore, subject to the imposition of the conditions recommended by Head of Environment, Management and Protection it is not considered that the proposal would conflict with UDP Policy EV40, which 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.

Highways, traffic, car parking, access and pedestrian movements;

A Transport Statement and Framework Travel Plan have been submitted in support of the application. The proposed development will provide limited parking facilities (8 spaces) within the basement car park which will be accessed from The Strand, in addition to secure cycle storage. Servicing of the retail units will have to take place directly from High Street. Adopted parking guidelines do not require any resident parking for this proposal as it is located within the city centre core area and therefore it complies with parking policy. Additionally, the development is centrally located within a sustainable location accessible to public transport facilities and the Travel Plan will further encourage the use of alternative modes of travel to the motor car. Conditions are recommended to ensure the provision of the cycle parking facilities and also the approval of the Travel Plan and its implementation upon occupation of the development.

The proposed development will be likely to damage the footways to the front on High Street and to the rear along The Strand and the Head of Transportation recommends that a condition is imposed to re-construct the footways and resurface carriageways along both the High Street and Strand boundaries under a section 278 Agreement with the Highways Authority. There could also be upgrades necessary to the public Lighting particularly and possible amendments to the Traffic Regulation Orders in the area. Additionally, due to the restricted site accesses it will also be a requirement to provide a Construction Traffic Management Plan in order to safeguard existing traffic flows during the Construction Phase.

Impact on Archaeology

UDP Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings, and also unscheduled archaeological sites and monuments. Where proposals affect sites and areas of archaeological potential, applicants will be required to provide the following information with planning applications:

- An assessment or evaluation of the archaeological or historic importance of the site or structure,
- The likely impact of development on the archaeological site, and
- The measures proposed to preserve, enhance and record features of archaeological interest.

In accordance with Policy EV6 an Archaeological Field Evaluation has been submitted in support of this application and an archaeological evaluation of the site has been conducted. This work has allowed Glamorgan Gwent Archaeological Trust to determine the importance of the archaeological resource in the area and the impact of the proposals on it.

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Consequently whilst the Trust do not object to the positive determination of the current application, a condition is however recommended to implement a programme of archaeological investigation during the construction work. It is considered therefore that subject to the imposition of such a condition, the proposal would be in accordance with UDP Policy EV6.

Impact on Ecology

A Phase 1 Habitat and Protected Species report including an Emergence / Return Bat Survey have been submitted in support of the application in accordance with UDP Policy EV2(v), which requires at the earliest opportunity an assessment of species and habitats on site and, where planning permission is granted, implementing any necessary mitigation measures. In this respect, Natural Resources Wales and the Council's Ecologist have raised no objections, subject to conditions.

Conclusions

In conclusion it is considered that the principle of development is in accordance with UDP Policies HC2 (Infill housing sites), CC1 (City Centre mixed use development), EC3 (established industrial and commercial areas) and CC2 (City Centre retail core). The proposal is also considered to be in accordance with Swansea City Centre Strategic Framework SPG the Council's Tall Buildings Strategy.

Overall it is considered that the proposal is of distinctive, high quality character. It is considered that the scheme will deliver the design principle aspirations of the Swansea City Centre Strategic Framework and Tall Buildings SPG and in doing so will make a significant contribution to enhancing the City Centre environment in accordance with UDP Policy CC5. It is also considered that the scheme would meet the design criteria of Policy EV1 and the siting, locational, character and topography criteria of Policy EV2.

Subject to the imposition of conditions, it is not considered that the proposal conflicts with the amenity considerations detailed in criteria (iii) of Policy EV1, either for existing residents or future residents of the scheme itself. Similarly, nor is it considered that the proposal would result in significant harm to local amenity because of significant levels of noise pollution, subject to the imposition of appropriate conditions.

Approval is therefore recommended.

RECOMMENDATION

It is recommended that the application be APPROVED, subject to the following conditions and to the Applicant entering into a Section 106 Obligation to provide 30% of the total number of residential units within the development as affordable housing.

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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2 The development shall be carried out in accordance with the following approved plans and documents: A-00-01A - 07A; A-00-10A; A-00-20C; A-00-21B; A-00-22A; A-00-23B; A-00-24B; AL-90-10; AL-90-11, AL90-12A, AL-90-13 (plans received 13 January, 2015)

Reason: To define the extent of the permission granted.

3 The development shall be completed in accordance with a programme of programme of phasing to be submitted to and approved by the Local Planning Authority prior to the commencement of work.

Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

4 Prior to the commencement of superstructure works on any phase of the development, details at an appropriate scale of the following shall be submitted to and agreed in writing by the Local Planning Authority for each phase of the development:

* Glazed Shop fronts (including any security grills), typical window and external door units within their openings for the High Street and Strand blocks;

* Pedestrian gates off High Street;

* Projecting bay and decorative balustrade;

* Eaves, parapet/ verges;

* Ventilation grills and flues;

* Dormer windows;

* Rainwater goods;

* Strand lobby / gabions / projecting canopy;

* Railings;

* Cladding details of Strand block.

The approved details for each phase of the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of visual amenity.

5 Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of superstructure works, details of a public art enhancement shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented before any part of the development hereby permitted is occupied.

Reason: To accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites.

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6 Notwithstanding the details shown on any approved plan, the materials used for the external surfaces of each phase of the development (including doors and windows) and the precise pattern and distribution of the external finishes shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

7 A scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of any phase of the development. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

8 Unless otherwise agreed in writing by the Local Planning Authority, no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

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

9 The development shall be implemented in accordance with a site waste management plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To enable the developer/contractor to manage waste materials efficiently and reduce the amount of waste materials produced.

10 Prior to the commencement of construction works a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the Local Planning Authority. The CPMP shall include the following:

- a) Demolition/Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc.
- c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;

- Continued -

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- 11
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - e) Proposed working hours;
 - f) Principal Contractor details, which will include a nominated contact for complaints;
 - g) Details of on site lighting (including mitigation measures) having regard to best practicable means (BPM);
 - h) Details of on site dust mitigation measures having regard to BPM;
 - i) Details of on site noise mitigation measures having regard to BPM;
 - j) Details of on site vibration mitigation measures having regard to BPM;
 - k) Details of waste management arrangements (including any proposed crushing/screening operations); and
 - l) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice to be served by Principle Contractor on Local Authority.

Items g) - l) inclusive need to take particular account of the potential for statutory nuisance from site related activities.

The development shall be implemented in accordance with the approved CPMP.

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

- 11
- Prior to beneficial use of the development all reconstruction / re-surfacing works to the Highway (footway and carriageway) including ant Traffic Regulation Orders / public lighting alterations have been undertaken under a section 278 agreement with the Highway Authority. This will include resurfacing of the footways on The Strand and High Street frontages in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In interests of highway and pedestrian safety.

- 12
- The cycle parking / storage facility indicated within the development must be provided prior to beneficial occupation of any part of the development.

Reason: To ensure cycle use in the interests of sustainability.

- 13
- The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority prior to any beneficial use of the development commencing.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

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- 14 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 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 sewerage system.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.
- 15 The proposed development site is crossed by X2 150mm public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of each of the public sewer.
Reason: To protect the integrity of the public sewer and avoid damage thereto.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 17 Unless otherwise agreed in writing by the Local Planning Authority, details of the single satellite television system solution shall be submitted to and approved in writing prior to the commencement of the external envelope construction for the High Street Block.
Reason: In the interests of visual amenity.
- 18 The food and drink (Class A3) premises shall not be used by customers before 08.00hrs nor after 0.00hrs on any day.
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 19 Unless otherwise agreed in writing by the Local Planning Authority, prior to the beneficial occupation of each Class A3 unit a method of ventilation and fume extraction shall be submitted to and agreed in writing by the Local Planning Authority.
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.

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

Reason: To ensure that each unit is adequately soundproofed in the interests of the amenity of the residents of the units.

- 21 Prior to beneficial occupation of the development, the developer shall confirm in writing the provision of Rw40Db, Rw32Db glazing and the associated MVHR central ventilation system (High Street) and a MEV (central extract) system pulling air through acoustic trickle vents to achieve a minimum $D_{n,e,w} (Ctr)$ of 42Db. The developer shall the independent laboratory test data to confirm that the glazing and ventilation systems meet the stipulated standard.

Reason: To protect future residents from sleep disturbance due to community noise.

- 22 If, during the course of development, contamination not previously identified is found to be present at the site no further development (unless previously agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

Reason: Given the size / complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

INFORMATIVES

- 1 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).

- 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: (UDP Policies EV1, EV2, EV3, EV5, EV8, EV13, EV33, EV34, EV35, EV40, EC3, EC4, HC2, HC3, HC17, AS1, AS2, AS5, AS6, CC1 & CC2)
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ITEM 3

APPLICATION NO.

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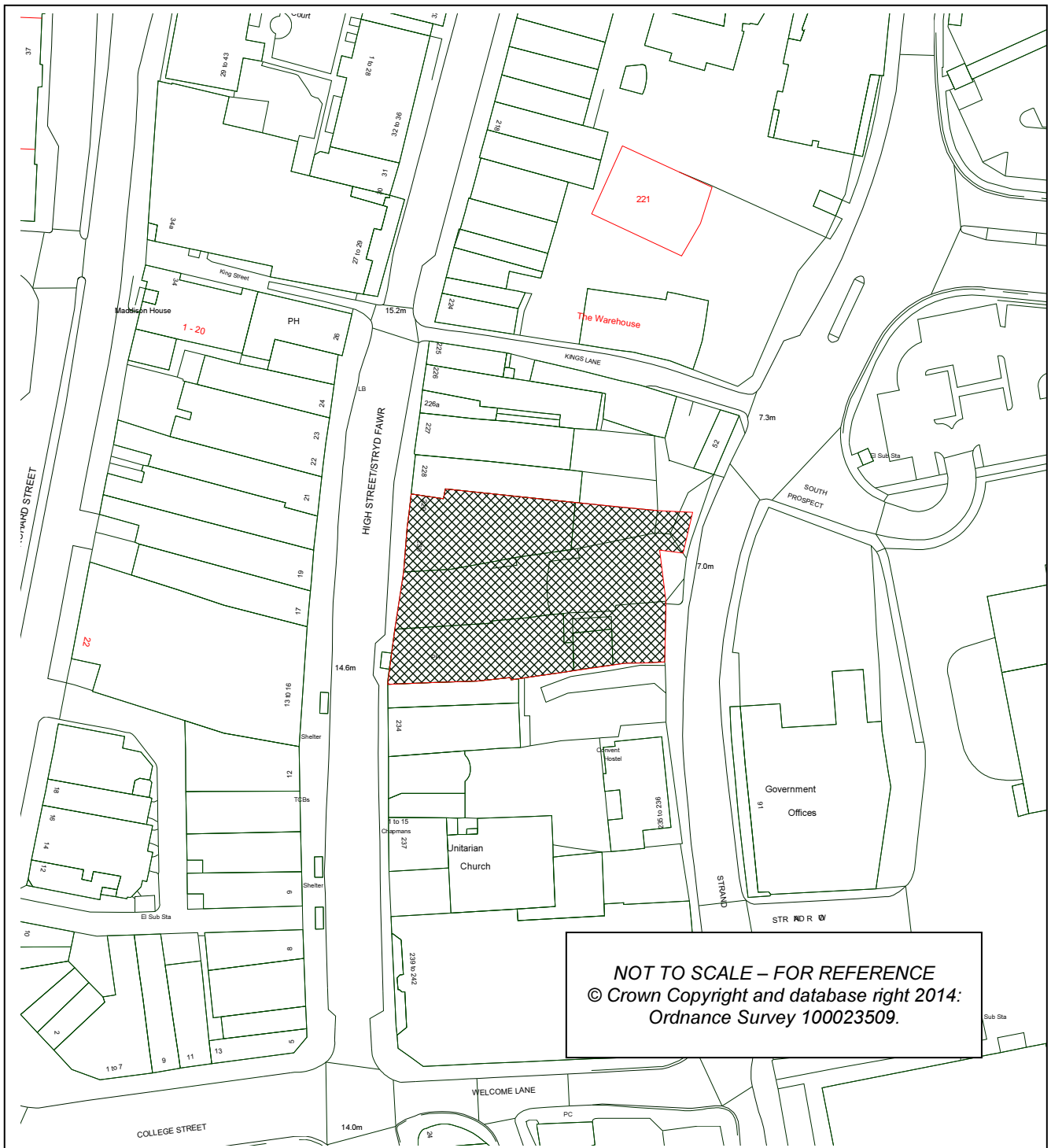
WARD:

Castle

Location: 229 - 233 High Street and 49 - 51 The Strand Swansea

Proposal: Demolition of the former Bush Hotel in conjunction with the proposed Urban Quarter mixed use development (incorporating the reconstruction of the building's facade) (Application for Listed Building Consent).

Applicant: Coastal Housing Group Ltd.



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BACKGROUND INFORMATION

RELEVANT PLANNING POLICIES

National Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales (Edition 7, July 2014)

Swansea Unitary Development Plan

Policy EV8 Permission will not be granted for the total or substantial demolition of a listed building other than where there is the strongest justification and convincing evidence that:

- i) Every reasonable effort has been made to sustain existing uses or find viable new uses compatible with the building's character and setting, and
- ii) Preservation in some form of charitable or community ownership is not possible or suitable, and
- iii) The proposed new development would produce substantial benefits for the community, which would decisively outweigh the loss resulting from demolition.

RELEVANT PLANNING HISTORY

2015/0036 Mixed use Urban Quarter development comprising of demolition of existing properties at 229/230 High Street and construction of 4 storey block to High Street incorporating 3 no. ground floor retail units (A1) (with the option to include 1 no. Class A3 unit), and 27 residential units on upper floors (incorporating the reconstruction of the Bush Hotel), 7 storey block to The Strand elevation comprising basement car parking / plant / refuse store and 30 residential units on the upper floors, with landscaped courtyard, infrastructure and associated works.
Currently being considered

2015/0951 Demolition of 229-230 High Street (application for the Prior Notification of Proposed Demolition)
Prior Approval 9 June, 2015

RESPONSE TO CONSULTATIONS

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

Royal Commission on the Ancient and Historical Monuments in Wales - The Bush Hotel was listed for its special interest as a four-storey Georgian town-house/hotel retaining period detail. The demolition of this building was certainly a loss to the built heritage of Swansea. The proposals to reinstate the façade (informed by an historical assessment by Graham Frecknall Architecture & Design) is to be welcomed.

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The Georgian Group - Thank you for informing The Georgian Group of the above listed building application.

It has come as a surprise to The Georgian Group that this important Swansea landmark building has already been demolished since 2013.

Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states: *'Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.'*

We would welcome evidence that the Local Authority/applicant has indeed followed the correct procedures, and not in effect completed unauthorised works under the Act.

The building was demolished because it posed a public danger. Section 9(3)(a) of the Act states *'that the works to the building were urgently necessary in the interests of safety or health or for the preservation of the building.'* This reasoning does not cover total demolition. Temporary works should have taken place to ensure the safety of the site, as well as keeping future options to the building open. Again, we would welcome any defence why this did not occur.

As a result of this total demolition, we could not possibly support such an application until the points in this letter has been satisfactorily answered.

Ancient Monument Society - Thank you for consulting us on this application, which was discussed at the Society's Casework Committee on 4 February.

The Ancient Monuments Society objects to this application.

SIGNIFICANCE OF THE BUSH HOTEL

The applicant's Structural Report of 2008 claims that the Bush Hotel was "constructed circa 1890" and that "up until the demolition of No 231 & 232, the building would have formed part of a continuous terraced block of commercial buildings along the High Street" (Paragraph 3.1). The CADW list description of 1987 states that the building has a 'late Georgian stucco front' and that it is shown on a Swansea Local Board of Health Map of 1852.

It is not clear from the information provided whether the stucco front was a reworking of an earlier building, but the images included in the Structural Report suggest that an older structure may have survived behind. Other standing buildings in this section of the High Street suggest that there was ribbon development along the route from at least the early 19th century.

Whatever its precise age, the Bush Hotel was an attractive building with handsome detailing, notably a distinctive porch with cast iron columns, fine sash windows and ironwork balconies. There are reports that this was the last public house Dylan Thomas drank in before his journey to America in 1953 and at the time of its demolition the local press described the Hotel as "a city landmark".

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The building's listing means that it was recognised by law as a building of importance to the nation's heritage and that it was given an added level of protection. Listing is a statutory recognition that comes with responsibilities. We are concerned that in this case those responsibilities appear to have been neglected.

DEMOLITION OF THE BUSH HOTEL

Trustees were shocked to learn that the former Bush Hotel, a Grade II-listed building, had already been demolished. The information submitted seems to indicate that no consents were sought for the demolition. Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, under the heading "Restriction on works affecting listed buildings", states that:

"Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised."

Similarly Paragraph 66 of the Wales Office Circular 61/96 addresses the issue of demolition:

"Once a building is listed (or is the subject of a Building Preservation Notice) under Section 1 of the Act, Section 7 provides that consent is normally required for its demolition, in whole or in part, and for any works of alteration or extension which would affect its character as a building of special architectural or historic interest. It is a criminal offence to carry out such works without consent, which should be sought from the local planning authority."

CADW, in its guidance on listed building, has similar advice: *"It is a criminal offence to carry out works (either to the exterior or interior) which would affect the character of a building once it is listed unless listed building consent has been obtained from the appropriate planning authority."* (CADW, *What is Listing 2005*).

As consent was not sought for the works under Section 7 they were therefore effectively unauthorised and a contraventions under Section 9 the 1990 Act.

Although four specific defences are permissible under Section 9(3), they have to be relevant to the specifics of the situation and all four are inter-related and must be complied with predicated on: urgency; the applicability of immediate emergency action; and be minimal in scope.

Under Section 9(3)(a) the Act states *"that the works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;"*

The issue here is urgency with works to stem deterioration but the urgent work should have to be confined to temporary support only while a proper assessment of options for repair (including for example any separate insurance requirements) and the relevant planning consents were obtained from the Council.

This defence expressly does not cover complete demolition and clearance. If this defence were otherwise to apply it might be argued no consent is ever required under any circumstances.

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Section 9(3)(b) requires proof “that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;”

This is about practicality. There is no evidence to suggest that it might not have been possible to prevent further structural instability by temporary support nor that the building could not have been temporarily fenced off to address issues of public safety while a thorough independent assessment was undertaken.

Section 9(3)(c) requires “that the works carried but were limited to the minimum measures immediately necessary”;

Complete demolition and clearance of the building does not constitute minimum measures, and although some works might have been immediately desirable to the owner it is by no means clear or proven they were immediately necessary.

Section 9(3)(d) requires “that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.”

The Society has not been presented with any evidence by the Council that any notice in writing was expeditiously received. The interposing of the word “and” between Section 9(3) (c) and (d) is important and intended to ensure that all the four clauses in the Act must be complied with for a defence under S.9(3) to succeed, but in the case of the listed Bush Hotel it would appear that none of the tests under S.9(3) of the 1990 Act were met.

Structural condition

The applicant argues in his Design and Access Statement that the building had been structurally unsound for a number of years. The application is supported by two Structural Reports – one from 2008 and another from 2012. The first report does not appear to have highlighted any serious structural defects, apart from some bulging to a retaining wall to the rear of the property. The 2012 report indicated that “the gable wall to the front section [was leaning] outward at the top by 10-15mm and this may be a result of disturbance when the adjoining buildings were demolished with the wall weight then causing movement”. It is not clear why no measures were taken to prop up the side wall to the Hotel at the time Nos 231& 232 were demolished, but it seems that defects were allowed to get progressively worse between 2008 and 2012.

The 2012 report concludes that: *“the building, especially at the front and north gable elevations, is in a potentially dangerous condition with a number of structural defects and building defects present that need attention to preserve the integrity of the structure in the short to medium term”* (Paragraph 5.0). A Recommendation was made that:

“Due to the condition of the building and, what appears to be, slow progressive movement to the front elevation [...] short term measures are implemented to safeguard the structural integrity of the building, especially the front, whilst a decision is made for the building [...] (Paragraph 6.1).

More detailed recommendations were made under Paragraph 6.2.2.

We wonder if your authority took steps to address the situation? Paragraph 123 of the Wales Office Circular 61/96 is unambiguous:

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“Local planning authorities may not consider making a dangerous structures order for listed buildings, buildings subject to building preservation notices and buildings in conservation areas unless they have considered, as an alternative, whether to exercise their powers under Sections 47, 48 or 54 of the Act relating to repairs (Section 56). Even when they consider that a dangerous structures order is appropriate, the works specified in such an order relating to such buildings still require listed building consent. Authorities making dangerous structures orders should remind owners of the need to obtain listed building consent – or fulfil the requirements of Section 9 (3) which provides a defence against prosecution.”

Dangerous structure

Section 78 of the Building Act 1984 explains that a local authority “*may take steps as may be necessary*” to “*remove the danger*” presented by a “*building or structure, or part of a building or structure, [which] is in such a state, or is used to carry such loads, as to be dangerous*”. However the Act also insists that:

“Before exercising their powers under this section, the authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building, or of the premises on which the structure is situated.”

A clear inference can be drawn from the powers under Section 78 regarding immediate action, that in making explicit provision for cost recovery it should be expected that such works should not exceed fencing off the building or structure, or arranging for it to be watched. It would seem to the Society therefore that the use of this power by the Council rather than the process permitted under Section 77 (which would be in contravention of the listed building legislation) was misdirected.

It is not clear to us that your authority issued such a notice, or even that the demolition works (which were carried out by the owner) related to Section 78 of the Building Act rather than Section 77, which requires Listed Building Consent.

We would be grateful if you could clarify these points. If the building was demolished in advance of listed building consent, your authority should consider whether action should be taken against the owner, as the 1990 Act requires.

In conclusion, the Ancient Monuments Society regrets the demolition of the Bush Hotel, objects to this application and urges your authority to consider the issues outlined in this letter.

Swansea Civic Society –

Background: During the planning process for the Urban Village in High Street and The Strand, the Civic Society expressed their strong concerns relating to the achieving of active frontages to both streets and the risk of an overbearing nature of the residential tower block. It is of considerable regret that the final form of the Urban Village and especially it's frontage onto The Strand failed in these aspects. The elevation to the High Street dominates the location with little or no active frontages which combined with gated entrances leave the street scape dead out of hours. In addition the promise of an internal courtyard space as a venue for public events disappeared. The frontage onto the Strand is dominated by a multi storey car park with a residential tower block above it, lacking in interest or activity.

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The Civic society supports the established planning policy to reinvigorate the High Street and develop The Strand as a stronger link between the City Centre and Parc Tawe and the river. The recently published City Centre Strategic Framework Review reinforces this objective and states that future developments should:

“Create an attractive high quality development with active frontages along.....The Strand.”

“Significantly improve links to the City Centre..... The Strand and the river corridor”.

“Redevelopment of vacant sites along the west of The Strand, some of which are taking place, should provide edge definition, a mix of uses that provide natural surveillance and points of activity”.

Having reviewed the documentation in support of the above application, described as the Urban Quarter, it would appear that a similar approach has been employed which will replicate the shortcomings of the previous Urban Village project.

Objections & comments

1. The proposed frontages to the High Street will not contribute to the public realm and active street scene, with the retail/commercial units of minimal dimensions which will not provide sufficient space for significant businesses. Amendments should be made.
2. To create a replica or imitation of the former Bush Hotel is an insult to the intelligence of the City and only serves to highlight what many perceive as the wilful neglect of its owners. Despite any “private” agreement which may have been arrived at with CADW, this element should be removed from the scheme, the salvaged columns to the original entrance porch could be incorporated into a design without requiring an imitation of a Georgian façade which sets out to deceive.
3. The proposed frontage onto The Strand consists of a screened car park and a resident’s entrance with no attempt to enhance the public realm or provide an active frontage. This should not be accepted.
4. The residential tower block to The Strand is described as finished in flat rain-screen panels. This is a blank and brutal block and must be improved with better quality materials with a greater degree of architectural interest deserving of its key position. It should not replicate the shortcomings of nearby Alexandra House.
5. It is notable that the Design Report by the Design commission for Wales supports our concerns and objections and also recommends improvements.

It is therefore the recommendation of the Swansea Civic Society that this application be refused and an amended proposal submitted to reflect the concerns raised.

Highway Observations – no highway objection

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APPRAISAL

The application seeks Listed Building Consent (LBC) for the demolition of the former Bush Hotel (233 High Street), Grade II Listed Building together with the reconstruction of a facsimile of the building as mitigation for the loss of the building, so as to ensure the urban design heritage aspects of the now demolished building are reintroduced into the street scene.

The proposed development comprises part of the wider proposal involving the demolition of the existing structures (229 – 230 High Street) to facilitate a residential led mixed use development of 57 no. affordable residential units and 3 no retail units and associated works and is to be referred to as the Urban Quarter development. The associated application for full planning permission has been submitted under Ref:2015/0036 and essentially comprises a 4 storey block to High Street incorporating 3 no. ground floor retail units (A1) (with the option to include 1 no. Class A3 unit), and 27 residential units on upper floors (incorporating the reconstruction of the Bush Hotel), and a seven storey block to The Strand elevation comprising basement car parking / plant / refuse store and 30 residential units on the upper floors.

A Listed Building Justification Statement is submitted with the application together with a Heritage Statement which has informed the design process in addition to the required Design and Access Statement. The application seeks to justify the progressive demolition of the building which took place during the months of June / July 2013. This followed the involvement of the Council's Building Control Dept. under Section 78 of the Building Act 1984, that the building was considered to pose an immediate danger to the public and required emergency work of demolition to remove the danger.

Notwithstanding that the former Bush Hotel was demolished in 2013, the main issue to be considered is whether there was a justification for its demolition having regard to the relevant Planning Legislation, under the Planning (Listed Buildings and Conservations Areas) Act 1990 and other related national planning policy and guidance. Additionally, whether the reconstruction of a facsimile of the building would provide adequate mitigation for the loss of the building.

Planning (Listed Building and Conservations) Act 1990 & National Planning Policy Framework

Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised. Section 9 (1) states if a person contraveners section 7 he shall be guilty of an offence and under section 9(4) a person who is guilty of an offence under this section shall be liable on summary conviction to imprisonment or a fine, or both. It is therefore a criminal offence to carry out such works without consent. However, under Section 9(3) in proceedings for an offence under this section it shall be a defence to prove the following matters-

(a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;

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(b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;

(c) that the works carried out were limited to the minimum measures immediately necessary; and

(d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable

Section 8 (3) of the Act allows listed building consent to be sought even though the works have already been completed. Applications for consent to retain such works should follow the same procedures as other listed building consent applications. Authorities should not grant without considering the merits of the case as they would if consent for the works had been sought before they were carried out. If consent is granted, it is not retrospective; the works are authorised only from the date of the consent.

Planning Policy Wales sets out the land use planning policies as they apply to Wales, lists relevant legislation and sets out the general sustainable development principles and the role of the planning system. Section 6 sets out the objectives in respect of conserving the historic environment and in particular the objective of ensuring the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building special architectural and historic interest (6.1.1.).

PPW states that whilst it is an objective of Welsh Government Policy to secure the conservation and sustainable use of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised and justified before any decision is reached. In determining applications for total or substantial demolition of listed buildings, authorities should take into account the condition of the building, the cost of repairing and maintaining it in relation to its importance and the value derived from its continued use, the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site (6.5.12).

Planning and the Historic Environment: Historic Buildings and Conservations Area (5 Dec. 1996) (W.O.Circular 61/96) sets out advice on legislation and procedures relating of historic buildings and together with PPW, the combined guidance may be material to decisions in individual planning applications and should always be taken into account in the exercise of listed building and conservation area controls.

Justification for demolition

Coastal Housing Group purchased the Bush Hotel in September 2011 and the Council wrote to Coastal in October 2012 expressing concern at the condition of the Bush Hotel and sought confirmation of the structural condition of the building. Correspondence followed in early 2013 which resulted in an internal inspection in March 2013 and further request for clarity on the condition of the building. Coastal confirmed that they were monitoring the building and was to be reused as part of their 'Peoples Square' project.

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ITEM 3 (CONT'D)

APPLICATION NO.

2015/0073

The Bush Hotel was regrettably demolished in June/July 2013 following the intervention of the Council's Building Control department. They deemed that the building was 'dangerous and that immediate action was needed' and instructed the owners to take appropriate action. The demolition was approached in an incremental manner but in the opinion of the owner's structural engineer and the Councils Building Control Section the building was not saveable.

The Councils Conservation Officer was informed of the structural concerns and advised the owner to only undertake the 'minimum necessary' work to make safe on accordance with section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is reiterated that it is a criminal offence to demolish a listed building without consent under Section 9 of the Act, however, in doing so it is defence that it can be demonstrated that the works were the minimum necessary and therefore it is imperative that the reasons for demolition are fully transparent.

The observations by the Mel Williams Structural Engineer in Jan 2013 (submitted in support of the application) were that the front of the listed building onto High Street wall '*could be rescued using a temporary system of dead and raking shores*' (paragraph 4.02) but there is no explanation of why this approach was not adopted. Within the additional information submitted in May 2015, it is explained that the raking shores to support the front elevation would have blocked the High Street to traffic movement, so it is accepted that this option was considered and discounted. However it is not explained whether a system of structural support and concrete counterweights was considered.

It was not clear in the original submission when the structures to the rear of the former Bush Hotel and also the buildings on High Street were demolished, however, it has since been clarified that the structures were cleared prior to ownership by Coastal Housing Group.

With regard to the justification for demolition and that the works carried out were the minimum necessary under Section 9(3) of the Act, the following issues are summarised as follows:

- a) It is agreed that the works were necessary in the interests of public safety as indicated by the verbal instruction by the Councils Building Control Officer under section 78 of the Building Act to make the building safe.
- b) Some temporary solutions were considered and discounted, although it is not clear if all potential options were explored.
- c) The Councils Conservation Officer gave clear advice that the work carried out should be limited to the minimum necessary. The Councils Building Control Officer supervised the controlled demolition by hand. The issues arising from the 'bookend' effect had destabilised the front elevation, roof and north gable. However the justification for the demolition for the rear parts of the building which were back from the High Street is not apparent.
- d) Notice of the work was given to the Councils Conservation officer on the day that the Dangerous Structure was declared verbally (18th June 2013). Rapid consideration was given to the use of Sections 47, 48 and 54 of the Planning (Listed Buildings and Conservation Areas) act 1990 in accordance with paragraph 123 of circular 61/96 (Planning and the Historic Environment). However the option of the Council intervening using Listed Building powers was unfortunately ruled out due to the uncertainty over the potential costs and the lack of a budget for works in default.

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ITEM 3 (CONT'D)

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2015/0073

It is not disputed that the building was in poor condition prior to its demolition, and it is considered that adequate justification has been given for its demolition. The rebuilding underpinned by historic references and conservation principles will effectively recreate the façade in the streetscene and the remainder of the building will be screened by infill development alongside. Therefore whilst the demolition of the Bush Hotel was regrettable, the proposals are supported as a key element of the regeneration proposals for High Street as part of the Vibrant and Viable Places (VVP) programme for Swansea.

Proposed Building Facsimile

The former Bush Hotel dated from around 1840. It had a four storey Georgian façade constructed of pennant rubble stone and finished in render with dressed stone cills and cornice. The windows were multi-pane sash with a triple sash window at ground floor level (the surrounds shown in the photos were actually painted, but there was a cill band at second floor level). At ground floor level was a portico porch with cast iron columns. The roof had been replaced with concrete roof tiles but the chimney stacks and pots remained.

The Council's Conservation Officer was able to inspect the Bush Hotel internally a few months before the demolition. This resulted in advice that the structural condition of the building be urgently looked at, but also revealed that the building had been changed considerably internally, with very little historic fabric remaining. The panelled room referenced in the listing description had vanished apparently under previous ownership and the ground floor layout had removed the original stairs. The upper floors retained the original stairs, but the rooms were devoid of architectural features. The rear wing was a later addition and this also was devoid of architectural features. Therefore based on the inspection it is considered that it was the façade and shell of the building that contained the most significance as a streetscene building and internally significant change would have been allowable.

The Ancient Monument Society in their objection suggest that the building was a reworking of an earlier structure. There certainly is a scar in the party wall of the building to the south that indicates a building of three stories that steps back at each floor. This suggests an earlier structure that pre-dates the 1840 building and this needs to be recorded prior to any development.

The Listed Building Justification statement indicates that the following items were salvaged and are now in store:

- Timber portico roof structure;
- Cast iron portico support columns with decorative scrolling;
- Decorative wrought iron railing detailing;
- Decorative wrought iron work from portico roof;
- Metal support brackets with spotlights;
- Front entrance door;
- Original casement windows (1st, 2nd and 3rd floors front elevation)
- Original casement windows (ground floor front elevation)
- Stone window cill;
- Terracotta Chimney pots.

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A photographic record of the salvaged items has been provided. This indicates that the portico/ decorative metal work/ stone cills/chimney pots can be reused, whilst the timber window frames can be used to achieve correct detailing of new timber frames.

The applicants are proposing to rebuild the façade of the Bush Hotel and to recreate the span of the building under a traditional slated pitched roof. It should also be noted that the façade is to be constructed from modern blockwork with cement render, it will not be a traditional pennant stone construction with lime render, however the cills and details such as the cornice should be natural stone as evidenced by the items salvaged.

However it is indicated that the façade will be rebuilt to a slightly increased vertical proportion (90cm higher at cornice level) due to the inflexible greater floor to ceiling requirements and cill height requirements of affordable housing as set by the Welsh Government. The applicant's heritage professional has undertaken thorough analysis of the original Bush Hotel proportions based on a measured survey and also of similar Georgian facades in other Welsh towns. They have identified the underlying proportions based on a 'pattern book approach' and have provided examples of other Georgian facades with slightly greater vertical proportions. Therefore there is a justification for the altered portions that results in the parapet coping being some 90cm higher than originally.

The ground floor vertical proportion remains the same as the original dimensions are well suited to modern commercial use, plus this allows the salvaged canopy and cast iron columns to be reinstated. The windows on all floors all remain to their original proportions (but of new timber construction), it is the masonry area between and around the windows that is varied in the reconstruction and the following summarises the main vertical dimensional changes:

Vertical proportions changes:

- Street level to head of ground floor window – unchanged
- Head of ground floor window to cill of first floor window – increased by 50cm
- Cill of first floor window to head of first floor window – unchanged
- Head of first floor window to cill of second floor window – increased by 20cm
- Cill of second floor window to head of second floor window – unchanged
- Head of second floor window to fill of third floor window – increased by 10cm
- Cill of third floor window to head of third floor window – unchanged
- Head of third floor window to top of cornice – unchanged
- Cornice to top of parapet – unchanged
- Parapet to ridge (vertical distance) – unchanged
- Overall increase in height = 90cm

Based on the proportional analysis of the geometry underlying the pattern book design, the frontage is proposed to be increased by 25cm to balance with the vertical proportion and the following summarises the main horizontal dimensional changes:

Horizontal proportion changes:

- Front door width – unchanged
- Door reveal width - unchanged
- Door reveal to window jambs (equal both sides) – increased by 5cm
- Ground floor window width – unchanged

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ITEM 3 (CONT'D)

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- Right window jamb to adjoining existing building – increased by 37cm
 - Left window jamb to adjoining new building – decreased by 35cm
- Overall increase in width = 25cm

The changes to the horizontal proportions and original asymmetrical profile has been discussed by the applicants historic building advisor. They have acknowledged that there is no justification for altering the horizontal proportions, so amended drawings have been submitted which show the horizontal distances remaining as per the original survey drawings. Therefore the rebuilt elevation will retain the original asymmetrical appearance and this is welcomed.

The ground floor plan indicates that the street level of the Bush is proposed to be a commercial unit (it was originally a bar). The upper three floors are proposed to be residential accommodation (bedrooms and living rooms). As noted above the increase in vertical proportions is due to the inflexible Welsh Government DQR requirements in terms of ceiling heights, cill heights etc. The detail of these windows was discussed at length during the pre-application stage and details of the proposed windows were provided on 3rd March 2015 some 6 weeks after the application was submitted. A full set of details of the proposed new timber sash windows have now been provided to reflect the salvaged window details. The sashes now have the correct number of panes and the drawing indicates that all details are to be matched including sash weights albeit with slimlite double glazing.

Summary

As indicated above the justification for the unauthorised demolition of the Bush Hotel is accepted on balance and the construction of the replacement facsimile façade within the proposed development would be underpinned by historic references and conservation principles reflecting its former appearance within the streets scene. Furthermore the regeneration benefits of the proposal to create new homes and commercial space are key elements of the VVP project for the High Street. Therefore approval is recommended for the unauthorised demolition and the rebuilding of the façade subject to the conditions.

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 18 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: [AL-90-10, AL-90-11, AL-90-13, Listed Building Justification Statement, Historical Statement (19 January, 2015; AL--90-12b, A-00-01C, A-00-01C, A-00-03C, A-00-04C, A-00-05C, A-00-06C, A-00-07B, A-00-10B, A-0020-D, A-00-21C, A-00-22B, A-0023C, AD-31-100A, AD-31-101A, AD-31-102A, AL-90-12B, AL-90-13A (18 May, 2015)]
Reason: To define the extent of the permission granted.

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ITEM 3 (CONT'D)

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2015/0073

3 Notwithstanding the details indicated in the application, the rebuilt facade shall incorporate the following salvaged items:

- * portico structure, columns and flagstones;
- * front door;
- * stone cills;
- * decorative metal work;
- * chimney pots

Reason: In order to create the character of the former Listed Building.

4 Notwithstanding the details shown on any approved plan, the materials used for the external surfaces of the development including the architectural stonework, render details, quoins and colour shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to create the character of the former Listed Building.

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: (EV8)

PLANNING COMMITTEE – 11TH AUGUST 2015

ITEM 4

APPLICATION NO.

2015/1293

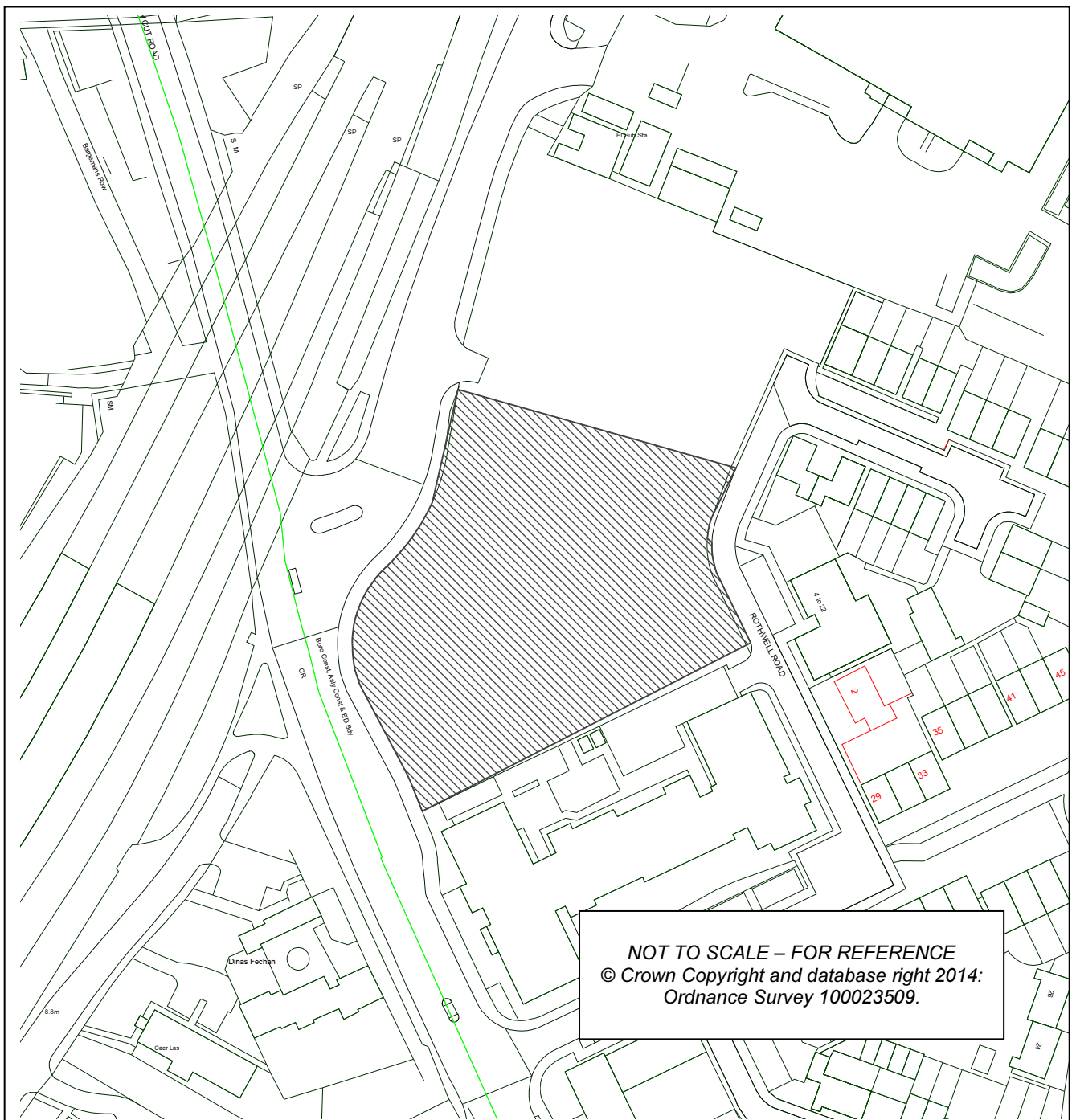
WARD:

Landore
Area 1

Location: Land at New Cut/Morfa Road Swansea SA1 2EN

Proposal: Revised layout to phase 2 Student Accommodation (340 bedrooms) including 'handing' Block D and incorporating re-arrangement of management suite / plant room and external layout of courtyard comprising landscaping, circulation and site access, car parking and cycle provision, refuse stores and sub-station (reserved matters approval pursuant to the outline planning permission 2007/2829 granted on 19th December 2008)

Applicant: Watkin Jones Construction



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ITEM 4 (CONT'D)

APPLICATION NO.

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BACKGROUND INFORMATION

RELEVANT PLANNING POLICIES

National Planning Guidance

Planning Policy Wales (PPW – Edition 7 (July, 2014)

Technical Advice Note 12 – Design

Swansea Unitary Development Plan

Policy EV1 New development shall accord with a defined set of criteria of good design.

Policy EV2 The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.

Policy EV3 Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access.

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

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

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

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

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

Supplementary Planning Guidance:

River Tawe Corridor Study

Places to Live: Residential Design 2014

RELEVANT PLANNING HISTORY

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

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ITEM 4 (CONT'D)	APPLICATION NO.	2015/1293
2008/1990	Details of landscaping for proposed student accommodation (reserved matters approval pursuant to outline planning application ref: 2007/2829) (resolved to grant planning permission 19th August 2008) Decision: Grant Permission Conditional Decision Date: 21/05/2009	
2010/0844	Construction of 106 residential units (59 two & three storey dwellings and 38 apartments in 3 three/four storey blocks & 9 "flat over garages") (details of the siting, design, external appearance, means of access and landscaping pursuant to conditions 2,4 & 7 of the outline planning permission 2007/2829 granted on 19th December 2008) Decision: Grant Permission Conditional Decision Date: 22/02/2011	
2013/1016	Revised ground floor layout to phase 1 Student Accommodation incorporating management suite/common room, refuse store, plant room and retail area; and external layout comprising additional vehicular access via residential estate road together with 5 space car park and revised cycle provision, substation relocation and landscaping (reserved matters approval pursuant to the outline planning permission 2007/2829 granted on 19th December 2008)	

RESPONSE TO CONSULTATIONS

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

NRW – do not object to the application.

Welsh Water – no objections subject to conditions

Highway Observations – none to date.

Introduction

The application is reported to Committee at it exceeds the development threshold (d) the provision of a building or buildings where the floorspace to be created by the development is 2,000 square metres or more.

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

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ITEM 4 (CONT'D)

APPLICATION NO.

2015/1293

The planning permission comprised a 'hybrid' outline planning application, whereby full details of siting, design, external appearance and means of access were provided and approved in respect of the student accommodation element of the scheme, including the retail store (but excluded the details of the landscaping being reserved for subsequent submission – ref:2008/1990 granted 21 May, 2009) with the remainder of the site (comprising the residential development and the riverside walkway / open space) to be subject to a reserved matters submission.

A reserved matters submission has since been approved for Bellway (ref:2010/0844) for the residential component of the scheme and has been completed together with the riverside walkway and open space provision. The construction of the residential units effectively implemented the permission in accordance with the time limits imposed by Condition 6 of the outline permission.

The phase 1 student accommodation units consisting of Blocks A & B (totalling 382 bedrooms) has been completed and a revised ground floor layout to the Phase 1 area together with a revised external layout and an additional vehicular access via the residential estate road was approved under ref:2013/1016.

Description

The current revised layout relates to the second phase of the student development (340 bedrooms) and involves a number of revisions to the approved scheme, in particular:

- 'Handing' Block D;
- Revised ground floor layout incorporating the re-arrangement of management suite / plant room;
- Revised external layout of courtyard comprising landscaping, circulation and site access;
- Revised car parking and cycle provision, refuse stores and sub-station

The principal changes to the building have resulted from the proposed phasing programme so that the approved Block E (at the end of Block D) which fronts onto Morfa Road will not be constructed until the last phase of the development. This has resulted in 'handing' Block D to enable the staircase to be centrally located with the adjoining Block C. The management suite / common room area has been reconfigured at the main entrance which enables a secure single entrance into the development to be provided.

The existing 'temporary' vehicle access off the Residential estate will now be closed, so that vehicular access will be obtained from the original approved access from Morfa Road. The internal courtyard area will be re-configured with revised circulation routes, communal landscaping, and refuse stores, cycle parking and sub-station. The external building envelope and layout of the Phase 2 development remains substantially unchanged and is being constructed as approved. The pre-commencement conditions have been discharged and the provisions of the Section 106 Agreement remain in place.

Policy Issues

Policy EV1 of the Unitary Development Plan seeks to establish the principles of development to ensure new development shall accord with a defined set of criteria of good design and be appropriate to its local context in terms of scale, elevational treatment, materials and detailing and should not result in a significant detrimental impact on local amenity in terms of visual impact.

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ITEM 4 (CONT'D)

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Policy EV2 indicates that new development must have regard to the physical character and topography of the site and its surroundings by avoiding locations that would have a significant adverse impact on landscapes, open spaces and the general locality, including loss of visual amenity.

Policies EV3, AS2, AS5 and AS6 address accessibility and require developments to provide access and facilities for all, and provide satisfactory parking in accordance with Council adopted design standards.

Visual Amenity

As indicated the siting and also the elevations of the phase 2 blocks (C, D & F) remain substantially unchanged and will be constructed as approved. The revisions to the ground management suite allow for a more controlled access into the building enhancing the buildings' security.

The existing 'temporary' additional vehicle access would prejudice the development of Block F and therefore was always only intended as a temporary arrangement pending the development of this phase of the development. The revised external layout of the seating / recreational area will now provide a much larger courtyard area to serve Phase 1 and Phase 2. Additional conditions are recommended regarding the design and materials of the refuse store and cycle stores, and substation, landscaping details in respect of planting, any external lighting, and other external works and also requiring the means of enclosure around the site perimeter.

Residential Amenity

The adjacent Bellway residential development has now been completed and the majority of the units are now occupied. As indicated, the siting of the phase 2 blocks (C, D & F) remains unchanged and is being constructed as per the approved development. The proposed refuse store allows for access from New Cut Road / Morfa Road and therefore the noise / disturbance impact from the emptying of bins will be minimised.

Access and Highway Safety

The approved development for the 967 student accommodation units does not provide any specific on-site parking for students and the Section 106 Agreement incorporates a clause requiring the students to enter into a tenancy agreement containing an obligation not to keep or use a Motorized Vehicle within three kilometres of the boundary of the site, although the restriction does not apply to students allocated a disabled parking space or to a visitor who has been allocated a designated parking space within the site for the duration of their visit. The provided car parking spaces are largely intended for blue badge holders and visitors to the development (including parental drop-offs).

Conclusions

In conclusion, having regard to all material considerations, including the Human Rights Act., the proposal would represent a satisfactory form of development which complies with the criteria of Policies EV1, EV2 and EV3 of the Unitary Development Plan and would have an acceptable impact on the residential and visual amenities of the area. Approval is therefore recommended.

PLANNING COMMITTEE – 11TH AUGUST 2015

ITEM 4 (CONT'D)

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2015/1293

RECOMMENDATION

APPROVE, subject to the following conditions;

- 1 The development shall be carried out in accordance with the following approved plans and documents: [Location Plan - 4405_22_P1; Phase 2 Site Plan - 4405_25_P1; Ground Floor 4405_03_P5; First Floor 4405_04_P5; Second Floor 4405_05_P5; Third Floor 4405_06_P5; Fourth Floor 4405_07_P4; Fifth Floor 4405_08_P4; Sixth Floor 4405_09_P4; Elevations 4405_10_P2 & 4405_09_P4 - 9 July, 2015]

Reason: To define the extent of the permission granted.
- 2 Notwithstanding the details indicated on any of the approved plans, the precise design and use of materials of the refuse store and bicycle stores shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order so that such details can be assessed in the interests of the visual amenities of the area.
- 3 Notwithstanding the details approved under the reserved matters consent ref: 2008/1990, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works and shall include details of any external lighting and all other external features as well as all proposed tree and shrub planting and other soft landscaping works.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 4 Notwithstanding the details indicated in the application, the proposed means of enclosure to this Phase 2 development shall be completed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.
- 5 The proposed car parking spaces shall be laid out in accordance with the City and County of Swansea parking standards.

Reason: In order to ensure the car parking spaces are accessible.
- 6 Notwithstanding the details indicated in the application, the development shall not be occupied until a refuse strategy has been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure the management and movement of refuse within the site in the interests of site safety.

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ITEM 4 (CONT'D)

APPLICATION NO.

2015/1293

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, AS1, AS2, AS3, AS5 & AS6)
-