

PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 1

APPLICATION NO.

2015/1498

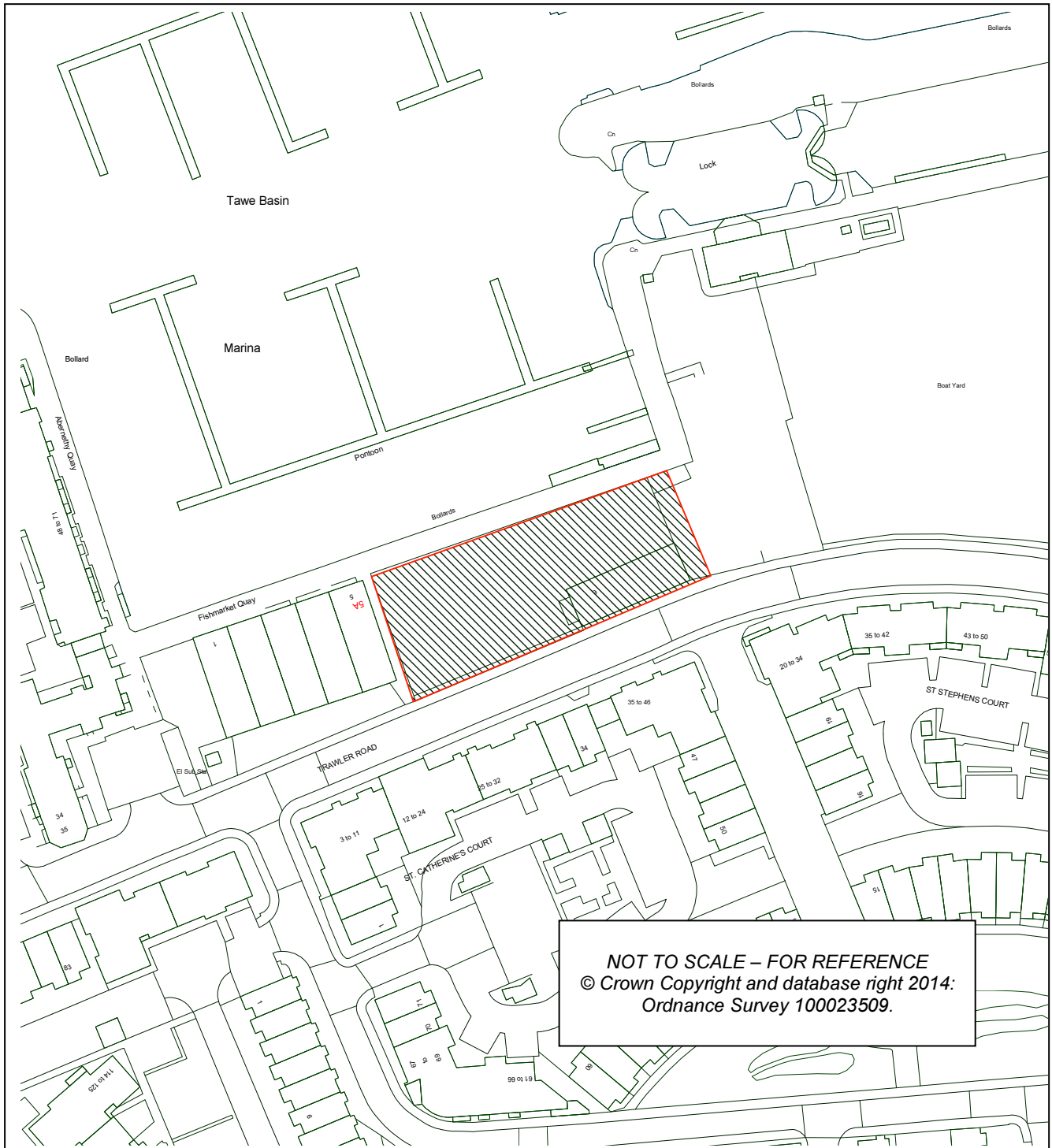
WARD:

Castle

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

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

**Applicant:** Waterstone Homes 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.
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings.
Policy EV3	Accessibility criteria for new development.
Policy EV4	Creating a quality public realm
Policy EV34	Development proposals will only be permitted where they would not pose a significant risk to the quality of controlled waters.
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.
Policy HC1	Housing site allocated for development
Policy HC2	Proposals for housing developments within the urban area will be supported where the site has been previously developed or is not covered by conflicting plans policies or proposals.
Policy HC3	In areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs.
Policy AS1	New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
Policy AS2	Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
Policy AS6	Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking

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### **Planning Policy Wales (PPW) (July, 2014 7<sup>th</sup> Edition)**

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

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

### **Technical Advice Note (TAN) 11: Noise 1997**

### **Technical Advice Note (TAN) 12: Design (2014)**

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

## **RELEVANT PLANNING HISTORY**

2012/1226 Construction of a four / three storey block containing 50 residential apartments (Class C3) and 1 no. ground floor retail unit (Class A1) with associated undercroft car parking (outline - including details of access, appearance, layout and scale)

Refused 3 July, 2014 for the following reasons:

1. The introduction of a residential use in close proximity to existing business uses would be detrimental to the residential amenity that future residents of the proposed development could reasonably expect to enjoy by virtue of the noise, smells and air pollution generated by the existing business operations. The proposal is therefore contrary to Policies EV2, EV40, HC2 and CC1 of the City and County of Swansea Unitary Development Plan (2008).
2. The introduction of a residential use within close proximity to existing business activities, namely the marina boatyard (including the boat hoist operation) and commercial fish market would likely result in nuisance complaints from future occupiers of the proposed residential apartments, which in turn could unduly impact on the operations of those existing businesses, which are of strategic importance to the City and County of Swansea and its adopted vision to make Swansea a vibrant, attractive and distinctive 21st century Waterfront City which capitalises on its waterfront location. The proposal is therefore contrary to Policies EV2, EV40, HC2 and CC1 of the City and County of Swansea Unitary Development Plan (2008).
3. The proposed development fails to provide any off-street car parking for visitors to the development which will lead to an increase in parking on the adjoining highway network to the detriment of highway safety. The proposal is therefore contrary to Policies EV1, EV3, AS6 and CC1 of the City and County of Swansea Unitary Development Plan (2008).

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### RESPONSE TO CONSULTATIONS

#### PETITION OF OBJECTION

The application was advertised on site and in the local press and the neighbouring properties in St Catherine Court and the original objectors to planning application 2012/1226 were consulted individually. A PETITION OF OBJECTION containing a total of 79 signatures and 26 LETTERS OF OBJECTION have been received making the following points:

1. The previous proposal (Ref:2012/1226) was rejected in 2014. The details have not changed since then and this new application should be refused.
2. The planning application will endanger the fishmarket as it could be closed down due to complaints being likely to be made by the occupiers of the proposed flats due to the nature of the business.
3. The fishmarket takes its local catch from the trawlers whilst the flats can be built anywhere.
4. The tidal lagoon will increase boat use and shell fish farming in Swansea Bay and the boatyard should be retained for these uses.
5. The Planning Committee previously rejected an identical application because odour from the Fish Market and Council Marina careening bays could affect potential residents who in turn could complain and close the Fish Market and the careening operation.
6. The main source of odour is the vent used for smoking fish, which is located 3 metres above ground level. Smoking fish is undertaken overnight and through part of the day. This is not monitored in the consultant's report.
7. The Fish Market opens at 05.30 for early deliveries, which is a time when fish odour can be more intense due to the movements in and out of the building. This was not monitored.
8. Fish odour from the bins can be more intense over a weekend when the Fish Market has cleared shelves for closure over the weekend. Then consultant would have known to survey this source had they consulted residents prior to undertaking the surveys.
9. Odour from the careening bay can be strong when boats are cleaned on lift-out. This was not surveyed.
10. There have been complaints about the Fish Market and local residents who are not downwind consider that odour can be a problem.
11. The table 'Effectiveness of Odour Pathway' does not identify the main source of odour and is far too simplistic in assessing wind direction.
12. Only wind speed was provided. No mention of 'gust' speed, which can create additional turbulence.

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13. The consultant argues that the main source of odour is at ground level, well below the level of the flats. This is clearly not the case as the vent for smoking fish is 3 metres above ground level and as warm air rises, it will effectively be at the same level as the windows of the flats.
14. The consultant did not consult local residents and failed to understand the problem.
15. The proposed properties have balconies with French doors. The likelihood of odour entering these properties is high.
16. There was strong objection to the previous application on the basis that light levels in the existing properties that overlook the Boat Yard would be substantially and unfairly reduced by the proposed Boat Yard development. The Planning Committee understood and supported this concern.
17. The 'Daylighting Analysis Report' confirms the worst fears of the residents and objectors. The predicted reduction in all aspects of light is worse than feared and could materially affect the health of residents.
18. The consultant analyses three parameters for assessing light but only considers a limited number of properties.
19. The Building Research Establishment (BRE) document Site Layout Planning for Daylight and Sunlight: A Good Practice Guide describes how to assess light in building. It recommends the maximum impact a new building should have on existing properties' diffuse light as measured by 'view of the sky'. The BRE recommends a maximum reduction of no more than 20%. The report clearly indicates that 25% of the measurements will be in the order of an 80% reduction.
20. This level of reduction far exceeds the maximum recommended by the BRE and is totally unacceptable. The potential impact can clearly be seen when standing inside one of the properties opposite the development.
21. The BRE again recommend that new development should not reduce existing sunlight hours by more than 20%. In this case, 44% of rooms are shown to exceed the recommended 20% with the maximum being an 88% reduction. This is clearly unacceptable.
22. The Average Daylight Factor (ADF) is a measure of the total light within a room. British Standard 8206-2 Code of Practice for Daylighting recommends an ADF of between 5% for well daylit space and 2% for a partially daylit space. It also recommends minimum figures of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
23. Many of these properties will be starved of light by the new development, probably having to use artificial light throughout the day. The consultant argues that the properties that are already below the minimum standard should be ignored despite the fact that their existing light levels will be reduced by up to 60%.
24. The data in the Daylighting Report fully supports the objection to the site and the Planning Committees' decision to refuse permission. The consultant's conclusion that people already with poor light levels can be starved of light and ignored cannot be given any credibility.

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25. This is the second full noise report for a building on the Boat Yard site. The survey data in the noise report supports the data from the previous report and confirms that the Boat Yard is within a noisy environment where complaints are likely. This is despite the fact that the one noise meter was shielded from the Marina boat yard activity by the existing boat shed.
26. The report data shows that the existing night noise falls under Noise Exposure Category C of TAN 11 which states "Planning permission should not normally be granted". Daytime noise falls on the border of C and B "Planning permission should not be granted" and "Noise should be taken into account". The report states that noise levels fall within NEC B but this does not appear to be supported by the facts.
27. The report also confirms that there is high maximum noise in the early hours of the morning.
28. There has been no change from the last application. The new noise report confirms this in stating in 1.3.3 stating "*the calculations indicate that due to the relatively high ambient noise levels it*". The report suggests that the building will have a high level of noise insulation to ensure noise levels indoors meet the required levels in BS8233.
29. This is a totally pointless exercise when the flats have Juliette balcony doors and opening windows. Many people find it difficult to sleep with windows closed. On hot summer days, trickle vents would be totally inadequate. Windows and French doors would be opened. Many residents lean out of French doors to smoke.
30. The wheelchair apartments on the ground floor have direct access to the promenade adjacent to the boatlift and will be subject to noise pollution. They will not be isolated from noise nuisance as claimed in the revised technical report.
31. Noise is already at a level that would cause complaints. Activity in the Marina Boatyard and hence noise levels are likely to increase when Marina activity increases on completion of the Tidal Lagoon. Further boatyard capacity will be required to service the boating activities in the Tidal Lagoon. The Boat Yard area is the only suitable area to meet this need. The chimes of St Mary's Church have been curtailed by a new nearby development. The operations in the Marina Boatyard and the Fish Market will be seriously at risk of closure or at risk of being curtailed, if permission is granted.
32. There would be additional traffic along Trawler Road.
33. The Transport report is deficient and the Swansea Parking Standards SPG prohibits this application.
34. The Parking SPG requires 60 spaces and 10 visitor spaces and visitor parking should be within the development not relying on public parking. The application is deficient of 25 spaces.
35. Sustainability points cannot be relied upon.

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36. There is no evidence of low car use.
37. There is no specific parking or loading spaces for the retail shop.
38. Spaces 41 – 49 are only accessible through a working boatyard and are unsafe to use.
39. Inadequate provision is made for disabled parking.
40. The Transport report indicates there are 202 unrestricted parking spaces within walking distance of the site. Some of these are in private ownership.
41. Limiting available parking will impact on local businesses contrary to policy EC3.
42. There are only 46 unrestricted public parking spaces within a quarter of a mile of the site.
43. The closure of the boatyard has caused inconvenience to boat owners via a loss of winter boat storage.
44. If the boat hoist is removed the marina will close.
45. There is no demand for further retail units in the marina.

### **Maritime Quarter Resident's Association Objection**

#### Summary

The Planning Committee were correct in virtually unanimously refusing the previous application (2012/1226) for the Boat Yard and this was confirmed when the Applicant withdrew the appeal knowing it could not be successful.

The Environmental Health Officer of The City and County of Swansea, was also proved correct in his original report recommending the refusal of the previous planning application.

The reason for refusal of the previous application was that noise, smells and air pollution generated by existing businesses would result in nuisance complaints from future occupiers. This would then unduly impact on local businesses including the Marina Boatyard and Fishmarket resulting in the operations being curtailed or stopped. This is not a theoretical concern as, in similar circumstances, complainants from a nearby new development have curtailed the chimes of St Mary's church.

Objections were made and concern expressed about the impact of the proposal by reducing light on the existing homes on Trawler Road. The reduction of the light on the existing properties is as important as the reasons for refusal as the impact is appalling.

The building in this application is identical to the previous application and should be refused, as the Applicant has not offered even one argument in the supporting documents to justify a change in your decision to refuse the last application.

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Odour – There is no reason to change the original reason for refusal.

The consultant's report on odour does not monitor the main source of odour and is technically incorrect in other aspects and should be withdrawn.

Noise – There is no reason to change the original reason for refusal.

The noise report confirms the findings of the previous noise report that the Boat Yard is a noisy environment and the night time noise levels fall within Noise Exposure Category C of TAN 11 which states: "*Planning permission should not normally be granted.*" Daytime noise levels are on the border of Category C of TAN 11.

The consultant argues in his report that the assessment should be made using a British Standard for internal noise and describes how the development should be constructed to meet the requirements BS 8233. The proposed development includes Juliette balconies and opening windows and could never meet the requirements of BS8233. A total redesign will be required if the developer seriously wishes to meet the requirements of BS8233.

Residents in this development will experience high noise levels and will have a right to complain. This puts the operation of the Marina Boat Yard and the Fish Market at serious risk.

Daylighting Analysis– There is no reason to change the original reason for refusal.

The report titled Daylighting Analysis is intended to support the application but actually confirms the worst fears of the residents affected and the objectors. The consultant analyses three parameters for a limited number of properties. The results are worse than feared and will adversely affect the health of existing residents.

For the first parameter, View of The Sky, the Building Research Establishment (BRE) recommends a reduction of no more than 20%. The report shows that 25% of the measurements will be in the order of 80% reduction.

The second parameter assessed is Access To Direct Sunlight. The BRE again recommend that new development should not reduce existing sunlight hours by more than 20%. 44% of rooms are shown to exceed the recommended 20% with the maximum being an 88% reduction.

The third parameter is Average Daylight Factor (ADF), which is a measure of the light within a room. British Standard 8206-2 Code of Practice for Daylighting recommends an ADF of between 5% and 2%. It also recommends minimum figures. The consultant has chosen the minimum rather than recommended figures to make the assessment. Many of the properties already do not meet the recommended minimum standards. These properties will be starved of light by the new development probably having to use artificial light throughout the day. The consultant argues that the properties that are already below the minimum standard should be ignored despite the fact that their existing light levels will be reduced by up to 60%. Any reasonable person cannot accept an argument that people who are already starved of light should be ignored. Such a reduction is an attack on their human rights. The use of additional energy for light is in conflict with your 'Green' and 'Sustainability' policies

Parking – There is no reason to change the original reason for refusal.

The proposed parking does not meet the minimum requirements of City and County of Swansea Parking Standards when visitor parking, disabled visitor parking and parking for the shops is included. The application suggests that all parking within 500m, as the crow flies, should be included in parking provision.



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This is just silly as any sensible person understands that people do not park over 500 metres away when visiting properties; particularly the disabled. The existing, serious, parking problems around the Tower confirm this. The applicant could have been less mercenary and curtailed the number of flats to ensure sufficient parking or built underground parking, as was used in the original marina development.

The previous application was refused by a virtually unanimous decision of the Planning Committee. There is nothing whatsoever in the reports accompanying the resubmission of the same development that justifies changing the decision to refuse the application.

**Cllr Fiona Gordon** - I wish to object to the above application on the following grounds. Please note that I am objecting as a Councillor for Castle ward and also as a resident of the Maritime quarter, living near the site. Many of these issues affect residents living near me, and local businesses.

The proposed development - 50 apartments, retail unit and underground parking, in a small space between two businesses - will adversely affect the surrounding residents and businesses, as well as being an inappropriate and unpleasant environment for residents of the new proposed accommodation.

Firstly, the health and wellbeing of the residents living in Courts with properties that back onto Trawler Road opposite the boatyard will be adversely impacted due to the substantial reduction in light. With reference to the Daylight analysis report, the BRE document on Daylight recommends that a new development should not reduce the daylight for existing properties by more than 20%, yet it goes on to show how this development reduces some properties' daylight by up to 88%. How can this be acceptable? The report goes on somehow to conclude that this is not important, not significant and cannot be avoided. I would disagree with this assumption, and would insist that this development would indeed cause darker living conditions for current residents.

This area is currently one which supports a popular and successful maritime industry. The proposed development would be extremely close to the fishmarket, which processes locally caught fish every day. If these properties were to be built this close to it, the environment would be very unpleasant for residents, with smoking of fish going on every night, and noisy working conditions in the early hours. In addition, the boatyard on the other side of the proposed development services boats during the day, using chemicals and water spray to clean boats. It would seem obvious that there would be complaints due to noise and odour, and this could lead to the businesses being threatened. These businesses have been developed here as it is the perfect place for them, and it would be a terrible shame for the area if they were to be closed because of housing that has been shoe-horned into an inappropriate space after many years of quality commercial success. People expect maritime businesses in a maritime area.

I refer to 2.6 of the Odour assessment report: "the planning system should perform an environmental role to minimise pollution. To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location." Clearly here the new development is not in an inappropriate place, and should not be pursued.

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There is inadequate parking for residents and visitors. There is no disabled visitor parking or parking for commercial vehicles visiting the shop. This will exacerbate the existing problem where visitor parking spaces and private parking spaces within the Swansea Point development are being used by people looking to park in the marina. The proposal is short of 25 spaces according to recommendations for numbers of parking spaces, plus there is not enough disabled parking, despite some of the flats said to be accessible. Furthermore, some of the parking spaces are only accessible via the working boatyard, through areas where boats are sprayed and cleaned. This will create further problems which already exist in the marina.

Please consider these objections along with others from residents, the Maritime Quarter Residents' Association and fellow councillors.

**Cllr Sybil Crouch** - I wish to object to this application which is identical to the one overwhelmingly rejected by Planning Committee just over 12 months ago in July 2014

Three main reasons were given for rejection:

- the introduction of a residential use in close proximity to existing business uses would have detrimental impact on the future residents of the units due to smell, noise and air pollution generated from the adjacent marina businesses.
- That such impact would generate pollution complaints which CCS would be obliged to act upon , thereby threatening the future of businesses of “strategic importance.
- Contrary to a range of policies no visitor parking was provided within the curtilage of the development.

This current application fails absolutely to resolve any of the three reasons for the previous refusal.

Indeed this application is worse than the previous one in that it fails to make any acknowledgement or offer any mitigation at all for the impact of smells and noise on the residents of the development. (In 2014 the applicant had proposed gagging orders to stop residents complaining about odour & noise with an alternative being that residents would not be able to open the windows).

The impact of these factors is simply ignored in this application and offers Technical Assessments of Noise, Odour, Daylight & Transport (incl. Parking) which at best obscure the facts and at worst could be seen to be deliberately misleading.

For example, the Odour Assessment completely ignores the fish smoking operation – despite this issue being raised by numerous respondents when the application was considered in 2014.

The Noise Assessment is seriously deficient on a number of counts and also ignores the fact that residents will open their windows.

The Daylighting Analysis which looks at the potential impact of the 4 storey building on the apartments directly opposite is seriously flawed in the manner in which the figures are presented. These give the impression that the decrease in light to a number of apartments is less than 20% (BRE standard) whereas in fact there is a relative reduction of up to **88%**, with many properties suffering a relative decrease in their light levels of **40%+**.

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Finally, the Transport Assessment proposes that there is a considerable amount of available visitor parking in other locations around the area. This is simply untrue. In their comment on this application, South Wales Police Designing Out Crime Officer states, "There is a total lack of parking in this area... ". In any case the Council's own Parking Standard states that visitor parking **must** be included in the curtilage of new residential developments.

Planning Committee cannot in my view rely on any of the Technical Assessments, all of which are flawed, deficient or misleading.

The application should be refused by committee for the following reasons:

- The development is in close proximity to businesses which are of strategic importance. These business could be lost as a result of inevitable pollution complaints from residents of the development.  
The proposal is therefore contrary to Policies EV2, EV40, HC2 and CC1 of the UDP
- The residents of the development would themselves suffer loss of amenity due to smells and noise from the adjacent maritime businesses.  
The proposal is contrary to Policies EV2, EV40, HC2 & CC1 as above.
- The development will have a highly negative impact on the health and wellbeing of the residents of the existing apartments in Trawler Rd who will suffer a significant decrease in access to daylight.
- The development fails to offer any off street parking for visitors contrary to Policies EV1, EV3, AS6 & CC1.

**Peter Black AM** – I note that this application is very similar to application 2012/1226 about which I voiced objection in my letter to the Authority dated 8<sup>th</sup> July 2013. In the intervening two years there has been no material change that persuades me that this is anything other than a wildly inappropriate site for a residential development, sandwiched as it is between two pre-existing businesses whose legitimate operations will have a deleterious, and ongoing effect upon potential residents. Nothing I have read from the erstwhile developer gives any sort of reassurance that were this block of flats to be built, the residents would not face negative noise, traffic, and other environmental factors on a daily basis.

In my previous letter I said, *inter alia*:

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

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Nothing in the new application has changed my view. Whilst mention is made of the boat hoist operations by the developer, that is the least of the difficulties that residents will face daily. The careening of boats, noise nuisance, and the movement of heavy goods vehicles, including low-loaders, will continue as before.

Turning to the operation of Swansea Fish Market, it remains the case that the legitimate operation of the business will of necessity cause unavoidable nuisance to everybody living in the proposed development. As I said in my letter of July 2013:

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

Here there has been a significant change, inasmuch as the business has expanded by 25% since 2013, with more vehicle movements, including heavy goods vehicles returning to site at 1800 to pick up deliveries. In addition, an extracting fan which operates continually during business hours has now been fitted alongside the smokehouse vent. I find it puzzling that the odour tests carried out make no mention whatsoever of the smell and fumes given off by the smokehouse, particularly as it is in operation daily.

Moreover, the tests were carried out on the plot as it is. The smells, and smoke fumes associated with the operations of Swansea Fish Market would behave in an entirely different manner once any residential block has been built, as this would alter the airflow considerably.

It remains my view that as there can be no question of requiring the pre-existing businesses to relocate, or curtail their operations, then this residential developments wholly inappropriate, and that the degree of inconvenience, interference, and nuisance will be much greater than it would have been two years ago.

**NRW** – Natural Resources Wales (NRW) does not object to the above application, providing appropriately worded conditions are attached to any planning permission your Authority is minded to grant.

### Flood Risk

The site is located within Zone A, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be outside the currently flood zones.

We note that the proposal is for a retail and residential development which is therefore classed as highly vulnerable development according to TAN15.

Our flood maps do not include an allowance for climate change and as the nearby flood risk is tidal, when climate change allowances are applied the site may be at risk from tidal inundation.

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A Flood Risk Assessment by Shear Design (Ref. SM/MB/07147.01.D100), dated 12th June 2013 has been prepared in support of the application. This indicates that the existing ground levels on the site are 7.4m AOD. However the finished floor level for the development will be set slightly higher at 7.6m AOD. Section 5.2 considers the impact of climate change allowances upon current tide levels in order to determine if the development complies with TAN15.

Whilst the report was prepared in 2013 and sea level rise for the last two years has not been considered, we can confirm that the development remains compliant with the requirements of Table A1.14 and guidance in Table A1.15 of TAN15.

Climate change is now also a consideration during the 0.1% scenario and we would advise your Authority that when climate change allowances are applied to this tide level, the depth of flooding that could affect the development is within the guidelines of Table A1.15.

Although the development will comply with the requirements of TAN15 the only existing vehicular access along Trawler Road is at a lower level and shown to be at risk of flooding.

Therefore, it is possible that over the lifetime of the development there will be occasions when the road is flooded and emergency access restricted. In order to ensure the safety of all residents a Flood Management Plan (FMP) should be provided and approved by the Local Planning Authority. The plan should include flood warning, emergency access/evacuation arrangements and clear responsibilities.

### Surface Water Disposal

With regards to surface water drainage, we note that the intension is to discharge directly to the marina. Whilst there is unlikely to be any effect on flood risk at this location the use of SuDS is still recommended as best practice.

Ultimately the drainage system design is a matter for the Local Authority Engineers. However, we would advise that the surface water drainage system must be designed to ensure no increased run-off from the site during and post development in all events up to the 1:100 year storm with an allowance for climate change.

### Foul Water Disposal

We note from the drainage statement proposals that the foul water is to be connected to the main foul water public sewer located on Trawler Road. We recommend that Dwr Cymru Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the additional flows generated without causing pollution.

Your Authority must be satisfied that the proposed foul water arrangements are satisfactory and will not pose a risk of pollution to controlled waters, prior to determination.

### Contaminated Land

NRW considers that the controlled waters at this site are not of high environmental sensitivity, and therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

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However, it is recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site, then the Local Planning Authority may wish to re-consult Natural Resources Wales.

### Pollution Prevention

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 location 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. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

To conclude, we would not object to the proposal, providing that appropriately worded conditions are attached to any planning permission your Authority is minded to grant.

**Dwr Cymru Welsh Water** – We would request that if you are minded to grant planning consent for the above development that conditions are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

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

**Glamorgan Gwent Archaeological Trust (GGAT)** – You will recall that in our response to the submission of 2012/1226, we noted that the Historic Environment Record curated by this Trust shows that the application area is located on the wharf area of the South Dock Half Tide Basin, adjacent to the site of the Globe Dry Dock. Begun in 1852, the entrance to the South Dock was remodelled at the turn of the 19<sup>th</sup> – 20<sup>th</sup> centuries, with alterations to the lock access and the conversion of the Globe to a wet dock. Since then, the area has been significantly remodelled and as the application area is on made ground there is nothing to suggest that any previously unknown archaeological features are present in the vicinity. There has been no change to our understanding of the archaeological resource since our letter and we have no objection to the positive determination of this application.

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The record is not definitive, however, and archaeological features or finds may be disturbed during the course of the work. In this event, please contact this division of this Trust. Nevertheless, as the archaeological advisers to your Members, we have no objection to the determination of this application.

**Council's Drainage Engineer** – We have reviewed the submitted application and recommend that a condition for a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with is appended to any permissions given. Nb – This is subject to a positive response from DCWW as the development is proposing to connect to a public surface water sewer which outfalls into Swansea Marina.

**Council's Ecologist** - I don't think there is likely to be any significant ecological impact with the proposed flats. The building on the site appears to offer few opportunities for roosting bats, it is also situated in a location with very little suitable foraging nearby. It is possible the building may be used by nesting birds. I think a bat and bird informative would be sufficient.

**Head of Public Protection, Housing and Public Health** – The Pollution Control division are satisfied with the outcome of pre-application discussions with the consultants acting for this site. They have no objections or special site specific conditions to request.

Various discussions followed with local residents and local members; it may be worth adding some additional comments given the questions asked by third parties having read the various application reports. In terms of noise, this site is subjected to industrial noise from neighbouring activities and does require a degree of insulation to ensure that all the habitable rooms can be occupied without nuisance. Whilst many may consider that this is not ideal, it is not unusual to require this, particularly where the industrial noises are clearly regular and predictable. The current British Standards and planning guidance allows for this approach. The Pollution Control division raised many questions with the noise consultant as there are obvious queries about the way the survey work was approached and the reporting of some of the data. We were satisfied with their responses although some confusion could have been avoided by a more rigorous and open reporting appendix. Some third parties have queried the misclassification of some of the data, although this does not change the overall position in that a suitable acoustically insulated window design will be necessary and the occupants will have the choice to open those windows if they wish.

The division did not discuss the odour control assessment as it is felt that the outcome is unclear and always would be unclear. The odour consultant does state the fact that the nearest opening window in the new structure is too close to the extract vent from the fish smoking process to reliably predict the degree of detection by any occupant of that room. It is notoriously difficult to construct any appropriate scientific model which could reliably predict odour nuisance over such short distances and between buildings which do not currently exist. Any future odour complaint cannot be ruled out but it is difficult to forecast that with any certainty. Whilst it is possible that future steps may need to be taken to reduce that probability even further, it is not likely enough to justify refusal of this application. Too much depends on too many variables including the widely different sensitivity of any future occupants. The division does expect some degree of complaint from odour and noise, or even jet wash overspray from boat cleaning when the wind is in the wrong direction. These sort of complaints are always likely when uses are mixed to

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this degree and in such proximity. However, as discussed previously, much depends upon the individual sensitivity of future occupants to the new flats and the willingness of all parties to cooperate. It seems unlikely that these issues could be sufficiently quantified to engage in a clear and logical debate in any planning appeal. However the long term outcome is further complicated by recent Supreme Court decisions affecting defences to nuisance claims where the nature of the locality had been changed by lawfully granted changes of use.

**Highway Observations** – 2015-1498 The Boat Yard, adjacent to Fishmarket Quay, Trawler Road, Maritime Quarter, Swansea SA1 1UP

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

### 1. Introduction

- 1.1 This proposal is for outline consent (with only landscaping being reserved) for the erection of 50 apartments and ground floor retail use (110 sq.m) on the site of a former boat yard on Trawler Road, Marina, Swansea. The site is located 600m south of Swansea City Centre and is bounded to the north by the Tawe basin, to the east by the existing parking area and open boat storage yard, to the south by Trawler Road and the west by industrial commercial properties.
- 1.2 The indicative plan shows 10 two bedroom apartments and 40 one bedroom apartments (including 3 wheelchair accessible apartments). The site is to be accessed off Trawler Road at three locations, one is via an existing access which serves the existing public parking area/boat yard to the east, and two are newly formed providing access to the main body of the car park on a one way in and one way out basis.
- 1.3 The car parking is laid out on the ground floor and comprises 49 car parking spaces (including three suitable for disabled users), and storage for 54 bikes in two separate storage locations. Access to the parking area is gained via a one way in–one way out system for spaces 1 to 40, whereas spaces 41 to 49 are utilized accessed via an existing point.
- 1.4 The site is well served by public transport with a service running along Trawler Road at a frequency of 60 minutes. In addition the site is within close proximity to the Quadrant bus station with services both locally and nationally. In terms of cycling the site is in close proximity to the National Cycle Network with county wide links. In terms of pedestrian movements the site is well located in terms of road, footways and bridges to link to the both the city centre and the waterfront.
- 1.5 A Transport Assessment has been submitted in support of the application due to the sensitive nature of traffic issues in the area, perceived problems brought about by recent large scale developments in the area and the objection letters submitted by local residents. The results are discussed below.



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### 2 Transport Assessment

- 2.1 The Transport Assessment has been submitted to support the proposal for residential flats with ground floor retail. The assessment has considered the impact on the Trawler Road (Dunvant Place)/Oystermouth Road Junction as this is the sole access in and out of the marina. The assessment has been undertaken in accordance with nationally accepted standards and best practice where committed traffic and development traffic is added to base traffic movements and the efficiency of the junctions. The output gives an indication of the degree of saturation at the junction and predicted queuing. All testing is undertaken during the am and pm peak periods.
- 2.2 The development has been checked for the year of opening (2017) and five years later (2022) this is standard practice. The base traffic flows are factored using growth factors and the trip rates are calculated using the TRICS database which is a nationally used software package. The report outlines the transport characteristics of the proposed development and the likely impact on the local transport network.
- 2.3 A parking beat survey was undertaken both in the week and at the weekend (in October 2014) in order to assess the availability of spaces within the Marina. This showed availability of 409 car parking spaces within a 500m radius of the site. When the residential demand is at its peak, i.e. overnight the car parking availability was between 260 spaces and 306 spaces (between 63% and 75% free). When retail use is at its peak (Saturday lunchtime) there were 211 unoccupied spaces which equates to 51% of capacity. It is noted that the parking beat survey included areas that are not open for public access and as such should not have been included. Notwithstanding that fact there are still a number of car parks in the area that are available to accommodate visitor parking.
- 2.4 A manual count was undertaken on behalf of the developer in October 2012 at the Trawler Road (Dunvant Place)/Oystermouth Road signalised junction.
- Flows of 4688 vehicles on Oystermouth Road were recorded in the a.m. peak (0730 to 0930) which averages out at 2344 per hour
  - Flows of 5680 in the p.m. peak (1630 to 1830) which averages out at 2840 vehicles per hour.
  - Flows of 447 vehicles were recorded on Dunvant Place in the a.m. peak (0730 to 0930) which averages out at 224 vehicles per hour
  - Flows of 578 in the p.m. peak (1630 to 1830) which averages out at 289 vehicles per hour.

These flows have been factored up to 2017 and 2022 and the development traffic added onto the existing flows to give the predicted future impact.

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

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- 2.5 The development of 50 flats is predicted to generate 6 arrivals and 10 departures in the morning peak (16 total traffic movements), and 11 arrivals and 8 departures in the pm peak (19 total traffic movements). It is clear therefore that given the volumes of traffic along Duvant Place/Trawler Road that these additional movements represent an increase of approximately 1% in the morning peak (diluted to virtually zero on Oystermouth Road). Similarly in the p.m peak the effect is an increase of 1%, again diluting down to virtually zero impact on Oystermouth Road.
- 2.6 For the year of opening plus five years (2022) due to an increase in traffic on the road in general the impact of the proposal on the highway and congestion is further reduced.
- 2.7 As the retail element is intended to be ancillary to the residential use, and its size is aimed at local shoppers then no trip generation has been included. This assumption was agreed in the scoping for the Transport Assessment.
- 2.8 The fall back position as a working boat yard was not included in the analysis thus the increase in vehicular movements will be offset to a certain degree by the trips generated by the current lawful use. This would have the effect of reducing down the impact even further.
- 2.9 The Transport Assessment has been assessed internally and it was concluded that the proposed development can be accommodated without any detriment to highway safety, nor the efficiency of the signalised junction of Trawler Road/Oystermouth Road.
3. Parking provision.
- 3.1 Parking is provided at 49 spaces for 50 flats, this equates to 98% provision. The sustainability appendix of the Swansea parking standards was completed and demonstrated that a reduction to one space per flat could be justified. Whilst the site is one space short of 100% provision it is not felt that this alone would be a sustainable reason for refusal that could be sustained at appeal
- 3.2 Cycle parking is being provided at 54 spaces for the proposed development and this is well in excess of the current recommended levels of provision for residential apartments/retail use. This will also reduce the dependency on cars and take advantage of the site's location so close to the waterfront.
- 3.3 Due to the confines of the site it was not possible to include visitor parking. Whilst no visitor parking is being provided there are a number of pay and display car parks in the area to accommodate this use. The parking beat survey, as referenced in clause 2.3 identified a large number of car parking spaces available and as the visitor requirement would only have been for 10 spaces (at one space per 5 units) then it was not considered that lack of visitor parking alone was sufficient reason to generate a Highways Reason for refusal that could be sustained at appeal.

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- 3.4 The CCS parking Standards require 1 space per five units and in the notes for guidance it states that 'visitor parking must be designed as an integral part of any development *where is it required*, and must take into account the needs of disabled people.' Thus if there is public car parking availability in the area then this can be used to take up the shortfall in the visitor parking (which is only 10 spaces).
- 3.5 As concern has been raised regarding the lack of visitor parking provision I have consulted with my colleagues who are part of the South Wales Highways Development Control forum for their thoughts. Of the limited responses that I have received both Powys County Council and Bridgend County Borough Council were of the opinion that given the fact that public parking facilities are available then they would not raise an objection to the proposal solely on the basis that visitor parking is not an integral part of the development.
- 3.6 Regarding car ownership in this ward (Castle) the 2011 census showed that 50.6% of all the households did not have access to a car. Given that the parking for the residential uses within this site is 98% (based on one space per flat) then it is reasonable to assume that there will be an element of residents that will not be needing their car parking space, and as such there will be scope to accommodate visitor parking informally within the ground floor layout. To manage the car park it will be a requirement that each parking space is allocated to a particular flat.
- 3.7 As servicing for the unit will take place on Trawler Road (as it the case for the adjacent retail/commercial units) I would recommend a condition restricting the servicing to be outside of the traditional peak hours, i.e. not between 0800 and 0900, and 1700 and 1800 in the interests of highway safety.
- 3.8 The parking layout is in line with adopted standard. Each of the two new access points is intended for one way use only thus minimizing the loss of the on street parking facility, and reducing down the likelihood of obstruction being caused on the adjacent highway of Trawler Road.
- 4 Accessibility / Sustainability
- 4.1 Public Transport movements within reasonable walking distance of the site are considered to be acceptable. There is an hourly service along Trawler Road and a much more frequent service available from the Quadrant. The site is well served for pedestrian footways linking the site to the city centre and the waterfront.
- 4.2 A Travel Plan will be required by condition to promote modes of transport other than the private car by identifying local bus and train facilities and the location of other facilities such as shops, schools, Doctor's surgery, Post Office and Banks. This is standard practice for residential developments.
5. Conclusions
- 5.1 This is a new development site that will add additional traffic movements onto the local highway network. Testing of the main junctions in the vicinity of the site indicate that there will be a very minor impact but the junction will continue to operate within theoretical capacity.

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5.2 In terms of parking, the provision of suitable bike storage plus the car parking (as detailed on the ground floor plan) is considered as adequate taking into consideration the availability of off-site parking to support any visitor usage, plus the Census Statistics for the Castle ward which indicate that 50.6% of households do not own a car. On that basis a recommendation of refusal is not justified.

6 Recommendation

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

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

Note 1: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.

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

## APPRAISAL

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

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

Members will recall that the previous proposal for the construction of a four / three storey block containing 50 residential apartments (Class C3) and 1 no. ground floor retail unit (Class A1) with associated undercroft car parking (ref:2012/1226) was refused planning permission on 3 July, 2014 for the following reasons:

1. The introduction of a residential use in close proximity to existing business uses would be detrimental to the residential amenity that future residents of the proposed development could reasonably expect to enjoy by virtue of the noise, smells and air pollution generated by the existing business operations. The proposal is therefore contrary to Policies EV2, EV40, HC2 and CC1 of the City and County of Swansea Unitary Development Plan (2008).
2. The introduction of a residential use within close proximity to existing business activities, namely the marina boatyard(including the boat hoist operation) and commercial fish market would likely result in nuisance complaints from future occupiers of the proposed residential apartments, which in turn could unduly impact on the operations of those existing businesses, which are of strategic importance to the City and County of Swansea and its adopted vision to make Swansea a vibrant, attractive and distinctive 21st century Waterfront City which capitalises on its waterfront location. The proposal is therefore contrary to Policies EV2, EV40, HC2 and CC1 of the City and County of Swansea Unitary Development Plan (2008).
3. The proposed development fails to provide any off-street car parking for visitors to the development which will lead to an increase in parking on the adjoining highway network to the detriment of highway safety. The proposal is therefore contrary to Policies EV1, EV3, AS6 and CC1 of the City and County of Swansea Unitary Development Plan (2008).

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This revised proposal has now been submitted for consideration which again seeks outline planning permission but with details of access, appearance, layout and scale to be considered at this stage (with details of landscaping being reserved for subsequent submission) to construct a single ground floor retail unit, 50 no. residential units comprising of 3 no. ground floor 'wheelchair accessible' flats, 37 one bedroomed flats and 10 no. two bedroomed apartments within a four storey development with associated landscaping and car parking (49 spaces).

In addition to the DAS, the application is accompanied by a separate Planning Supporting Statement, a revised Noise Impact Assessment, a revised Transport Assessment and an Odour Assessment and Industrial Source Screening Assessment have been submitted. Additionally, a Flood Risk Assessment, Drainage Statement, Summary of Geo-Environmental Site Conditions and Daylight Analysis have been submitted.

The Planning Statement indicates that in order to overcome the first two reasons for refusal, it is proposed to implement noise mitigation measures which include acoustic secondary glazing (as opposed to standard double glazing) and acoustic trickle vents to control the external noise climate, including noise from the existing boat yard and proposed new retail unit, in order to create acceptable internal living conditions. This revised submission has also sought to address air quality and odour issues. The revised Transport Assessment (TA) has sought to justify the car parking provision for the development. In particular, it is indicated that the proximity of public parking facilities both on street and in public pay and displays within and close to Swansea Marina is such that it is considered that there was a plentiful supply of available parking for visitors associated with the proposed development. The TA attempts to evidence this with parking beat surveys which were undertaken in October 2014 which indicate that when the residential demand is at its peak there are between 260 and 306 space spaces (63% - 75%) and when retail demand is at its peak there are 211 unoccupied spaces within 500m of the site (51% available capacity). These issues are addressed in more detail below.

### **Main Issues**

The main issues for consideration relate to whether the proposed development at this location, having regard to the prevailing Development Plan Policies, is an acceptable form of development in urban design terms, the impact upon the residential amenities of existing local residents, the impact upon future occupiers having regard to the existing noise environment generated by business operations within the Marina, and the traffic and highway implications of the development. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

### **Development Plan Policy and Land Uses**

#### National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Wales (PPW) (July. 2014 7<sup>th</sup> Edition), the redevelopment of the former boatyard, would ensure that previously developed land is used in preference to a greenfield site, and seeks to ensure new housing is well designed, meets national standards for the sustainability of new homes, makes a significant contribution to promoting community regeneration to improve the quality of life, and provides a greater choice and variety of homes in sustainable communities.

Unitary Development Plan (UDP)

The former Spontex site within the Maritime Quarter is allocated for housing development under UDP Policy HC1 (81) and has been substantially built out under the Swansea Point development. However, the application site of the boatyard is not allocated under a specific land use allocation policy. Whilst Policy HC31 encourages the opportunities for the development of water based recreation, there is no specific policy preventing the re-development of this site. Policy HC2 indicates that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals provided the proposed development does not result in cramped / overintensive development; significant loss of residential amenity; significant adverse effect on the character and appearance of the area or significant harm to highway safety. The amplification to this policy indicates that this policy offers guidance on the determination of proposals for residential development on unallocated sites, or white land. It seeks to maximise the use of previously developed (brownfield) land and buildings, with higher density encouraged on easily accessible sites within or adjacent to the Central Area. Infill development is defined as the development of land within an existing settlement and within this context, the proposal falls to be considered against the above criteria for urban infill housing.

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

**Urban Design**

The application seeks outline planning permission but includes details of access, appearance, layout and scale to be considered at this stage (with details of landscaping being reserved for subsequent submission); to construct a single ground floor retail unit (110 sq. m), with 50 no. residential units (comprising of 3 no. ground floor 'wheelchair accessible' flats, 37 one bedroomed flats and 10 no. two bedroomed apartments) with a total of 49 car parking spaces predominantly with an undercroft area (40 spaces) with external 9 spaces. The 3 no. ground floor 'wheelchair accessible' flats would face onto Fishmarket Quay but would be accessed from the undercroft area. The retail unit would be located on the north-eastern corner of the building again fronting onto Fishmarket Quay. The undercroft area (as well as providing access to the apartments on the upper floors) would also accommodate bicycle parking and a bin store. The upper floor apartments would be accessed from a central corridor which allows the apartments to either have an aspect to Trawler Road or over the Tawe Basin.

The overriding design context is dominated by the three / four storey contemporary development of the residential development of Swansea Point and the contemporary appearance of the proposed building is designed to complement that development.

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The north-eastern corner of the building provides a visually prominent point to relation to the marine basin, and the building is designed to make a feature of this corner through providing a projecting corner element with a 'gull winged roof' to mimic a feature of the neighbouring architecture. This design feature will create a visual focus on the corner of the building and avoid a monotonous urban form. The projecting ground floor elements to both elevations will provide a strong plinth base to the building. The palette of materials would consist predominantly of brick, render and timber cladding. Whilst being predominantly a four storey development, the elevation adjacent to Fishmarket Quay reduces to three stories to relate to the scale of those existing commercial units, and this is considered to be appropriate. The revised scheme incorporates a series of glazed 'Juliette' balconies on both the Trawler Road and Tawe Basin elevations in order to articulate the building. Being common features throughout Swansea Point and the Maritime Quarter they provide architectural embellishment/articulation and allows occupants an opportunity to better enjoy and interact with this attractive waterside setting.

### Affordable Housing

The need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. The provision of affordable housing is a key priority for the Welsh Government and National Planning Policy in the form of Planning Policy Wales (Edition 7 – July 2014) and Technical Advice Note 2: Planning and Affordable Housing (June 2006) provides the policy guidance.

UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational / accessibility terms and where this is not ruled out by exceptional development costs. The general threshold is new housing developments of more than 25 units in the urban area are viewed as appropriate for consideration to be given to the inclusion of affordable housing. The requirement to provide affordable housing will depend upon factors such as the site size, suitability and development costs and whether it would prejudice the realisation of other planning objectives. The Local Housing Market Needs Assessment (LHMNA) assessed the dynamics of the housing market in and around Swansea and underpins the Council's Local Housing Strategy and has been adopted as Council policy. The Council's adopted SPG on Planning Obligations establishes an affordable housing target of 25 - 30% of all new developments.

The Head of Housing has confirmed that the proposed development should seek to secure the 30% on-site affordable housing contribution in line with Council's policy. The applicant has confirmed that this is acceptable. Moreover, the Planning Statement indicates that an agreement has been reached with a Registered Social Landlord to deliver the affordable housing in accordance with the Council's policy requirements. The previous scheme was recommended for approval subject to the applicant entering into a Section 106 Planning Obligation in respect of the provision of affordable housing. However, the site is still in Council ownership and it has since been established that the Council cannot covenant with itself in a Section 106 agreement on land within its ownership. Therefore, it is proposed for a condition be imposed, together with an informative within the recommendation, instead of the previous requirement for the completion of a Section 106 Planning Obligation prior to the granting of a planning permission. This will have the effect of securing the necessary obligations as no development can commence until a planning obligation is completed. The Council currently owns the land but does not intend to develop the land itself.



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Planning permission runs with the land so once the Council cease to have a legal interest in the site then it will be able to covenant with the developer to secure the obligations by way of a Section 106 Agreement. It is not a practise that would be utilised in respect of land not owned by the Council and is only suggested here to bridge an anomalous gap in the planning legislation which only affects unitary authorities.

### **Residential Amenity**

#### Privacy and Daylight Analysis

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

In order to assist in assessing the potential for loss of light to existing properties as a result of the proposed development, a daylighting analysis has been submitted in support of the application (it should be noted that this is the same report submitted under Ref:2012/1226). The analysis identifies five dwellings which are likely to be most affected by the proposed development. These dwellings consist of ground floor flats within the Swansea Point development (St Catherine's Court) situated on the opposite side of Trawler Road.

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

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

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

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

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

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

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

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

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

Representations have been received that Table 2 within the Daylight Analysis is inaccurate in that the final column in Table 2 *does not in fact give the % reduction between existing and proposed levels but merely deducts proposed from existing – so the % reductions are in reality much higher than stated and way over the BRE 20% recommendation.* This point has been clarified with the agents / consultants who indicate: *“The information presented in Table 2 is correct. The percentage reduction presented in the final column of the table is not measuring the percentage difference between the Existing and Proposed columns, but is instead a measure of the difference in sunlight hours experienced, presented as a percentage of the total hours in a year. e.g. The lounge of Dwelling 2 experiences a difference of only 0.1% of its annual hours. The room currently experiences direct sunlight for 10.1% of hours in the year, and after the proposed development, would still get access to sunlight for 10.0% of hours in the year. The reduction is therefore only 0.1% of hours in the year (10.1% – 10.0%).”*

Notwithstanding this, the Daylight Analysis is not the only means of assessing the impact on the residential amenities of the existing neighbouring properties. As indicated above, the upper three floors of the development would achieve a minimum separation distance of approximately 17m to the properties on the opposite side of Trawler Road in St Catherine's Court. This is a satisfactory distance in a front to front relationship and would not lead to an unacceptable loss of privacy to any existing or planned residential property. Similarly, the scale and massing of the proposed development would be compatible to the adjacent Swansea Point development and as such would not result in a physically overbearing form of development.

### Noise

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

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Additionally, UDP Policy EV40 states that development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. The amplification to the policy states: *“where proposed development is to be located in close proximity to a source of noise pollution, or includes possible noise conflicts within the proposed site, proposals will be required to incorporate design, landscaping and other measures to minimise the effects on future occupants. The layout of buildings can frequently be designed or modified to reduce the effects of noise disturbance. Similarly, schemes can be designed to incorporate materials, features and landscaping which reduce the impact of noise on the surrounding buildings. Where there are potential noise implications, developers may be required to provide an assessment of noise impact, together with proposals for mitigation in support of planning applications. Planning permission will be refused if the Council is not satisfied with the results of the assessment and proposed mitigation measures. Notwithstanding the use of good design and materials, there will be some instances where new residential and other noise sensitive uses such as hospitals and schools will not be acceptable in close proximity to existing noise generating uses or activities.”*

In accordance with Unitary Development Plan Policy EV40, the application is accompanied by a Noise Impact Assessment (NIA) in order to measure and assess the impact of noise at the proposed site. In terms of context, the site is bounded by Fishmarket Quay to the west, which consists of 5 commercial units, one of which is a fishmonger retail unit which operates from early morning. On the other side, Swansea Marina boatyard operates during the day, 7 days a week and includes a boat hoist which is situated immediately adjacent to the site. It is indicated that the boat yard activities usually finishes by 16.00, although is not limited to set hours.

The NIA indicates that the existing noise levels impacting on the proposed development consists mainly of traffic noise from Trawler Road, the general noise from the marina and the general activity from the boatyard. Consideration is also given to resident's car movements in and out of the car park and potential mechanical equipment associated with the A1 retail unit. Background noise measurements were undertaken at two positions to the south east and south west of the proposed development over a 72 hour period to establish the existing underlying background noise levels. At the south east position, the maximum day time levels were found to be  $L_{Aeq, 16 \text{ hours}} 62 \text{ dB}$  and the maximum night time levels were found to be  $L_{Aeq, 8 \text{ hours}} 58 \text{ dB}$ . At the south west position, the maximum day time levels were found to be  $L_{Aeq, 16 \text{ hours}} 60 \text{ dB}$  and the maximum night time levels were found to be  $L_{Aeq, 8 \text{ hours}} 57 \text{ dB}$ . The NIA indicates that due to these relatively high ambient noise levels, it is recommended that the development incorporates all glazing with double glazed units fitted with acoustic vents and internal sound insulation, and concludes that the proposed mitigation measures in terms of acoustic secondary glazing and acoustic trickle vents will adequately control the external noise climate including the noise from the existing boatyard and proposed A1 retail unit, resulting in acceptable internal living conditions as per British Standard 8233:2014. Additionally, the resultant external levels are within Noise Category B of TAN11.

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As indicated above, the previous proposal was refused not only due to the potential detrimental impacts to the residential amenity of the future residents due to them being adjacent to existing business activities, but also due to the potential impact on the neighbouring commercial operations, by introducing a neighbouring residential use which may result in nuisance complaints from future occupiers of the proposed residential apartments. Therefore these issues remain significant material considerations for this application.

The Divisional Head of Pollution Control, Housing and Public Health acknowledges that the site is subjected to industrial noise from neighbouring activities and does require a degree of insulation to ensure that all the habitable rooms can be occupied without nuisance. The conclusions of the Noise Impact Assessment are accepted and it is agreed that suitable acoustically insulated window design will be necessary and this may be controlled through a planning condition. This would of course control internal noise levels and if the occupants choose to open those windows then they may do so. To conclude, the proposal introduces a noise sensitive use alongside existing noise generating uses and could result in complaints from future residents which could impact upon the operation of the boatyard as a business as indicated above. However, subject to the imposition of planning conditions to ensure that the measures are incorporated to control the acoustic amenity of future residents it is concluded that on balance the incorporation of the additional measures would render a recommendation of refusal to be unsustainable.

### Odour

This revised scheme has been accompanied by an Odour Assessment in order to identify the risk of potential odour impacts on future residents of the proposed development resulting from activities in the immediate area. In particular, it presents the findings of a number of 'sniff-tests' carried out at 20 locations within the development site and the surrounding area, including near to extraction vent and door of the fishmarket.

As indicated above, UDP Policy EV2 requires new development to have regard to the physical character and topography of the site and its surroundings, and under criteria xiii, development must have full regard to existing adjacent developments and the possible impact of environmental pollution from those developments, as well as the creation of any environmental pollution to the detriment of neighbouring occupiers (including light, air and noise). Additionally, UDP Policy EV40 states that development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.

The methodology for the assessment are based on the potential sources of odour from the fishmarket in Fishmarket Quay ('Swansea Fish Ltd.'). The results of the 'sniff-tests' indicated that whilst odours generated by Swansea Fish Ltd were detected at the development site, they were only detected close to the western boundary, and not more than 5m from the site boundary. Odours were experienced to escape from the front door of the premises, and the conclusion of the assessment is that the overall risk of odour impacts on future residents would be negligible and should not provide a constraint to the residential development.

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Representations have been received indicating that the Odour Assessment does not specifically have regard to the fish smoking operation by Swansea Fish Ltd. In response to this, the agents / consultants have responded: *Sniff tests were carried out along diagonal transects in order to cover the whole site, and in particular at locations near to the extraction vent and door of Swansea Fish Ltd. Sniff tests were carried out along the transects multiple times during each site visit day to take account of possible varying operations at the fish market at different times of day. The data presented with the assessment represent the worst-case odour conditions recorded at each of the 20 sniff test locations during any of the multiple sniff tests conducted on each site visit day.*

The Divisional Head of Pollution Control, Housing and Public Health has highlighted that it is difficult to construct any appropriate scientific model which could reliably predict odour nuisance over such short distances and between buildings and that any future odour complaint cannot be ruled out but it is difficult to forecast that with any certainty. It is acknowledged that the development may result in some degree of complaint from odour (and possibly noise), however, it is not likely enough to justify refusal of this application.

### **Highway Considerations**

Concerns have been expressed indicating that Trawler Road cannot handle any more traffic and that further traffic movements will hinder access onto Oystermouth Road at the Dunvant Place junction. To consider this, the application has been accompanied by a Transport Assessment (TA) in order to outline the transport issues of the proposed development and to identify the likely impact of the proposals on the local transport network. The TA has also incorporated a parking beat survey in order to determine the existing parking demand within the vicinity of the site.

The Transport Assessment has considered the impact on the Trawler Road (Dunvant Place) / Oystermouth Road Junction as this is the sole access in and out of the marina. The assessment has been undertaken in accordance with nationally accepted standards and best practice where committed traffic and development traffic is added to base traffic movements and the efficiency of the junctions. The output gives an indication of the degree of saturation at the junction and predicted queuing. All testing is undertaken during the am and pm peak periods. The development has been checked for the year of opening (2017) and five years later (2022); this is standard practice. The base traffic flows are factored using growth factors and the trip rates are calculated using the TRICS database which is a nationally used software package. The report outlines the transport characteristics of the proposed development and the likely impact on the local transport network.

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

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

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The Head of Transportation has indicated that these flows have been factored up to 2017 and 2022 and the development traffic added onto the existing flows to give the predicted future impact and confirms that the survey results were a valid assessment of the actual movements.

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

The Head of Transportation concurs with the conclusions of the TA, in that the traffic from the proposed development can be accommodated on the surrounding highway network without any detriment to highway safety or the signalised junction of Trawler Road/Oystermouth Road.

### Car Parking

Car parking is provided at 49 spaces (3 of which will be designated as disabled parking bays) for 50 flats, this equates to 98% provision. Cycle parking is also indicated as 54 spaces within the undercroft area. It is proposed to provide 40 spaces within an undercroft parking area with separate entrance and exit onto Trawler Road. The Head of Transportation indicates that this arrangement would be adequate for two way flow thus allowing vehicles to pass and reduce the likelihood of obstruction being caused on the adjacent highway.

The remaining 9 surface parking spaces will be located along the eastern boundary accessed from the boatyard access to the east of the site. Access to the undercroft parking will be controlled through automated roller shutters, whilst the surface parking will be controlled through the use of lockable bollards. It is indicated that the apartments and retail unit would be serviced from Trawler Road and the Head of Transportation recommends a condition restricting the servicing to be outside of the traditional peak hours, i.e. not between 0800 and 0900, and 1700 and 1800, in the interests of highway safety.

The TA incorporates a sustainability assessment in accordance with the Council's parking standards. The car parking standards for the proposed 40 no. one bedroom apartments and 10 no. two bedroom apartments would require 60 spaces, however, based on the sustainability criteria of accessibility to local facilities and public transport, a reduction to one space per flat is considered to be justified (50 spaces required). Whilst the site is one space short of 100% provision, the Head of Transportation considers that this would not constitute a sustainable reason for refusal that could be sustained on appeal. Additionally, the cycle parking is being provided at one cycle space per flat and is well in excess of the current recommended levels of provision for residential apartments and this will also reduce the dependency on cars.

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The proposal does not provide any specific visitor parking, although there are a number of pay and display car parks in the area and there is some on street parking available along Trawler Road. The parking beat survey, submitted as part of the TA, has identified a large number of available car parking spaces (409 car parking spaces within a 500m radius of the site), although whilst some of these spaces were not available to the public, there are still a number of car parks in the area that are available to accommodate visitor parking. The visitor requirement under the CCS parking guidelines would require 10 spaces (at one space per 5 units) and in the notes for guidance it states that '*visitor parking must be designed as an integral part of any development where it is required, and must take into account the needs of disabled people.*' Thus if there is public car parking availability in the area then this can be used to take up the shortfall in the visitor parking (which is only 10 spaces). The Head of Transportation has highlighted that car ownership in the Castle ward showed that 50.6% of all the households did not have access to a car. Given that the parking for the residential uses within this site is 98% (based on one space per flat) then it is reasonable to assume that there will be an element of residents that will not be needing their car parking space, and as such there will be scope to accommodate visitor parking informally within the ground floor layout. Therefore on balance it is considered that the parking provision would be adequate taking into consideration the availability of off-site parking to support any visitor usage, and that the lack of visitor parking alone was not a sufficient reason to generate a reason for refusal.

### **Flood Risk**

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

A Flood Risk Assessment (FRA) has been submitted with the application, and Natural Resources Wales (NRW) confirm the site of the proposed development is situated in Zone A on the development advice map and is not currently considered to be at risk in flood events up to the 0.1% (1:1000) event. However, the FCA acknowledges that the access from Trawler Road is shown to be risk of flooding when emergency access may be restricted. In order to ensure the safety of all future residents, NRW recommend that a flood management plan be submitted to the Local Planning Authority, which should incorporate details of flood warning and emergency access / evacuation arrangements. This could be controlled by condition.

### **Other Issues**

#### Site Investigation

The application is accompanied by a summary of Geo-Environmental ground conditions to provide preliminary information on potential ground hazards which could impact on the proposed development. This indicates that ground investigation, observation and testing has not indicated unacceptable levels in the soils beneath the site and the risks to the health of future site users are considered low and no specific remedial measures are anticipated. It is worth noting that the Natural Resources Wales consultation response has indicated that based on the submitted study, they are comfortable that the proposal will pose no risk of pollution of controlled waters as a result of contaminated land.

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### Dock Wall Stability

Consideration has been given to the stability of the dock wall and it is indicated that the dock wall construction is likely to be of substantial construction and recommends that the proposed development will require piled foundations and the majority of similar developments have been safely developed in this way. It is considered that this issue may be covered by planning condition.

### **Conclusion**

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

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

Approval is therefore recommended.

### **RECOMMENDATION**

**The application be APPROVED, subject to the conditions:**

- 1 Details of the landscaping of the site (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 The application for approval of the reserved matter (i.e. the landscaping works) shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The reserved matter application shall include all details of the external surfaces to the undercroft and car parking areas, pedestrian areas and any external lighting.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.



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- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the reserved matter, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

- 4 The development shall be carried out in accordance with the following approved plans and documents: Site location plan - AS.15; Site Plan - AS.00; Existing Site Plan - AS.01; Level 00 Plan - AL.00rev. E; Level 01 Plan - AL.01 rev. J; Level 02 Plan - AL.02 rev. G; Level 03 Plan - AL.03 rev. G; Level 04 Plan - Roof AL.04; Elevation 03 / Sections - AE.01 rev A (Rev. B); Elevations 01 & 02 AE.00 rev. B.

Reason: To define the extent of the permission granted.

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

Reason: In the interests of visual amenity and general amenity.

- 6 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted for the written approval of the Local Planning Authority, prior to the development of superstructure works. If following the submission of the sample materials, the Local Planning Authority requires the provision of a composite sample panel, this shall be provided/built on site.

The development of superstructure works shall not commence until the Local Planning Authority has agreed all external finishes, and the approved sample panel shall be retained on site for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: In the interests of visual amenity.

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

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

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

Reason: In the interests of visual amenity.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 25 of Schedule 2 shall not apply, and if required, the installation of any satellite antenna shall comprise of a single satellite television system solution to serve each residential block in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation.

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

9 The vehicular crossings over the existing footpath shall be completed before any of the development is occupied and shall be constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

10 Prior to the occupation of any part of the development hereby approved, the on-site car parking shall be laid out within the development site in accordance with the approved plan - Level 00 Plan (Drwg. No. AL.00.Rev. E - rev. F), with the incorporation of 3 disabled parking bays and shall be retained as such for that purpose at all times thereafter.

Reason: To ensure adequate on site car parking provision in the interests of highway safety.

11 Prior to the occupation of any part of the development hereby approved, the on site cycle parking facilities shall be provided within the development site in accordance with the approved plan - Level 00 Plan (Drwg. No. AL.00.Rev. E - rev. F) and shall be retained as such for use by the residents of the development hereby approved.

Reason: To ensure adequate on site car parking provision in the interests of highway safety.

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- 12 A scheme for the management of the access to the undercroft and surface car parking area, along with the servicing of the site shall be submitted to and agreed in writing by the Local Planning Authority. The roller shutter doors and other form of automated enclosure shall incorporate a manual override facility to ensure that in the event of a power failure, vehicles would be able to continue to access and egress the site in accordance with details to be submitted as part of the management scheme. The agreed scheme shall be implemented at all times following the commencement of development.

Reason: To maintain the free flow of traffic on the highway.

- 13 Servicing / deliveries to the retail unit shall not take place between 0800 and 0900 hours and 1700 and 1800 hours, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of the free flow of traffic.

- 14 A travel plan shall be submitted to and agreed in writing by the Local Planning Authority prior to any of the flats being occupied or the retail unit being brought into beneficial use. The recommendations and suggested actions contained within the agreed Travel Plan (to include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary) shall be fully implemented by the developer thereafter.

Reason: In order to reduce car borne traffic and encourage other modes of transportation in the interests of sustainability.

- 15 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public foul sewerage system.

Reason: To ensure a satisfactory means of drainage.

- 16 A flood management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation/use of any part of the development commencing. The plan should include flood warning, emergency access / evacuation arrangements and clear responsibilities. The agreed plan shall be communicated to all occupiers of the proposed flats and the retail unit, in accordance with details to be agreed by the Local Planning Authority prior to the beneficial occupation/use of any part of the development commencing.

Reason: To ensure that the consequences of flooding can be acceptably managed.

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- 17 Prior to the commencement of superstructure works, details of the sound attenuation properties of the windows and doors and external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
Reason: To ensure reasonable noise levels are met within the proposed development in the interests of the residential amenities of the future occupiers.
- 18 Prior to the beneficial occupation of the Class A1 retail unit, a scheme for protecting residential units from noise generated by any plant requirement shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent plant installed shall incorporate the agreed scheme, and shall be maintained as such at all times thereafter.  
Reason: In the interests of residential amenity.
- 19 Prior to the commencement of demolition/construction works on the application site, a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the Local Planning Authority. The CPMP shall include the following:
- a) Demolition/Construction programme and timetable;
  - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc;
  - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - e) Proposed working hours;
  - f) Principal Contractor details, which will include a nominated contact for complaints;
  - g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
  - h) Details of on site dust mitigation measures having regard to BPM;
  - i) Details of on site noise mitigation measures having regard to BPM;
  - j) Details of waste management arrangements (including any proposed crushing/screening operations); and
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by the Principle Contractor on the Local Authority.
- Reason: In the interest of the residential amenities of neighbouring occupiers.
- 20 Prior to the commencement of development, details of the proposed method of piling or other foundation design for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The proposed development shall be completed in accordance with the approved scheme.  
Reason: In order to safeguard the stability of the existing dock wall of the Tawe Basin.

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ITEM 1 (CONT'D)

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

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

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV4, EV34, EV40, HC1, HC2, HC3, AS1, AS2 and AS6.
  - 2 Written approval of an affordable housing scheme referred to in Condition 23 will need be secured by entering into an appropriate Section 106 Planning Obligation.
-

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ITEM 2

APPLICATION NO.

2014/1906

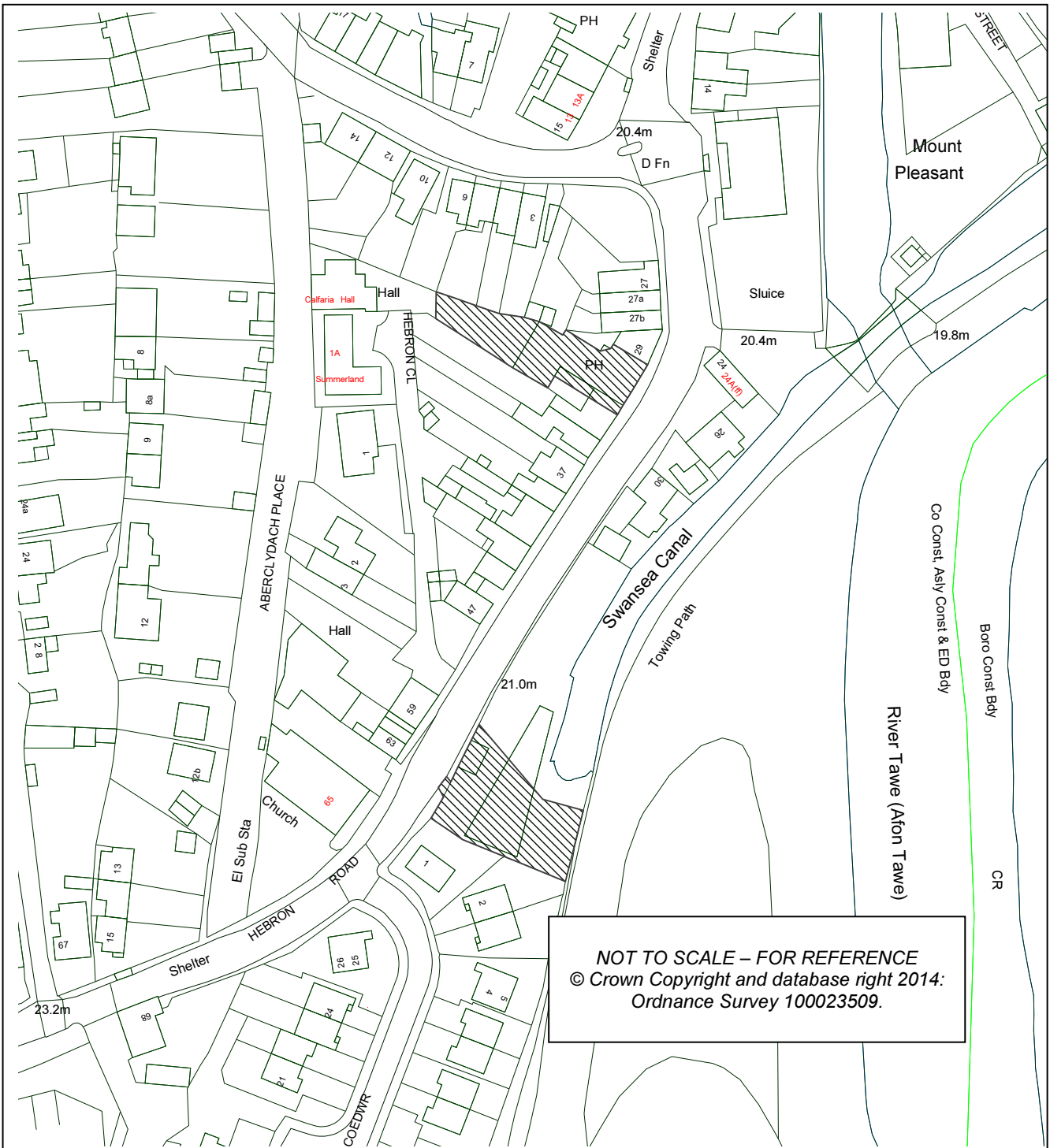
WARD:

Clydach

**Location:** 31 Hebron Road and land opposite 59-63 Hebron Road, Clydach, Swansea SA6 5EJ

**Proposal:** Change of use of public house (Class A3) to an 8 bed care home (Class C2), demolition of part of building at land opposite 59-63 Hebron Road and creation of separate car parking area to be used in association with the care home

**Applicant:** Mr T Heath



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ITEM 2 (CONT'D)

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### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
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 EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
Policy HC15	Proposals for new and improved local community and health facilities will be supported subject to compliance with a defined list of criteria including access ability, significant impact on amenity, significant effect on natural heritage and historic environment and impact on adjacent road network. (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**

<b>App No.</b>	<b>Proposal</b>
2001/1428	Amended house type (Amendment to planning permission 99/0469 granted 18th June 1999) Decision: Grant Permission Conditional Decision Date: 24/10/2001

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ITEM 2 (CONT'D)

APPLICATION NO.

2014/1906

97/1608

TWO SINGLE STOREY REAR EXTENSIONS

Decision: \*HGPC - GRANT PERMISSION CONDITIONAL

Decision Date: 20/04/1998

**This application is reported to Committee as it was called in by Cllr Paulette Smith under the previous scheme of delegation to allow Members to consider the impacts of the proposal on highway safety and residential amenity. A site visit has also been requested.**

### RESPONSE TO CONSULTATIONS

The application was advertised on site and thirteen neighbours were consulted. NINE LETTERS OF OBJECTION have been received including one letter from Clydach Community Council, and a PETITION OF OBJECTION CONTAINING 33 SIGNATURES. TWO LETTERS OF COMMENT has been received. The letters are summarised below:

1. The proposed development would have an adverse affect on the privacy, safety and access to No. 33 Hebron Road.
2. Concerns the applicant has no intention of using the proposed car park on the opposite side of the road.
3. Parking in the area is a significant problem due to visitors of the climbing centre, Forge Fach and Fadre rugby club. The proposed development would increase parking pressure in the area from staff and visitors.
4. The proposed development would create more noise from cars and coming and goings to the premises at all times.
5. Concerns regarding the nature of the proposed use and that children should not feel unsafe playing in neighbouring gardens.
6. Concerns regarding a loss of privacy to neighbouring properties.
7. Concerns the use of the building and the intended occupiers is not clear. The application refers to a care home but doesn't state what type of care home is proposed. There is a concern the premises may be occupied by sex offenders, drug abusers or young offenders.
8. There is no mention of how the applicant will ensure the parking area will only be used by staff and visitors to the proposed care home, nor is there mention of how the applicant will treat the Japanese knotweed on the site.
9. Concerns regarding where waste will be stored and whether a commercial waste collection would be required.
10. Concerns regarding how the cellar will be dealt with.
11. Concerns there may be a culvert and the applicant may not have taken this into account in this proposals.
12. The area proposed for parking hasn't been used for any purpose for years so there has been no traffic associated with it. Assumptions about potential traffic as a result of its potential use for storage are no more than guesses based on no evidence. Concerns, for this reason, the comments should carry no weight.

Other consultation responses:

Planning Ecologist 20.01.15

The buildings to be demolished have potential to be used as bat roosts



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Please request a survey of protected species (for the buildings to be demolished only) and should any protected species be found full plans for mitigation. If bats are found plans must be submitted describing the proposed bat mitigation including the roosting provision for the species identified. These should include the exact location, dimensions and nature of bat access points and bat roost spaces. These need to be shown on architectural drawings and block plans for the buildings.

If evidence of bats are found Natural Resources Wales should be consulted prior to planning permission being given. Bat surveys must be carried out by an experienced bat worker having the competencies listed in the IEEM "Competencies for Species Survey: Bats" They must hold a current roost visitors licence, and must follow the survey guidelines published by the Bat Conservation Trust (2007).

### Planning Ecologist 19.03.15

I think because of the state of the building and the findings of the surveyor an informative statement (see below) will be sufficient. Much of the roof has been damaged letting light and weather in there may be some opportunities for bat roosts but I think these are likely to be occasional. The building doesn't appear suitable for either maternity or winter roosting.

### Canal and River Trust 22.01.15

After due consideration of the application details, the Canal & River Trust has the following general **comments** to make:

The Canal & River Trust has no objection to the conversion of the Public House but has some concerns regarding the work to create the associated car park.

The car park is adjacent to our land and the building to be demolished is attached to a building on our land. We are concerned that this proposal may include or impact on land and buildings within our ownership. Our land includes operational structures and may become more important if the canal is restored in the future as it could be needed for access to the towpath or as a turning point for boats.

I will contact the applicant/agent to discuss this proposal further and how it may impact on our usage of the remainder of the building or access to it.

### Swansea Canal Society 23.01.15

1. The Society has no comments on the change of use of the public house opposite the Canal and River Trust depot at 28 Hebron Road to an 8 bed care home.
2. Our concerns centre on the demolition of part of the building opposite 59-63 Hebron Road. This derelict building is a few metres from the canal itself. A part of this one-storey building is owned by the Canal and River Trust. This part (if restored) can be of value to the Society in the future. We do not object to the use of the land adjacent as a car park for four cars but we would want to see that there will be no further damage to the part of the building owned by CRT in the process of the demolition or building of the car park.

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3. We are concerned that the demolition of part of the building may cause contamination to the canal behind the building. Strict controls must be in place to prevent any damage to the water or wildlife on the canal. The presence of any asbestos in the building would have to be checked. No rubble or waste material should enter the canal.
4. We note that the southern side of this building which used to allow access over the canal at its terminus has now been closed off. The right of way here has to be checked as public access would be an encouragement for visitors to see the canal on the tow path side from the new car park.
5. Access to the remaining part of the building owned by the Canal and River Trust must be protected via the new car park or elsewhere.

The Society has no objection to part of the derelict building that has been an eyesore for some time being used for a useful purpose. I am sure others have commented on the problems of access and egress from the new car park on to Hebron Road and these need to be addressed. We have no objection to a four car car-park built as long as all CRT property is protected and the canal itself is not damaged or polluted or filled with rubble.

Natural Resources Wales (NRW) 26.01.15

**We would ask that determination of the application is deferred until a Flood Consequences Assessment (FCA) is provided for review and comment, along with confirmation that the two bedrooms on the ground floor will be removed from the application. We also recommend that an assessment of the building to be demolished, is carried out to identify any potential use by bats.**

### **Flood Risk**

The site is located within zone C2, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be at risk of flooding in the 0.1% flood event.

We note that the proposal is for the conversion of an existing pub with residential accommodation on the first floor to an 8 bedroom care home. Whilst we acknowledge that there is no change in vulnerability as a result of the development (which will remain classed as highly vulnerable), we must highlight that the proposal will result in an intensification of use and bring more people into a flood risk area. In addition to this, as the proposal is for a care home, the residents will be of a more vulnerable nature and therefore this needs to be taken into consideration when assessing the management of the site during a flood event.

We note from the plans that the proposal includes two bedrooms located on the ground floor. We would request that these bedrooms are removed as we cannot permit ground floor sleeping in a flood risk area. **If these bedrooms are not removed from the plans we would recommend refusal of this application on flood risk grounds.**

Notwithstanding this, given that the proposal will bring more people who are of a vulnerable nature into a flood risk area, we would advise that the flood risk at the site is quantified and fully understood through the production of a Flood Consequences Assessment (FCA).

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The FCA will need to be prepared by a suitably qualified person carrying a professional indemnity, in order to fully understand the potential flood risks to the site and to demonstrate that the flood risk can be acceptably managed in line with TAN15.

The FCA should also be used to inform a detailed Flood Management Plan for the site which should demonstrate how the site can be safely managed/evacuated should a flood event occur. This plan should be approved by your Authority prior to determination of the application.

### **Surface Water Disposal**

We acknowledge that the surface water system is existing, but should any opportunity exist to divert the surface water from the main sewer to, for example soakaway (if ground conditions are acceptable), then it should be taken. Section 8 of TAN15 advocates the use of Sustainable Urban Drainage Systems (SUDS) in the management of surface water from a site. Developers must give a good reason as to why SUDS cannot be utilised on a site and a conventional drainage system must improve upon the existing status quo.

### **Foul Water Disposal**

We note that foul water flows are to be discharged to the main public sewer. We would recommend that Dwr Cymru/Welsh Water (DCWW) are consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution. We would also recommend that the applicant contact DCWW to ensure a trade effluent consent is applied for.

### **Protected Species (Bats)**

We also note that the proposal will involve the demolition of part of a building on land which is opposite 59-63 Hebron Road. Given the condition and location of this building it is recommended that an assessment of the building is carried out to identify any potential use by bats. The survey/assessment should be carried out by a suitably qualified individual. It is particularly important to ensure that all survey work is carried out in accordance with published guidance, where this exists, and best practise.

Bats are a European Protected Species (EPS) and it is an offence to injure or kill the species, to disturb it, or to damage or destroy their breeding or resting place. In such circumstances, development may only proceed under a licence issued by NRW, having satisfied three requirements set out in the legislation.

**In consideration of the above we would ask that determination of the application is deferred until the additional information and confirmation requested above, is provided.**

NRW 4.08.15

**We do not object to the above proposal, but we do wish to make the following comments.**

### **Flood Risk**

The site is located within zone C2, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates the site to be at risk of flooding in the 0.1% flood event.

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Whilst we acknowledge that there is no change in vulnerability as a result of the development (which will remain classed as highly vulnerable), we must highlight that the proposal will result in an intensification of use and bring more people into a flood risk area. In addition to this, as the proposal is for a care home, the residents will be of a more vulnerable nature and therefore this needs to be taken into consideration when assessing the management of the site during a flood event.

An FCA, entitled; '*Hebron Road, Clydach: Flood Consequence Assessment (Ref. FMW 1634)*', dated July 2015, has been prepared by FMW Consultancy in support of the application.

Our previous concerns with regards to this development were that ground floor sleeping accommodation was proposed. However, we note that the FCA has explored this issue in further detail and we acknowledge that the proposed ground floor bedrooms will be located at the rear of the building which is elevated by approximately 300mm from the finished floor level of 20.58m AOD at the front of the property. A topographic survey has also been undertaken to obtain ground levels at the front of the property and along the road which is shown to flood during the 0.1% scenario, albeit this area is at the boundary of the flood zone. Ground levels along the road are also within the region of 20.58m AOD. The FCA also considers the access to the development which is shown to flood during the 0.1% scenario and states that flood depths are expected to be less than 200mm on the road. This is within the tolerances outlined in Table A1.15 of TAN15.

However, the FCA does not address the remaining three tolerances of velocity, speed of inundation and rate of rise of floodwaters; it is therefore for your Authority to determine whether you are satisfied with the information received.

Based on the information outlined above and were your Authority minded to approve this application we would advise that a detailed Flood Management Plan is submitted to and approved by your Authority to ensure that the development can be safely managed and evacuated should a flood event occur.

We would also advise that where possible, flood resilient measures are incorporated into the design of the building and also that the applicant signs up to receive flood warnings. Further details of which are available from our website:  
[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) or on 0345 988 1188

### **Protected Species (Bats)**

We note the submission of the document entitled; '*Assessment for the Potential or Likelihood of Bat Use of Derelict Building on Land opposite 59 & 63 Hebron Rd, Clydach SA6*', dated 13 March 2015, by The Countryman: Wildlife Consultancy.

Although the assessment was undertaken outside the optimum period for survey/assessment, we note the report concludes that the condition of the building is such that the potential for bat use is low and the likelihood of bat use is low. Therefore, we do not wish to comment further in this instance.

### **Foul and Surface Water Disposal**

We refer your Authority to our previous response (SH/2014/117978/01), for our comments in relation to foul and surface water disposal.

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### Dwr Cymru Welsh Water 3.02.15

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

### Head of Highways and Transportation

The current use of the building is as a pub. With the pub use there was no dedicated parking availability and parking had to take place on street.

The applicant came in for a pre-application enquiry and was advised that in the absence of parking then it was unlikely to be successful and a recommendation of refusal would be likely to be raised by Highways. On that basis this secured a further parcel of land on which to provide adequate parking to meet the care home need. Given the staffing levels and number of residents then adequate parking is available within the land sited opposite 59-63. A formal car parking layout has been submitted detailing that four spaces can be provided although there is space to safely accommodate more than this. A better layout to accommodate more vehicles can be secured by condition. The lawful use of the proposed car parking area is storage so it is felt that the introduction of a small number of car parking spaces will result in less movements than those potentially generated by the storage use.

There is no cycle parking shown as being available and it would help promote viable car alternatives if some were to be made available. There is space within the site to accommodate this and a suitable condition can secure this.

As the pub use had no dedicated parking associated with it and the proposed parking area will result in less traffic movements than the storage use then it is felt that the proposed use will result in less traffic and parking demands than the pub use. On that basis I recommend that no highway objections are raised to the proposal subject to:

1. An amended parking layout be submitted for approval to the LPA Detailing five parking spaces, and that layout be formally laid out prior to beneficial occupation of the any part of the care home.
2. Cycle parking to be provided in accordance with details to be submitted to and approved by the LPA.
3. The front boundary wall to the car parking area to be kept below 1m in the interests of visibility

### **APPRAISAL**

This application seeks planning permission for the change of use of a former pub 'Colliers Arms' 31 Hebron Road to a care home (use class C2) and the formation of a car parking area facilitated by the demolition of an existing single storey building on land opposite 59-63 Hebron Road.

The pub building is a traditional two storey stone faced property with accommodation within the roof set within a tight grouping of terraced properties on the western side of Hebron Road. At the rear is a single storey projection with accommodation in the roof which leads out to an overgrown tiered rear garden area.

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Either side of the application premises are residential properties. In the wider locality there are an estate agents, indoor climbing centre, takeaway premises and pub. Clydach district centre is located some 250m to the north east of the site.

Following concerns received from surrounding properties regarding the nature of the use and the intended occupiers, the applicant has submitted supporting information which explains that the premises would cater for younger adults primarily between the ages of 17 to 25 but would accommodate all adults up to the age of 65 with a range of disabilities, from physical to learning, with help for people with stroke, physical and visual impairments.

The premises would be converted to an eight bed care facility. Three full time staff would be employed in eight hour shift periods with the potential for a total of nine staff working in eight hour shifts in any 24-hour period.

To cater for the parking requirements associated with the proposed development the application proposes to utilise an area of land to the south west, following the demolition of the existing single storey building on the site. The remainder of the building outside of the application site would remain as existing.

### **Main Issues**

The main issues are the impacts of the development on the character and appearance of the area, the impacts on the living conditions of neighbouring occupiers, the impacts on parking and highway safety, and the impacts on flooding. It is not considered that the Huma Rights Act would raise any further material planning considerations.

The following policies of the City and County of Swansea Unitary Development Plan (2008) (UDP) are relevant to the consideration of this proposal.

EV1 (Design), EV2 (Siting), EV3 (Parking) and AS6 (Parking) seek amongst other things that developments accord with good design principles and are compatible with surrounding uses in terms of noise and pollution, in this respect EV40 (Air, Noise and Light Pollution) is also relevant. Moreover developments must provide satisfactory access and parking facilities. In addition to these policies HC15 (Community and Health Facilities) supports and encourages the provision of new or improved health and social care facilities in appropriate locations to serve the local population whilst EV36 (Flooding) requires developers to demonstrate to the satisfaction of the Local Planning Authority that the location of the development is justified and the consequences of flooding are acceptable.

### **Visual Amenity**

In relation to the impact of the development on the character and appearance of the area, there are no external alterations proposed to the pub building, all existing openings would be retained as such the appearance of the building would be very similar, save for the removal of the signage associated with the former use of the building as a pub. In terms of the impacts of the use on the character of the area, the occasional comings and goings of staff, visitors and occupiers will introduce a use that is distinctly different from the residential properties immediately surrounding the application site.

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Notwithstanding this there are several commercial premises within the street scene including the application site which when open would also have attracted a steady flow of visitors. Therefore in view of the mixed street scene in the area and the existing lawful commercial use of the premises, it is not considered the proposed development would introduce a use that would result in any significant harm to the character and appearance of the area.

In terms of the car parking area, the existing flat roof single storey building has little design merit and is in a poor state of repair. The site is overgrown and does not, it is considered, contribute positively to the character or appearance of the area. When considered against this existing context the demolition of the part of the building within the application site area and its replacement with a small car parking area would not, it is considered, result in any material harmful impacts to the character and appearance of the area.

### **Residential Amenity**

In terms of residential amenity, several letters of objection have been received in relation to the potential impacts of the development on neighbouring occupiers in terms of loss of privacy.

The proposal would utilise existing window and door openings to provide communal living areas, cooking facilities, toilets and two bedrooms on the ground floor. There are two bedroom windows in the ground floor side elevation that would face the neighbouring property, these windows previously served a function room and subject to the provision of a suitable boundary treatment with No. 33, would not result in any significant overlooking or loss of privacy to the occupiers of this property.

At first floor level there are four bedrooms proposed, a staff room and a washing and drying area. The upper floors of the pub were previously used as living accommodation and given that there are no new window openings proposed it is not considered that the overlooking to neighbouring properties would be materially different to the situation when the pub was occupied. It is noted there is an existing door at first floor level which leads out onto a flat roof area from where there would be the potential to overlook neighbouring properties. There is no planning mechanism available to restrict the use of this flat roof area, however, it is noted there is no means of enclosure around the roof which should prevent its use as an amenity area. Furthermore, good management of the premises should also ensure that this area is not accessed other than for emergencies. In this respect it is recommended that an informative note is included advising the applicant that this area should not be used as an amenity area.

The velux windows serving the rear bedroom are high level which would prevent any significant overlooking of neighbouring properties. There is a side elevation window which faces No. 33 that currently served a bathroom and is proposed to serve a small staff room. It is recommended that this window is fitted with obscure glazing to prevent any overlooking of No. 33.

At roof level two bedrooms are proposed which is the same situation as existing as such there would be no additional overlooking of neighbours over and above the existing situation.

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In terms of potential noise and disturbance to neighbouring properties from the proposed use, it is not considered the coming and goings of residents, staff and visitors would result in any material harm in terms of noise and disturbance to neighbouring occupiers over and above the use of the premises as a pub, which has the potential to result in significant disturbance from activities taking place both within and outside the building together with the general levels of comings and goings to the premises.

In light of the above it is not considered that the proposed development would result in any significant impacts to the living conditions of neighbouring occupiers and would therefore be in accordance with UDP Policies EV2, EV40 and HC15.

### **Access and Highway Safety**

Concerns have been raised by residents that parking in the area is already a significant problem.

When in operation there was no dedicated parking availability for staff and customers of the pub as such parking had to take place on street.

The applicant intends that three full time staff will be employed in any 8-hour shift period with the potential for a total of 9 staff working in 8-hour shifts in any 24-hour period.

Having regard to the intended staffing levels and numbers of residents then it is considered that adequate parking would be available within the proposed car parking facility to the south west of the site. A formal car parking layout has been submitted detailing that four spaces can be provided although there is space to safely accommodate more than this. A better layout to accommodate more vehicles can be secured by condition.

It is considered the vehicular movements generated by the use of this parking area would not result in any significant highway safety concerns.

There is no cycle parking shown as being available and it would help promote viable car alternatives if some were to be made available. There is space within the site to accommodate this and a suitable condition can secure this.

The Head of Highways and Transportation has raised no objection to the application on parking and highway safety grounds subject to the provision of an amended parking layout indicating the provision of 5 spaces, the provision of cycle parking and the front boundary wall of the parking area to be kept below 1m in height. These matters can be addressed by conditions and informatives.

In light of the above the proposed development is considered to be in accordance with UDP Policies EV3, AS6 and HC15.

### **Flooding**

Following a holding objection from NRW the applicant submitted a Flood Consequences Assessment.

Both existing and proposed uses are classed as highly vulnerable development under TAN 15 Development and Flood Risk (July 2004). The site is located within zone C2, as defined by the development advice maps referred to under TAN 15.



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NRW Flood Map information, which is updated on a quarterly basis, indicates the site to be at risk of flooding in the 0.1% flood event.

Whilst sleeping accommodation is being provided at ground floor level, the site levels are such that the bedrooms are elevated above the road level, which is at the boundary of the flood zone. The FCA also considers the access to the development which is shown to flood during the 0.1% scenario and states that flood depths are expected to be less than 200mm on the road. This is within the tolerances outlined in Table A1.15 of TAN15. The FCA does not address the remaining three tolerances of velocity, speed of inundation and rate of rise of floodwaters, however, given the expected flood depths on the road it is considered that the consequences of flooding can be suitably managed and in this respect it is recommended, in line with the advice of NRW, that a Flood Management Plan is submitted to ensure that the development can be safely managed and evacuated should a flood event occur.

Subject to the provision of this information the development is considered to be in accordance with UDP Policies EV2 and EV36.

### **Ecology**

Following a request from the Council's planning ecologist and NRW the applicant has submitted a bat survey for the building which is proposed to be demolished. Although the assessment was undertaken outside the optimum period for survey/assessment, the report concludes that the condition of the building is such that the potential for bat use is low and the likelihood of bat use is low as such the planning ecologist has recommended a bat informative, should planning permission be granted.

### **Other Matters**

Concerns have been raised that neighbouring occupiers may feel unsafe and would lose privacy as a result of this development. In terms of privacy, this issue has been discussed above, in terms of safety, whilst the Local Planning Authority would have no control over the management of the premises or the behaviour of the occupiers it is considered that a well-managed care home facility should not give rise to any safety concerns for neighbouring residents, such facilities are regulated through the Care and Social Services Inspectorate Wales and any failings in the management of the premises may be addressed by the regulator.

Concerns have been raised that the use of the building and the intended occupiers is not clear. There is a concern the premises may be occupied by sex offenders, drug abusers or young offenders. Whilst these concerns are noted, the Local Planning Authority is considering the acceptability of the proposed use of the premises as a care home and cannot control by condition the occupiers of the premises who would be receiving care, to do so would be contrary to Welsh Government advice outlined in Circular 16/2014 'The Use of Planning Conditions for Development Management'.

Concerns have been raised that the applicant has no intention of utilising the proposed parking area. The proposed parking area is only a short distance from the premises and given anecdotal evidence of parking problems in the area it is considered that the proposed parking area would be utilised by staff and visitors to the premises.

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Concerns have been raised regarding how the applicant will ensure the car park is used only by staff and visitors to the premises. This matter will be left at the discretion of the applicant, who may wish to erect signage to indicate that the area is a private car park.

Concerns have been raised regarding how the knotweed will be treated on site. This matter can be addressed by a planning condition.

Concerns have been raised regarding how waste will be dealt with at the site. There is considered to be sufficient space within the site to accommodate and manage the waste generated from the development, which is unlikely to be over and above that generated by the former pub use.

Concerns have been raised regarding how the cellar would be dealt with. No details have been provided in relation to the use of the cellar, however, given there are no window openings to this area it is assumed the area would be used for ancillary storage.

Concerns have been raised that there may be a culvert running under the premises and the applicant may not have taken this into account in this proposals. As there are no proposed works to the premises other than internal alterations it is not considered that the proposals would have an adverse impact on any culvert that may be running under the site.

Concerns have been raised by Swansea Canal society regarding potential pollution to the canal from the demolition of the building. It is not for the Local Planning Authority to manage the demolition of the building. Any concerns regarding the demolition can be dealt with under separate legislation.

All other matters raised in consultation responses have been dealt with in the above report.

### **Conclusion**

The proposed development is considered to be acceptable in terms of its impacts on the character and appearance of the area, its impacts on residential amenity and its impacts on parking, highway safety and ecology. Furthermore, subject to conditions the development is considered to be acceptable in terms of the consequences of flooding at the site. It is not considered that the provisions of the Human Rights Act would raise any further material planning considerations as such the application is recommended for conditional approval.

### **RECOMMENDATION**

#### **APPROVE, subject to the following conditions:**

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

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

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- 2 The development shall be carried out in accordance with the following approved plans and documents: 14/643/1 site plan, 14/643/2 block plan, 14/643/3 proposed site layout, 14/643/4 existing floor plans, 14/643/5 existing elevations, 14/643/6 proposed floor plans, 14/643/7 proposed elevations dated 12th December 2014  
Reason: To define the extent of the permission granted.
- 3 Prior to the use hereby approved commencing, the first floor window in the side elevation facing 33 Hebron Road, shall be obscure glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times.  
Reason: To safeguard the privacy of the occupiers of neighbouring residential properties.
- 4 Before the use hereby approved commences the means of enclosing the boundaries of the site at 31 Hebron Road shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the use hereby approved commencing.  
Reason: In the interests of visual amenity and general amenity.
- 5 Prior to the commencement of the use hereby approved a cycle storage area at 31 Hebron Road shall be constructed in accordance with details to be submitted to and approved in writing by the local planning authority. The cycle store shall be retained as approved for the duration of the use.  
Reason: To promote alternative modes of transportation.
- 6 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved scheme prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.
- 7 No development shall take place until details of the making good and external finishes for the side elevation of the remaining part of the building that is proposed to be demolished have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the use hereby approved commencing.  
Reason: In the interests of visual amenity.
- 8 Notwithstanding the details indicated on the approved plans, prior to the commencement of the use hereby approved, the car parking area shall be laid out with a minimum of five parking spaces in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The car spaces shall be used solely for the benefit of the staff, occupants and visitors of the development hereby approved and for no other purpose and shall be retained as such for the duration of the use.  
Reason: In order to provide satisfactory car parking provision for the development in the interests of highway safety.

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- 9 A flood management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. The development shall be carried out in accordance with the approved plan.

Reason: To ensure the consequences of flooding at the site can be managed.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV36, EV40, AS6 and HC15.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 3 We would also advise that where possible, flood resilient measures are incorporated into the design of the building and also that the applicant signs up to receive flood warnings. Further details of which are available from our website: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) or on 0345 988 1188.
- 4 The applicant shall ensure that the flat roof area at the rear of the premises shall be used only for emergency purposes and shall not be used as an amenity or sitting out area - in the interests of protecting the privacy of neighbouring occupiers.
- 5 The boundary wall for the car park shall not exceed 1m in height.
-

PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 3

APPLICATION NO.

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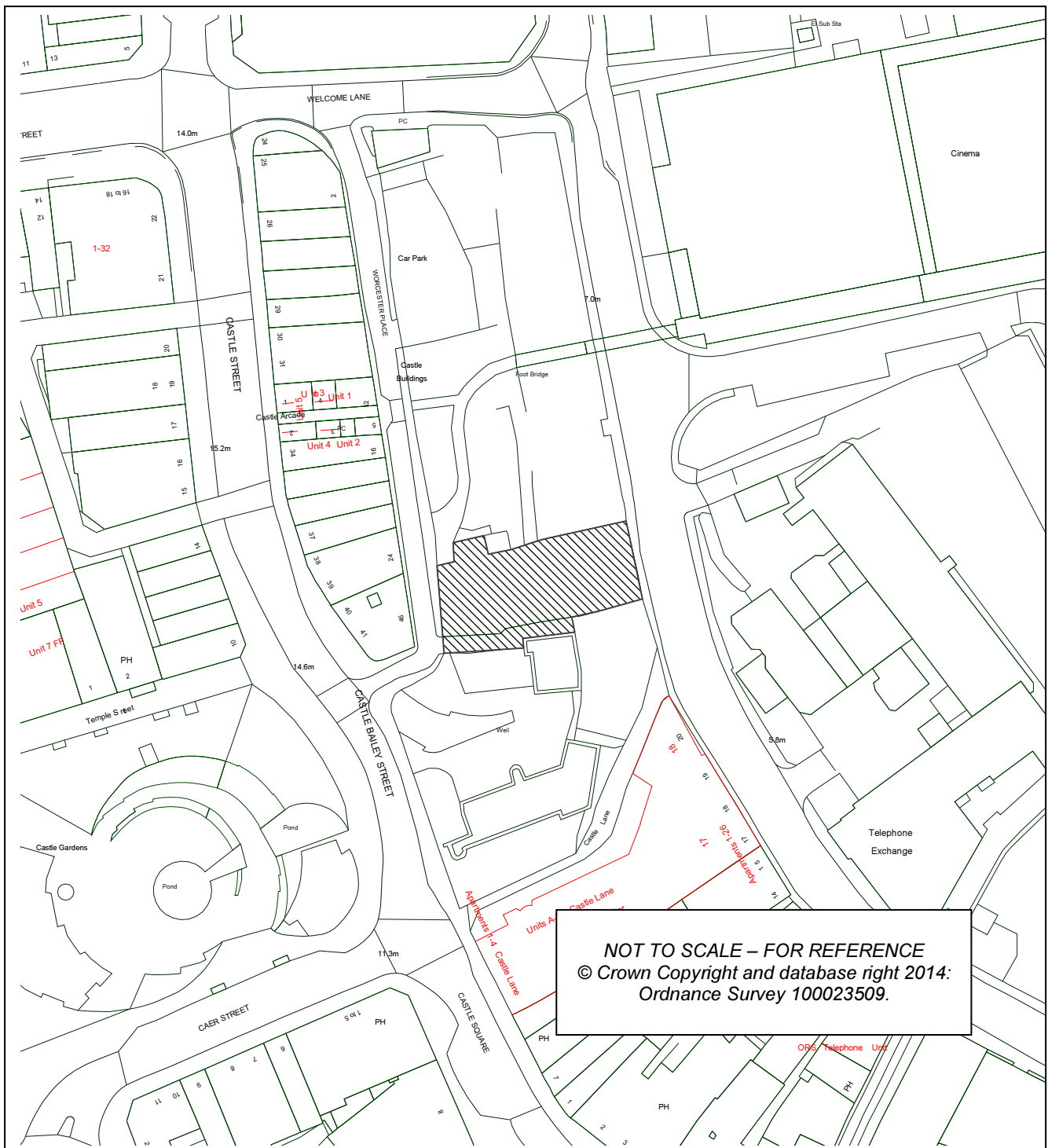
WARD:

Castle

**Location:** Former Castle Cinema, Worcester Place, Swansea, SA1 1JQ

**Proposal:** Substantial demolition of the former Castle Cinema with retention of two storey entrance foyer to Worcester Place elevation & two storey element to the Strand elevation, and construction of a part 5 / part 4 storey mixed use development incorporating parking / storage on the Strand, commercial space (Class B1) on lower ground floor, commercial unit (Class A1, A2 / A3) at ground floor (to Worcester Place), with 67 student study bedrooms within 13 cluster flats (application for Listed Building Consent)

**Applicant:** Mr & Mrs R Jones



**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 EV6 The Council will seek to protect, preserve and enhance Scheduled Ancient Monuments and their settings. Where proposals affect sites and areas of archaeological potential, applicants will be required to provide the following information with planning applications:

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

Policy EV7 Extensions or alterations to a listed building will not be permitted unless they safeguard the following:

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

The change of use of listed buildings will be permitted where this contributes towards the retention of a building without having an adverse effect on its character, special interest or structural integrity.

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 EV9 Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting

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APPLICATION NO.

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New development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to a list of criteria

### RELEVANT PLANNING HISTORY

76/1142 Conversion of cinema to bingo hall  
Planning Permission Sept. 1976

97/0146 Demolition of Castle Cinema (Application for Listed Building Consent)  
Granted Dec. 1997

2013/1403 - Substantial demolition of the former Castle Cinema with retention of two storey entrance foyer to Worcester Place elevation & two storey element to the Strand elevation, and construction of a part 5 / part 4 storey mixed use development incorporating parking / storage on the Strand, commercial space (Class B1) on lower ground floor, commercial unit (Class A1, A2 / A3) at ground floor (to Worcester Place), with 66 student study bedrooms within 16 cluster flats  
Currently being considered

### RESPONSE TO CONSULTATIONS

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

**Swansea Civic Society** – Having reviewed in some detail the applications and supporting documentation we wish to raise the following issues that we feel are important to a development in this high profile city location and request that these should be given serious consideration when drawing up your department's recommendation and by the Committee when reaching their decision.

1. We consider that the application lacks the level of detail to be expected for proposals relating to a key City Centre scheme. In particular it fails to adequately demonstrate the visual and special relationship of the proposals to the adjacent Castle with regard to its significance and its surroundings.
2. The proposed South Elevation in form and materials does not provide a sympathetic back drop to the Castle and its recently landscaped forecourt. Nor does the proposal appear to sit well next to the façade of the Castle Buildings to the west.
3. The retention and renovation of the classical styled Worcester Place façade is welcomed and is an essential feature of any redevelopment. It is of concern that this original façade may be dwarfed by the proposals. It remains unclear as to what extent the remaining original internal features are to be restored and retained.
4. It has been of considerable concern to the Civic Society that successive developments fronting the Strand have permitted the demolition of existing buildings of character and history. Also that their replacements have been created "dead frontages" not contributing to the street scene (e.g. The Urban Village multi-storey car park).

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As the Strand is the link between High Street and Parc Tawe, it desperately needs to have “life” brought back to it with active frontages. We would recommend that the proposals include a retail or commercial use of the two existing lower ground floor areas and not allocate them to car parking and storage.

5. Of the elements to be retained and repaired, we would recommend that the existing masonry cartouche to the Strand Elevation, which appears to include a later “Castle Cinema” sign be incorporated into the final scheme.
6. The proposals for the South Elevation currently includes for a section of the existing white glazed brickwork to be “cleaned and repaired”. We do not consider this to have any merit. Probably it originally formed a part of an internal courtyard light well, without its context it is reminiscent of an abandoned Victorian toilet and should be concealed or replaced.
7. It has been stated by the City that as a part of its City Centre Strategy a Visitor Centre would be constructed within the Castle precinct when funds permitted. What provisions have been made within the current Castle Cinema proposals to make this possible in the future?
8. Due to the location of the proposed development, please confirm that a full archaeological assessment will be carried out and all excavations supervised by the Glamorgan Gwent Archaeological Trust or other suitable specialist with the powers to carry out additional investigations and to fully record finds before covering up the works.

Although the Swansea Civic Society has these significant concerns relating to the current proposals, we would welcome and support a sympathetic redevelopment for the Castle Cinema in order to provide the means to preserve its significant remaining features and provide a lively and sustainable future for this element of the city street scene. However, the current proposals as submitted fail to meet our expectations and therefore we recommend either their revision and re-submission, or outright rejection.

### **The Cinema Theatre Association**

31, January, 2014 - CTA Cymru strongly objects to the proposal to part demolish the former Castle Cinema, Worcester Place, Swansea for the construction of retail units and flats.

The Castle Cinema was constructed between 1912 and 1913 for the Andrew family of Cardiff and is the oldest purpose built cinema that survives in Swansea, opening on 4 December 1913. Aside from the former Carlton Cinema, Oxford Street (Waterstones), of which only the front elevation and spiral staircase to the first floor remains, there is nothing left in the city centre of the Edwardian period of cinema architecture. The nearby Picture House Cinema in the High Street which dated from the same period was lost in the bombing raids of February 1941, making the Castle the only survivor and the case for its preservation of paramount importance. To part demolish the Castle would compromise the listing criteria which CADW took into consideration in 1984, of which I shall give a brief outline.



## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

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Although there were alterations to the interior of the building in the 1960's, much original detail remains. Behind the sound proof upholstered side walls there remains a segmental vault, coved cornice pilasters, all of which are original. Additionally, the sinuous gallery front with safety bats intact remains at circle level, although the proscenium was modified for the installation of wide screen circa 1962. The elaborately carved stone classical frontage is particularly distinctive, enhanced by channelled pilasters to ground floor level and with festoons and a wreath framing a castle above the recessed entrance doors. Of particular concern to CTA Cymru is the unauthorised removal by the owner of the central wooden pay box (circa 1930) and the fine wrought iron staircases to the balcony from the otherwise original longitudinal foyer. The rear elevation to the Strand has a frieze to second floor level with an original gilt inscription "Castle Cinema" which must be preserved as it is an integral part of the building.

On these grounds, the Cinema Theatre Association urges the City and County of Swansea to reject this ill-considered and insensitive proposal to part demolish an outstanding example of cinema architecture of this period.

16 March, 2015 – CTA Cymru strongly objects to the revised application to part demolish the former Castle Cinema, Worcester Place, Swansea for the construction of retail units and flats.

The Castle Cinema was constructed between 1912 and 1913 for the Andrew family of Cardiff and is the oldest purpose built cinema that survives in Swansea, opening on 4 December 1913. The building was damaged during the wartime bombing of the city in 1940 but survived remarkably intact as did the buildings immediately in front of the cinema in Castle Street which were renovated and now function as successful retail units.

There are several statements in the planning application that we would like to challenge. In the section headed "The Building Generally", it is stated that "the elevation to the Strand bears no relation to the Worcester Place elevation". It was quite common for cinemas in general to have plain side and rear elevations in different building materials, in this case in brick as opposed to the stone frontage. Indeed, the Castle Cinema was unusual in that the name of the cinema was inscribed in a frieze on the rear elevation in contrast to cinema of later construction where the name was distinctly placed on the front of the building.

In the section headed "The Building in Detail", the architect displays very little understanding of the impact that interior decoration of cinemas had in audiences, many of whom were from poor housing and appreciated the opulent décor of the buildings that they entered. To state that "*it is no surprise that the auditorium is so plain as in use as a cinema, it would hardly have been seen as all attention in the darkened space would have been directed at the cinema screen*" is borne of ignorance of the purpose of cinema architecture in general.

In the section headed "the Proposed Redevelopment in Relation to Conservation Principles", the architect states that "*the building has no communal value since it has no spiritual or social significance*". This is an inaccurate assertion as cinemas, especially those that were purpose built had tremendous social significance for the towns in which they stood and the Castle Cinema is a rare and complete survivor of the early period of cinema construction which brought a new medium of entertainment to the residents of Swansea.

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Another inaccuracy in the application is the closing date of the cinema, stated as being in 1985. The cinema did in fact close much later on 31 October 1991 due to competition from the newly built (UCI now Odeon) Multiplex in Parc Tawe.

We would also like to point out that the original projection box (circa 1927 – 30) was removed without authorisation by the present occupiers Laserquest and now remains in storage at the rear of the building under the former stage. It is important that this is saved at all costs and it is not mentioned in the application what is going to be done to safeguard this period fitting.

On these grounds and the fact that the proposed development is out of scale and out of character with what is being retained of the building. The Cinema Theatre Association urges the City and County of Swansea to reject this revised application.

### **Glamorgan Gwent Archaeological Trust –**

18 Dec. 2013

Castle Cinema, a Grade II Listed building, is situated between two Scheduled Ancient Monuments; immediately to the north lies the site of Swansea Old Castle (GM441), which contains the earliest evidence of occupation in Swansea and likely dates to the early twelfth century, whilst immediately to the south is the site of Swansea New Castle (GM012), which likely dates to the fifteenth century. In addition, the Historic Environment Record shows the close proximity of a number of other important archaeological sites in the immediate vicinity, including the Swansea Castle Walls (03329w), and human burials (01946w). Previous archaeological work in this area indicates that there is a substantial likelihood that important archaeological deposits survive within the project area and beneath the existing building. These deposits have a high potential for significantly enhancing our understanding of the early settlement of Swansea and our understanding of Medieval life. In particular, they may be essential for providing information on the different phases of castle development, which currently remain poorly understood. Consequently, their preservation is considered to be highly desirable.

The applicants claim that the development will be confined to the existing footprint of the building; however, the submitted plans clearly indicate that the southern side of the commercial unit will extend beyond these boundaries and will likely have a direct impact on highly sensitive archaeological deposits.

However, at present there is insufficient knowledge of either the exact nature or the full extents of the archaeological resources present. Therefore, there is a need for an archaeological evaluation of the area to be carried out prior to the positive determination of any planning application.

The proposed development has the potential to reveal archaeological remains. Planning Policy Wales (2012) Section 6.5.1 notes that “The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled.” The more detailed advice in Welsh Office Circular 60/96, Section 13, recommends that “where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.”

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 3 (CONT'D)

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It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such an archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members.

We recommend that this work be undertaken to a brief approved by yourselves and we can, upon request, provide a suitable document for your approval.

30 March, 2015

You may recall we wrote to you on 18<sup>th</sup> December 2013. Our understanding of the archaeological resource remains unchanged. Therefore we wish the advice given on that occasion be applied.

Castle Cinema, a Grade II Listed building, is situated between two Scheduled Ancient Monuments; immediately to the north lies the site of Swansea Old Castle (GM441), which contains the earliest evidence of occupation in Swansea and likely dates to the early twelfth century, whilst immediately to the south is the site of Swansea New Castle (GM012), which likely dates to the fifteenth century. In addition, the Historic Environment Record shows the close proximity of a number of other important archaeological sites in the immediate vicinity, including the Swansea Castle Walls (03329w), and human burials (01946w). Previous archaeological work in this area indicates that there is a substantial likelihood that important archaeological deposits survive within the project area and beneath the existing building. These deposits have a high potential for significantly enhancing our understanding of the early settlement of Swansea and our understanding of Medieval life. In particular, they may be essential for providing information on the different phases of castle development, which currently remain poorly understood. Consequently, their preservation is considered to be highly desirable.

The current application has reduced the footprint such that it now remains within the boundaries of the original building. Recent work in the vicinity has shown that the whole area between High Street, Castle Street and the Strand contains highly sensitive archaeological deposits. However, at present there is insufficient knowledge of either the exact nature or the full extents of the archaeological resources present. Therefore, there is a need for an archaeological evaluation of the area to be carried out prior to the positive determination of any planning application.

The proposed development has the potential to reveal archaeological remains. Planning Policy Wales (2012) Section 6.5.1 notes that *“The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled.”* The more detailed advice in Welsh Office Circular 60/96, Section 13, recommends that *“where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.”*

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such an archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members.

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 3 (CONT'D)

APPLICATION NO.

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We recommend that this work be undertaken to a brief approved by yourselves and we can, upon request, provide a suitable document for your approval.

### **Council for British Archaeology –**

Thank you for allowing the Council for British Archaeology (CBA) extra time to comment on the above application which seeks consent for the substantial demolition of the former Castle Cinema and construction of student accommodation and commercial space. The application has been discussed by our Casework Panel and I now write to you with their comments.

The former Castle Cinema was built between 1912 and 1914 making it the earliest cinema in Swansea. It also lies in an archaeologically sensitive area with both below and above ground archaeology of major consideration in this application. Externally and internally the cinema still retains some excellent features. The classically styled front façade with Beaux Arts influence is to be retained, and we hope sensitively restored. We would expect the inappropriate paint on the façade to be carefully removed and would expect the cinema doors to be restored too, as should the over lights and windows above. These are all part of the character and interest of the façade and a reminder of the building's original use.

The rear faced also holds strong evidential value of the original use of the building and is an important part of the street scene. Proposals to remove the upper half of the faced with the iconic 'Castle Cinema' signage should be refused.

Internally, inadequate evidence has been supplied in the application regarding the internal character and features of the cinema. We are aware that it still retains the balcony support, on steel columns, whilst the foyer's classical detailing apparently continues under the balcony area. Although refitted in the 1960's, the List Description describes original features such as cornices and pilasters hidden behind the wall coverings. We have also been advised that until recently the 1930's pay booth still existed but has now disappeared, as has an original wrought iron staircase. Unfortunately, the Design and Access Statement only says that the auditorium 'has been stripped and nothing remains of any value' and contains no evidence or images of the interior to support this statement. Without any other evidence, the CBA would ask that your Authority is quite clear on the extent or otherwise of the existence of internal features some of which may be hidden, before any decision is taken regarding extensive demolition. We therefore ask that before the application proceeds any further that a survey is made by an appropriately architectural historian or archaeologist. *Conservation Principles* (CADW, 2011) states that new work and alteration to an historic asset will normally only be acceptable if 'there is sufficient information comprehensively to understand the impacts of the proposals on the significance of the asset' (para 28.b).

We also regard the condition of the building and 'lack of incentive to carry out major repairs' (Design and Access Statement p.3) as a poor justification for the substantial demolition of a listed building. *Welsh Office Circular 61/96*, paragraph 92/i states that the cost of repair of a listed building where it is included as a justification for its demolition should be given less weight where it is clear the property has been neglected. We feel that there is potential for more of the existing structure to be incorporated into proposals for re-use.

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Planning Policy Wales 6.5.8 states that there should be a general presumption in favour of the preservation of listed buildings, and therefore every effort should be made to retain as much original fabric as possible. We also do not feel that the applicant has demonstrated that he has fully explored possible alternative uses for the building as required in paragraph 92 ii-iii of *Welsh Office Circular 61/96*.

The Casework Panel also commented on the proposed new build. They initially expressed their concern that building was quite clearly not within the original footprint as described in the Design and Access Statement. Nor did they believe the claim in the same document that the new building would not go below present foundation levels. Given the scale of the building and current building regulations, as well as the sloping site, there appears a very great possibility that deeper foundations would be required and concern was expressed that archaeological deposit below the building would be disturbed. They were supportive of Glamorgan and Gwent Archaeological Trust recommendation that an archaeological evaluation should be carried out.

A further concern was expressed by the Panel of the effect of the new building on the setting of the Scheduled Ancient Monument. The Castle Cinema is in close proximity to the castle and clearly visible from many viewpoints. Members of the panel were unanimous in their opinion that the present design of the building was extremely poor. They felt that even if your Authority decided that extensive demolition is acceptable, this was a rarer opportunity for an imaginative and appropriate design to act as a drop to the castle. As *Conservation Principles* (Cadw, 2011) states 'the quality of design and execution must add value to the existing asset' and that 'there must be a clear and coherent understanding of the relationship of all parts to the whole, as well as to the setting into which the new work is to be introduced' (p29). The present design, choice of materials, the scale and massing, fails to do this on all counts.

In summary, the CBA cannot support this application. There is a need for greater understanding of the significance of the present building in the light of proposals for extensive demolition, there is also the possibility of a major impact on underground archaeology and finally, the applicant has submitted proposals for a poorly designed building which is inappropriate and unimaginative. Your Authority should insist on the best quality of design in this highly sensitive location.

**Victorian Society** - Thank you for consulting the Victorian Society on the above application. The application makes no attempt to demonstrate what survives of the interior of the listed building, nor does it describe its significance, contrary to paragraph 128 of the National Planning Policy Framework. As a result, we cannot make an informed judgement on the proposal and assess whether the loss of the interior of the building would be acceptable.

We therefore recommend that a detailed heritage assessment is sought in order for the application to comply with the NPPF, and to provide the necessary information that will allow us to fully assess the scheme. We would be pleased to comment further upon notice of the inclusion of additional information.

If the information cannot be added to the application, we advise that you reject this application in its present form.

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### Further comments 30 April, 2015

Thank you for consulting the Victorian Society on this application. This has been discussed by the Society's Southern Buildings Committee and I write now to object to this latest proposal for the adaptation of the former Castle Cinema, which would be detrimental to the building's significance.

The Castle Cinema is listed Grade II as a handsome, well-preserved cinema from the early days of the growth of purpose-built cinemas. The Castle Cinema is one of only two cinemas cited as being of national significance in David Atwell's book on the topic, "Cathedrals of the Movies". Its two principal facades are particularly impressive and interestingly contrasting in appearance and style. The interior has suffered considerable alterations, including, as we understand it, a number of unconsented works. This is a matter that should be pursued by the Council's enforcement team. The illegal removal of historic fabric, resulting in a less intact interior, cannot be used as justification for further depredation.

What is proposed is essentially the demolition of the majority of the building between the two principal elevations, and the erection in its place of a part-four, part-five storey building between them. The justification for doing so appears to lie in the purported lack of surviving historic fabric, as well as in the supposedly bleak character of the building's side elevations. Unfortunately, the documents submitted with the application fail to demonstrate what is claimed, that is that almost nothing of any historic or architectural interest survives. It is for the Council's officers to satisfy themselves that this is the case. If so, the principle of such extensive demolition may well be acceptable.

Its acceptability, however, would depend on the development of a sympathetic design of high quality, one befitting of a nationally important building. Regrettably that is not the case here. The quality of the infill proposed is simply not commensurate with the fragments of the building that would be retained. CGI's of proposed views from Castle Square reveal the wholly unsatisfactory southern elevation, with its asymmetrical appearance and somewhat overbearing character, particularly in relation to the Cinema's comparatively low and florid Worcester Place façade. The garish tones of the proposed building's mishmash of cladding materials would strike a jarring note in the context of the listed building and that of the historic setting in which the Castle Cinema is located. Furthermore, while the new building's ridge height would be comparable to that of the present pitched roof, the eaves height would be considerably increased, resulting in a much more domineering and intrusively bulky form.

As a building of national importance the Castle Cinema demands far better than what is currently proposed. It is a moot point, but it is questionable whether the building would merit its listed status should this scheme be implemented. We object to this application and urge you to refuse it consent.

**Ancient Monument Society** - Thankyou for your consultation.

There seem to be two distinct but inter-related issues here.

Firstly, the correct treatment of the listed building.

Secondly, the impact of the redevelopment on the broader townscape, including the Castle.

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1. To deal with the listed building - the Castle Cinema is an evocative example of an early cinema - one of only two within the building type that David Atwell described in the classic book on the subject, "Cathedrals of the Movies", as being of national importance in the Welsh context, the other being The Carlton, elsewhere in Swansea. The front elevation is surprisingly grand and formal, albeit on a small scale.

a) What is proposed is in effect "facadism". The two bookend elevations are largely kept and a new build then constructed on the site of the demolished auditorium.

b) The schedule refers to what is clearly the case - that the return elevations, which were surely never meant to be seen so clearly as they are now, are very plain - they always are so in the building type given the maximum need for blackout. It also mentions some surviving internal elements but I think that these are largely confined to the foyer, which is to be retained in the projected "commercial unit"

c) It must be a matter of real regret that the top storey of the elevation onto The Strand is demolished. This destroys the splendidly oversized signage in stone ( or is terracotta ? ) announcing the Cinema.

2. On the townscape:

a) The present cinema is a classic curate's egg. The two principal elevations make dynamic contributions to the townscape whereas the returns are bland, completely unarticulated and rather oppressive. The ivy has softened the view from the North East but this is an unorthodox way to civilise an urban townscape.

The South elevation facing the Castle is raw and unattractive.

b) That being so, there might be an argument for healing the townscape by judicious redevelopment. However, we must have misgivings over what is being proposed

c) The newcomer is to some extent disciplined by the form of the elevation to The Strand - although we continue to deplore the loss of the top floor. The symmetrical balance is continued upwards. However on Worcester Place the very important 3 bay Beaux Arts elevation becomes a footstool to the new build which rears up behind it, and does so asymmetrically.

d) The southern view, facing the Castle, looks ill-coordinated and does not make a pleasing architectural composition.

In summary, there might be an argument for some careful redevelopment on this site but what is being proposed is a disappointment and not worthy of such a prominent location.

There are too many characterless Post Modern constructions already framing the Castle. This site could show the way with a scheme that retains the key elements of the cinema with a new build of innovative, powerful but contextual design.

**Highway Observations** – no response.

## APPLICANTS STATEMENT

I would like the following points to be considered in determining the planning applications:

1. There is nothing special or 'designed' about the eaves height of the existing building, it came about purely as a result of the function of the building as a cinema. The proposed building is further away from the Debtors Prison and while it has a higher eaves line, the overall height of the proposed building is approximately two metres lower than the ridge line of the existing building. The difference in height between the Debtors Prison and the proposed building equates to one residential storey height, which in terms of the considerable differences in height and scale seen in the surrounding buildings, in a city centre location, is nothing.
2. The additional photomontages demonstrate that the basic design principle of constructing a flat roofed building with an irregular plan form and slight differences in height sits well alongside the Castle and the adjoining Castle Buildings and is an appropriate solution in terms of scale and massing.
3. In terms of urban design, the proposed building is smaller in scale and size than the recently completed Castle Lane development and considerably smaller than its immediate neighbour, Castle Buildings. In the broader context, the proposed building needs to balance the development at Castle Lane and relate to the large scale of Castle Buildings, a smaller building than proposed would not do that.
4. Again, in terms of urban design and in the context of Castle Square, the proposed building needs to be large enough to enclose and define the space around the Castle. This is essential, not only to prevent the space from 'Leaking away' but also to mitigate some of the damage done to the townscape by the enormous bulk of the BT Tower behind.

## APPRAISAL

### Introduction

The application seeks Listed Building Consent (LBC) to substantially demolish the former Castle Cinema with retention of two storey entrance foyer to Worcester Place elevation & two storey element to the Strand elevation, and construction of a primarily 4 storey mixed use development incorporating parking / storage on the Strand, commercial space (Class B1) on lower ground floor, commercial unit (Class A1, A2 / A3) at ground floor (to Worcester Place), with 67 student study bedrooms within 13 cluster flats. The associated application for full planning permission has been submitted under Ref:2013/1403.

Castle Cinema is a grade II listed building and is currently in use as 'Laserzone'. The building was built in 1912 – 1914 and is situated adjacent to Swansea Castle which is both Grade 1 Listed and an Ancient Monument. Castle Cinema is also a key building within the Wind Street Conservation Area, and is a highly prominent building on entering the city centre core area from Parc Tawe. The principal entrance is obtained from Worcester Place and the building extends down to The Strand, and due to the topography of the site has a secondary entrance at the lower Strand level. The existing building consists of a roughly rectangular auditorium in form with a pitched slate roof, with an ornate Beaux Arts classical elevation facing Worcester Place, whilst The Strand façade of three storeys comprises a brick elevation.



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The building was damaged by fire in 1927, partly bomb damaged in 1941, whilst the cinema interior was remodelled in 1962. It is indicated that the cinema use ceased in 1985.

The development as originally submitted sought consent for the significant demolition of Castle Cinema with only the eastern and western elevations being retained and was a very significant and irreversible alteration to the listed building. The proposal was to provide a commercial unit at ground floor level on Worcester Place, a further commercial unit at the lower levels along The Strand and to construct effectively a new building within the footprint of the existing building to accommodate 66 student study bedrooms within 16 cluster flats. The new build element would effectively been a five / part four storey building with a communal access area from Worcester Place.

The scheme was considered to be an overdevelopment and harmful to the retained elements of the listed building, harmful to the setting of Swansea Castle and harmful to the character and appearance of the Wind Street Conservation Area. These issues are considered in more detail below. The applicant was advised that at the very least, the lobby space off Worcester Place and the entirety of both sets of stairs should be retained in addition to those already in the application, and also the full height of the Strand elevation brickwork including the 'Castle Cinema' lettering.

Consequently, the scheme was revised to incorporate the following amendments:

- the footprint of the building along the southern elevation (facing Swansea Castle) has been set back from the existing building;
- the layout of the ground floor commercial unit has been re-designed to orientate to the front of the building (onto Worcester Place) as opposed to the southern elevation;
- the entrance to the residential units has been relocated to the southern elevation;
- An increase in bed spaces to 67 (from 66) within 13 cluster flats
- A retained rear building elevation to the Strand
- Amended elevational treatment to northern and southern elevations
- Provision of 4 levels of accommodation

The proposed building is essentially a 4 storey flat roofed structure with an irregular floor plan. The DAS indicates that in order to provide a focal point, the higher roof section has incorporated a 'tower' as a design feature. A section of the southern elevation enclosing the staircase and entrance to the residential units is proposed to be constructed in clear glazing as an attempt to break down the mass of the building. It is proposed for the stone façade to Worcester Place to be restored. The southern elevation would incorporate a variety of materials consisting of glazed copper finished tile rain screen cladding, ceramic tiling and facing brickwork.

The justification for this scheme was weak as the building condition, largely due to the lack of maintenance, is not a legitimate argument for the significant demolition works. A stronger justification of why the substantial demolition of the listed building and the proposed works were considered necessary should have been submitted in accordance with the guidance provided within paragraphs 91 – 92 of the Planning and the Historic Environment: Historic Buildings and Conservation Area – Welsh Office Circular 61/ 96.

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Further guidance is provided by UDP Policies EV6, EV7, EV8 and EV9. Additionally, in accordance with Regulation 6 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (in respect of the Design and Access Statements - DAS), the DAS fails to fully explain the design principles and concepts that have been applied to the works; taking into account the special architectural or historic importance of the building; the particular physical features of the building that justify its designation as a listed building; and the building's setting having regard to its location within the Wind Street Conservation Area and relationship to the Ancient Monument (Swansea Castle) and how the approach adopted takes account of the policy background having regard to the above. Cadw 'Conservation Principles' document provides the basis to indicate the significance of various elements and features in order to come to a rational and robust conclusion of what must be retained and what could change.

Given the sensitivity of the context, the applicant was also advised that the scheme should be supported with perspective visuals, initially sketch 3d views are needed to discuss the massing and form as the backdrop to the castle and ultimately photomontage visuals will be required to demonstrate the visual relationships.

Consequently, a Structural Survey and a Building Assessment were submitted and additionally, Computer Generated Images (CGI's) of the proposed development were submitted in support of the application.

The submitted Structural Survey highlights that the steel framed roof structure over the auditorium appears to be part of the original structure and that strengthening works have been undertaken probably to deal with structural issues arising out of the fire and/or blast damage. The survey highlights the use of a heavy concrete casing to infill the steel roof trusses and as a consequence has impacted upon the stability of the perimeter walling, and there is a significant structural crack along the southern elevation. This would require large scale improvement works to the existing structure and the structural survey indicates that this would make the cost of a potential conversion prohibitive.

The submitted Building Assessment in support of the application highlights that there is considerable water ingress within the building, and overall the building is in a poor condition. The Assessment states that there has been no capital investment in the building for many years, and now needs a significant amount of money on it. The building is now on the Councils Listed Building at Risk Register. The Building Assessment concludes that the form of the building and its structural condition makes the building unsuitable for conversion, and that there is sufficient justification for its partial demolition.

Although the building is in use ('Laserzone'), there clearly are significant maintenance issues; this includes water ingress and structural defects. Internally the building has been significantly altered, this includes remodelling of the entrance foyer and removal of the paying booth, decking over the upper balcony, removal of all seats. However there are heritage features remaining such as the cinema screen, the balcony structure, stairs to the first floor balcony, doors and architraves etc so the DAS is incorrect in saying '*The interior has been stripped and nothing remains of any value*'. The application would have benefitted from the submission of a Heritage Assessment to evaluate such features.

**Material Planning Considerations**

The main issue to be considered is whether there was a justification for the substantial demolition of the listed building 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. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

**Compliance with prevailing National and Development Plan policy**

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

Planning Policy Wales (PPW) 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 indicates there is no statutory requirement to have regard to the provisions of the development plan when considering an application for listed building consent.

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. PPW and WO Circular 61/96 indicate that it is generally preferable for related applications for planning permission and listed building consent to be considered concurrently.

Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 in considering whether to grant planning permission which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They must provide the LPA with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

In determining applications for the total or substantial demolition of any listed building, proposals need to provide convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. Applications should not be granted for demolition simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building.

Unitary Development Plan (UDP)

Policy EV7 of the UDP refers to proposals to extend or alter listed buildings which will not be permitted unless they safeguard the character of the listed building in terms of its scale, design, materials and features which it possesses that are of special architectural or historic interest, and the historic form and structural integrity of the building.

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The change of use of listed buildings will be permitted where this contributes towards the retention of a building without having an adverse effect on its character, special interest or structural integrity. The amplification to the policy indicates that the setting of a listed building is often an essential part of its character. If listed buildings become isolated from their surroundings, their character as well as their economic viability may suffer. They may also lose much of their interest and the contribution they make to townscapes or the natural heritage. Where the original use of a building is no longer viable, proposals will be determined on the basis of concurrent applications for detailed planning permission and listed building consent, which should contain full detailed and surveyed drawings of the existing building and any works associated with the proposed change of use. The impact on the character of the listed building is considered in greater detail as part of the application for listed building consent – ref: 2013/1405.

The proposed development would involve the substantial demolition of the listed building with only the front and rear elevations being retained. UDP Policy EV8 states that 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. The amplification to the policy states that the Council will follow the advice contained within WO Circulars 61/96 and 1/98 in assessing applications for the demolition of a listed building, which must be accompanied by sufficient supporting information to allow assessment under the above criteria. Applications must also be accompanied by a full structural survey detailing why demolition is required.

### **Heritage Impact**

An historic analysis reveals that the side (north and south) elevations were originally hidden by adjoining/ adjacent buildings that have since been demolished. Therefore the blank side elevations of the Castle Cinema were never designed to be seen and the re-creation of these elevations with windows to provide a sense of activity and life is encouraged in principle. However, the south elevation will be highly prominent rising up behind the debtor's prison and Swansea Castle. The original drawings indicate that the new building would be some 7.5m higher than the prison. Whilst the proposed new built elements are at approximately the same level as the existing ridge line of the Castle Cinema, this is very different in terms of massing with a vertical building face in place of a sloping roof which will have a much more dominant effect. Therefore the proposed height and massing is considered unacceptable as the new build would dominate the castle and harm the setting of this Grade I listed building/ ancient monument. Furthermore the proposed new architecture of this side elevation is fragmented and unrelated to the context. The proposed use of natural stone as a facing material does not make the unacceptable scale and form acceptable. It is considered that any new side elevation must have a conventional eaves line to reflect the current scale of the Castle Cinema as a backdrop to the castle with the potential for one additional floor as a subservient element within a pitched roof space. Based on these requirements, the proposals were considered to be an overdevelopment which is harmful to the retained elements of the listed building, harmful to the setting of Swansea Castle and harmful to the character and appearance of the Wind Street Conservation Area.

Turning to the west elevation onto Worcester Place, the DAS indicates that the proposed new elements will not be highly visible from street level due to the narrowness of the lane, however this elevation also forms the highly visible oblique backdrop to Swansea Castle. As per the south elevation, it is considered that this elevation was too high and the proposed built form is poorly related to the listed building/ historic context. The north elevation should have the same character as the south to give the listed building integrity as a gateway feature on the link from Parc Tawe. This should include eaves at the current level and subservient accommodation within the pitched roof space. The full height of brickwork in the east (strand) elevation must be retained as this is a key feature of the building. The guidance given for the other elevations will also apply to this. The use of the two lower floors off the Strand as business space is welcomed to contribute to the mixed use nature of the area, however the existing partitions should be retained.

The Worcester Place level plan indicates a commercial unit in the southern elevation. Whilst this is welcomed in principle, the orientation of this unit overlooking the castle courtyard was considered to conflict with the proposed heritage regeneration of Swansea Castle which includes proposals for a visitor centre alongside the debtors prison in front of the proposed commercial unit, although it is stressed that these proposals have to be progressed through a planning submission. The applicant was advised for the commercial unit to be revised to face west onto Worcester Place with the primary south facing windows removed. Furthermore the proposed commercial unit extends to the south outside the existing footprint, which will likely have a direct impact on highly sensitive archaeological deposits. Glamorgan Gwent Archaeological Trust advised that there was a need for an archaeological evaluation of the area. Cadw have also expressed concerns that the closeness of the extension to the Ancient Monument will not only have a severe impact on the setting of the scheduled monument but will also cause significant problems with future repairs to the historic building.

The original scheme was considered to be harmful to the historic fabric of the listed building, harmful to the character of the listed building, whilst the amended scheme has attempted to address above issues, the scale and massing remains substantially similar to the submitted proposal, which it was considered to represent an overdevelopment which would be harmful to the retained elements of the listed building.

The applicants have indicated that the scale of the proposed scheme incorporating the number of units is necessary due to the viability of the proposal (although this is not backed up by any financial viability evidence), however, as the proposed scheme remains, it is considered to be harmful to the historic fabric of the listed building and character of the listed building. The proposal is therefore contrary to the provisions of UDP Policies EV7 and EV8 which in particular advises that applications for the total or substantial demolition of a listed building will only be granted permission where there is the strongest justification and convincing evidence in accordance with the listed criteria, and refusal will therefore be recommended.

### **Conclusions**

Whilst it is appreciated that the scale of the proposed scheme incorporating the number of units maybe necessary due to the viability of the proposal (although this is not backed up by any financial viability evidence), this is not a justification for the proposal, and as the proposed scheme remains, it is considered that the scale and massing would represent an overdevelopment which would be harmful to the historic fabric of the listed building, and the character of the listed building.

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The proposal is, therefore, contrary to the provisions of UDP Policies EV7 and EV8 which in particular advises that applications for the total or substantial demolition of a listed building will only be granted permission where there is the strongest justification and convincing evidence in accordance with the listed criteria. Refusal will therefore be recommended.

### RECOMMENDATION

#### REFUSE, for the following reason:

- 1 The scale and massing of the proposed development would represent an overdevelopment which would be harmful to the special architectural, historical importance and character of the listed building contrary to the provisions of the Planning (Listed Building and Conservation Areas) (Wales) Regulations 2012 and Swansea Unitary Development Plan Policies EV7, and EV8.

### INFORMATIVES

- 6 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, EV6, EV7, EV8, EV9.

### PLANS

Site location plan, 1037-21 existing site plan, 1037-22 existing lower ground floor plans, 1037-23 existing ground floor plan, 1037-24 existing first floor plan, 1037-25 existing south elevation, 1037-26 existing east and west elevations, 1037-27 existing north elevation, 1037-28 existing section, 1037-29 proposed site plan, 1037-31 proposed plans - level 2 (lower ground) 1037-32 proposed plans - level 3 (ground), 1037-33 proposed plans - level 4 (first), 1037-34 proposed plans - level 5 (second), 1037-35 proposed plans - level 6 (third) 1037-36 proposed plans - level 7 (fourth) 1037-37 proposed roof plan, 1037-38 proposed east elevation, 1037-39 proposed south elevation, 1037-40 proposed west elevation, 1037-41 proposed north elevation, 1037-42 proposed section, 1037-43 proposed south elevation in context, 1037-44 proposed elevation in context received 23rd September 2013

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ITEM 4

APPLICATION NO.

2013/1403

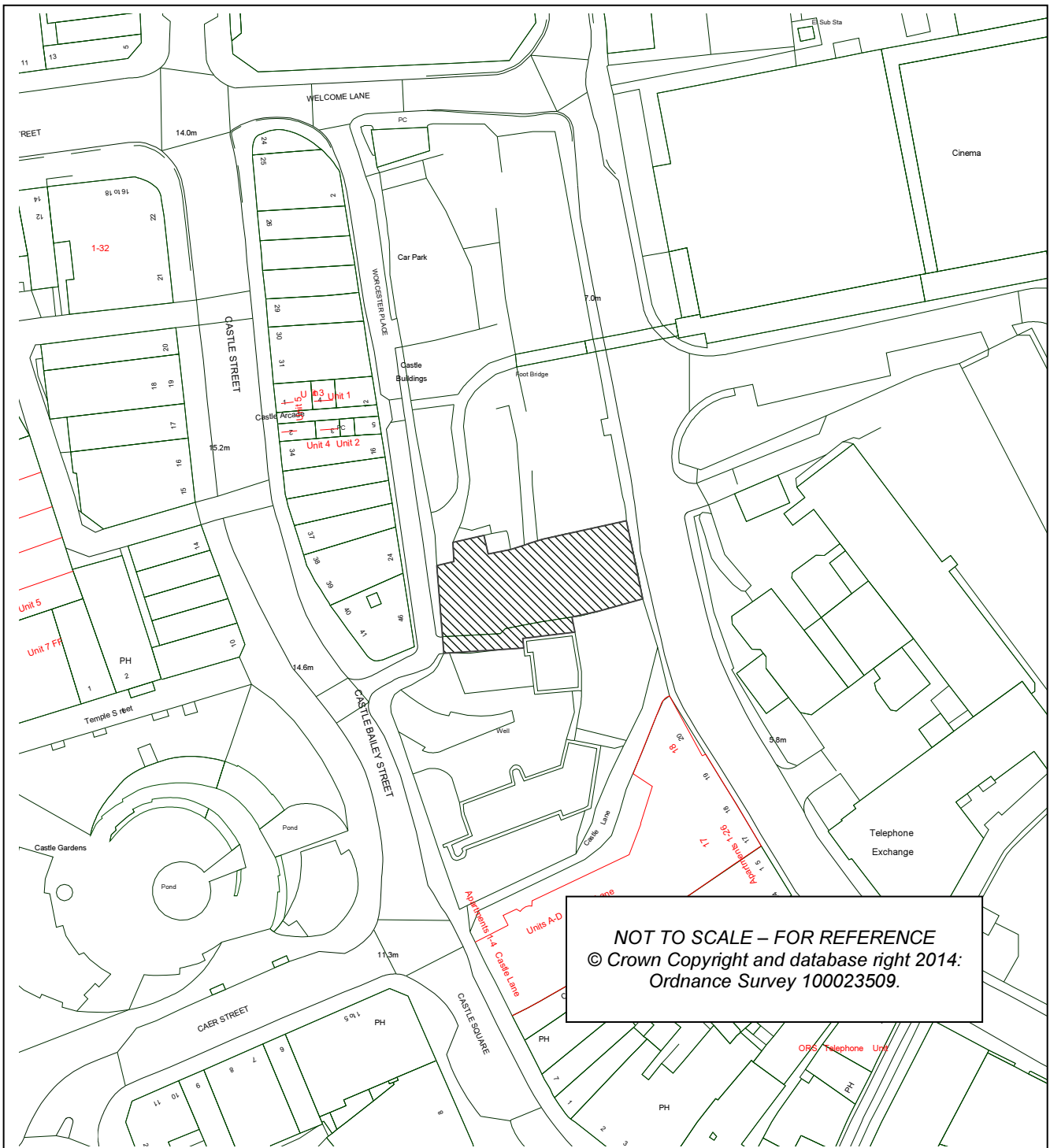
WARD:

Castle

**Location:** Former Castle Cinema, Worcester Place, Swansea, SA1 1JQ

**Proposal:** Substantial demolition of the former Castle Cinema with retention of two storey entrance foyer to Worcester Place elevation & two storey element to the Strand elevation, and construction of a part 5 / part 4 storey mixed use development incorporating parking / storage on the Strand, commercial space (Class B1) on lower ground floor, commercial unit (Class A1, A2 / A3) at ground floor (to Worcester Place), with 67 student study bedrooms within 13 cluster flats

**Applicant:** Mr & Mrs R Jones



**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.

Policy EV5 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 EV6 The Council will seek to protect, preserve and enhance Scheduled Ancient Monuments and their settings. Where proposals affect sites and areas of archaeological potential, applicants will be required to provide the following information with planning applications:

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

Policy EV7 Extensions or alterations to a listed building will not be permitted unless they safeguard the following:

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

The change of use of listed buildings will be permitted where this contributes towards the retention of a building without having an adverse effect on its character, special interest or structural integrity.

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



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- 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 EV9 Development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting

New development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to a list of criteria

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.

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 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 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.

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- 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:-
- (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

- 76/1142 Conversion of cinema to bingo hall  
Planning Permission Sept. 1976
- 97/0146 Demolition of Castle Cinema (Application for Listed Building Consent)  
Granted Dec. 1997
- 2013/1405 Substantial demolition of the former Castle Cinema with retention of two storey entrance foyer to Worcester Place elevation & two storey element to the Strand elevation, and construction of a part 5 / part 4 storey mixed use development incorporating parking / storage on the Strand, commercial space (Class B1) on lower ground floor, commercial unit (Class A1, A2 / A3) at ground floor (to Worcester Place), with 66 student study bedrooms within 16 cluster flats (application for Listed Building Consent)  
Currently being considered

### RESPONSE TO CONSULTATIONS

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

**Swansea Civic Society** – Having reviewed in some detail the applications and supporting documentation we wish to raise the following issues that we feel are important to a development in this high profile city location and request that these should be given serious consideration when drawing up your department's recommendation and by the Committee when reaching their decision.

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1. We consider that the application lacks the level of detail to be expected for proposals relating to a key City Centre scheme. In particular it fails to adequately demonstrate the visual and special relationship of the proposals to the adjacent Castle with regard to its significance and its surroundings.
2. The proposed South Elevation in form and materials does not provide a sympathetic back drop to the Castle and its recently landscaped forecourt. Nor does the proposal appear to sit well next to the façade of the Castle Buildings to the west.
3. The retention and renovation of the classical styled Worcester Place façade is welcomed and is an essential feature of any redevelopment. It is of concern that this original façade may be dwarfed by the proposals. It remains unclear as to what extent the remaining original internal features are to be restored and retained.
4. It has been of considerable concern to the Civic Society that successive developments fronting the Strand have permitted the demolition of existing buildings of character and history. Also that their replacements have been created "dead frontages" not contributing to the street scene (e.g. The Urban Village multi-storey car park). As the Strand is the link between High Street and Parc Tawe, it desperately needs to have "life" brought back to it with active frontages. We would recommend that the proposals include a retail or commercial use of the two existing lower ground floor areas and not allocate them to car parking and storage.
5. Of the elements to be retained and repaired, we would recommend that the existing masonry cartouche to the Strand Elevation, which appears to include a later "Castle Cinema" sign be incorporated into the final scheme.
6. The proposals for the South Elevation currently includes for a section of the existing white glazed brickwork to be "cleaned and repaired". We do not consider this to have any merit. Probably it originally formed a part of an internal courtyard light well, without its context it is reminiscent of an abandoned Victorian toilet and should be concealed or replaced.
7. It has been stated by the City that as a part of its City Centre Strategy a Visitor Centre would be constructed within the Castle precinct when funds permitted. What provisions have been made within the current Castle Cinema proposals to make this possible in the future?
8. Due to the location of the proposed development, please confirm that a full archaeological assessment will be carried out and all excavations supervised by the Glamorgan Gwent Archaeological Trust or other suitable specialist with the powers to carry out additional investigations and to fully record finds before covering up the works.

Although the Swansea Civic Society has these significant concerns relating to the current proposals, we would welcome and support a sympathetic redevelopment for the Castle Cinema in order to provide the means to preserve its significant remaining features and provide a lively and sustainable future for this element of the city street scene. However, the current proposals as submitted fail to meet our expectations and therefore we recommend either their revision and re-submission, or outright rejection.

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APPLICATION NO.

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**The Cinema Theatre Association**

31, January, 2014 - CTA Cymru strongly objects to the proposal to part demolish the former Castle Cinema, Worcester Place, Swansea for the construction of retail units and flats.

The Castle Cinema was constructed between 1912 and 1913 for the Andrew family of Cardiff and is the oldest purpose built cinema that survives in Swansea, opening on 4 December 1913. Aside from the former Carlton Cinema, Oxford Street (Waterstones), of which only the front elevation and spiral staircase to the first floor remains, there is nothing left in the city centre of the Edwardian period of cinema architecture. The nearby Picture House Cinema in the High Street which dated from the same period was lost in the bombing raids of February 1941, making the Castle the only survivor and the case for its preservation of paramount importance. To part demolish the Castle would compromise the listing criteria which CADW took into consideration in 1984, of which I shall give a brief outline.

Although there were alterations to the interior of the building in the 1960's, much original detail remains. Behind the sound proof upholstered side walls there remains a segmental vault, coved cornice pilasters, all of which are original. Additionally, the sinuous gallery front with safety bats intact remains at circle level, although the proscenium was modified for the installation of wide screen circa 1962. The elaborately carved stone classical frontage is particularly distinctive, enhanced by channelled pilasters to ground floor level and with festoons and a wreath framing a castle above the recessed entrance doors. Of particular concern to CTA Cymru is the unauthorised removal by the owner of the central wooden pay box (circa 1930) and the fine wrought iron staircases to the balcony from the otherwise original longitudinal foyer. The rear elevation to the Strand has a frieze to second floor level with an original gilt inscription "Castle Cinema" which must be preserved as it is an integral part of the building.

On these grounds, the Cinema Theatre Association urges the City and County of Swansea to reject this ill-considered and insensitive proposal to part demolish an outstanding example of cinema architecture of this period.

16 March, 2015 – CTA Cymru strongly objects to the revised application to part demolish the former Castle Cinema, Worcester Place, Swansea for the construction of retail units and flats.

The Castle Cinema was constructed between 1912 and 1913 for the Andrew family of Cardiff and is the oldest purpose built cinema that survives in Swansea, opening on 4 December 1913. The building was damaged during the wartime bombing of the city in 1940 but survived remarkably intact as did the buildings immediately in front of the cinema in Castle Street which were renovated and now function as successful retail units.

There are several statements in the planning application that we would like to challenge. In the section headed "The Building Generally", it is stated that "the elevation to the Strand bears no relation to the Worcester Place elevation". It was quite common for cinemas in general to have plain side and rear elevations in different building materials, in this case in brick as opposed to the stone frontage. Indeed , the Castle Cinema was unusual in that the name of the cinema was inscribed in a frieze on the rear elevation in contrast to cinema of later construction where the name was distinctly placed on the front of the building.

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In the section headed “The Building in Detail”, the architect displays very little understanding of the impact that interior decoration of cinemas had in audiences, many of whom were from poor housing and appreciated the opulent décor of the buildings that they entered. To state that “*it is no surprise that the auditorium is so plain as in use as a cinema, it would hardly have been seen as all attention in the darkened space would have been directed at the cinema screen*” is borne of ignorance of the purpose of cinema architecture in general.

In the section headed “the Proposed Redevelopment in Relation to Conservation Principles”, the architect states that “*the building has no communal value since it has no spiritual or social significance*”. This is an inaccurate assertion as cinemas, especially those that were purpose built had tremendous social significance for the towns in which they stood and the Castle Cinema is a rare and complete survivor of the early period of cinema construction which brought a new medium of entertainment to the residents of Swansea.

Another inaccuracy in the application is the closing date of the cinema, stated as being in 1985. The cinema did in fact close much later on 31 October 1991 due to competition from the newly built (UCI now Odeon) Multiplex in Parc Tawe.

We would also like to point out that the original projection box (circa 1927 – 30) was removed without authorisation by the present occupiers Laserquest and now remains in storage at the rear of the building under the former stage. It is important that this is saved at all costs and it is not mentioned in the application what is going to be done to safeguard this period fitting.

On these grounds and the fact that the proposed development is out of scale and out of character with what is being retained of the building. The Cinema Theatre Association urges the City and County of Swansea to reject this revised application.

### **Natural Resources Wales –**

We would have no objection to the proposed development but would like to make the following comments.

#### Flood Risk

The application site lies just outside the identified flood outlines on both the development advice map (referred to in TAN15 (July 2004)) and our flood map. The only part of the proposed development that could be at risk of flooding is the lower ground unit fronting The Strand. This unit has an existing commercial use so we are satisfied that there will be no change in vulnerability class as a result of the proposed development. The highly vulnerable residential element is accessed from Worcester Place at a much higher level so would not be at risk.

There may however be some risk of future flooding to the lower ground floor fronting The Strand if an allowance for climate change is accounted for. There is no information on the threshold or floor level so it is not possible to advise your Authority on potential future flood depths. However, spot levels on The Strand range between 6.8 and 7m AOD. Based on these levels, if a 100 year lifetime of development is used, the maximum depths are likely to be less than 400mm.

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As there is no change of use we would recommend that the lower ground floor is designed to be resilient to the potential flood risk. This could include resilient walls, floors, doors, electric wiring etc. For further information on flood proofing, please see ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'. This may be viewed on the Planning Portal website:

We would also recommend that consideration is given to emergency access arrangements during a flood event for those parts of the development that are accessed from The Strand.

### Drainage

With regard to drainage from the site we are pleased to note that all foul water will be discharged to the main public sewer.

We also note from the application form that sustainable drainage (SUDS) is to be used to manage surface water from the site. No details of the surface water management have been provided, however we are satisfied that details can be submitted post determination via the inclusion of an appropriately worded condition.

The surface water management system should be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change. Whatever regulation method is adopted, it is essential that the developer enters a suitable long term legal agreement to ensure satisfactory long term maintenance and future renewal.

### Bats

We welcome the submission of the survey report titled 'Former Castle Cinema – Bat & Owl Survey' (Rob Colley Associates, 2013) and note the conclusion that no use of the building by bats was observed. We have no further comments to make in this regard.

### Pollution Prevention

Construction and demolition activities can give rise to pollution. It is therefore important that appropriate provisions are made for dealing with dust pollutions, surface water management and waste storage during the construction phase. We would therefore recommend that a detailed construction management plan (CMP) is produced and submitted as part of the application. In particular, we would be seeking details on what measures are in place to reduce the risk of contaminated surface run-off from entering and pollution controlled waters. On this basis, we would recommend that a CMP condition is included on any permission granted.

### Waste Management

As demolition works are included as part of this application, 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. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such, we would recommend an appropriately worded condition is included on any permission granted.

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ITEM 4 (CONT'D)

APPLICATION NO.

2013/1403

**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 –**

18 Dec. 2013

Castle Cinema, a Grade II Listed building, is situated between two Scheduled Ancient Monuments; immediately to the north lies the site of Swansea Old Castle (GM441), which contains the earliest evidence of occupation in Swansea and likely dates to the early twelfth century, whilst immediately to the south is the site of Swansea New Castle (GM012), which likely dates to the fifteenth century. In addition, the Historic Environment Record shows the close proximity of a number of other important archaeological sites in the immediate vicinity, including the Swansea Castle Walls (03329w), and human burials (01946w). Previous archaeological work in this area indicates that there is a substantial likelihood that important archaeological deposits survive within the project area and beneath the existing building. These deposits have a high potential for significantly enhancing our understanding of the early settlement of Swansea and our understanding of Medieval life. In particular, they may be essential for providing information on the different phases of castle development, which currently remain poorly understood. Consequently, their preservation is considered to be highly desirable.

The applicants claim that the development will be confined to the existing footprint of the building; however, the submitted plans clearly indicate that the southern side of the commercial unit will extend beyond these boundaries and will likely have a direct impact on highly sensitive archaeological deposits.

However, at present there is insufficient knowledge of either the exact nature or the full extents of the archaeological resources present. Therefore, there is a need for an archaeological evaluation of the area to be carried out prior to the positive determination of any planning application.

The proposed development has the potential to reveal archaeological remains. Planning Policy Wales (2012) Section 6.5.1 notes that “The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled.” The more detailed advice in Welsh Office Circular 60/96, Section 13, recommends that “where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.”

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such an archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members.

We recommend that this work be undertaken to a brief approved by yourselves and we can, upon request, provide a suitable document for your approval.

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30 March, 2015

You may recall we wrote to you on 18<sup>th</sup> December 2013. Our understanding of the archaeological resource remains unchanged. Therefore we wish the advice given on that occasion be applied.

Castle Cinema, a Grade II Listed building, is situated between two Scheduled Ancient Monuments; immediately to the north lies the site of Swansea Old Castle (GM441), which contains the earliest evidence of occupation in Swansea and likely dates to the early twelfth century, whilst immediately to the south is the site of Swansea New Castle (GM012), which likely dates to the fifteenth century. In addition, the Historic Environment Record shows the close proximity of a number of other important archaeological sites in the immediate vicinity, including the Swansea Castle Walls (03329w), and human burials (01946w). Previous archaeological work in this area indicates that there is a substantial likelihood that important archaeological deposits survive within the project area and beneath the existing building. These deposits have a high potential for significantly enhancing our understanding of the early settlement of Swansea and our understanding of Medieval life. In particular, they may be essential for providing information on the different phases of castle development, which currently remain poorly understood. Consequently, their preservation is considered to be highly desirable.

The current application has reduced the footprint such that it now remains within the boundaries of the original building. Recent work in the vicinity has shown that the whole area between High Street, Castle Street and the Strand contains highly sensitive archaeological deposits. However, at present there is insufficient knowledge of either the exact nature or the full extents of the archaeological resources present. Therefore, there is a need for an archaeological evaluation of the area to be carried out prior to the positive determination of any planning application.

The proposed development has the potential to reveal archaeological remains. Planning Policy Wales (2012) Section 6.5.1 notes that *“The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled.”* The more detailed advice in Welsh Office Circular 60/96, Section 13, recommends that *“where research indicates that important archaeological remains may exist, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken.”*

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission such an archaeological work. The determination of the planning application therefore should be deferred until a report on the archaeological evaluation has been submitted to your Members.

We recommend that this work be undertaken to a brief approved by yourselves and we can, upon request, provide a suitable document for your approval.

**CADW –**

16 Jan. 2014 - The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a consultee on planning applications – the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens.



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Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

The proposed development will have a direct effect upon the scheduled ancient monuments known as Swansea Castle (GM012) and Original Swansea Castle (GM441). The scheduled areas of these monuments are shown outlined in red on the attached plan.

The eastern part (c. 25 metres long) of the southern side of the proposed development would immediately abut the scheduled area of GM012, Swansea Castle. The northern side of the proposed development would be located c.1.5 metres to the south of the scheduled area of GM441, Original Swansea Castle.

There has been considerable public funding to improvements to Swansea Castle in the last 2 year to allow the public access to the buildings and to improve the public realm around the historic buildings. Any development that will have a potential direct impact or on the setting of the ancient monument will therefore need to be sympathetic to the historic structures.

Unfortunately, the Design and Access statement submitted by the applicant does not include any reference to the designated status of the adjacent monuments nor does it include the results of any archaeological evaluation.

Although there are 2 separate designations for the area they are both part of the same historic complex Swansea Castle, with GM441 being the inner bailey of the original castle and GM012 covering a new ward constructed inside the curtilage of the original castle. The site of the Castle Cinema is therefore inside the historic castle but not inside a scheduled area. It is noted that the proposed building uses much of the footprint of the existing structure but an extension on the southern side extends outside the footprint but not into a scheduled area. Your authority are advised to consult your archaeological advisors GGAT (Glamorgan- Gwent Archaeological Trust, Heathfield House, Heathfield Road, Swansea, SA1 6EL) on this impact.

The impact of the development both physical and on their setting on each monument will be dealt with separately in the following advice.

### GM012, Swansea Castle

#### Physical impact

It is proposed to add an extension to the southern side of the building but this will be constructed outside the boundaries of the designated area. Advice on the direct impact of this aspect of the development on the buried archaeological resource should therefore be sought from your authority's archaeological advisors, GGAT. The proposed development will not have a direct impact on the scheduled monument.

#### Impact on Setting

The western part of the proposed development will have an additional two storeys added to the height of the existing southern wall of the cinema. Whilst this will result in the new building only being slightly higher than the current one, the south wall will now be vertical to full height, rather than having sloping roof.

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This will considerably increase the visual bulk of the building behind (and above) the standing remains of the debtors prison when viewed from the main range of the New Castle (a building to which increasing public access is being made. Although the raised height will match that of the existing Castle Buildings these do not serve as a backdrop to the standing remains. The impact on the setting of the scheduled monument will therefore be severe from views from the south.

From the west the proposed extension will obscure views to the debtor's prison and the height of the new building will produce an overbearing presence above the historic building. The presence of this high building along with the existing Post Office Tower and Castle Buildings will emphasise that the historic castle buildings are surrounded and enclosed by modern high level buildings. This will produce a significant impact on the setting of the ancient monument from the west.

The south eastern corner of the proposed extension will be in close proximity to the Debtors Prison. Currently the south wall of the present building is some 2.7m away from wall of the historic building. The proposed extension will be some 1.2m away. The closeness of the extension will not only have a severe impact on the setting of the scheduled monument but will also cause significant problems with future repairs to the historic building. Currently routine repair work to the standing historic buildings, such as the removal of vegetation can be accomplished using a "cherry-picker" however the small gap between the proposed extension and the historic structure will preclude the use of such vehicles meaning that scaffolding will be required potentially significantly increasing the cost of routine maintenance.

GM441 Original Swansea Castle

### Physical Impact

There will be no physical impact on this scheduled monument from the proposed development.

### Impact on Setting

The proposed building is of similar height to the existing one, although the face of the building will now extend vertically to full height, unlike the current building which had a pitched roof. The current wall is blank unlike the proposed one which will be pierced by a number of windows but overall the impact on the setting of the monument will remain the same.

### Conclusion

The proposed development will have a severe impact on the setting of GM012 Swansea Castle. It will also have an impact on the long term conservation of this monument as access to the historic fabric will be limited by the proposed extension to the building.

13 April, 2015 –

Thank you for your letter of 11 March 2015 inviting Cadw's comments on the planning application for the proposed development as described above.

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments or registered historic parks and gardens.

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It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a statutory consultee. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales.

### Impact on Scheduled Monument

Cadw has carefully considered the amended plans and considers that the scheme is still likely to have a significant impact upon the setting of the scheduled monument.

In Cadw's response to the original consultation, concerns were raised regarding the potentially significant impact on the setting of Swansea Castle (GM012) due to the considerable increase of the visual bulk of the building behind (and above) the standing remains of the debtors prison when viewed from the main range of the New Castle and also in views from Castle Square to the west.

The amended design is essentially a 4 storey flat roofed structure with a lower rectangular element to the west where the existing building has been retained. In order to provide interest and a focal point to the design, a section of the southern side of the building has an increased height to produce a low "tower" and a section of the wall which directly faces the old debtors prison section of the castle has been set forward of the building line in order to provide a "backdrop" to this portion of the castle. Between the "tower" and the section of wall brought forward beside the old debtors prison, a glazed section of wall will present a transparent area that it is suggested by the applicant's architect "breaks down the mass of the building at this point".

Cadw considers that whilst the proposed design of the building is better than the previously submitted version, it has fundamentally failed to address the major issue that the wall of the proposed southern elevation will be higher and closer to the debtors prison than the existing wall of the cinema.

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This would considerably increase the visual bulk of the building behind (and above) the standing remains of the debtors prison when viewed from the main range of the New Castle (a building to which increasing public access is being made) thus producing a significant adverse impact to the setting of the scheduled monument.

From the west, Cadw considers that the height and closeness of the new building would also produce an overbearing presence above the debtors prison. In addition, the presence of this high building along with the existing Post Office Tower and Castle Buildings would emphasise that the historic castle buildings are surrounded and enclosed by modern high level buildings. Cadw considers that this would produce a significant impact on the setting of the scheduled monument from the west.

It should also be noted that Cadw is planning to undertake conservation works to the north elevation of the debtors' prison during this financial year.

### Conclusion

In conclusion, Cadw considers that the design, as currently proposed, would have a significantly detrimental impact to the setting of the scheduled monument.

### **Pollution Control –**

Could you attach the following conditions in respect of - Demolition/Construction Site Management Plan, Ventilation and Fume Extraction, building services plant noise emissions, Sound Proofing, External Noise (glazing), & Lighting and informatives in respect of construction noise, smoke/ burning of materials, dust control & lighting.

### **Highway Observations –**

Vehicular access is gained directly off the Strand which leads to a small number of parking spaces (4). No plan has been submitted but it appears that this can be accommodated.

The site is located within the city centre core where there is no requirement to provide parking for the residential student uses. There will be a condition added to the effect that no parking permits will be issued to allow the residents of the proposed development to park in any restricted areas. This should safeguard the provision of existing residents.

In terms of the A3 Use which is accessed off Worcester Place there is no dedicated area for servicing but as the front facade needs to be retained on both the front and rear elevations there is no scope to accommodate this. Notwithstanding that there is an existing D2 use at the site which also would have had servicing and deliveries to the site. Given the confines of the site there is no appropriate area for servicing and as such the deliveries will have to take place on street as is currently the case.

There is no cycle parking indicated as being available within the site but in the absence of any car parking, and given the end users are students, then it will be a requirement to provide cycle parking in accordance with details to be submitted for approval to the LPA.

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

1. Cycle parking to be provided in accordance with details to be submitted for approval to the LPA, as a minimum providing one space per bedroom.

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2. Before the development hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on Worcester Place, Castle Street or the Strand at any time.
3. 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.
4. Adequate bin storage to be contained within the site for both the A3 and residential uses in accordance with details to be submitted for approval to the LPA ,to avoid storage on the highway causing any obstruction to traffic.

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

### APPLICANTS STATEMENT

I would like the following points to be considered in determining the planning applications:

1. There is nothing special or 'designed about the eaves height of the existing building, it came about purely as a result of the function of the building as a cinema. The proposed building is further away from the Debtors Prison and while it has a higher eaves line, the overall height of the proposed building is approximately two metres lower than the ridge line of the existing building. The difference in height between the Debtors Prison and the proposed building equates to one residential storey height, which in terms of the considerable differences in height and scale seen in the surrounding buildings, in a city centre location, is nothing.
2. The additional photomontages demonstrate that the basic design principle of constructing a flat roofed building with an irregular plan form and slight differences in height sits well alongside the Castle and the adjoining Castle Buildings and is an appropriate solution in terms of scale and massing.
3. In terms of urban design, the proposed building is smaller in scale and size than the recently completed Castle Lane development and considerably smaller than its immediate neighbour, Castle Buildings. In the broader context, the proposed building needs to balance the development at Castle Lane and relate to the large scale of Castle Buildings, a smaller building than proposed would not do that.
4. Again, in terms of urban design and in the context of Castle Square, the proposed building needs to be large enough to enclose and define the space around the Castle. This is essential, not only to prevent the space from 'Leaking away' but also to mitigate some of the damage done to the townscape by the enormous bulk of the BT Tower behind.

## APPRAISAL

### Introduction

This application for full planning permission seeks to substantially demolish the former Castle Cinema with retention of two storey entrance foyer to Worcester Place elevation & two storey element to the Strand elevation, and construction of a primarily 4 storey mixed use development incorporating parking / storage on the Strand, commercial space (Class B1) on lower ground floor, commercial unit (Class A1, A2 / A3) at ground floor (to Worcester Place), with 67 student study bedrooms within 13 cluster flats. The corresponding application for Listed Building Consent is submitted under Ref:2013/1405.

Castle Cinema is a grade II listed building and is currently in use as 'Laserzone'. The building was built in 1912 – 1914 and is situated adjacent to Swansea Castle which is both Grade 1 Listed and an Ancient Monument. Castle Cinema is also a key building within the Wind Street Conservation Area, and is a highly prominent building on entering the city centre core area from Parc Tawe. The principal entrance is obtained from Worcester Place and the building extends down to The Strand, and due to the topography of the site has a secondary entrance at the lower Strand level. The existing building consists of a roughly rectangular auditorium in form with a pitched slate roof, with an ornate Beaux Arts classical elevation facing Worcester Place, whilst The Strand façade of three storeys comprises a brick elevation. The building was damaged by fire in 1927, partly bomb damaged in 1941, whilst the cinema interior was remodelled in 1962. It is indicated that the cinema use ceased in 1985.

The development as originally submitted sought consent for the significant demolition of Castle Cinema with only the eastern and western elevations being retained and was a very significant and irreversible alteration to the listed building. The proposal was to provide a commercial unit at ground floor level on Worcester Place, a further commercial unit at the lower levels along The Strand and to construct effectively a new building within the footprint of the existing building to accommodate 66 student study bedrooms within 16 cluster flats. The new build element would effectively been a five / part four storey building with a communal access area from Worcester Place.

The scheme was considered to be an overdevelopment and harmful to the retained elements of the listed building, harmful to the setting of Swansea Castle and harmful to the character and appearance of the Wind Street Conservation Area. These issues are considered in more detail below. The applicant was advised that at the very least, the lobby space off Worcester Place and the entirety of both sets of stairs should be retained in addition to those already in the application, and also the full height of the Strand elevation brickwork including the 'Castle Cinema' lettering.

Consequently, the scheme was revised to incorporated the following amendments:

- the footprint of the building along the southern elevation (facing Swansea Castle) has been set back from the existing building;
- the layout of the ground floor commercial unit has been re-designed to orientate to the front of the building (onto Worcester Place) as opposed to the southern elevation;
- the entrance to the residential units has been relocated to the southern elevation;

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- An increase in bed spaces to 67 (from 66) within 13 cluster flats
- A retained rear building elevation to the Strand
- Amended elevational treatment to northern and southern elevations
- Provision of 4 levels of accommodation

The proposed building is essentially a 4 storey flat roofed structure with an irregular floor plan. The DAS indicates that in order to provide a focal point, the higher roof section has incorporated a 'tower' as a design feature. A section of the southern elevation enclosing the staircase and entrance to the residential units is proposed to be constructed in clear glazing as an attempt to break down the mass of the building. It is proposed for the stone façade to Worcester Place to be restored. The southern elevation would incorporate a variety of materials consisting of glazed copper finished tile rain screen cladding, ceramic tiling and facing brickwork.

The justification for this scheme was weak as issues with the building condition largely due to the lack of maintenance is not a legitimate argument for the significant demolition works. A stronger justification of why the substantial demolition of the listed building and the proposed works was considered necessary and should have been submitted in accordance with the guidance provided within paragraphs 91 – 92 of the Planning and the Historic Environment: Historic Buildings and Conservation Area – Welsh Office Circular 61/ 96. Further guidance is provided by UDP Policies EV6, EV7, EV8 & EV9. Additionally, in accordance with Regulation 6 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (in respect of the Design and Access Statements - DAS), the DAS fails to fully explain the design principles and concepts that have been applied to the works; taking into account the special architectural or historic importance of the building; the particular physical features of the building that justify its designation as a listed building; and the building's setting having regard to its location within the Wind Street Conservation Area and relationship to the Ancient Monument (Swansea Castle) and how the approach adopted takes account of the policy background having regard to the above. Cadw 'Conservation Principles' document provides the basis to indicate the significance of various elements and features in order to come to a rational and robust conclusion of what must be retained and what could change.

Given the sensitivity of the context, the applicant was also advised that the scheme should be supported with perspective visuals, initially sketch 3d views are needed to discuss the massing and form as the backdrop to the castle and ultimately photomontage visuals will be required to demonstrate the visual relationships.

Consequently, a Structural Survey and Building Assessment were submitted and additionally, Computer Generated Images (CGI's) of the proposed development were submitted in support of the application.

The submitted Structural Survey highlights that the steel framed roof structure over the auditorium appears to be part of the original structure and that strengthening works have been undertaken probably to deal with structural issues arising out of the fire and/or blast damage. The survey highlights the use of a heavy concrete casing to infill the steel roof trusses and as a consequence has impacted upon the stability of the perimeter walling, and there is a significant structural crack along the southern elevation. This would require large scale improvement works to the existing structure and the structural survey indicates that this would make the cost of a potential conversion to be prohibitive.

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The submitted Building Assessment in support of the application highlights that there is considerable water ingress within the building, and overall the building is in a poor condition. The Assessment states that there has been no capital investment in the building for many years, and now needs a significant amount of money on it. The building is now on the Councils Listed Building at Risk Register. The Building Assessment concludes that the form of the building and its structural condition makes the building unsuitable for conversion, and that there is sufficient justification for its partial demolition.

Although the building is in use ('Laserzone'), there clearly are significant maintenance issues; this includes water ingress and structural defects. Internally the building has been significantly altered, this includes remodelling of the entrance foyer and removal of the paying booth, decking over the upper balcony, removal of all seats. However there are heritage features remaining such as the cinema screen, the balcony structure, stairs to the first floor balcony, doors and architraves etc so the DAS is incorrect in saying '*The interior has been stripped and nothing remains of any value*'. The application would have benefitted from the submission of a Heritage Assessment to evaluate such features.

### **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;
- Heritage Impact;
- Highways, traffic, car parking, access and pedestrian movements;
- Impact on archaeology;
- Impact on ecology;

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

### **Compliance with prevailing Development Plan policy and Supplementary Planning Guidance**

#### Unitary Development Plan (UDP)

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.

Policy HC6 (Flat Conversions) of the Swansea Unitary Development Plan indicates that proposals for the conversion of vacant or underused commercial and industrial buildings to flats or other self-contained units of accommodation will be permitted subject to satisfaction of a list of criteria. These policies are supported by policies CC1 which encourages a mixed use development (including retail and residential) within the City Centre, and which in particular encourages the re-use of historic buildings and proposals will be considered against a list of criteria including residential amenity, potential for noise disturbance, traffic generation and parking, and in the case of retail development, the criteria specified in Policy EC4. Policy CC2 indicates that retailing is regarded as the most appropriate ground floor use within the primary shopping streets of the City Centre.



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Whilst the application property is not identified as a key frontage in the retail core area, within the SPG – Non Retail Uses in Swansea City Centre, the creation of the proposed retail unit together with 'shopfront' display windows, will provide an element of life and vitality within the commercial street scene thereby retaining an active ground floor frontage.

Policy EV1 UDP sets out the council's commitment to achieving high standards of design and layout in all new developments, and in particular requires new development to have regard to the desirability of preserving the setting of a listed building. 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.

As indicated above, in addition to its Listed Building status, Castle Cinema forms a backdrop to Swansea Castle which is both Grade I Listed Building and an Ancient Monument. UDP Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings. Where proposals affect sites and areas of archaeological potential, applicants will be required to provide i) an assessment or evaluation of the archaeological or historic importance of the site or structure, ii) the likely impact of development on the archaeological site, and iii) the measures proposed to preserve, enhance and record features of archaeological interest with the planning applications.

Policy EV7 of the UDP refers to proposals to extend or alter listed buildings which will not be permitted unless they safeguard the character of the listed building in terms of its scale, design, materials and features which it possesses that are of special architectural or historic interest, and the historic form and structural integrity of the building. The change of use of listed buildings will be permitted where this contributes towards the retention of a building without having an adverse effect on its character, special interest or structural integrity. The amplification to the policy indicates that the setting of a listed building is often an essential part of its character. If listed buildings become isolated from their surroundings, their character as well as their economic viability may suffer. They may also lose much of their interest and the contribution they make to townscapes or the natural heritage. Where the original use of a building is no longer viable, proposals will be determined on the basis of concurrent applications for detailed planning permission and listed building consent, which should contain full detailed and surveyed drawings of the existing building and any works associated with the proposed change of use. The impact on the character of the listed building is considered in greater detail as part of the application for listed building consent – ref: 2013/1405.

The proposed development would involve the substantial demolition of the listed building with only the front and rear elevations being retained. UDP Policy EV8 states that 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.

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The amplification to the policy states that the Council will follow the advice contained within WO Circulars 61/96 and 1/98 in assessing applications for the demolition of a listed building, which must be accompanied by sufficient supporting information to allow assessment under the above criteria. Applications must also be accompanied by a full structural survey detailing why demolition is required.

The property is also located within the Wind Street Conservation Area and UDP Policy EV9 states that new development within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character or appearance of the conservation area or its setting. New development in such locations must also be of a high standard of design, respond to the area's special characteristics, and pay particular regard to a list of criteria.

### **Heritage Impact**

An historic analysis reveals that the side (north and south) elevations were originally hidden by adjoining/ adjacent buildings that have since been demolished. Therefore the blank side elevations of the Castle Cinema were never designed to be seen and the re-creation of these elevations with windows to provide a sense of activity and life is encouraged in principle. However, the south elevation will be highly prominent rising up behind the debtor's prison and Swansea Castle. The original drawings indicate that the new building would be some 7.5m higher than the prison. Whilst the proposed new built elements are at approximately the same level as the existing ridge line of the Castle Cinema, this is very different in terms of massing with a vertical building face in place of a sloping roof which will have a much more dominant effect. Therefore the proposed height and massing is considered unacceptable as the new build would dominate the castle and harm the setting of this Grade I listed building/ ancient monument. Furthermore the proposed new architecture of this side elevation is fragmented and unrelated to the context. The proposed use of natural stone as a facing material does not make the unacceptable scale and form acceptable. It is considered that any new side elevation must have a conventional eaves line to reflect the current scale of the Castle Cinema as a backdrop to the castle with the potential for one additional floor as a subservient element within a pitched roof space. Based on these requirements, the proposals were considered to be an overdevelopment which is harmful to the retained elements of the listed building, harmful to the setting of Swansea Castle and harmful to the character and appearance of the Wind Street Conservation Area.

Turning to the west elevation onto Worcester Place, the DAS indicates that the proposed new elements will not be highly visible from street level due to the narrowness of the lane, however this elevation also forms the highly visible oblique backdrop to Swansea Castle. As per the south elevation, it is considered that this elevation was too high and the proposed built form is poorly related to the listed building/ historic context. The north elevation should have the same character as the south to give the listed building integrity as a gateway feature on the link from Parc Tawe. This should include eaves at the current level and subservient accommodation within the pitched roof space. The full height of brickwork in the east (strand) elevation must be retained as this is a key feature of the building. The guidance given for the other elevations will also apply to this. The use of the two lower floors off the Strand as business space is welcomed to contribute to the mixed use nature of the area, however the existing partitions should be retained.

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ITEM 4 (CONT'D)

APPLICATION NO.

2013/1403

The Worcester Place level plan indicates a commercial unit in the southern elevation. Whilst this is welcomed in principle, the orientation of this unit overlooking the castle courtyard was considered to conflict with the proposed heritage regeneration of Swansea Castle which includes proposals for a visitor centre alongside the debtors prison in front of the proposed commercial unit, although it is stressed that these proposals have to be progressed through a planning submission. The applicant was advised for the commercial unit to be revised to face west onto Worcester Place with the primary south facing windows removed. Furthermore the proposed commercial unit extends to the south outside the existing footprint, which will likely have a direct impact on highly sensitive archaeological deposits. Glamorgan Gwent Archaeological Trust advised that there was a need for an archaeological evaluation of the area. Cadw have also expressed concerns that the closeness of the extension to the Ancient Monument will not only have a severe impact on the setting of the scheduled monument but will also cause significant problems with future repairs to the historic building.

The original scheme was considered to be harmful to the historic fabric of the listed building, harmful to the character of the listed building, harmful to the setting of the Ancient Monument of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area. The proposal was contrary to the provisions of UDP Policies EV7, EV8 & EV9 which in particular advises that applications for the total or substantial demolition of a listed building will only be granted permission where there is the strongest justification and convincing evidence in accordance with the listed criteria.

Whilst the amended scheme has attempted to address above issues, the scale and massing remains substantially similar to the submitted proposal, which it was considered to represent an overdevelopment which would be harmful to the retained elements of the listed building, harmful to the setting of Swansea Castle and harmful to the character and appearance of the Wind Street Conservation Area.

The applicants have indicated that the scale of the proposed scheme incorporating the number of units is necessary due to the viability of the proposal (although this is not backed up by any financial viability evidence), however, as the proposed scheme remains, it is considered to be harmful to the historic fabric of the listed building, harmful to the character of the listed building, harmful to the setting of the Ancient Monument of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area. The proposal is contrary to the provisions of UDP Policies EV7, EV8 & EV9 which in particular advises that applications for the total or substantial demolition of a listed building will only be granted permission where there is the strongest justification and convincing evidence in accordance with the listed criteria, and refusal will therefore be recommended.

### **Highways, traffic, and car parking**

There is an existing garage car parking and storage area within the lower basement areas access from The Strand, which will be retained and will accommodate up to 4 vehicles, and which are intended to serve the commercial unit (Class B1) on the rear elevation. It is not proposed to provide any car parking facilities for the proposed student residential units, however, the property is located within the city centre central core area, where proposals are not required to provide off-street car parking. The Head of Transportation raises no highway objections to the proposal subject to conditions in respect of cycle parking, restriction on residents parking permits, the submission of a travel plan and provision on on-site bin storage.

**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.

Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the proposal as the Council's retained archaeological advisors. They reiterate that Castle Cinema, a Grade II Listed building, is situated between two Scheduled Ancient Monuments; immediately to the north lies the site of Swansea Old Castle (GM441), whilst immediately to the south is the site of Swansea New Castle (GM012). Additionally, GGAT indicate that the Historic Environment Record shows the close proximity of a number of other important archaeological sites in the immediate vicinity, including the Swansea Castle Walls (03329w), and human burials (01946w) and previous archaeological work in this area indicates that there is a substantial likelihood that important archaeological deposits survive within the project area and beneath the existing building.

Within the original proposal the proposed footprint would have extended the beyond of the existing building, and GGAT considered this would have a direct impact on highly sensitive archaeological deposits and advised that an archaeological evaluation of the area should be carried out prior to the positive determination of any planning application.

Whilst the current application has reduced the footprint such that it now remains within the boundaries of the original building, GGAT indicate that recent work in the vicinity has shown that the whole area between High Street, Castle Street and the Strand contains highly sensitive archaeological deposits. However, at present there is insufficient knowledge of either the exact nature or the full extents of the archaeological resources present. Therefore, there is still a need for an archaeological evaluation of the area to be carried out in accordance Planning Policy Wales (July 2014 7<sup>th</sup> Edition) and Welsh Office Circular 60/96, Section 13. GGAT therefore retain their stance that the determination of the planning application should be deferred until an archaeological evaluation has been submitted. CADW have endorsed the view that the impact on the archaeological resource should be investigated. The applicant has been invited to submit an archaeological evaluation but no such information has been forthcoming. Despite this having regard to the unacceptability of the scheme for the reasons outlined, it is that the application be determined with a recommendation of refusal.

**Impact on Ecology**

A Bat and Owl 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. The conclusions of the report were that there was owl use or bat use of the building and that no potential roost sites were identified. In this respect, Natural Resources Wales and the Council's Ecologist note the conclusion of the survey and have raised no objections accordingly.

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 4 (CONT'D)

APPLICATION NO.

2013/1403

### Conclusions

It is considered that the proposed student accommodation could contribute to the regeneration of Swansea City Centre in accordance with UDP Policies HC2 (Infill housing sites), HC6 (Flat Conversions), CC1 (City Centre mixed use development), and CC2 (City Centre retail core).

Whilst it is appreciated that the scale of the proposed scheme incorporating the number of units maybe necessary due to the viability of the proposal (although this is not backed up by any financial viability evidence), this is not a justification for the proposal, and as the proposed scheme remains, it is considered that the scale and massing would represent an overdevelopment which would be harmful to the historic fabric of the listed building, harmful to the character of the listed building, harmful to the setting of the Ancient Monument of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area. The proposal is contrary to the provisions of UDP Policy EV6 in respect of the impact on the setting of the Ancient Monument, UDP Policies EV7 & EV8 which in particular advises that applications for the total or substantial demolition of a listed building will only be granted permission where there is the strongest justification and convincing evidence in accordance with the listed criteria, and UDP Policy EV9 in respect of the effect on the character and appearance of the Wind Street Conservation Area. and Refusal will therefore be recommended.

### RECOMMENDATION

#### REFUSE, for the following reasons:

- 1 The scale and massing of the proposed development would represent an overdevelopment which would be harmful to the special architectural, historical importance and character of the listed building, and harmful to the setting of the Ancient Monument and Listed Building status of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area, contrary to the provisions of the Planning (Listed Building and Conservation Areas) (Wales) Regulations 2012 and Swansea Unitary Development Plan Policies EV6, EV7, EV8 and EV9.
- 2 The application has not been supported by an archaeological evaluation assessment in order to assess the highly sensitive archaeological resource within the site contrary to the provisions of Swansea Unitary Development Plan EV6.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV5, EV6, EV7, EV8, EV9, EV33, EV34, EV35, EV36, EV38, EV40, EC4, HC2, AS1, AS2, AS5, CC1, CC2.

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ITEM 4 (CONT'D)

APPLICATION NO.

2013/1403

**PLANS**

Site location plan, 1037-21 existing site plan, 1037-22 existing lower ground floor plans, 1037-23 existing ground floor plan, 1037-24 existing first floor plan, 1037-25 existing south elevation, 1037-26 existing east and west elevations, 1037-27 existing north elevation, 1037-28 existing section, 1037-29 proposed site plan, 1037-31 proposed plans - level 2 (lower ground) 1037-32 proposed plans - level 3 (ground), 1037-33 proposed plans - level 4 (first), 1037-34 proposed plans - level 5 (second), 1037-35 proposed plans - level 6 (third) 1037-36 proposed plans - level 7 (fourth) 1037-37 proposed roof plan, 1037-38 proposed east elevation, 1037-39 proposed south elevation, 1037-40 proposed west elevation, 1037-41 proposed north elevation, 1037-42 proposed section, 1037-43 proposed south elevation in context, 1037-44 proposed elevation in context received 23rd September 2013

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ITEM 5

APPLICATION NO.

2008/0912

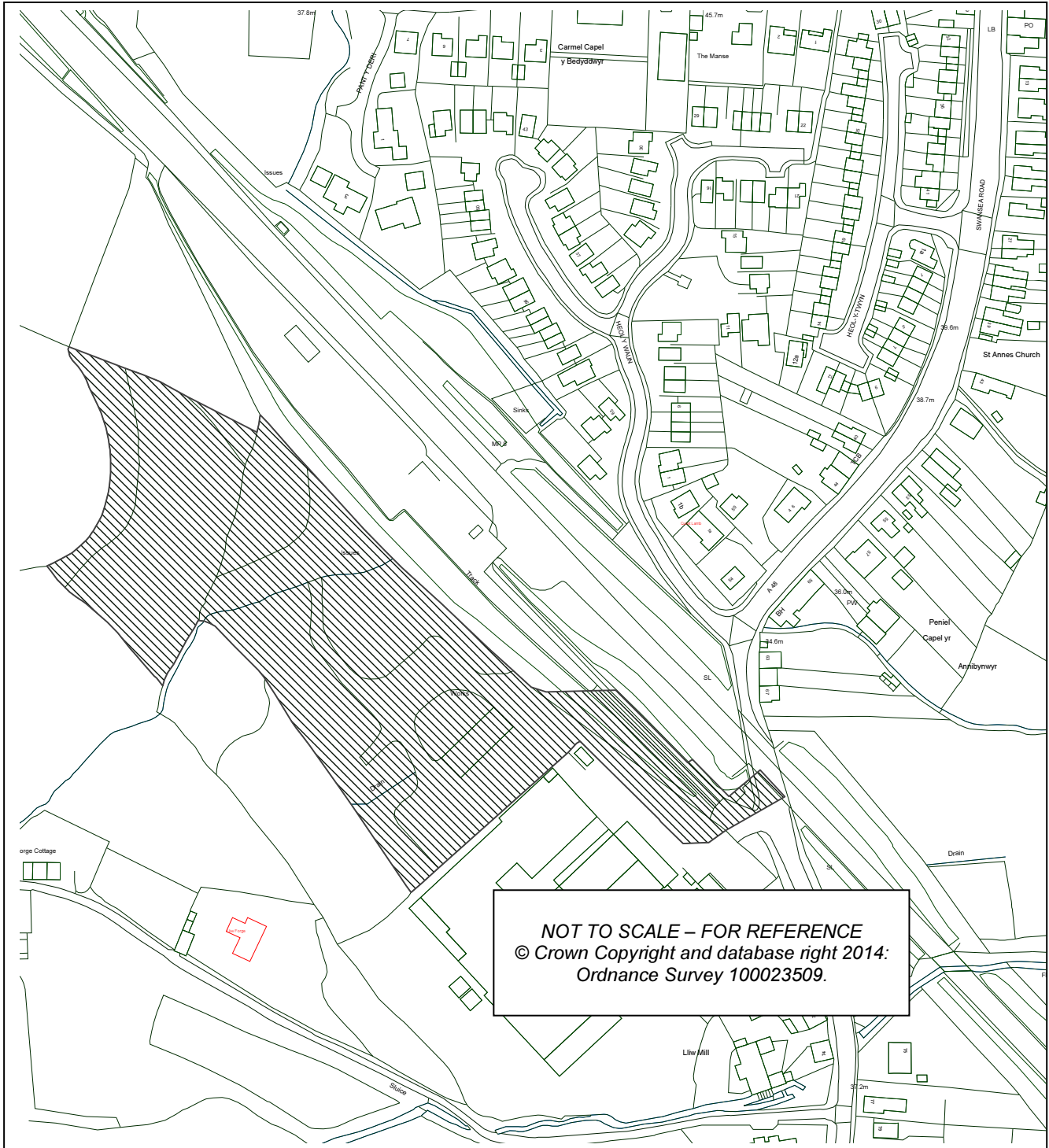
WARD:

Llangyfelach

**Location:** Former Walters Yard, Pontlliw, Swansea

**Proposal:** Construction of 67 dwellings with associated access, roads, parking, open space and demolition of existing buildings.

**Applicant:** Mr Hywel Walters



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ITEM 5 (CONT'D)

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**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)



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- Policy EV35      Development that would have an adverse impact on the water environment due to:
- i)      Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
  - ii)     A reduction in the quality of surface water run-off.
- Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV36      New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV38      Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV40      Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC3        Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17      The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV20      In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 5 (CONT'D)

APPLICATION NO.

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### SITE HISTORY

#### App No.

#### Proposal

LV/80/0437/11

WORKSHOPS, OFFICE, STORED AND YARD

Decision: \*HGPC - GRANT PERMISSION CONDITIONAL

Decision Date: 23/09/1980

LV/84/0186/11

CHANGE OF USE TO STORAGE OF SKIPS

Decision: \*HGPC - GRANT PERMISSION CONDITIONAL

Decision Date: 15/05/1984

LV/90/0012/03

GENERAL PURPOSE STORE

Decision: \*HGPC - GRANT PERMISSION CONDITIONAL

Decision Date: 22/03/1990

2013/1005

Diversion of overhead line (consultation from Western Power in accordance with Section 37 of the Electricity Act 1989)

Decision: No Objection

Decision Date: 22/08/2013

### RESPONSE TO CONSULTATIONS

#### First Consultation

The application was advertised on site and in the press. A number of neighbouring and nearby properties were also consulted. SIXTEEN LETTERS OF OBJECTION (including a letter from Pontlliw and Tircoed Community Council) were received which may be summarised as follows:

1. The roads are busy and can get gridlocked.
2. It is not fair for existing residents who have to cope from the noise pollution from extra traffic.
3. Can the sewers and drains cope with the development? There was a flood in 2006 when the drains in the entire village were blocked.
4. The site is on a floodplain. It is on a lower level, this is bound to cause flooding. More concrete adds to flooding problems.
5. Concerns regarding the impacts on wildlife and the tranquillity of the village. 88 Dwellings is far too many.
6. The school has been extended to accommodate Y Llanerch and is nearly full again.
7. The village can only cope with small infill developments.
8. Concerns regarding visibility at the site entrance.
9. Residential and commercial traffic would mix resulting in delays and frustration. If Seetall decided to close it would result in a loss of a significant source of employment.
10. The development would be isolated from the rest of the village forming a colony that would intrude into the countryside.
11. Concerns regarding capacity at Pontlliw Primary.
12. Concerns the site is inconsistent with the draft UDP. The site is not an identified housing site.

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13. The development site extends into the countryside and is an unwarranted intrusion into the countryside.
14. The application recognises a development of this scale will have an impact on infrastructure in terms of roads, sewers, drainage, school and park facilities yet it fails to adequately deal with how it would assist in alleviating that impact.
15. Concerns regarding the potential impacts on the neighbouring factory in terms of flooding, leaching of harmful substances, Japanese knotweed, vehicular conflict at the access, conflict between residential and industrial/commercial uses.
16. The site was withdrawn from consideration in the UDP there are no changes in circumstance that would now support the development.

Other consultation responses are summarised below:

### Health and Safety Executive (HSE) 1.05.08

Does not advise on safety grounds against the granting of planning permission in this case.

### Planning Ecologist 15.05.08

Please request an extended phase 1 ecological survey.

### Environment Agency (EA) 28.05.08

The proposed site lies partly within zone C2 and partly within zone B, as defined by the development advice maps (dam) referred to under TAN 15, Development and Flood Risk (July 2004). We also understand that the factory site at Oaks End Industrial Park is liable to flooding. As a result they have had to raise the slab level of the buildings in order to remain operational.

Residential development is regarded as 'highly vulnerable' and should not be permitted within zone C2.

A Flooding Consequences Assessment (FCA) has been submitted but is out of date.

**Due to the requirement for a revised FCA and Hydraulic model, we would ask that determination of the application be deferred.**

Given the historic use of the site and the potential for contamination to be present a geotechnical report has been provided. We would strongly recommend this report is updated. **Ideally an updated report should be submitted prior to determination.**

We would request a development free buffer of at least 4m wide is maintained along either bank to facilitate access for maintenance and to provide some protection to habitats and wildlife that may be present along the river corridor.

**We would again request that determination of the application be deferred. If however your Authority are unable to defer consideration or the requested FCA is not forthcoming this constitutes a reason for refusal under TAN 15.**

### Environment Officer 10.06.08

Recommends standard condition is included for a scheme for the eradication of Japanese knotweed.

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### Planning Ecologist 3.06.08

The ecological report has within it a series of recommendations and suggestions for mitigation measures. These should be followed during the development. It seems very unlikely that there are any bats in any of the buildings. Would it be possible to retain the boundary hedge and trees? These are the habitats of most value on the site.

### Pollution Control Division 20.06.08

Having looked at what's been submitted we're not inclined to disagree with their opinion on road traffic noise from the M4, despite their reliance on only 3 hours of data which doesn't necessarily give the strongest basis for such a conclusion.

However, this was never our principal concern which, as you know, is the potential noise issue arising from the adjacent scrap yard which I believe is still in operation. Even if operations should cease here, while the site still has permission for such operations then the potential problem will remain, as will our objection to residential development on this site.

### Urban Design Comments 10.07.08

As the scheme stands I would recommend refusal on design grounds on the basis that the scheme is overdevelopment in this village context and does not work as a place in its own regard, contrary to policies EV1 – Design, EV2- Siting, EV4 – Public Realm, EV17 – Large Villages of the UDP, plus TAN12: Design and the Model Design Guide for Wales.

### Highways Comments 3.07.08

There are some issues that have arisen that require amendments prior to highways support being given.

The principle of the access point is acceptable and the Transport Assessment indicates that the traffic generated by the proposal can be accommodated safely on the highway network. Parking provision appears to be acceptable too. However, the layout of the internal road gives cause for concern and the status of the extensive parking areas.

### Urban Design Comments (following amended layout) 17.11.08

Whilst the concept is welcomed and the revised scheme is a significant improvement on the original submission, it is still too tight as demonstrated by the amenity issues.

### Countryside Council for Wales (CCW) (29.03.10)

CCW objects to the proposal, because there is not enough information to assess possible effects on interests in the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Bury Inlet Special Protection Area (SPA) and Bury Inlet Ramsar.

We would look to the applicants to supply a bat survey of the buildings.

We note the Hawkswood report recommends that otter surveys are carried out. We would support this recommendation.

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There are some habitats identified on the site which are listed in the Swansea Local Biodiversity Action Plan. We would refer you to your authority's ecologist for advice on protecting and enhancing these important LBAP habitats.

We can give further views when provided with the information requested above. In the meantime, CCW objects to the proposals.

### Housing Department 27.04.15

There is a demand for affordable housing in the area and the Housing Service would be seeking a 30% provision of affordable housing on the development site, subject to standard negotiation. It is envisaged that the Affordable Housing units would meet DQR and be a mixture of family size accommodation (2/3/4 bed houses) & affordable tenure, and ideally pepper-potted throughout the development.

### Environment Agency 11.04.11

We note your query as to whether there is still a need for a revised Flood Consequences Assessment (FCA) and hydraulic model to be provided given that the site is now shown on the Council's flooding constraints map to be outside of the flow model.

Our original modelling of the River Lliw, which we used to formulate our response in May 2008, was a catchment wide model and did not include any in-river structures. In November 2009, we re-modelled the River Lliw in more detail.

The old Mill Leat runs closer to the application site but was not included in this revised model. Additionally, our flood maps do not take into account climate change allowance or blockages of in-river structures.

Furthermore, an ordinary watercourse runs through the centre of this site, which our flood maps does not take into account. There may also be culverts located both within the site and/or in close proximity to it that our flood maps don't consider.

We would therefore advise that the above points would need to be considered as part of a full FCA.

### Planning Ecologist 9.06.11

The bat surveyor found no evidence of bats using the site, a bat and bird informative will be sufficient.

The otter survey found evidence of otters using the small watercourse on the site. Otters are protected under the Wildlife and Countryside Act and the Habitats Regulations, I think that a WAG licence may be required. The best way to resolve this is to consult with CCW.

### EA 20.06.11

We are pleased to note that an FCA will be carried out. This should consider all potential sources of flooding to the site (e.g. the stream running through the site and culverts) as well as the potential impact the development may have in terms of flood risk on existing property/land in the vicinity of the site, as required by TAN15.

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CCW 15.07.11

We welcome the submission of the submitted bat and otter surveys.

We note the conclusions of the report on the buildings surveyed and consider that the proposed development will not result in any detriment to the favourable Conservation Status of bats in their natural range. Based on the level of use by bats observed at the site the CCW are of the opinion that a licence from Welsh Government will not be required.

The recommendations in the report are appropriate and should be conditioned as part of any permission your Authority may issue.

We note the otter report found no signs of breeding or resting places and as such consider that the development will not result in any detriment to the Favourable Conservation Status of otter in their natural range. The CCW are of the opinion that a licence from Welsh Government will not be required. The recommendations in section 8 of the report are appropriate and should be conditioned as part of any permission your authority may issue.

EA 8.10.12

Our stance remains the same on this application; therefore, if a FCA is not submitted or any subsequent FCA fails to show that the consequences of flooding can be acceptably managed over the lifetime of the development, then the application should be refused.

**Second Consultation**

Following the submission of amended plans indicating 65 dwellings the application was advertised on site and 21 properties were consulted. NINE LETTERS OF OBJECTION (including a letter from Pontlliw and Tircoed Community Council) AND ONE LETTER OF COMMENT have been received which are summarised below (note that those points raised in the first consultation have not been repeated):

1. Would it be possible to have the culvert adjacent to Forge Cottages enlarged as part of this planning application?
2. The development of the site would increase runoff, remove part of the flood plain and add to existing flooding problems.
3. Concerns regarding the contents of the submitted FCA.
4. A development of this scale would have an adverse environmental impact on the local community and its residents.
5. The development in the countryside would create pressure for further releases which could result in the loss of the rural character of Pontlliw.
6. There are more suitable alternative sites.
7. Concerns regarding the loss of habitat for wildlife.
8. Concerns regarding contamination from the adjacent scrap yard.
9. Developments within Pontlliw and the surrounding area are straining both the environment and infrastructure.
10. Concerns regarding the contents of the submitted Transport Statement.

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ITEM 5 (CONT'D)

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11. Concerns regarding the inadequacy and unsuitability of the access to the Walters Yard site to cope with the type and volume of traffic that exists and would be generated by the proposal.
12. Concerns regarding the elderly and children being able to pass the site and conflict between proposed residents and the traffic generated by the proposal.
13. Concerns regarding dangers to road safety by vehicles tailing back on Swansea Road.
14. Concerns regarding wider traffic impacts arising from the development in relation to the M4 slip road and other access roads onto the roundabout at Junction 47.
15. Concerns the increase in the number of residents would have a detrimental effect on Pontlliw's viability as a 'natural Welsh community'.
16. Additional youngsters could lead to anti-social behaviour.
17. The removal of the railway embankment would open up the industrial park to the detriment of the existing housing.
18. The proposal would have a devastating effect on the character and ethos of the community. This development would pose a significant threat and harm to the way of life of the village due to a large influx of new residents.
19. Concerns Pontlliw has limited local facilities, the development should be low priority for housing as the nearest district centre is 3km away.
20. Concerns regarding the capacity of the local school to cope with the development.
21. Concerns the development would increase parking problems and congestion at the school.
22. Concerns the development would create demand for new facilities such as takeaways that would not be welcomed by local residents.
23. The potential for blockages to the culvert running through the site increase the risk of localised flooding.
24. There is a right of way through the site and steps should be taken to make sure it is preserved.
25. Concerns that the development should provide adequate parking for the residents of the development.
26. In the event planning permission is granted the layout should ensure that the proposal is for rounding off with no ability for future development through the site and into the countryside.
27. If the site is developed the Community Council would ask that consideration is given to requiring the developer to make a contribution to the improvement of the amenities in the area. A possible area for improvement would be Pontlliw Park.
28. Concerns the proposed increase in the slab levels of the dwellings may increase surface water runoff and flooding into the neighbouring adjacent factory premises.
29. Comment from Edwina Hart AM that due consideration should be given to the comments and queries of Seetall Ltd.

### Education 20.11.12

The development will generate, in accordance with the agreed Supplementary Planning Guidance (SPG) policy, the following pupils with the associated cost:

Primary: 20.15 (£208,996)

Secondary: 14.3 (£226,626)

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APPLICATION NO.

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### Primary

The development will generate 20.15 primary pupils. This will impact on Pontlliw Primary school (the natural catchment) as the school has currently very little capacity (10 places in September 2012) and pupil numbers for September 2018 is estimated to be 17 places.

Pontlliw Primary school is on a very restricted site (1.4 acres) with little scope for expansion. This development, together with the cumulative affect of other small developments in the area will push the school beyond its physical capability; there is already pressure on core facilities and additional pupils will exacerbate this.

There is also little capacity at the Welsh Medium Primary school of YGG Bryniago, currently 34 but in September 2018 the estimated figure will be that of **over capacity by 32**. In this instance, we would therefore request a developer's contribution for this school at this time and not for Pontlliw Primary School itself.

### Secondary

This development will create a requirement for 14.3 secondary places in Pontarddulais Comprehensive. This school currently (September 2012) has only 2 surplus capacity places, which is expected to rise to 70 places in September 2018 but this surplus has been allocated to another approved development and therefore cannot be credited in this case. The cost for creating the required number of additional places is £226,626.

### Conclusion

Any extra housing within this catchment area of Pontlliw will result in additional demand for places.

In summary, therefore, the request is for Developer's contributions of £208,996 towards enhanced facilities at Y.G.G Bryniago and also £226,626 for enhanced facilities at Pontarddulais Comprehensive; both amounts being indexed – linked

### Drainage and Coastal Management 26.11.12

The FCA discusses the management and disposal of surface water drainage and indicates separate solutions for the road runoff and the private plots. The engineer drawings indicate the likely layout of the drainage for the site however no calculations have been submitted to demonstrate the performance of the system during the 1 in 100 year critical storm including 30% allowance for climate change.

We would also expect to see the run-off rates for the existing hard standing and greenfield areas on site in line with the principles established at the site meeting.

The contributing areas for the two discharge points should be established and the runoff rates pro-rata accordingly based on the positively drained contributing areas.

In regards to the management of surface water from the private plots the drawings indicate that porous fill will be used to create storage volumes, the principle of which are acceptable. The drawing also seems to indicate that there will be an overflow from the system.



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The drawings must show where the water will be going and at what rate, if it is proposed to discharge to the watercourse via the attenuation systems the discharge rate will need to be carefully controlled to avoid increasing runoff volumes from the greenfield portions of the site.

We have only considered the site from a surface water management perspective, we are expecting EAW to comment on the fluvial flood risk aspects assessed within the FCA.

### EA 27.11.12

As raised in previous responses, we have requested deferral of the application pending the submission of an appropriate FCA which can demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development.

The FCA dated October 2012 does not sufficiently demonstrate that the proposed site complies with TAN 15.

We would continue to request deferral of the application pending the submission of an appropriate FCA.

### Pollution Control Comments 19.12.12

The areas of concern were as follows:

1. Griffin Stringer Scrap Yard – This business is eligible for T9 – Recovery of scrap metal Exemption. The exemption enables the site to treat scrap metal by sorting, grading, shearing by manual feed, baling, crushing or cutting it with hand-held equipment to make it easier to handle and to help with its recovery. This exemption allows the site to store or treat up to 1,000 tonnes at any one time.

The exemption, unlike an environmental permit, would not contain conditions relating to noise or hours of operation. At present there are no times or operating restrictions on the current business.

The operations listed above are inherently noisy and have the potential to generate complaint from the residents of the proposed residential development.

However, since the application first came to the attention of the Division in 2011 there have been no complaints from the existing housing development in Heol Y Waun as regards the Griffin Stringer Scrap Yard. There is doubt as to whether the business is in operation.

Following discussions with the applicant and his consultants the amended development plan does take into consideration the views of the Division by using the preferred method of mitigation which is through design and layout. There is a landscaped area between the development and the Scrap yard and the buildings have been positioned so as to minimise any noise disturbance.

Given this information it would be unreasonable to object to the proposed housing development.

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2. Commercial Freight Line – Noise measurements were taken during a train by-pass and although the level of noise generated would not constitute a statutory nuisance there was a concern that if, according to a senior Route Manager of Network Rail there was an increase in the number of freight trains then there would be potential for complaints.

This Department have not received complaints about freight train noise or of any increase in freight movements since the application first came to the attention of the Department in 2011.

The amended plans have used design and layout to mitigate this potential problem by using landscaping and positioning of the proposed houses away from the freight line bridge over the A48 Swansea Road.

Given this information it would be unreasonable to object to the proposed housing development.

3. Seetall Furniture Ltd – This is a light industrial and manufacturing business. This premises currently accepts and delivers from 06.00hrs until 18.00hrs six days per week, although there are no formal time restrictions on the operating hours.

The noises associated with this business include noise from transfer processes i.e. vehicle movement of HGVs and fork lift trucks, including the use of reversing alarms; unloading and loading of materials; washing, cleaning and maintenance operations; and use of on-site compressors and generators.

The applicant has used the amended layout of the buildings to reduce the effects of noise disturbance on those residents closest to the business. This Department have not received noise complaints about this light industrial and manufacturing business.

Given this information it would be unreasonable to object to the proposed housing development.

### Parks Department 14.01.13

With regard to the above mentioned Planning Application, having looked at the attached site plans of the proposed development, I wish to make you aware of the following observations which I wish to be taken into consideration by the Parks Service which are as follows:

- A commuted sum will be required from the developer for any future maintenance of POS carried out by The Parks Service.
- The provision of an appropriate planting schedule which will list the proposed species of trees and shrubs to be planted prior to approval where we can determine any maintenance or safety implications involved, although I do appreciate, that as this is an outline planning application we would not require a full planting scheme at this stage.
- Areas of POS to be in an acceptable and maintainable condition prior to adoption for future maintenance and to be accepted only upon whole completion of the development and not in phasing.

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- Provision of a copy of an up to date Tree Survey of existing trees which are to be retained and which will be included on any areas of POS within the development prior to any adoption for future maintenance.
- Protection of watercourse required – either by fencing or by piping/culvert, extending the existing culvert area by approx. 200 metres. Further comments required from CCS Drainage engineers.
- Future maintenance liability and responsibilities required for an open watercourse which would be subject to regular maintenance i.e. removal of leaves/debris falling from surrounding trees/shrubs.
- Confirmation required for the future maintenance liability and responsibilities of any boundary walls and fences adjoining POS.
- As a result of this new development we envisage additional use on an existing play facility at neighbouring Pontlliw Park, I therefore propose we seek to enter into a planning obligation to secure an offer of a financial contribution from the developer for the upgrading of the play surfacing at this facility. In line with the SPG, Parks would be looking for a financial contribution in the region of £31,774.06 (2010 costs plus inflation) for the provision of a tarmac base with appropriate safety surfacing.
- The Parks Service would not be in a position to adopt the POS if the roads were to remain in private ownership and only upon adoption by the highway authority.

### EAW 25.01.13

It is our understanding that the combined sewage infrastructure which serves the location of the proposed development is hydraulically overloaded. This has manifested itself in the number of spills from a downstream combined sewer overflow (CSO) at Bach Y Gwreddyn Farm. This CSO has an indirect impact on the designated shellfish waters and should not spill on more than 10 occasions per annum, averaged over a 10 year period.

In the light of this information EAW has grave concerns in allowing further connections and input to this hydraulically overloaded system. The EC are currently scrutinising the local situation with a view to a possible infraction in relation to the Urban Waste Water Treatment Directive. Hence any further deterioration must be avoided. The spills from the Bach Y Gwreddyn Farm CSO discharge into the River Lliw which then enters the Burry Inlet. The Burry Inlet, in addition to the shellfish waters designation also constitutes part of the Camarthen Bay Estuaries European Marine Site, which is a sensitive receptor.

Dwr Cymru/Welsh Water (DCWW) is aware of the capacity issues on this part of the Swansea network and has provisionally programmed works to remedy the problem in AMP 7 (2020 – 2025). This would mean that the issue would not be addressed before 2020. We would therefore recommend that the development be allowed to go forward under a Grampian condition:

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'No development shall take place until the DCWW works to upgrade the relevant local sewerage infrastructure provisionally programmed for AMP 7 (2020-2025) have been completed and adequate capacity made available. If however the aforementioned works are satisfactorily completed prior to these dates then the development can commence at that earlier time'.

If the developer is not able to wait until these works have been duly completed then they may propose works which will free up adequate capacity in the system to avoid any detriment from their connection. This could take the form of their removal of existing surface water which currently enters the system in the vicinity of the development. Alternatively they may enter into a legal agreement with DCWW to undertake relevant works on their behalf that will free up local capacity on a suitable timescale.

It should be noted that the volumes of clean surface water will need to be in excess of the volumes of foul which the development will generate in order to prevent the load increasing (concentration of pollutants in the system will increase, so the spills need to decrease to compensate). The actual volumes of surface water removal may be constrained by other factors and will require final agreement on their appropriateness from DCWW upon submission to the local planning authority.

If however, the developer feels unable to wait for DCWW's programmed works and is unwilling / unable to enter into agreement with DCWW to undertake works to free up capacity in the short term, then we would object to the application and recommend your authority refuse the application.

### CCW 1.02.13

CCW has no objection in principle to the proposal.

### **Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Burry Inlet Ramsar site**

We refer to the following document:

'Habitats Regulations Assessment of the effects of wastewater associated with new development in the catchment of the Carmarthen Bay and Estuaries European Marine Site (Final Report David Tyldesley and Associates, 17 April 2012)'.

We have previously confirmed that we are content with the approach that you will be using this report as the Habitats Regulations Assessment for all planning applications in Swansea that fall within the drainage catchment area for the Burry Inlet and Loughor Estuary (unless there are other ecological concerns that fall outside the water quality issues covered by this final report). This enables you to complete the assessment (TLSE) under the Conservation of Habitats & Species Regulations 2010 for this development.

### Site drainage/hydraulic capacity

We understand that you are discussing this application with EAW and DCWW, and we would refer you to the advice of EAW and DCWW on hydraulic capacity and the planning conditions/surface water removal requirements for this application.

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We would also refer you to the EAW and DCWW for advice regarding the separation of surface water drainage from the site and any attenuation requirements. While it has been demonstrated that this is no longer an HRA issue, it is in the interests of all stakeholders around the Burry Inlet to work towards improving the water quality, not only to help secure the long term objectives for the European and international nature conservation sites, but also to achieve compliance with the Water Framework, Urban Waste Water, Shellfish and Bathing Waters Directives. Therefore, we recommend that the schemes should be provided to the satisfaction of the EAW and DCWW prior to determination.

### EAW 7.03.13

**An FCA has been prepared by Mr Chris Dartnell, Land Drainage and Flood Defence Consultant and is dated 13<sup>th</sup> February 2013.**

***Note – detailed comments on the FCA are contained within the EAW response.***

**We would again ask that determination of the application be deferred until all our concerns raised and within previous letters have been fully addressed.**

### Natural Resources Wales (NRW) 18.04.13

Further to our response of 7 March 2013, we have received correspondence from the Land Drainage and Flood Defence Consultant, Mr Chris Dartnell (dated 28 March 2013).

Based on the content of this letter, we can confirm that we are now satisfied with the information submitted regarding the ordinary watercourse that runs through the proposed site, providing the post development dimensions are adhered to.

With regards to the comments from Mr Dartnell concerning the new flow calculations, we accept his observations and are satisfied that in this instance the flows used are acceptable. However, as the impact of the latest 0.1% flows has not been considered, we cannot confirm that there will be no increased flood risk elsewhere.

With regard to surface water management on site, we note that on-site underground attenuation storage has been proposed. This is to have capacity for the 100yr storm including an allowance for climate change. We would prefer to see overground storage used as underground storage can result in future/long term maintenance issues. The applicant should also be encouraged to investigate other sustainable drainage systems (SUDS), which could be implemented as part of the development for example grassed swales, attenuation pond, grey-water recycling, permeable paving etc.

It is also not clear whether the attenuation tank is intended to manage surface water run-off during construction. Experience has shown that pollution of surface water drains and attenuation tanks with sediments during the construction phase of this type of development is common. These issues can be difficult and expensive to resolve and again, an above ground system would be preferable to manage surface water during construction.

However, if your Authority is satisfied that underground storage is appropriate then an agreement must be in place to ensure the long term maintenance of the surface water system.

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No storage calculations etc have been provided to support the proposed attenuation system. However we accept that the detailed design of the storage tank (or any other attenuation system), is a matter for Welsh Water and your Authority's Drainage Engineers to advise on as the adopting authorities. Prior to determination your Authority should be satisfied that the surface water management scheme is adequately designed so as not increase flood risk elsewhere or result in pollution of controlled waters during construction.

If your Authority is minded to approve the application, then we would strongly recommend that a full surface water management plan is undertaken and submitted in writing for approval by your Authority. This must be agreed in writing prior to any development commencing on site.

Conditions are recommended (set out in the letter) in relation to: surface water drainage; a scheme to treat and remove suspended solids from surface water runoff during construction works; the provision of a construction method statement; and land contamination/remediation conditions.

Within our response of 28 May 2008, we also noted that the existing watercourse was to be enhanced and utilised as a focal space. We would again recommend that this is incorporated into the site design in its current form and the channel is not routed through the boundaries of properties to prevent any issues of riparian ownership arising. If planning permission is secured, we would ask that a development free buffer zone of at least 4 metres is maintained along either bank. This is to enable long term access for maintenance and also to provide some protection to habitats and wildlife that may be present along the river corridor.

Please note that any culverting of this ordinary watercourse will require the prior consent from the Lead Local Flood Authority (LLFA) which in this instance is Swansea Council. We have concerns with culverted watercourses due to the adverse ecological and flooding effects that are likely to arise. We also have concerns with culverted watercourses within the curtilage of domestic dwellings due to the burden of riparian ownership. In our experience, developers and private sellers do not always declare culverted watercourses and they are often not picked up on legal searches. This can result in future maintenance responsibilities coming as a surprise to owners, the financial implications of which are unlikely to be covered in standard insurance policies.

### Rights of Way Officer 3.07.13

Are you are aware of the public right of way affecting this site and that if they are planning to divert (as the plan indicates) they will need to apply officially?

### Dwr Cymru Welsh Water (DCWW) 26.07.13

We would request that if you are minded to grant planning consent for the above development that the conditions and advisory notes provided are included within the consent to ensure no detriment to existing residents or the environment and to DCWW assets.

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A key fundamental issue associated with any proposed development located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. DCWW is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal.

Equally developers too can play a significant part in mitigation measures by incorporating sustainable drainage features within their proposals. It is essential therefore that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

Therefore we seek you Authority's co-operation in imposing the following condition to any grant of planning permission:

No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details.

Note: DCWW have also recommended other standard conditions and advisory notes.

The proposed development site is crossed by a 9" public surface water sewer and a 300mm storm overflow. 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 the public sewerage assets.

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

DCWW has no objection to the proposed development on water supply grounds.

### Tree Officer Comments 30.04.13

I have a number of significant concerns regarding the accuracy of the submitted tree report. Many of the trees that I inspected were considerably larger than that stated within the report produced by Julian Wilkes of Treescene dated 13<sup>th</sup> November 2013. These inaccuracies have led to many trees above ground (Canopy spread) and below ground (Root protection area) to be shown incorrectly on the tree plan...

....Out of the trees I inspected many were inaccurately measured, some by a large margin. Further to this all inaccuracies were smaller than the measurements taken on site. Measuring stem diameter correctly is extremely important in determining the constraints the trees have to a development site. The stem diameter is used to calculate the root protection area (RPA) of a tree. The RPA of a tree is the area of rooting environment around a tree that needs to be protected to ensure the continued health of that tree. For example the stem diameter of T33 was recorded as a multi stemmed tree of 0.4 metres which would calculate to give a 4.8 metre RPA radius.

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T33 was a single stemmed tree that measured as having a 0.65 metres stem diameter which would calculate to give a 7.8 metre RPA radius. These methods are clearly detailed within the *British Standard 5837:2012 Trees in relation to design, demolition and construction. Recommendations*.

Due to my significant concerns regarding inaccuracies within this tree survey a full tree survey including a clear and accurate scaled tree constraints plan, Arboricultural Impact Assessment and Tree Protection Plan/Method to *British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations* must be submitted. Please ensure that all trees individually surveyed are tagged with tree identification tags.

### **Following the submission of further tree information by the applicant:**

#### Tree Officer comments 28/05/2013

This information still does not meet the BS5837:2012 standard. As previously requested a clear and accurate scaled tree constraints plan, Arboricultural Impact Assessment and Tree Protection Plan/Method to *British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations* are required. Also if possible please can the applicant ensure that all trees that are individually surveyed are tagged with tree identification tags. Comments also made on individual trees.

### **Third Consultation**

Following the submission of amended plans indicating 67 dwellings the application was advertised on site and 28 properties were consulted. SIX LETTERS OF OBJECTION (including a letter from Pontlliw and Tircoed Community Council) AND ONE LETTER OF COMMENT have been received which are summarised below (note that those points raised in the first and second consultations have not been repeated):

1. Concerns that the development would result in additional congestion at the roundabout at Penlleger between 7.30am and 9:00am. Other housing developments who have conducted traffic surveys at Penlleger roundabout have stated that it is 'operating at capacity'.
2. Concerns that the contents and conclusions of the Traffic Survey do not accurately reflect traffic movements in the area throughout the day.
3. Concerns Hospital facilities cannot cope with the numbers in the area and there is a lack of GPs.
4. Concerns schools in the wider area are at capacity.
5. The position of the foul pumping station so close to the adjacent land is not acceptable and will place unwanted restriction on this parcel of land.
6. A 5m maintenance corridor for the watercourse cannot be delivered as part of the corridor would not be within the ownership of the applicant.
7. A full bat survey of the existing buildings should be carried out and mitigation measures will have to be proposed for their relocation.
8. In relation to contamination no bore holes were taken in the embankment which runs most of the length of the site. There is a concern this is a deliberate omission as this area may contain batteries, oil drums etc from when the site was used as a scrap yard.



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### Urban Design Comments 5.01.15

The revised plan (ref 1526/100 rev B) addresses all my concerns from email of 18<sup>th</sup> November plus the house type revisions are acceptable too.

### Drainage and Coastal Management 3.3.15

We have reviewed the amended plans and while we have no concerns with the drainage plans, we are concerned with respect to the Planning Layout. It illustrates that trees are to be planted over the attenuation and adjacent to the culvert, this should not occur as it will create a maintenance hazard due to root ingress over time. We recommend that the planting plan is altered so the area is grassed over only.

### Drainage and Coastal Management 16.09.15

Having reviewed the information we can consider it satisfactory and does demonstrate that 1 in 1000 year flows from this watercourse/culvert are contained within channel through the site.

Please also be aware that any alterations to this watercourse as part of the development will require separate permission irrespective of any planning permission granted under section 23 of the Land Drainage Act 1991 (as amended).

### Pollution Control Comments 12.03.15

I have no comments to make about the amendments

### Planning Ecologist 20.03.15

You sent me a consultation for the amended plans for the Walters Yard development. Broadly I think they look fine, my only comment is that the intention was to maintain a functional wildlife corridor along the small watercourse that runs through the site the new plan shows that the watercourse has been culverted for a longer length than in the original plan. The stream should be kept open for as much as possible and should be planted up with semi natural vegetation on at least one side.

### Planning Ecologist 24.04.15

I've visited the Walter's Yard site. I don't think any of the trees marked to be felled have any features that are likely to be used by bats. At this point I don't think there is any need for further survey work. Some of the trees that are to be retained do have possible roost features as a precaution I think we should add a condition or informative requiring the developer to survey any tree for bat roosts that is to be felled if it has a suitable feature that could be used by bats.

### Planning Ecologist 1.07.15

The trees that have bat potential are covered by TPOs so if work was to be carried out on these we would get an application on which we could comment, so a bat informative would be sufficient.

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### Planning Ecologist 7.07.15

The suggested culvert diameter of 1200mm is fine the length though is too long at 40m culverts suitable for otter use should be shorter than about 15m.

### NRW 17.04.15

We note that this current consultation relates purely to an amended site layout and the submission of the following reports.

- Letter dated 25 November 2014 - Ecology Inspection on 20 November 2014. Land at Walters Yard, Pontlliw, Swansea. Prepared by Barry Stewart & Associates Ecological Consultants.
- Remediation Strategy Report. Hywel Walters. Walters Yard, Pontlliw. Referenced 10857-3/MJE/14/RSR. Dated November 2014. Prepared by Integral Geotechnique.

Whilst our detailed comments on the above reports are provided below...please note that the comments and requested conditions provided by our legacy bodies are still applicable (i.e. EAW response dated 18 April 2013 and 2 September 2013 and CCW response dated 15 July 2011).

### Ecology

We welcome the submission of the aforementioned letter and note that this has been produced in discussion with your Planning Ecologist.

With regard to European Protected Species we note that the searches of targeted fauna specifically for Otter signs and roost sites for bats, proved negative. We therefore continue to refer your Authority to our legacy body's comments dated 15 July 2011. In addition, we note from the report that the trees around the boundary of the site have the potential to support bat roosts. As no indication has been provided that these trees will be felled as part of the proposed development we offer no objection to the proposal. However, as highlighted in the report further surveys would be required if works are to be carried out on the larger boundary trees.

We also note from the report that a number of invasive species were highlighted on site, including Japanese Knotweed. The developer should be mindful that 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 therefore advise the developer to produce a detailed method statement for the removal or the long-term management/control of invasive species on site.

### Land Contamination

As your Authority will be aware from previous correspondence from our legacy body, EAW, controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected due to its previous industrial uses. In addition, we note that the site has residual structures including basements therefore it is anticipated that further investigation is required to understand if these are areas of contamination that may pose a risk to controlled waters.

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We are satisfied that there are remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that the risks are appropriately addressed prior to development commencing. We therefore consider that planning permission should only be granted subject to the inclusion of planning conditions (see letter for full details) to address this matter. Without these conditions, the proposed development would pose an unacceptable risk to the environment. Please note that we would need to see the information outlined in the recommended conditions before we can make comment on any remediation strategy.

### NRW 16.09.15

Thank you for forwarding the additional information in respect of the above development, which we received on 25 August 2015. We have reviewed the FCA addendum submitted by WYG, in which they have utilised Mannings calculations to estimate the capacity of both the culvert which runs underneath the railway and the downstream ordinary watercourse which runs through the proposed development site. We are satisfied that the flows are suitable for use and that the calculations indicate that the ordinary watercourse running across the site has capacity to carry both the 1% plus climate change and 0.1% flows. However, we also advise that the Local Authority Drainage Engineers are consulted with regards to this additional information as they are the responsible authority for the watercourse in question.

### DCWW 9.04.15

No issues raised over and above those highlighted in DCWW's letter of 26.07.13.

### Parks Department 14.01.15

Parks commented on this proposed development on the 14/1/2013 with a view to obtaining a £31,774.06 contribution.

### Tree Officer 27.04.15

I had a look at this site with the planning ecologist. I'm in agreement with most of the things picked up in the tree survey. The only things I disagree with are the felling of the small oak, T7, and the felling of the goat willow, G2, G3, G39 and G43. The oak is in reasonable condition and the goat willow is in good condition, it is in the nature of goat willow that it grows in a low multi-stemmed form. G39 forms part of the hedge at the south-west corner of the site and G39 and G43 will screen the site from the M4.

I note that some of the trees along the edge of TPO567:W001 are earmarked for felling, this will be ok as long as it is restricted to the small semi-mature trees which have encroached onto Walters Yard. The planning layout seems to differ from the tree survey in the details of what trees are to be removed and retained. This needs to be clarified.

An Arboricultural Method Statement needs to be submitted detailing how the trees will be protected during development, what the proposed building methods for any encroachment into the root protection area are and the extent of any tree works such as crownlifting.

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### Pollution Control Comments (Noise) 7.07.15

I have considered the information in the Appeal Decision David Wilson Homes vs Ryedale District Council 2012. The points made relate to a much larger general industrial estate with many different noise sources from different business with varying hours of operation. It is acknowledged that there will be periods when the light industrial and manufacturing business (Seetal Furniture Ltd) will be audible to future residents but I refer to my memo dated 19<sup>th</sup> December 2012 and still have the same views that it would be unreasonable to object to the proposed housing development. The layout of the proposed dwellings will assist in reducing the effects of noise disturbance on those residents closest to the business. In order to reduce these effects further the applicant should construct a close boarded 2.2m fence on the Eastern side of the development adjacent to the light industrial and manufacturing business.

### Pollution Control Comments (Land Contamination) 15.07.15

The report IGG Remediation Strategy Report [10857-3/MJE/14/RSR] addresses all the issues of concern. The site itself doesn't appear to be grossly contaminated though there is some contamination that will require remediation.

I'm happy with the assessment process and with the proposed remediation strategy.

Section 5 of the report details the proposed Remediation Verification process and I'm happy with this as well.

The requirements for a Phase 1 report: Desk Top Study, Phase 2: Detailed Investigation and Phase 3: Remediation Strategy Options Appraisal, which would normally be the subject of a condition, have been met by the contents of the IGG Remediation Strategy Report [10857-3/MJE/14/RSR] already submitted.

However, conditioning the application is appropriate as follows on the premise that ALL the works specified in the above mentioned report are undertaken as detailed, including "the provision of suitable hydrocarbon vapour resistant gas membranes to all buildings pending the findings of the supplemental grid sampling" [IGG Remediation Strategy Report [10857-3/MJE/14/RSR] 2.7 para.5].

Please note that my comments do not extend to issues relevant to controlled waters which come under the jurisdiction of Natural Resources Wales.

### Highways Observations

#### 1. Introduction

1.1 This application is for full consent for the construction of 67 dwellings with associated access and parking. The site has previously been used for transport, storage yard and haulage and hence had a certain level of HGV activity and traffic movements associated with it. The planning application was first submitted in 2008 and due to issues mainly regarding the Land allocation the application has been in abeyance since then. A number of amendments and redraws have been forthcoming and it is now considered by the applicant that the outstanding issues have been addressed with this current layout.

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- 1.2 In order to assess the impact of the development on the adjacent Highway Network, a Transport Assessment was submitted with the application in 2008. Highways were consulted again more recently regarding the validity of otherwise of the 2008 TA and we advised that a 12 hour count needed to be undertaken and if the results were within 10% of the previous document then we would accept that without requiring a new updated document.
- 1.3 The site is currently used as haulage yard with an operator licence (in 2008) for 17 HGV'S and 27 Trailers. There were no limitations on hours of operation although mainly movements were between 4am and 8pm.
2. Transport Assessment (TA).
  - 2.1 The TA was submitted in support of the planning application for land on Walters Yard. Originally there were 88 dwellings proposed but subsequently this number has reduced to 67. The document has been produced following National Guidelines and using the TRICS database which is the universal standard for the UK
  - 2.2 The site is accessed off the main road- Swansea Road which is between 7.5m to 8m width with footways on both sides.
  - 2.3 Access amendments have been agreed in principle with the Highways Section that provide a safer access for all users than that currently at the site. The works will be undertaken under a Section 278 Agreement with the Highway Authority. The revised access will give the required visibility when leaving the site.
  - 2.4 Personal injury statistics showed only two accidents in the three year period up to December 2007. Within the last three years there have been no new accidents in the vicinity of the site junction (which is as existing).
  - 2.5 A 12 hour survey was undertaken in April 2008. This showed approx. 6000 daily movements with 600 and 700 in the am and pm peak respectively with an average % of 6% of HGV's.
  - 2.6 The TRICS database provided a trip rate of 8.5 movements daily (based on survey sizes for between 50 and 200 houses) with between 0.6 and 0.7 movements per dwelling in the peak houses. These are as expected from dealing with other sites in the Swansea Area. In the morning peak the site was expected to generate 53 movements- less than one per minute, similarly in the afternoon peak the figure was 61 with a total of 756 for a 24 hour day.
  - 2.7 When compared to the existing uses there is an increase in traffic movements associated with the residential use. However the priority junction access has been tested using PICADY and was found to be working well within capacity with a maximum wait of 11 seconds when egressing the site.
  - 2.8 Given the length of time delay for determination a request was made for another 12 hour traffic count. This was undertaken in December 2014 and showed 580 in the morning peak and 704 in the afternoon peak so overall very little change, if anything a slight reduction.

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An intermediate traffic count was undertaken in 2012 by CCS and this showed flows of 454 in the morning peak, 617 in the afternoon peak and 24 hour flows of 5933. The applicant was subsequently advised that a new TA was not required.

2.9 It is worth noting that the original TA was written for 88 dwellings and now the scheme has been reduced to 67 so any trip generation impacts can be further reduced by 23%.

2.10 The conclusions of the TA were that the scheme (subject to the usual conditions, legal agreements and amended access) could be accommodated without any detriment to the Strategic Highway Network

### 3. Vehicular Access and Traffic

3.1 The only vehicular access to the site is gained directly off Swansea Road Pontlliw. The application proposed an amended access, splitting off the Seetall access from the residential/scrap yard access and the design was drawn up in consultation with Highways who have in principle approved the access design. The proposed access will allow safe access to the residential site, and the existing scrapyards and furniture factory which are being retained.

3.2 The amended access will have to be constructed under a Section 278 agreement with the Highways Authority. The Transport Assessment indicated that the Highway Network could cope with the additional traffic generated by the proposal.

3.3 The layout of the site accords with our adopted standards and the pinch point when entering the site would act as a natural traffic calming feature. Most of the carriageways have footways/service strips associated with them. Thus the layout is suitable for adoption under a section 38 Agreement with the Highway Authority. There is a watercourse also being traversed and the design of this culvert/bridge will need to be designed to HA standards and be subjected to an independent verification process.

3.4 The small parking courtyards dotted throughout the site, the access to the substation (between plots 18/19) and the shared drive adjacent to plot 32 will not be adopted and will remain in private ownership.

### 4. Car Parking

4.1 The development has been assessed against adopted parking guidelines. Residential parking is in accordance with the standards for zones 2-6.

4.2 The parking is largely provided on drives within the private curtilage, in garages and also there are forecourt areas when shared provision is available. Where garages form part of the parking provision the permitted development rights will be removed by condition to ensure that adequate parking is retained.

4.3 Notwithstanding the boundary treatments indicated on the submitted plans the boundary wall of any boundary fronting any highway or parking area shall be kept below 1m in the interests of visibility. This can be secured via condition.

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- 4.4 The majority of the roads within the site should not require any on street controls as the parking meets the standards. However, should any Traffic Regulation Orders (TRO's) be deemed necessary during the Section 38 process then they will be included at the applicant's cost at this point. This may include Double Yellow Lines or keep clear hatching where turning for deliveries/refuse lorries may take place. These should keep the highway free from parking and maintain the routes obstruction free.
5. Pedestrian and Cycle Access
- 5.1 Pedestrian and cycle facilities are to be enhanced by the development. The footways are 2m in width and run throughout the site on at least one side of the road at any point. Whilst no dedicated cycle parking is available the availability of garages will allow safe secure parking to take place. The nature of the estate road being a no- through road should ensure low speeds to encourage on road cycling to take place.
6. Public Transport
- 6.1 There is public transport provision that runs along between Pontlliw and Pontarddulais (going from Ammanford to Swansea and vice versa) the service X13. This runs at 20minute frequency and the site is considered to be well served by public transport as an alternative means to the car.
- 6.2 Pontlliw is served by local amenities such as primary school, post office, hair salon, garage, local shop and pubs.
- 6.3 The TA makes reference to a section 106 contribution (clause 4.7 of the TA) towards bus stops upgrades and following discussion with the relevant officer I have been advised that sum of £2000 will be sufficient for remarking/repainting.
7. Conclusions
- 7.1 The Transport Assessment demonstrated the scheme can be developed without detriment being caused included with the outline consent indicated that the main access junction can accommodate the increased traffic and remain within its capacity.
8. Recommendations
- 8.1 No highway objection subject to the following;
- i. All adoptable highway works including the internal road layout and amended access being completed to Highway Authority Standards and Specification under section 38/278 Agreements. The culvert/bridge over the watercourse will require separate approval/verification from the Bridges and structures section.
  - ii. Garages shall remain for parking purposes only incidental to the residence only and not for any other use.

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- iii. Notwithstanding the submitted details the boundary walls along the estate road boundary shall be kept below 1m in the interests of visibility to ensure that adequate visibility is maintained for accessing/egressing vehicles and pedestrians.
- iv. A sum of £2,000 to be made payable under a section 106 agreement for upgrades associated with the two closest bus stops of Swansea Road Pontlliw.
- v. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- vi. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- vii. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

Note 3: All direction signage on the highway is subject to separate consent and further information on this aspect should be sought from The Traffic Management Group, City and County of Swansea, Tel: 01792 636168.

### APPRAISAL

This application has been called to Committee for decision by Councillor Gareth Sullivan in order to consider the impact on the surrounding area and infrastructure.



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This application seeks planning permission for the construction of 67 houses with associated access, roads, parking and landscaping at Walter Yard, Swansea Road, Pontlliw.

The application site, which is elongated and irregular in shape, is currently used as a haulage yard with access derived off Swansea Road which is shared with the adjacent furniture factory and scrap yard. The site is bound by a scrapyard and rail line to the north east which are separated from the site by a high embankment. The neighbouring furniture factory is located to the south east and is separated from the site by a line of conifer trees. To the west is open countryside.

There is one large single storey building on the site with the residual areas covered in a mix of, scrub, bare ground and various hard surfaces. Lorry parts, other vehicles and containers are scattered around the site. The site is generally level with a change across the site of approximately 1.5-2m. The site is surrounded by mature shrubs and trees which along the northern and north western edge are covered by a Tree Preservation Order (TPO). There is a culvert which runs in a south westerly direction through the site beyond which the site is less well used. There is an 11KV overhead line crossing the site which is proposed to be diverted across the site or grounded. The Local Planning Authority has already been consulted on the diversion under Planning Ref: 2013/1005 and offered no objection to the proposals, which would divert the line along the alignment of the access road.

The north western parcel of land that forms the site is identified in the UDP proposals maps as being within the open countryside, as such the proposal has been advertised as a departure to the provisions of development plan. Policy EV20 states that in the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008). This land, however, benefits from a Lawful Development Certificate issued in 1988 which has established that the use of this land and the residual areas of the site, save for the access, as a haulage contractors business is lawful. Moreover, visually and spatially this land is considered to more closely relate to the wider brownfield site rather than the open countryside. It is considered that this should be given significant weight in the determination of this application, notwithstanding the countryside boundary indicated in the UDP proposals maps, subject to other planning policy and technical requirements which are discussed below.

### **Main Issues**

The main issues to consider in the determination of this application relate to the acceptability of the residential development at this site in terms of its impact on visual and residential amenity, highway safety, ecology, drainage and water quality issues, and compatibility with adjacent land uses, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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### Policy considerations/ 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) which was adopted on 10th November 2008.

The application site was put forward as a housing site in the draft Interim Housing Land Policy Statement 2002-2009 (IHLPS) but was withdrawn from consideration in 2004 following unresolved issues relating to flooding, access and the proximity of the adjacent scrap yard.

In terms of the emerging Local Development Plan (LDP), the site has been promoted for housing through the LDP and was included as a housing site within the Pre-Deposit Draft.

The north western parcel of land that forms the site is identified in the UDP proposals maps as being within the open countryside, as such the proposal has been advertised as a departure to the provisions of development plan. This land, however, benefits from a Lawful Development Certificate issued in 1988 which has established that the use of this land and the residual areas of the site, save for the access, as a haulage contractors business is lawful. Moreover, visually and spatially this land is considered to more closely relate to the wider brownfield site rather than the open countryside. Given this planning history, and notwithstanding countryside boundary indicated in the UDP proposals maps, there is no objection in principle to the use of this parcel of land as housing subject to other planning policy and technical requirements which are discussed below.

In line with the objectives of Planning Policy Wales 2014 (7th Edition) and TAN 12: Design (2014), UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. In addition, UDP policies EV3, AS1, AS2 and AS6 require that new development provide satisfactory access and facilities for parking. These Policies are expanded upon and supported by the Supplementary Planning Guidance (SPG) document 'Places to Live: A Design Guide' adopted in 2014.

The current proposal needs to be considered in the context of the surrounding area. The natural environment of this site is further supported by Policy EV30 which particularly seeks to protect and improve woodlands.

With regard to drainage from this site, full regard has to be given in this case to Policy EV25 and the impact of drainage on the water quality of the European protected sites in the Carmarthen Bay and Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMS), and the requirements of related policies EV33, EV34, EV35 and EV36 regarding sewage disposal, surface water run-off, development and flood risk.

Affordable Housing provision on a site of this scale should be provided in accordance with Policy HC3 and Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development.

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### **Visual Amenity**

The proposal has been the subject of significant negotiations in order to ensure that the density, layout and design of the development has sufficient regard to its location at the edge of the countryside. Significantly the number of dwellings has been reduced from 88 dwellings as originally proposed to 67 dwellings.

In visual and spatial terms, the site is somewhat isolated from the main road which runs through the village due to access being derived from a dedicated road which runs between the scrap yard access and railway embankment to the north and the grounds of the furniture factory to the south. A pedestrian link will be provided from the main part of the site to Swansea Road. The link would be relatively pleasant as there are trees on both sides of the access, however, the palisade fence boundary treatment with the factory should be screened where possible and street lighting would be required as the portion of the link closest the Swansea Road is not overlooked.

Once into the main part of the site the spine road meanders through the development which is characterised in the main by detached and semi-detached dwellings fronting directly onto the road with small front gardens. Other good design principles incorporated into the development include the effective use of corner buildings, side parking to limit the visual impacts of parked cars, and frontages onto the watercourse, which will provide a focal point in the central part of the development.

The majority of mature trees around the site perimeter are indicated to be retained which will provide some screening to the development from surrounding views to the west and will ensure the site reflects its sensitive location at the edge of the village. In this regard it will also be necessary to ensure that suitable boundary treatments are provided along the western edge of the site to ensure a soft edge to the perimeter of the development. In this respect it is noted that a new native hedge is indicated along the rear of plots 12-26 to define the boundary. The provision of suitable boundary treatments can be addressed by condition.

In terms of the house types proposed there is a good mix of 2 bed (10), 3 bed (32) and 4 bed (25) dwellings. Again the provision of satisfactory house types has been the subject of negotiations as has the mix of materials. The three storey properties previously proposed have been deleted resulting in the whole development being two storey, thus reflecting the scale and character of the properties within the village. The majority of the dwellings (50) would be in facing brick with rendered dwellings generally used on important corners facing the access road. This will provide the variety in the street scene that reflects the variety of facing materials found within the wider context of Pontlliw.

A landscaping plan has not been submitted with the scheme, however, there is scope within the development to provide planting within both public and private areas of the site. It will also be important that the boundary treatments facing the road are robust and of good quality design.

As stated earlier there is a pedestrian link through the development to Swansea Road. There is also a public right of way which crosses the north western part of the site. This will be re-aligned to follow the line of a new path. The provision of a satisfactory treatment for this path can be secured by condition and an informative note will be included advising the applicant to contact the Rights of Way Team to discuss the re-alignment of this path.

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In light of the above the proposal is considered to represent a satisfactory form of development in terms of its impacts on the character and appearance of the area. The layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1, and EV2.

### **Residential Amenity**

In terms of residential amenity impacts, the nearest existing residential property to the development is Lliw Forge sited over 60m to the south west as such there would be no material residential amenity impacts to this property.

The layout has been amended to improve the separation distances between dwellings within the development. Back to back and back to side separation distances now generally accord with the guideline separation distances outlined in the adopted SPG. In addition for the vast majority of the plots a standard 10 metre separation distance would be maintained where first floor windows would overlook neighbouring private amenity space. In this respect the development is considered to be satisfactory.

The site is surrounded by mature trees. Following officer concerns the layout has been amended to pull the dwellings away from these trees particularly in the north westernmost corner of the site where plot 42 is sited. The amended plans have now addressed previous concerns with regard to the potential conflict between the development and the canopies and root systems of the trees in this area. Furthermore, it is not considered the siting of the dwelling on plot 42 would give rise to any significant overbearing or overshadowing impacts from the surrounding trees.

The eastern boundary with the furniture factory is defined by high conifer trees, which will result in some overshadowing and overbearing impacts to the occupiers of those plots nearest to this boundary (plots 1, 11 and 12). To mitigate these impacts the plots have been orientated with their side gables facing this boundary which will ensure the front and rear elevations of these properties benefit from sufficient outlook and would not experience any significant overbearing impacts from these trees, despite their height. In terms of overshadowing impacts the main impacts would be to plots 1 and 11. These plots would be overshadowed by these trees for part of the day, however, it is considered that sufficient natural light and outlook would be afforded to these properties to ensure that their siting in proximity to these trees would not result in any significant residential amenity impacts to the occupiers of these properties.

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

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

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The layout of buildings can frequently be designed or modified to reduce the effects of noise disturbance. Similarly schemes can be designed to incorporate materials, features and landscaping which reduce the impact of noise on the surrounding buildings. Where there are potential noise implications, developers may be required to provide an assessment of noise impact, together with proposals for mitigation in support of planning applications. Planning permission will be refused if the Council is not satisfied with the results of the assessment and proposed mitigation measures. Notwithstanding the use of good design and materials, there will be some instances where new residential and other noise sensitive uses such as hospitals and schools will not be acceptable in close proximity to existing noise generating uses or activities.

In terms of noise generated from the scrap yard, the proximity of the scrap yard some 15 metres to the nearest of the proposed dwellings would have the potential to result in noise disturbance to these properties by virtue of the nature of the activities taking place at the site typically for such uses this would involve receiving and treating scrap metal by sorting, grading, baling, crushing or cutting. However, the Pollution Control Division is satisfied that the intervening embankment and the design and layout of the scheme would be sufficient to address any significant impacts to the occupiers of the development. Whilst this may be the case, there is a residual concern that this use does have the potential to generate high levels of noise that would be incompatible with the residential use proposed. This view is consistent with the earlier comments from the Pollution Control Division and one of the fundamental reasons why the site was withdrawn from the IHLPS. The scrap yard is currently vacant, and has now been acquired by the applicant in order to provide satisfactory access and egress from the site. This provides an opportunity to ensure that the use of the scrap yard ceases which shall remove the possibility of any significant noise or disturbance impacts to the occupiers of the proposed development arising from this land use. The applicant has indicated that they would be willing to surrender the use of the scrap yard and this can be achieved through a S106 planning obligation.

There is an operating commercial freight rail line to the north of the scrap yard which will have the potential to result in noise disturbance to the future occupiers of the development. In commenting on the application in 2013 the Pollution Control Division reported there may be a potential increase in the number of trains that would be using the line. Noise surveys have been taken during a train bypass which confirmed that the noise levels would not constitute a statutory nuisance. Furthermore the noise survey submitted in support of the application confirmed that the noise generated from the operation of the rail line did not cause any increase in the noise levels on the site over and above the noise of the M4 to the west. The rail line is a similar distance to the proposed dwellings as it is to the existing dwellings on Heol Y Waun. The Pollution Control Division has not received any complaints about freight noise and as such, within the noise context of the site, it is not considered that the noise arising from the proximity to the operational rail line would result in any significant noise disturbance to the future occupiers of the proposed development.

Turning to the noise impacts from the adjacent furniture factory, Seetall Furniture have made representations concerning the potential impact of the proximity of the residential use upon the operation of the business. It is important to consider not only the impact of the proposal on the amenity that can reasonably be expected by residents of the proposed development but also the impact on neighbouring commercial operations by the proposed noise sensitive residential use.

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Seetall consider that the proposed residential use is not compatible with the manufacturing processes taking place at the factory. The factory comprises a fully automated metal production plant, a foundry and upholstery factory. Its manufacturing operations take place six days a week between the hours of 07:00 and 17:00, although it is noted that deliveries may be received from 06:00am. Seetall's concern is that their manufacturing operations could be curtailed should residents not wish to live next to a busy factory, which may result in noise nuisance complaints to the Pollution Control Division which could undermine the ability of the factory to operate and, in a worst case scenario, result in closure and job losses. These legitimate concerns have been raised and are an important material planning consideration.

An acoustic report has been submitted with the application conducted in 2008 which reported no noise from the furniture factory, however, it is considered that little weight should be given to the findings of this report given the limited hours the site was surveyed (between 14:15 and 17:00) and the distance of the survey points from the factory premises. Notwithstanding this, the Pollution Control division has considered the impact of the existing operations at the furniture factory on the future occupiers of the development and are satisfied that the layout of the proposed dwellings, with their side elevations facing the application site would mitigate any significant impacts to the amenity of the future occupiers. It is noted that there are residential properties on the eastern side of the factory including a property located in close proximity to the factory access and buildings. If the premises were operating in a manner which resulted in excessive noise it would be reasonable to expect that complaints may be received on noise nuisance grounds, however, the Pollution Control division has received no noise complaints relating to the furniture factory site.

Seetall's has cited an appeal in England that was dismissed on the grounds that introducing housing adjacent to an established industrial area would prejudice the ability of the businesses to operate. Comparisons can be drawn with this decision in terms of the issues that are relevant to the consideration of this proposal, however, each application is considered having regard to the specific circumstances of the application.

On site, some intermittent noise from the factory was audible from machinery within the buildings and delivery lorries, as such it is acknowledged that whilst there will be periods when the activities within the site will be audible to future residents, as is no doubt the case for the current residents near the premises, it is considered, on balance, that these effects would not have a significant adverse impact on the living conditions of the future occupiers. It is acknowledged there is a potential for the factory premises to be occupied by a different operator, however, it is considered that the siting of the factory within a village context would not appeal to operators undertaking inherently noisy or dirty manufacturing activities. It is considered the mitigation proposed in terms of the orientation of the dwellings would address any significant noise impacts to the occupiers of the dwellings and further mitigation has been requested by the Pollution Control division in the form of a 2.2m high fence along the eastern boundary with the factory. This can be secured by a condition.

In the absence of any significant harm to the future occupiers of the proposed development from the activities taking place at the factory, it follows therefore that the future occupiers would be unlikely to raise concerns either to the factory operators or the Council regarding noise or disturbance. As such it is not considered that the proposed development would undermine the ability of the factory to operate its business.

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In view of the above the proposed development is considered to be acceptable in residential amenity terms and would accord with UDP Policies EV2, EV40 and HC2.

### **Parking, Access and Highway Safety**

Responses to the public consultations have raised concerns regarding the suitability of the access for commercial and residential use together with the impact of additional traffic on: Swansea Road; the roundabout and slip road at J47 of the M4; and the Penllergaer Roundabout near the Primary School. Concerns have also been raised that the parking provision would not be sufficient within the development. Moreover concerns have been raised regarding the accuracy and findings of the transport assessment.

A transport assessment was submitted with the application for 88 dwellings in 2008. Given the time that has passed, an additional traffic count has been undertaken in 2014 and this has been cross referenced with CCS counts undertaken in 2012. The counts indicate a slight overall reduction in traffic since 2008.

The TRICS database which is the universal standard traffic database for the UK has been used to determine traffic flows to and from the site. In the morning peak the site was expected to generate 53 movements - less than one per minute, similarly in the afternoon peak the figure was 61 with a total of 756 for a 24 hour day.

The proposed development would result in an overall increase in the volume of traffic movements at the junction, however, the priority junction access has been tested and was found to be working well within capacity with a maximum wait of 11 seconds when egressing the site. This indicates that the development would not result in any significant delays for commercial traffic exiting the furniture factory.

The access onto Swansea Road is proposed to split the traffic arising from the proposed development and scrap yard with that arising from the furniture factory. The access has been designed in consultation with the Highways Department and the Head of Highways and Transportation considers that the revised access will give the required visibility when leaving the site access and will provide a safer access for all users than currently exists.

In term of the impacts on the surrounding road network, the conclusions of the TA were that the scheme, subject to conditions, legal agreements and amended access could be accommodated without any detriment to the Strategic Highway Network. In terms of the impacts of the development on the Penllergaer Roundabout and Junction 47, the TA has not assessed impacts on these areas. Notwithstanding this, in view of the trip rates described above the development is not considered to result in such a significant increase in traffic in these areas that further detailed analysis would be required to quantify this impact which, it is considered, would not be significant.

Turning to the development layout the access road through the site accords with adopted standards and the design provides a natural traffic calming feature when entering the site. There is a watercourse also being traversed and this culvert/bridge will need to be designed to satisfactory standards. This can be secured by condition.

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Parking within the development is largely provided on drives within the plots, in garages and also on forecourt areas when shared provision is available. The provision accords with adopted standards however, it is recommended that where garages form part of the parking provision this parking is retained by condition to ensure that adequate parking is available.

The Head of Highways and Transportation has confirmed the majority of the roads within the site should not require any on street controls as the parking meets adopted standards. However, it is recommended that an informative is included to advise that if any Traffic Regulation Orders (TRO's) are deemed necessary during the Section 38 process, then they will be included at the applicant's cost at this point. This may include Double Yellow Lines or keep clear hatching where turning for deliveries/refuse lorries may take place. These should keep the highway free from parking and maintain the routes obstruction free.

In view of the scale of the development within the village it is recommended that further information is required to be submitted to inform how vehicle movement will be managed during the construction phase. This information can be secured by an informative note.

In light of the above the development is considered to be acceptable in terms of parking, access and highway safety subject to a contribution of £2,000 for upgrades to the existing bus stops in Pontlliw, this is considered to be reasonable and necessary in order improve these facilities in the interests of promoting sustainability.

### **Ecology and Trees**

Several objections have been received with regard to the impact of the proposal on wildlife.

In terms of trees, a tree survey has been submitted which has been considered by the Council's tree officer. The majority of the boundary trees are proposed to be retained, however, some 21 individual trees or groups of trees have been indicated to be removed. These trees have been described as 'U' category trees which are in such condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. The majority of the trees proposed to be removed are located along the northern boundary. Those trees located outside of the application site which are indicated to be removed and are covered by TPOs, will need to be the subject of a separate TPO application.

Following initial concerns regarding the accuracy of the survey and the impact of the development on the protected trees surrounding the site, the layout has been amended to mitigate the impact on existing trees and the tree officer has offered no objection to the proposal subject to the submission of further information to indicate how the trees will be protected during development, the proposed building methods for any encroachment into root protection areas and confirmation of the extent of any tree works such as crown lifting to the trees located within the application site. This information can be secured by condition. Within the context of the vegetated embankment and the overall tree coverage around the perimeter of the site, it is considered that the loss of the trees identified would not have a significant detrimental visual impact on the character and appearance of the area.



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The application was accompanied by an ecological assessment in 2008 which has been subsequently updated in consultation with the Council's planning ecologist. Separate bat and otter surveys have also been submitted. In terms of bats, the surveyor found the main building is unlikely to support bats, however, a single common pipistrelle may use the ridge on an intermittent basis. No specific mitigation measures were identified as being required and the Planning ecologist has recommended a standard bat informative as mitigation, should planning permission be granted. The Council's planning ecologist has inspected the trees which are indicated to be removed within the applicant's tree survey for features that are likely to be used by bats. The planning ecologist is satisfied that currently no further bat survey of these trees is required. However, some of the trees that are to be retained do have possible roost features and as a precaution the planning ecologist has recommended an informative note is included with any planning permission to advise the developer of the potential for bats in the boundary trees.

The otter survey noted evidence of otters using the site, however, no signs of breeding or resting places, as such, in line with the comments of CCW (now NRW) it is not considered that the proposed development would result in any detriment to the Favourable Conservation Status of otters in their natural range.

Following discussions with the Council's planning ecologist, there is a concern that the proposed culvert measuring some 40m in length would be excessive for otter use. It is recommended that the culvert is reduced in length to some 15m, which would remove the majority of the small central open space area on the site. The removal of this open space area is not considered to raise any wider planning concerns as there is access to the surrounding countryside from the site and the proposals will also include improvements to the existing play facilities within Pontlliw. The details of the revised culvert can be secured by a condition.

The proximity of the dwelling on plot 30 to the watercourse has reduced the available buffer strip to the watercourse. In order to rectify this, the dwellings on plots 30 and 31 will need to be re-designed / amended to address this requirement. It is considered this matter can be addressed by a condition.

The features of the site of most ecological value are the boundary trees, hedges and the watercourse. These features will for the most part be retained and have been incorporated into the development.

In terms of ecology CCW and more recently NRW have offered no objection to the proposal subject to the recommendations in the applicant's ecological report and otter report being conditioned as part of any planning permission. The mitigation requirements can be addressed by conditions and informatives and are considered to be necessary in order to ensure the development would not have a detrimental impact on the ecology of the site or the wider area.

### **Land Contamination**

The application has been accompanied by a site investigation report and remediation strategy report. Site investigations carried out across the site to date have identified contamination within the shallow soil profile as a likely result of the historic use of the site and the nature/composition of the made ground.

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Screening indicates exceedences of arsenic, total chromium, lead, a single concentration of zinc and polyaromatic hydrocarbon (PAH) compounds. Asbestos cement was also detected within one sample and there is likely to be locally elevated hydrocarbons in the vicinity of the above ground diesel tanks. Leachate and groundwater tests have also been undertaken. It was concluded that the development would not increase the potential for leachate generation and migration. There are potential localised sources identified within the site however these areas are proposed to be remediated or verified to a satisfactory level. Based on the investigations to date no significant groundwater contamination was identified.

NRW has considered the contents of the site investigation report and remediation strategy and recommended a series of land contamination conditions which will require the submission of further information and the formalisation of the remediation and validation strategy at the site. These conditions are considered to be necessary in order to demonstrate the risk of contamination to controlled waters can be appropriately managed. However, in principle, NRW are satisfied that there are remedial options available to address the risks posed by contamination at the site.

The Pollution Control Division has also considered the contents of the applicant's remediation strategy and are satisfied that sufficient information has been provided to address the requirements for Phase 1, Phase 2 and Phase 3 site investigation and remediation reports, subject to the remedial works specified within the reports taking place. This can be controlled by a condition.

In light of the comments of NRW and the Pollution Control Division, therefore, it is considered that, subject to satisfactory remediation, the site can be developed for the intended residential use without having a harmful impact on the environment and without any unacceptable risks to the future occupiers. The development is therefore considered to be in accordance with UDP Policy EV38.

### **Flooding**

When the application was originally submitted NRW (then the EA) commented that the proposed site lies partly within zone C2 and partly within zone B, as defined by the development advice maps (dam) referred to under TAN 15, Development and Flood Risk (July 2004). Residential development is regarded as 'highly vulnerable' under TAN 15 and should not be permitted within zone C2. NRW also noted that the furniture factory site is liable to flooding.

The applicant has submitted an FCA which has been amended several times and comments have been received to these amendments from NRW.

Since the application was submitted the flood zone in relation to the site has changed and it now lies within flood zone B relating to areas known to have flooded in the past.

EV36 states that new development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

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The most recent response from NRW to the flooding issues raised in their previous letters confirms that they are satisfied with the information submitted regarding the ordinary watercourse that runs through the site; the calculations indicate that the ordinary watercourse running across the site has capacity to carry both the 1% plus climate change and 0.1% flows. As such NRW has raised no objection on flooding grounds provided the post development dimensions specified are adhered to. This matter can be secured by condition.

The Council's drainage officer has also considered the FCA information and is satisfied that the 1 in 1000 year flows from the watercourse/culvert are contained within channel through the site.

In view of the comments of the Council's statutory adviser on these matters and the comments of the Council's drainage engineer it is considered that the development would be in accordance with Policy EV36.

### **Drainage**

This application is one of a number of major planning applications that have been held in abeyance, due to ongoing concerns raised by Europe and the Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay Ramsar (CBEEMs). The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW (formerly CCW) towards all development that drains into CBEEMs, and carried out the following habitat assessment.

It is generally accepted that the combined sewerage system serving this area is working at full capacity (Gowerton STW). Any increase in surface water in the sewerage catchment would increase the number of untreated sewage discharges to the Burry Inlet in times of overflow. It was therefore determined that it is imperative that no surface water be allowed to enter the sewerage infrastructure.

To accord with the agreed and signed Memorandum of Understanding (MoU), foul connections should only be allowed when compensatory surface water removal has been implemented within the same catchment and agreed relevant details recorded on the LPA's register of compensatory surface water disposal.

Concerns have been raised that the development may increase surface water flooding in the area. The proposed surface water drainage strategy will discharge surface water from the highways and plots into the watercourses within the site via attenuation. A surface water strategy encompassing attenuation to restrict discharge rates has therefore been proposed and discussed with the Drainage officer. Foul water would be discharged to the mains sewer on Swansea Road via a pumping station located on the western boundary of the site. The Council's drainage engineer has confirmed that there are no objections in principle with the proposed drainage strategy, however, the detailed design of the scheme will be agreed by a condition.

DCWW has not raised concerns regarding the capacity of the existing drainage infrastructure to accommodate the foul flows arising from the development. However, this issue has been raised in consultation responses received from EAW.

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In accordance with the MoU, it is necessary to remove surface water from the combined sewer to provide betterment in the system. In accordance with the hierarchical approach the applicant has confirmed that there are no existing surface water connections available on site, as such it will be necessary for the applicant to fund through a Section 106 planning obligation a surface water removal scheme to offset the foul flows connecting into the main system.

Local opportunities for surface water removal from the combined system to offset the proposed development flows have been investigated but have proven not to be viable. It is therefore necessary to utilise a donor site to remove surface water from the combined sewer within the same WWTW catchment.

The potential for using a donor site within the catchment has been discussed with DCWW and CCS on several other housing sites. A scheme at Denver Road, Fforestfach has been identified and if implemented would provide sufficient surface water removal within the catchment to compensate for the foul flows arising from this development that would discharge to the mains sewer. A financial contribution to fund the Denver Road scheme can be secured through a S106 planning obligation. As such, it is considered that the proposed approach would be acceptable provided a financial contribution is secured by a S106 agreement requiring a contribution of £35,000 to undertake these works.

### Burry Inlet Habitat Regulations Assessment

#### Introduction

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

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

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

#### Water Quality

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

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

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

The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoU has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary. Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources. Whilst surface water would drain into the combined sewer, it does currently and it is not considered that the proposals would exacerbate this situation as it would be attenuated to greenfield rates.

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

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

### Other possible effects on CBEEMs features

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

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

The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, has confirmed that they are content with the above approach.

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

### Hydraulic Capacity Issues in Gowerton WwTW drainage network

The former EA previously raised further concern that there are outstanding hydraulic capacity issues in the Gowerton Waste Water Treatment Works catchment area. These are summarised above in their responses and appear to relate to wider concerns from Europe regarding the future water quality of the estuary. However DCWW has not objected to the application, and there is no conclusive evidence that supports the NRW view that this development could harm the water environment. Moreover, the Local Planning Authority is satisfied that it has addressed the water quality issues relating to the Habitats Regulations on this site and NRW have since agreed to the Council's adopted Habitat Regulations Assessment that covers all development in the drainage network area up to the end of 2018. As explained above this HRA is based on objective information available from the Agency's own Review of Consents of Gowerton WwTW, 2010.

The Council has been working with the Agencies of the Welsh Government who are seeking to resolve this problem in seeking to 'enhance' this situation, by improving the current drainage problems in the Gowerton drainage network, before new foul connections can be made. Where possible, landowners and developers are being encouraged to remove surface water from combined sewers where there is a need to facilitate new development. As part of this initiative, in 2011 DCWW adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. They have also prepared a Plan of Improvement works for Gowerton WwTW catchment (AMP 7), and are currently indicating that schemes will be brought forward where necessary to facilitate development.

### Drainage Conclusion

In conclusion, DCWW has not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2018 when it is understood that DCWW has planned upgrading works to this WwTW. The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.

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

### **Viability / Section 106 Issues**

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

The Planning Obligations SPG notes that where developers contend that Section 106 requirements would render a scheme unviable, developers will be expected to submit a breakdown of development costs and anticipated profits on properly sourced evidence.

In accordance with these requirements the developer has submitted a viability appraisal for the site using an industry recognised appraisal model (Three Dragons). The assessments highlights the need for significant remediation of the site to facilitate the development proposed and incorporates a detailed breakdown of the abnormal costs required to bring the site forward for development in accordance with the proposed scheme totalling some £2.4m. An independent assessment of the applicant's viability appraisal has been carried out by a consultant who found that the assumptions and conclusions of the assessment were sound. It is therefore accepted that any contribution requests arising from the development must be considered from the viewpoint that the development is marginally viable. Notwithstanding this the applicant has indicated that £50,000 would be available to contribute towards any justified contributions, however, owing to the marginal viability of the development no affordable housing is being proposed despite a need for affordable housing within the area and a request for 30% affordable housing on site from the Housing department.

Other financial contribution requests are discussed below:

#### Recreation Provision

In accordance with Policy HC24, all new housing will be required to make provision for areas of open space either within the site or at an appropriate location where the level and nature of open space provision in the locality is inadequate to meet the demands of the future occupiers together with the needs of the existing population.

As part of the LDP process, the Council has prepared an Open Space Assessment to identify the existing situation in the County. Within the Llangyfelach ward, there is an undersupply of open space provision according to the Fields in Trust guidelines. Pontlliw has been identified as having adequate provision in the north but a deficiency in the south. The access to the site would be over 300m to Park Pontlliw and the Pontlliw trim trail which is the normal distance used to indicate whether a facility is readily accessible to the public.

The nearest formal play areas are some 500m from the centre of the application site and according to the assessment these areas are in 'good' condition. Notwithstanding this the Parks Department have requested £31,774.06 for upgrades to this facility in accordance with the SPG document entitled 'Planning Obligations'.

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The open space within the site indicated on the drawings will not be provided owing to the need to significantly reduce the size of the culvert, as such it is considered reasonable and necessary in this instance to require a full contribution, as set out above, for upgrades to Pontlliw Park to take account of its increased use by the future residents of the proposed development. This can be secured by a S106 planning agreement.

The residual areas of open space within the site will need to be appropriately managed and maintained, however, no details of this have been provided. It is therefore recommended that details of its future management are required by condition.

### Education

In terms of an Education contribution the proposed development would generate the equivalent of 20.77 primary school places and the cost of providing these places is estimated to be £215,426. It would also generate an equivalent of 14.74 secondary school places and the cost of providing these places is estimated to be £233,600.

The English medium catchment schools for the development are Pontlliw Primary feeding Pontarddulais Comprehensive and in terms of Welsh medium, Ysgol Gynradd Gymraeg Bryniago (YGG Bryniago) feeding Ysgol Gyfun Gwyr.

As of 2014, approximately 14% of pupils attended a Welsh primary school and 11% attended a Welsh secondary school. These levels are expected to rise to 17% and 15% respectively by 2021 according to Education's projections. However, based on the current distribution of pupils attending Welsh medium schools, it is considered reasonable to apply a figure of 12.5% to allow for an increase in the Welsh medium participation rate. When applying these figures to the current proposal it has been calculated that the development would generate 2.59 Welsh primary school places and 1.84 Welsh secondary school places.

Based on current figures Pontlliw Primary presently has spare capacity of 10 unfilled spaces reducing to 7 unfilled spaces in 2022. According to the figures the development would generate 18 English medium primary pupil spaces. The Council's Education department has advised that Pontlliw Primary school is on a very restricted site with little scope for expansion. This development, together with other small developments in the area may push the school beyond its physical capability. It is noted that Education have not requested a contribution for this school, instead favouring a contribution for YYG Bryniago (see below) and in view of the limited funds that would be available to contribute to any alterations/extensions to this school, it is not considered that a request for a contribution should be required in this instance.

Turning to Pontarddulais Comprehensive, this school currently has 9 unfilled spaces projecting to rise to 54 unfilled spaces in 2022. It is noted that other developments in the area may consume some of this projected surplus capacity, for example, the proposed development of 200 dwellings at Llewellyn Road Penlleger. However, even taking these into account it is considered that this school could accommodate the 13 pupils arising from this development. As such it is not considered necessary to provide a contribution for this school.



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Turning to the Welsh medium schools, YGG Bryniago currently has 35 unfilled spaces and this is projected to decrease to 4 in 2021. Ysgol Gyfun Gwyr currently has 182 unfilled spaces and this is set to alter significantly to the extent that it is estimated the school would be oversubscribed by 192 spaces by 2022.

YGG Bryniago currently has sufficient existing capacity to accommodate the 3 pupils arising from the development, however, the significant decrease in the projected capacity indicates that, with other approved developments, this site may take the school over its capacity. Notwithstanding this in view of the limited number of pupils that would be generated by the development and the current existing capacity, it is not considered necessary in this instance to require a developer contribution for upgrades to the school in this instance.

Turning to Ysgol Gyfun Gwyr, the projected capacity at 2022 is evidence that this school would experience capacity issues within the timeframe of any planning permission granted for this development. Under the provisions of the Council's adopted Planning Obligations' SPG a contribution of some £29,200 to fund extensions/improvements to this school could be required but must be justified, however, given the limited secondary school places generated (1.84 pupil spaces) it is not considered that the impact of this development would be sufficient to justify a recommendation of refusal in this instance. As a consequence it is not considered necessary in planning terms for the development to provide an education contribution in this instance.

### Viability / S106 Conclusions

The SPG highlights that any reduction in the requirement for Section 106 contributions is only likely to be justified where there is planning merit and/or public interest in developing the site. In this respect the site forms a relatively large (within the context of the village) brownfield site within a sustainable location. The removal of both the haulage yard and scrap yard uses would, it is considered, provide a wider benefit to the community by removing uses which have the potential to cause noise, disturbance and environmental pollution through site activities and the types of heavy goods traffic associated with these uses. The development also provides an opportunity to remediate a site which has experienced contamination through its historic uses. Moreover, the development will bring benefits to the locality in terms of providing a mix of good quality new housing within a well designed layout.

The marginal viability of the site has led to no affordable housing provision within the development. The question therefore is whether the absence of this provision would make the development unacceptable in planning terms. Clearly the provision of affordable housing within sites is desirable to sustain rural communities and provide a socially balanced mix within new developments. HC3 explains that the Council will seek affordable housing provision where this is not ruled out by exceptional development costs. In this instance the development costs associated with bringing forward this mainly brownfield site would render the development unviable. As such, having regard to Policy HC3, despite the lack of affordable housing provision within the development, this would not be a sustainable reason for refusing this development, particularly when considering the positive aspects of developing the site within the balancing exercise.

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### **Other Matters**

Concerns have been raised in letters of objection regarding the impact of the development on local health services, however, the local health authority has not identified any capacity issues at local medical practices.

Concerns that there are better sites to develop housing in Pontarddulais have been given little weight. Whilst this may or may not be the case, this planning application has been considered on its own merits having regard to UDP planning policies.

It is acknowledged that the proposal will increase vehicular traffic on local roads. However, given the relatively low volumes of traffic arising from the development, the noise impact on existing residents would not be so significant that the application should be recommended for refusal for this reason. Furthermore the removal of the haulage use and scrapyards would potentially reduce the volume of larger vehicles on the local roads.

The development of this site would not, it is considered, result in the release of further sites in the countryside around Pontlliw. However, it is noted there are other housing sites in Pontlliw which have been identified for housing in the LDP draft proposals maps.

Concerns have been raised that the proposal would have a detrimental impact on Pontlliw's viability as a Welsh community. Whilst this concern is noted there is a need for around 4,600 homes within this strategic housing policy zone over the next plan period. There is scope for additional dwellings in Pontlliw, as services and facilities are available in close proximity and will meet sustainability objectives. The need to provide new housing is considered to carry significant weight and in the absence of any identified harm the development is considered to be in accordance with both national and local planning policies.

Concerns have been raised regarding the proximity of the foul pumping station to neighbouring land. The neighbouring land is located within the open countryside and is covered by mature trees and shrubs. In these circumstances it is not considered the siting of the pumping station in relation to this land would raise any material planning concerns that would justify refusal of the application.

Concerns have been raised that a maintenance corridor cannot be provided as part of the corridor would be within land outside the applicant's ownership. A maintenance/wildlife corridor has been indicated on the plans and subject to conditions specified above, would be satisfactory. The requirements to provide a corridor would not extend to neighbouring land, which is outside of the application site.

Concerns raised in relation to increased incidents of anti-social behaviour arising from the development of this site are unsubstantiated and carry little weight in the determination of this planning application.

Concerns have been raised that no site investigation work has taken place within the railway embankment. The scheme to remediate the site relates to the application site only and would not extend to neighbouring land. Both NRW and the Council's Pollution control division are satisfied in principle that the site contamination can be satisfactorily addressed, subject to the submission of further information.

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Any residual matters raised in letters of objection have been addressed within the above report.

### **Conclusion**

The proposal is for a residential development of 67 dwellings on a mainly brownfield site within Pontlliw. Part of the application site is located within the open countryside, however, the development of this portion of the site is considered to be acceptable given the existence of a lawful development certificate for this land that both visually and spatially more closely relates to the application site, rather than the open countryside beyond.

The proposed development is considered to be acceptable in terms of its impacts on the character and appearance of the area. On balance, the relationship with the neighbouring furniture factory is considered to be acceptable and the proposed development is considered to be satisfactory in terms of its impacts on ecology, trees, drainage, access and highway safety. The impact of the development on existing infrastructure and services has been considered and subject to contributions in respect of upgrades to a local park and a bus stop, is considered to be satisfactory.

In light of the above the development is considered to be an acceptable departure from UDP Policies and conditional approval is therefore recommended.

### **RECOMMENDATION**

**APPROVE, subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide:**

- 1) £31,774 for upgrade works to Pontlliw Park.**
- 2) £2,000 for bus stop upgrades in Pontlliw**
- 3) £35,000 contribution towards off-site drainage works at Denver Road**
- 4) £3,768 contribution towards ongoing management and monitoring fees (based on 20% of the planning fee as set out in the SPG).**
- 5) That the land adjacent to the site known as the former Bridge Metals shall not be used as a scrapyard in perpetuity.**

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: 150 - Alnwick Floor Plans and Elevations Brick, 151 - Hansbury Floor Plans and Elevations, 152 - Rufford Floor Plans and Elevations, 153 - Hatfield Floor Plans and Elevations, 154 - Hatfield Floor Plans and Elevations, 157 - Roseberry Floor Plans and Elevations Brick, 158 - Roseberry Floor Plans and Elevations, 159 - Chedworth Floor Plans and Elevations Brick, 160 - Chedworth Floor Plans and Elevations, 161 - Corfe Floor Plans and Elevations Brick, 162 - Corfe Floor Plans and Elevations, 163 - Garages Floor Plans and Elevations, 164 - Enclosure details Sheet 1, 165 - Enclosure details Sheet 2, 166 - Enclosure details Sheet 3, received 30th October 2015. Site location plan received 2nd March 2015. 100 Rev B - Planning Layout, 103 Rev C - Materials Layout, 155 Rev A - Clayton Floor Plans and Elevations Brick, 156 - Clayton Floor Plans and Elevations, received 5th January 2015. 201 Engineering Layout received 17th February 2015. 106 Rev A - Street Scenes, received 24th February 2015.

Reason: To define the extent of the permission granted.

- 3 Prior to the commencement of development on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:
- a) Construction programme and timetable;
  - b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
  - c) Proposed working hours;
  - d) Principal Contractor details, which will include a nominated contact for complaints;
  - e) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
  - f) Details of on-site dust mitigation measures having regard to BPM;
  - g) Details of on-site noise mitigation measures having regard to BPM;
  - h) Details of waste management arrangements (including any crushing/ screening operations);
  - i) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
  - j) How each of these watercourses and pathways will be protected from site run off during construction;
  - k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

Reason: To ensure the safety of other road users and protect residential amenity during the construction phase.

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- 4 Before any dwelling hereby approved is occupied, details of street lighting for the development, including a phasing scheme for implementation, shall be submitted to and approved in writing by the Local Planning Authority . The street lighting shall be designed to prevent light spillage onto the watercourse and shall be implemented in accordance with the approved details.

Reason: In the interests of ecology, pedestrian and highway safety.
- 5 No development shall take place until full details of the proposed arrangements for future management and maintenance of the proposed streets and open spaces within the development, have been submitted to and approved in writing by the Local Planning Authority. The streets and open spaces shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety and to ensure that the highways within the development are provided at an appropriate time and maintained thereafter.
- 6 No development shall take place until full engineering details of the highways and footpaths located within the development, including details of the phasing of the highways and footpath construction, have been submitted to and approved in writing by the Local Planning Authority. The highways and footpaths shall be completed in accordance with the approved details.

Reason: In the interest of highway safety.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) (or any order revoking or amending that order), no development falling within Classes A, B, D, E and F of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the surface water system is not designed to accommodate and in the interests of visual amenity and residential amenity.
- 8 Before the development hereby approved is occupied 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. The submitted details shall include the provision of a 2.2m high close board timber fence on the eastern boundary of the site.

Reason: In the interests of visual amenity and residential amenity.
- 9 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the approved details prior to the commencement of work on site.

Reason: In the interests of the ecology and amenity of the area.

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- 10 No development 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 in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall be carried out in accordance with the approved details, and no dwelling shall be beneficially occupied before it is served by the approved foul water, surface water, land drainage and the systems shall be retained in perpetuity.

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

- 11 Prior to the occupation of any dwellings hereby approved either:
- a) a surface water removal strategy delivering sufficient compensation for the foul flows from the development shall have been implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development
  - or,
  - b) Works to upgrade the sewage infrastructure at Gowerton WwTW have been implemented in full and written confirmation of this has been issued by the Local Planning Authority.

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

- 12 No development shall take place until a scheme for the landscaping of the site, including details of the phasing of the landscaping, has been submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall be carried out in accordance with the approved scheme. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five 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.

- 13 Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site with specific regard to its impacts to controlled waters shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

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

- Continued -

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

- 13
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and any changes to these components require the express consent of the local planning authority.

Reason: The controlled waters at this site are of high environmental sensitivity, being on Secondary A Aquifer and contamination is known/strongly suspected at the site due to its previous industrial uses.

- 14
- Prior to occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

- 15
- Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. Within two months of completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

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

- 16
- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: 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.

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ITEM 5 (CONT'D)

APPLICATION NO.

2008/0912

- 17 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.  
Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority.  
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 19 Unless arising from the requirements of condition 13, the remediation of the site and the remediation verification process shall be carried out in accordance with the Remediation Strategy Report [10857-3/MJE/14/RSR].  
Reason: In the interests of the health and safety of the future occupiers of the development and to protect the environment.
- 20 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 the development is commenced.  
Reason: In the interests of visual amenity.
- 21 Prior to the commencement of development a scheme for the upgrading and development of the ordinary watercourse running through the site, including the provision of a maintenance/wildlife buffer and a timescale for implementation, shall be submitted to and approved in writing by the local planning authority. The watercourse shall be developed in accordance with the approved scheme and timescales and shall be developed in accordance with the following dimensions: at least 0.5m bed width, 1.5m depth and 1:1 side slopes, with a bed gradient not less than the gradient of the ground along the top of the bank.  
Reason: To ensure the post development dimensions of the watercourse accord with the dimensions specified within the flooding consequences assessment.
- 22 No development including any demolition works or site clearance works shall take place until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees shown to be retained within the tree survey and plan dated 13th November 2012. The approved scheme shall be in place throughout the course of the development and shall include:
- a) a plan, showing the position of every tree on the site and on land adjacent to the site that could influence or be affected by the development, indicating which trees are to be removed;

- Continued -



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- 22 b) and in relation to every tree identified a schedule listing:  
- information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;  
- any proposed pruning, crown lifting, felling or other work;  
c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:  
- any proposed alterations to existing ground levels, and the method of construction for any works that might affect the root protection area;  
Reason: To secure the protection of trees growing on the site whilst the development is being carried out in the interests of visual amenity and ecology.
- 23 Notwithstanding the details indicated in the approved plans, prior to the commencement of development the following information shall be submitted to and approved in writing by the local planning authority:
- (i). A scheme for the reduction in the length of the culvert over the ordinary watercourse to some 15m unless
- (ii). A scheme for the re-design of plots 30 and 31 in order to provide a maintenance and wildlife corridor along the ordinary watercourse.
- (iii). A timescale for implementation of the schemes in (i) and (ii) above
- The development shall be implemented and retained in accordance with the approved details.  
Reason: To ensure the development would not adversely impact on otters or other wildlife along the watercourse.
- 24 Prior to the commencement of any drainage works on site a scheme for the management and maintenance of the surface water system shall be submitted to and approved in writing with the local planning authority. The surface water system shall be managed and maintained in accordance with the approved details for the duration of the use hereby approved.  
Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.
- 25 An otter underpass shall be constructed under the new road crossing over the watercourse in accordance with details to be submitted to and approved in writing by the local planning authority prior to any works commencing on the watercourse. Unless otherwise agreed in writing, the approved underpass shall be constructed prior to the completion of the new road crossing.  
Reason: To ensure the development does not have an adverse impact on otters using the watercourse.
- 26 The development shall be completed in accordance with the reptile mitigation methodology set out in the Hawkeswood Ecology survey received 20th April 2008.  
Reason: In the interests of ecology.

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ITEM 5 (CONT'D)

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- 27 Any garages hereby approved within the development shall be used for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.  
Reason: To ensure adequate on site parking provision in the interests of visual amenity and highway safety.
- 28 A Travel Plan for the development shall be submitted to and approved in writing by the local planning authority prior to the beneficial occupation of any dwelling hereby approved. The Travel Plan shall be implemented in accordance with the approved details.  
Reason: In the interests of promoting alternative modes of transportation.
- 29 Prior to the occupation of the first dwelling on site, details of the design and surface treatment of the public right of way footpath, which traverses the site, together with a timetable for implementation of the works, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.  
Reason: To provide satisfactory access to the open countryside from the development.

### INFORMATIVES

- 1 The majority of the roads within the site should not require any on street controls as the parking meets the standards. However, should any Traffic Regulation Orders (TRO's) be deemed necessary during the Section 38 process then they will be included at the applicant's cost at this point. This may include Double Yellow Lines or keep clear hatching where turning for deliveries/refuse lorries may take place. These should keep the highway free from parking and maintain the routes obstruction free.
- 2 The development is crossed by a 9inch surface water sewer and a 300mm storm overflow. DCWW 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 the public sewerage assets.
- 3 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, EV20, EV30, EV33, EV34, EV35, EV36, EV38, EV40, HC3, HC17, AS1, AS2 and AS6
- 4 Construction Noise. The following restrictions should be applied to all works of demolition and 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 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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ITEM 5 (CONT'D)

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- 5 Note: All highway works outside the site are on adopted highways and therefore are required to be covered by an Agreement under Section 278 of the Highways Act 1980. 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.
- 6 This notice does not give authority to destroy or damage a bat roost or disturb a bat and trees located on the site have the potential to house bats. All 16 British bat species are protected under Regulation 39 of the Conservation (Natural Habitats &c) Regulations 1994 (as amended), and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you suspect that bats might roost in the tree(s) for which work is planned you should take further advice from Natural Resources Wales, or an ecological consultant, before you start. If bats are discovered during the work you must stop immediately and Natural Resources Wales for advice before continuing.
- 7 Birds may be present. 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 is in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August.
- 8 Dwr Cymru/ Welsh Water have advised that if a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

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

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

- Continued -

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

- 8 Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)

### SEWAGE TREATMENT

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

### WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The developer is advised to contact us at the above address or on telephone 0800 9172652 prior to the commencement of any site work.

Finally we note that the outline drainage strategy is reliant on an offsite surface water removal scheme in the vicinity of Denver Road. This is a necessary part of the proposal that has influenced the recommendations we provide above. We therefore ask that its provision be secured through an obligation under section 106 of the Town and Country Planning Act should you decide to grant planning permission for the proposed development.

- 9 Please note that the development site is traversed by a public right of way. Prior to the commencement of development you are advised to contact the Council's Rights of Way officer to discuss any requirements in relation to the diversion of this public footpath.
- 10 Please note that this planning permission does not give consent for any works to trees covered by tree protection orders which lie outside of the application site area. Any works to these trees would require a separate planning application for works to protected trees.
- 11 Log and stone piles present on site should be disassembled by hand. If other signs of other use are uncovered, work should cease immediately and Natural Resources Wales should be contacted for advice.
- 12 **INFORMATIVE NOTE:**  
The site of this application is crossed by high voltage overhead electricity lines. Please contact Western Power Distribution prior to any works commencing on site.
- 13 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.

**PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015**

ITEM 5 (CONT'D)

APPLICATION NO.

2008/0912

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

The Developer must contact the Highway Management Group , The City and County of Swansea , 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

- 15 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.

- 16 All direction signage on the highway is subject to separate consent and further information on this aspect should be sought from The Traffic Management Group, City and County of Swansea, Tel: 01792 636168.

- 17 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit [www.swansea.gov.uk/snn](http://www.swansea.gov.uk/snn) or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 18 All adoptable highway works including the internal road layout and amended access being completed to Highway Authority Standards and Specification under section 38/278 Agreements. The culvert/bridge over the watercourse will require separate approval/verification from the Bridges and structures section.

- 19 Notwithstanding the submitted details the boundary walls along the estate road boundary shall be kept below 1m in the interests of visibility to ensure that adequate visibility is maintained for accessing/egressing vehicles and pedestrians.

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ITEM 5 (CONT'D)

APPLICATION NO.

2008/0912

20 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016

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PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 6

APPLICATION NO.

2015/0217

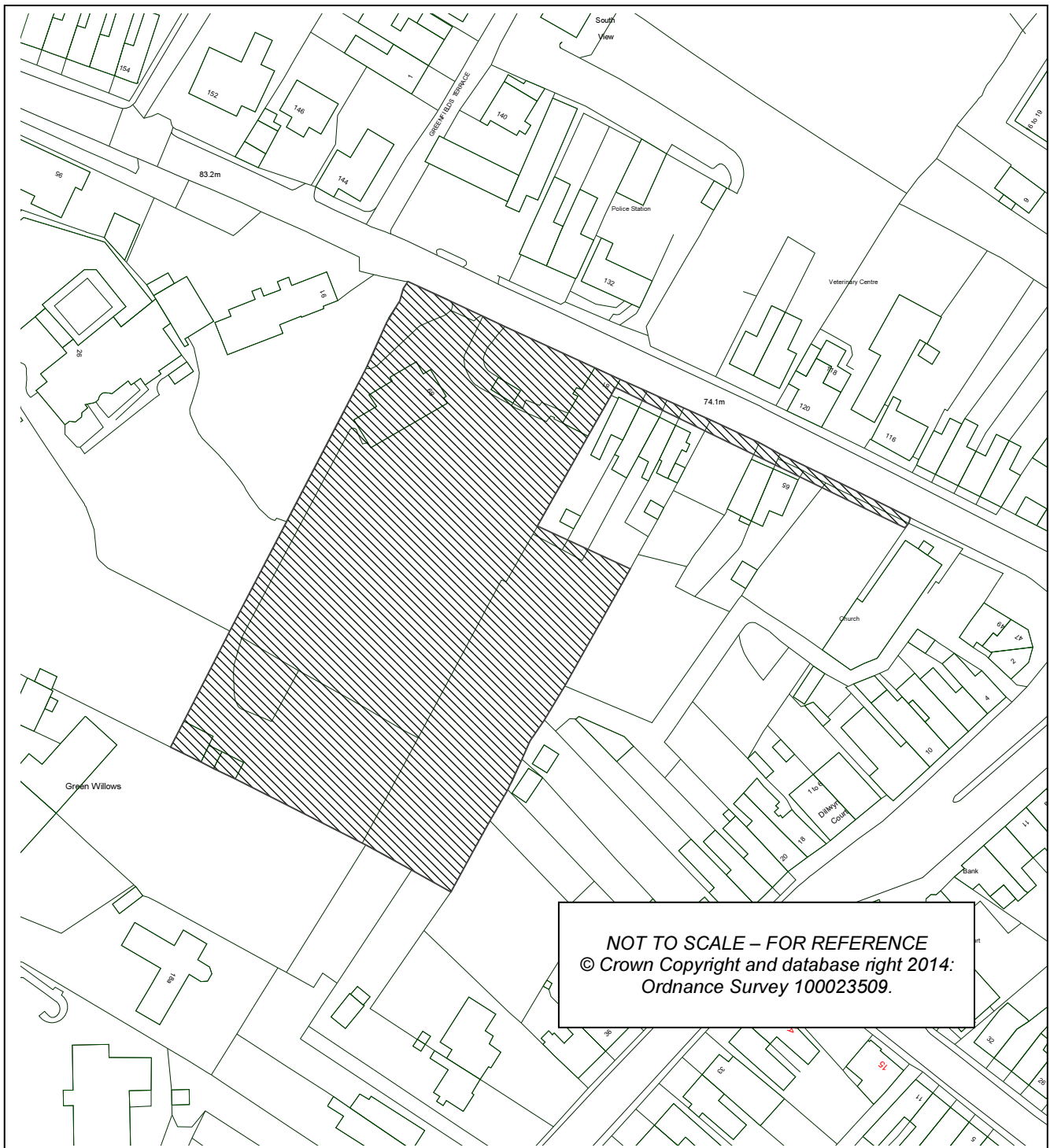
WARD:

Sketty

**Location:** 81 Gower Road, Sketty, Swansea, SA2 9BH

**Proposal:** Redevelopment of the site to form 45 retirement living apartments for the elderly with associated communal facilities, car parking, landscaping and additional pavement to Gower Road frontage. (Amended plans and additional information received) (amended description)

**Applicant:** McCarthy & Stone Retirement Lifestyle Limited



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ITEM 6 (CONT'D)

APPLICATION NO.

2015/0217

**BACKGROUND INFORMATION**

**POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location 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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (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)



## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 6 (CONT'D) APPLICATION NO. 2015/0217

- Policy HC2 Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC3 Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2014/0740	Replacement single storey side extension, replacement front porch with terrace above, car port roof to the front elevation, pitched roof to two storey front elevation, rear balcony to first floor level, rear terrace, roof lights, replacement roof covering, fenestration alterations and re-cladding of walls including external wall insulation Decision: Grant Permission Conditional Decision Date: 14/07/2014
99/0064	REDEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (OUTLINE) (COUNCIL DEVELOPMENT REGULATION 4) Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/05/1999
2003/1716	To reduce the crown of 1 Copper Beech tree covered by TPO no 257 Decision: Grant Tree Pres Order Consent (C) Decision Date: 10/11/2003
2013/0852	To lop one copper beech tree covered by TPO 257 Decision: Grant Tree Pres Order Consent (C) Decision Date: 24/07/2013

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/0217

99/0065 REDEVELOPMENT OF SITE FOR SINGLE DETACHED DWELLING HOUSE (COUNCIL DEVELOPMENT REGULATION 4) (OUTLINE)

Decision: \*HGPC - GRANT PERMISSION CONDITIONAL

Decision Date: 28/05/1999

2013/0835 New nurses centre off existing covered walkway, pitched roof to walkway and new entrance lobby area, side dormer extension and additional windows

Decision: Grant Permission Conditional

Decision Date: 12/09/2013

### RESPONSE TO CONSULTATIONS:

**Neighbours:** The application was advertised in the press and on the site in the form of a site notice as development which in the view of the City and County of Swansea, may have a substantial impact on the amenity of the area. In addition to this all adjoining neighbouring properties were consulted and 3 letters of objection and 1 letter of comment were received which raised concerns relating to:

1. Loss of trees.
2. Impact on ecology.
3. Traffic issues.
4. Pedestrian footpaths should be improved.
5. Increased pollution from additional vehicles.

In addition to this four letters of support were received.

**Pollution Control:** No objection subject to conditions/informatives.

### Highways:

#### 1 Background

1.1 This proposal is for the construction of a development of 47 retired living apartments on the site of 81 Gower Road, Sketty. The developer is McCarthy and Stone, who are providers of specialist retirement apartments and have a number of similar development throughout Swansea.

1.2 The existing house is to be demolished and a new complex constructed in its place with a direct access from Gower Road and footway link providing a continuous footway down to Sketty Cross.

#### 2. Traffic Generation

2.1 A Transport Statement has been submitted with the application which seeks to quantify the likely traffic movements generated by the development. The assessment predicts 9 two-way movements in the am peak and 10 two-way movements in the pm peak. This is based on data held at other McCarthy and Stone developments nationally and compares favourably with independent data on sheltered/assisted living developments in national databases.

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

2015/0217

2.2 The number of predicted movements is minimal compared to existing traffic movements on this part of Gower Road and is unlikely to present any congestion issues.

### 3 Site Access and Layout

3.1 The site access junction has been tested to ensure suitability to accommodate the largest vehicle type likely to use it, in this case being a refuse vehicle. Visibility at the access junction will accord with nationally recommended standards to ensure safety for all traffic.

3.2 The layout of the site accommodates parking for 39 cars with the recommended 2 accessible spaces all in accordance with parking policy and sufficient room is available for all vehicles, including service and refuse vehicles to enter and leave the site in a forward gear.

### 4 Conclusions and recommendations

4.1 Safe access to sufficient parking is proposed and traffic generation is unlikely to present any safety or congestion issues. Improvements to footway provision is included to ensure safe access to Sketty district centre.

4.2 I recommend no highway objection subject to the following

- i. 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.
- ii. The site shall not be brought into beneficial use until the footway connecting the site to Sketty Cross has been completed and ready for use.
- iii. The car parking area shall be completed and ready for use prior to beneficial occupation of the development.

Note1: 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

Note 2: Access and footway works are required to be subject to formal agreement with the Highway Authority under Section 38/278 of the Highways Act 1980.

**Coal Authority:** No objection.

**Dwr Cymru/Welsh Water:** No objections subject to conditions/informatives.

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

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**Glamorgan Gwent Archaeological Trust:** No objection subject to condition.

FOLLOWING CONCERNS EXPRESSED BY THE LOCAL PLANNING AUTHORITY WITH RESPECT THE PROPOSED SCHEME IN TERMS OF THE DESIGN AND IMPACT OF THE DEVELOPMENT UPON THE RESIDENTIAL AMENITIES OF THE NEIGHBOURING PROPERTIES, AMENDED PLANS WERE SOUGHT BY THE LOCAL PLANNING AUTHORITY. THE APPLICATION WAS READVERTISED ON SITE IN THE FORM OF A SITE NOTICE AND ALL ADJOINING AND PREVIOUS OBJECTORS/CORRESPONDENTS WERE INDIVIDUALLY CONSULTED. THE FOLLOWING RESPONSES WERE RECEIVED:

**Neighbours:** Four letters of objection and a petition of 26 objectors were received which raised the following comments:

1. Consultation process.
2. Neighbouring properties not receiving letters.
3. Traffic movements associated with this development.
4. Highway safety.
5. Lack of parking.
6. Residents will have cars.
7. Boundary concerns.
8. No capacity at local services such as Doctors.
9. Construction issues.
10. Council own the land and as such there is a conflict of interest.
11. Concern the advertisement consent has been granted and hoarding erected from the 1st April 2015 for 3 years.
12. Application does not comply with planning policies.
13. Unjust that the development seems to have been agreed.
14. Overdevelopment of the site.

**Pollution Control:** There has been no change to the residential footprint with the revised application so my comments remain as previously stated.

**Highways:** Amended Plans.

No additional comments to make, previous observations still stand.

### APPRAISAL

This application is reported to Committee as the number of units proposed is in excess of 20 units and therefore meets the threshold.

#### Description

Full planning permission is sought for the construction of a detached four storey building to provide 45 retirement living apartments for the elderly with associated communal facilities, car parking, landscaping and additional pavement to Gower Road frontage at 81 Gower Road, Sketty, Swansea. The development will provide 15 one bedroom units and 30 two bedroom units.

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 6 (CONT'D)

APPLICATION NO.

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The site comprises of No's 81 and 89 Gower Road and the former rear garden areas of No's 73, 75, 77 and 79 Gower Road. The site is flanked to the south, west and east by the curtilages of residential properties and the north by Gower Road. comprising of both hedgerows and trees. The site also includes some green areas and existing trees within its interior.

The site levels fall significantly to the south and the main developable part of the site forms an almost bowl like feature. The proposal takes advantage of the falling topography and incorporates a lower ground floor, ground floor, 1st and 2nd floor level in and almost 'L' shaped design property.

The development will provide 2 one bedroom units, 6 two bedroom units and large communal lounge and kitchen on the lower ground floor level, 6 one bedroom units, 10 two bedroom units, refuse store, mobility scooter store, main entrance and guest suite on the ground floor, 4 one bedroom units, 9 two bedroom units on the 1st floor and 3 one bedroom units and 5 two bedroom units on the 2nd floor. The development would also enjoy a significant amount of landscaped private garden area to the rear and side with parking to the front.

### Main Issues

The main issues for consideration during the determination of this application relates to the principle of residential development at this location, the visual impact of the proposal upon the area and the wider street-scene, the impact of the proposal upon the residential amenities of the neighbouring occupiers, highway safety, Section 106 contributions, ecology of the site, archaeology and drainage issues having regard for National and Local Planning Policies and the Supplementary Planning Guidance documents entitled 'Planning Obligations', 'City and County of Swansea Parking Standards' and 'Residential Design Guide'. It is not considered that the provisions of the Human Rights Act raise any additional issues.

### Principle of Development

This is a brownfield site which falls adjacent to the designated District Centre of Sketty as identified on the Swansea Unitary Development Plan (UDP) Proposals Map. The site is within the urban area and as such in land use terms this proposal is an acceptable form of development in principle. Furthermore the introduction of the proposed development at this edge of District Centre Location could also facilitate an increase in footfall to the benefit of the vitality and viability of this important centre..

The site is therefore acceptable for redevelopment in land use terms, however, it is essential that any scheme seeks to respect the character and appearance of the area in terms of siting, scale, design and materials and its respect ecology, residential amenity, and highway safety in accordance with the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Residential Design Guide'.

### Planning Obligations

As stated above the site is located within the Swansea West Strategic Housing Policy Zone where there is large demand for affordable housing.

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Policy HC3 of the Swansea UDP requires housing development on sites for 10 or more dwellings or sites in excess of 0.4ha to include negotiations for the inclusion of up to 30% affordable housing. There is normally a requirement on sites in excess of 10 units to provide an education contribution, however in light of the fact the development is for retirement units no education contributions were sought. No other Section 106 requirements were considered necessary.

On the issue of affordable housing the application is supported by a viability assessment which has been subject to protracted discussion and negotiation with officers, following which, an off-site contribution of £425,000 towards the provision of affordable housing has been proposed by the applicant.

The Council's adopted Supplementary Planning Guidance entitled 'Planning Obligations' adopted in March 2010 provides that off-site provision or the payment of a commuted sum will only be agreed in exception circumstances.

The proposed development comprises of secure retirement living apartments for the elderly with associated communal facilities incorporated within one building which, in this instance, is considered incompatible with the provision of general needs affordable housing, particularly given the constraints of the site, the extent of facilities and services offered and the service charges levied in such circumstances.

Whilst there remains some disagreement over the detail of the viability assessment, on balance subject to an offsite contribution towards the provision of affordable housing of £425,000 being secured by way of a S106 Planning Obligation, it is not considered that a recommendation of refusal could be justified in this instance under the provisions of Policy HC3 of the Swansea UDP.

### Visual Amenities

The proposal will involve the re-development of the north-western part of the site with the south and eastern parts of the application site retained as garden areas. The proposal will result in the demolition of the existing properties which whilst of a traditional design are not protected. The site plan clearly demonstrates that the site is of a sufficient size to accommodate the footprint of the development, however, careful consideration has to be given to the height, size, scale and massing in visual terms and its relationship with the street-scene.

Overall the proposed scheme exhibits underlying principles of good design with good definition of public and private realms, a high density central core with subservient wings extending off from this which gives the impression the building has evolved over time. The proposal incorporates an attractive area of private space to the rear and sides whilst providing a large area of parking to the front which is naturally surveyed by the proposed units. Whilst it is acknowledged the proposed building is high in places the use of subordinate elements including dormers and the fact the design utilises the falling land levels and existing topography to accommodate the subterranean lower ground floor help ensure the scheme would not appear an overdevelopment of the site.

The site lies just outside the commercial core of Sketty and the main bulk of the building is set back from Gower Road. The existing street-scene is mixed in appearance comprising a range of building forms, styles and materials.

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The street-scene is made up of primarily two storey and three storey properties and as such in terms of its built form and height the proposal would not be out of keeping with its context. The main bulk of the building will be set back from the main road and it is considered that the proposed landscaping will help soften the impact of the building along Gower Road. As such the proposal is not considered to be overtly dominant or prominent when viewed from the adjacent street-scene.

The falling land levels and existing topography of the site gave the opportunity for a development to incorporate a subterranean level, which this proposal fully utilises through the provision of a lower ground floor. Whilst the building is technically set over 4 floors it would appear from the public domain to be two storey with accommodation in the roof space. The main four floored element has three storey and two storey elements which extend from the either side of the development and their subordinate nature helps break up the size, scale and massing of the building and helps the main bulk of the building retain its visual prominence and integrity.

The proposal seeks to retain as much of the boundary trees on site as possible as well as landscaped garden areas to the west, south and east which helps create a sense of space around the building and an established maturity to the scheme.

In principle the traditional design concept is considered an acceptable response to the constraints of the site as the proposal respects the overall scale and massing of the adjacent properties and reflects the character and design of this in a traditional manner. The predominate use of brick and render and slate roof helps the building reflect its local context and the buildings which it will replace. Furthermore the incorporation of projecting gables, dormer windows and subordinate 3 storey and two storey elements helps break up the massing of the development fronting Gower Road whilst also having regard to the design of the dwellings this building will replace.

The proposal incorporates vertical emphasis to the fenestration which is welcome and complements the traditional design concept. Furthermore the main entrance is both legible and adds a focal point to the primary elevation fronting Gower Road.

In order to break up the massing of the building to the rear, the design was altered and some units removed from the scheme. The proposal now includes a glazed link which helps to reduce the scale and massing of this rearward projection and helps the building respond to its context.

The site measures approximately 0.7 ha and the scheme would have a density of approximately 65 units per hectare. The density is considered necessary in order to fully utilise the sites accessibility and development potential. In this respect a well designed scheme of this density proposed will help utilise the maximum potential of the site whilst helping conserve land resources in accordance with Planning Policy Wales 2014. As such the proposal is considered to relate to the scale of adjacent residential properties. Therefore the scale of the proposal is considered to accord with the character of the area.

In view of the above, it is considered that the proposal would respect the visual amenities of the area in compliance with Policies EV1, EV2 and HC2 of the Swansea UDP.

Impact upon the Residential Amenities of the Neighbouring Properties

The proposed building will be sited on the north western part of the application site. The street-scene elevation indicates that the scheme will be in scale with the plot and the adjacent properties.

The proposal will mainly affect the residential amenities of No's 91, 79, 77, 75 and 73 Gower Road, Green Willows and No 26 Sketty Park Drive. In light of the orientation of the building, its siting and its separation distances from the boundaries with the properties along Dillwyn Road it is not considered that the proposal would have a negative impact upon the residential amenities of these properties and as such they are not considered in any further detail during the consideration of this application.

No 91 Gower Road is sited to the immediate northwest of the application site. The main bulk of the primary frontage of the new development will primarily affect No 91 Gower Road, however it is sited some 22.5m from the boundary of the application site and approximately 35m from the new building itself which is considered a sufficient distance to ensure the proposal would not result in unacceptable overbearing or overshadowing upon the residential amenities of this property. In terms of the garden area of No 91 Gower Road, the proposed building will be sited a minimum of 10m from the boundaries of this property and as such it is not considered that the proposed development would have an impact on the private amenity space of No 91 Gower Road to such an extent which could warrant the refusal of this application. With respect overlooking, ground floor overlooking would be mitigated via the existing boundary treatment which will be ensured via an appropriately worded condition. 1st floor windows in this elevation are all sited in excess of 10m from the boundary of No 91 Gower Road which is considered a sufficient distance in order to mitigate unacceptable overlooking. The 2nd floor windows and balcony area of flat No 35 would be within 12m from the boundary with this property, however it is considered that given the existing boundary treatment and the fact No 91 Gower Road and its grounds are at a higher level than the proposed building this is considered sufficient in order to mitigate unacceptable overlooking.

Furthermore the existing dwelling No 89 Gower Road is much closer to the boundary than the proposed building and as such it is not considered that the proposed building would have an impact on private amenity space over and above what is currently experienced.

In terms of the impact of the proposal on No 26 Sketty Park Drive, this property itself is sited a significant distance from the proposed building which will ensure it will not have an unacceptable impact upon the residential amenities of this dwelling. The proposed building will be sited a minimum of 10m from the boundary with No 26 Sketty Park Drive which is considered sufficient to ensure the proposal will not result in unacceptable overbearing or overshadowing upon the private amenity space. With regard overlooking the element of the proposed building which affects this property is primarily two storey in appearance and sited a sufficient distance to mitigate harmful overlooking. Ground floor overlooking will be mitigated via the boundary treatment and the habitable room windows would be sited a minimum of 10m from the boundaries with this property and as such the developments impact upon No 26 is considered acceptable.

Green Willows is sited to the immediate south of the application site and the design, scale and height of the development within close proximity to this property was reduced in order for the scheme to have more acceptable relationship with this property.



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The proposed building will be situated at a lower level than Green Willows and the proposal will primarily be single storey in appearance along the boundary with this property and this coupled with a separation distance of a minimum of 8m will ensure the proposal will not result in unacceptable overbearing or overshadowing upon the residential amenity space of this property which could warrant the refusal of this application. In terms of overlooking, there are no habitable room windows within 10m of the boundary of this property and as such the development would have no impact on the level of privacy enjoyed by this property. There a number of mature trees situated on the boundaries between the two properties, however having consulted the Councils Tree Officer it is considered that adequately worded planning conditions would ensure that these remain unaffected by the development.

With respect the impact of the proposal upon Numbers 73, 75, 77 and 79 Gower Road which are the row of terraced properties sited on the north-eastern boundary of the application site, the proposed building will be sited a sufficient distance from the boundaries of these properties and the structure been carefully designed at a lower level to ensure the proposal will not give rise to unacceptable overbearing or overshadowing upon the rear garden areas of these properties. The properties themselves are considered a sufficient distance from the proposed building to ensure the proposal will not impact upon the living conditions of these dwellings to such an extent which could warrant the refusal of this application. Turning to overlooking the relationship of the building with the garden areas of this property will only afford overlooking from oblique angles and given the urban location a certain degree of mutual overlooking is inevitable and common in such areas. The building will be primarily two storey in design and at a lower level on the boundary with these properties and as such will not afford direct overlooking into the rear garden areas of these properties, furthermore additional planting along the boundary will mitigate the impact of the development upon the level of privacy enjoyed by these properties.

In terms of noise and disturbance created by the proposal to future and existing residents, pollution control have commented on the application and raised no objection subject to a number of planning conditions. Therefore the proposal is considered to respect the residential amenities of existing and future residents to the satisfaction of the Local Planning Authority and in compliance with the provisions of Policies EV1 and HC2 of the Swansea UDP.

### Highway Safety

Having consulted the Head of Transportation and Engineering it is acknowledged that the proposal is for the construction of a development of 45 retired living apartments on the site of 81 Gower Road, Sketty. A Transport Statement has been submitted with the application which seeks to quantify the likely traffic movements generated by the development. The assessment predicts 9 two-way movements in the am peak and 10 two-way movements in the pm peak. This is based on data held at other McCarthy and Stone developments nationally and compares favourably with independent data on sheltered/assisted living developments in national databases.

The number of predicted movements is minimal compared to existing traffic movements on this part of Gower Road and is unlikely to present any congestion issues.

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The site access junction has been tested to ensure suitability to accommodate the largest vehicle type likely to use it, in this case being a refuse vehicle. Visibility at the access junction will accord with nationally recommended standards to ensure safety for all traffic.

The layout of the site accommodates parking for 39 cars with the recommended 2 accessible spaces all in accordance with parking policy and sufficient room is available for all vehicles, including service and refuse vehicles to enter and leave the site in a forward gear.

Safe access to sufficient parking is proposed and traffic generation is unlikely to present any safety or congestion issues. Improvements to footway provision is included to ensure safe access to Sketty district centre. Therefore the proposal is considered acceptable in highway terms subject to appropriately worded conditions.

Planning Policy Wales 2014 promotes sustainable higher dense forms of development such as this which are situated along main traffic routes and close to community facilities. The site is situated along the main bus route to Swansea and is within close proximity to Sketty local shopping centre and as such the future residents would not be overly reliant on private car as a method of transport and is in a highly sustainable location.

### Ecology

Having consulted the Councils Ecologist it is considered that sufficient information has been submitted by the applicant to satisfy the Local Planning Authority. As such there are no objections from an ecology perspective subject to informatives.

### Archaeology

Having consulted the Glamorgan Gwent Archaeological Trust it is acknowledged that the proposed work has been subject to an archaeological desk based assessment provided by CGMS (ref RB/PB/17664, July 2014). Whilst this report suggests that there is low potential for buried archaeological resource of any period on the site and that further archaeological mitigation measures are unnecessary, Glamorgan Gwent Archaeological Trust has confirmed that the structures on the site have been extant from before 1879. It is known that at least one of these structures is built in the Arts and Crafts style and therefore may be of local significance. There are also outbuildings associated with the dwellings on the site that provide us with an opportunity to record a suite of functional buildings that will be lost to us once the development starts.

There is no objection from Glamorgan Gwent Archaeological Trust to the positive determination of the current application, but they have confirmed that they would want a condition attached to any consent requiring a record of these buildings be made. Therefore it is recommend that a condition should be attached to any planning consent requiring a photographic record of the standing buildings on the site, including the two dwellings (no 81 and 89 Gower Road) and the coach house should be made prior to demolition. This will ensure the buildings' preservation by record to mitigate the negative impact of the development.

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### Drainage

The application proposes the use of mains drainage. Policy EV33 of the UDP suggests that planning permission will only be granted where development can be served by the public mains sewer. Dwr Cymru/ Welsh Water have been consulted and they have not objected in terms of connecting to the sewer.

Concern has been raised by a number of residents with regard surface water issues in the area. Rainfall will remain unaffected by this development, so the only effect will be to introduce impermeable surfaces like roofs, footpaths and drives which will prevent rain soaking into the ground where it falls. Drives, paths and footways will be conditioned to be permeable which will allow the rain to soak away locally and an informative added suggested the use of further Sustainable Urban Drainage Systems.

Consultation with Natural Resource Wales was not deemed necessary in this instance with regard the proposed development.

### Response to Consultations

Notwithstanding the above a number of individual letters of response and a petition of objection were received which raised concerns in respect of the highway safety, ecology, trees, congestion, contrary to policies, parking and overdevelopment. The issues pertaining to which have been addressed above.

In addition to this concern was raised in respect of additional noise being generated from the site. A development would obviously generate some additional noise during construction, however this is a temporary inconvenience associated with development. The long term noise implications of the site would be minimal and any noise nuisance would be covered under environmental health legislation.

Concern was raised with respect the consultation process, however our records indicate all adjoining residents and previous objectors have been individually consulted a number of times and in addition to this a site notice has also been erected on site on two separate occasions and advertised in the press as major development. Therefore the Council has more than complied with its requirements under the General Development Procedure Order 1995.

In addition to this, concern has been raised that the Local Planning Authority own part of the site and that there is a conflict of interest. The Local Authority owns a lot of land within the City and County of Swansea, however as with all applications considered it has been undertaken in a fair, open and transparent manner and therefore this is not considered material to the consideration of this application.

Concern has been raised that a concurrent application for advertisement has already been granted planning permission, however this statement is untrue. Planning application Ref: 2015/0402 is still under consideration by this Authority and is pending the decision made by the Local Planning Authority making its decision. Therefore there is no basis of the comment that the Council have pre-judged this current application currently before members.

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Further concern has been raised with respect boundary treatment and what will be put back, this will be ensured via an appropriate condition. Issues relating to land ownership are a civil matter and not material to the consideration of this application. If consent is granted a Party Wall Informative is considered appropriate to attach to any permission.

### Conclusion

Therefore it is considered that this amended scheme has addressed the concerns raised by the Local Planning Authority and the applicant has now demonstrated to the satisfaction of the Local Planning Authority that the re-development of this site subject to conditions would have an acceptable impact upon the visual amenities of the area and the character and appearance of the street-scene, the residential amenities of the neighbouring properties, highway safety, ecology, adjacent trees, drainage and the archaeology of the site. As such the application is considered to comply with the provisions of Policies EV1, EV2, EV3, EV40, EV33, EV35, HC2, HC3, HC17, AS1, AS2 and AS6 of the Swansea UDP and the Supplementary Planning Guidance documents entitled Residential Design Guide and Swansea Parking Standards and as such is recommended for approval.

### **RECOMMENDATION**

**APPROVE, subject to the following conditions and to the developer entering into a Section 106 Obligation in respect of £425,000 off site contribution for affordable housing and a S106 management and monitoring fee equating to 20% of the planning application fee:**

- 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 Before the development hereby approved is occupied 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.  
Reason: In the interests of visual amenity and general amenity.
- 3 No development or other operations shall take place except in accordance with the guide on "The Protection of Trees on Development Sites" attached to this planning permission. No trees, shrubs, or hedges shall be felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority until two years after the completion of the development. Any trees, shrubs or hedges removed without such authorisation, or dying, or being seriously damaged or diseased before the end of that period shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.  
Reason: To secure the protection of trees growing on the site whilst the development is being carried out.

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- 4 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 5 The development shall be carried out in accordance with the following approved plans and documents: [SW-2007-03-AC-66-\* - Proposed Demolition Plan received 30th Jan 2015, SW-2007-03-AC-001-B - Amended Site Location Plan received 8th June 2015, SW-2007-03-AC-027-H - Amended Lower Ground and Ground Floor Plan, SW-2007-03-AC-029-F - Amended First, Second and Roof Plans, SW-2007-03-AC-035-D - Amended Elevations 01 (B&W), SW-2007-03-AC-037-D - Amended Elevations 01 (Presentation) received 24th June 2015, 50807-07 REV F - Amended Drainage Plan received 24th September 2015 and SW-2007-03-AC-026 Rev F - Amended Site Location Plan, SW-2007-03-AC-036 Rev D - Amended Elevations 02 (B&W), SW-2007-03-AC-038 Rev D - Amended Elevations 02 (Presentation), SW-2007-03-AC-039 Rev D - Amended Site Sections 01, SW-2007-03-AC-040 Rev C - Amended Site Sections 02 received 28th September 2015].

Reason: To define the extent of the permission granted.

- 6 No development shall take place without the prior written approval of the Local Planning Authority of a scheme for the landscaping of the site. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

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

- 7 No demolition shall commence until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and agreed in writing by the Local Planning Authority. The resulting photographs should be deposited with the adopted Rhondda Cynon Taff Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: 01792655208).

Reason: As the building is of historic and cultural significance the specified records are required to mitigate the impact of the development.

- 8 The fenestration to be installed for all room types shall have a sound insulation value .Rw 31dB and no window frame trickle vents shall be installed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the future occupants exposure to external noise is reduced.

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- 9 If, during the course of development, contamination not previously identified within the ground investigation report is found to be present no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

- 10 Prior to the commencement of demolition of the existing properties an Asbestos Survey shall be carried out by a suitably qualified contractor, details of which shall be submitted to and agreed in writing by the Local Planning Authority. The demolition shall be carried out in strict accordance with these agreed details.

Reason: To ensure harmful materials are properly disposed of in the interest of environmental health.

- 11 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 development shall be undertaken in strict accordance with the agreed details. 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
- 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

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

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- 12 Notwithstanding the submitted plans, further details of the proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the development being brought into beneficial use. The agreed lighting shall be implemented in strict accordance with these agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV30, E40, EV33, EV35, HC2, HC3, HC17, AS1, AS6)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.  
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 5 Conditions Foul water and surface water discharges shall be drained separately from the site. Reason: To protect the integrity of the public sewerage system. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system. Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- Continued -

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No development 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. Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system. Advisory Notes If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652. Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW. On the 1st October 2012 the Welsh Government introduced the Welsh Ministers Standards and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com) Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)

### SEWAGE TREATMENT

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

### WATER SUPPLY

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

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)



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### 6 Construction Noise

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

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

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

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

### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

### 3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice.

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

### 4 Lighting

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

### o Air Quality

The location of the residential exposure is a suitable distance from the existing traffic source and so the Air Quality Objectives associated with traffic emission is unlikely to be a concern. The additional vehicles that will be a part of the proposed development is unlikely to have an effect on the air quality in the area.

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ITEM 6 (CONT'D)

APPLICATION NO.

2015/0217

**PLANS**

001 rev A site location plan, 002 existing site layout plan, 026 rev A proposed site layout plan, 027 rev B lower ground & ground floor plans, 029 rev A 1st, 2nd & roof plans, 035 rev A elevations 01, 036 rev A elevations 02, 037 rev A elevations 01, 038 rev A elevations 02, 039 rev A site sections, 058 existing elevations - 81 Gower Road, 065 existing elevations - 89 Gower Road, 066 proposed demolition plan, 068 site signage, 069 rev A proposed perspective, SW-1191-03-DE-001 drainage layout, site survey, 8475/01 rev A tree constraints plan, SW-2007-03-LA-002 landscape strategy plan, 034.0056.102 visibility splays, 034.0056.103 refuse tracking, 034.0056.104 proposed footway received 30th January 2014

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ITEM 7

APPLICATION NO.

2013/1522

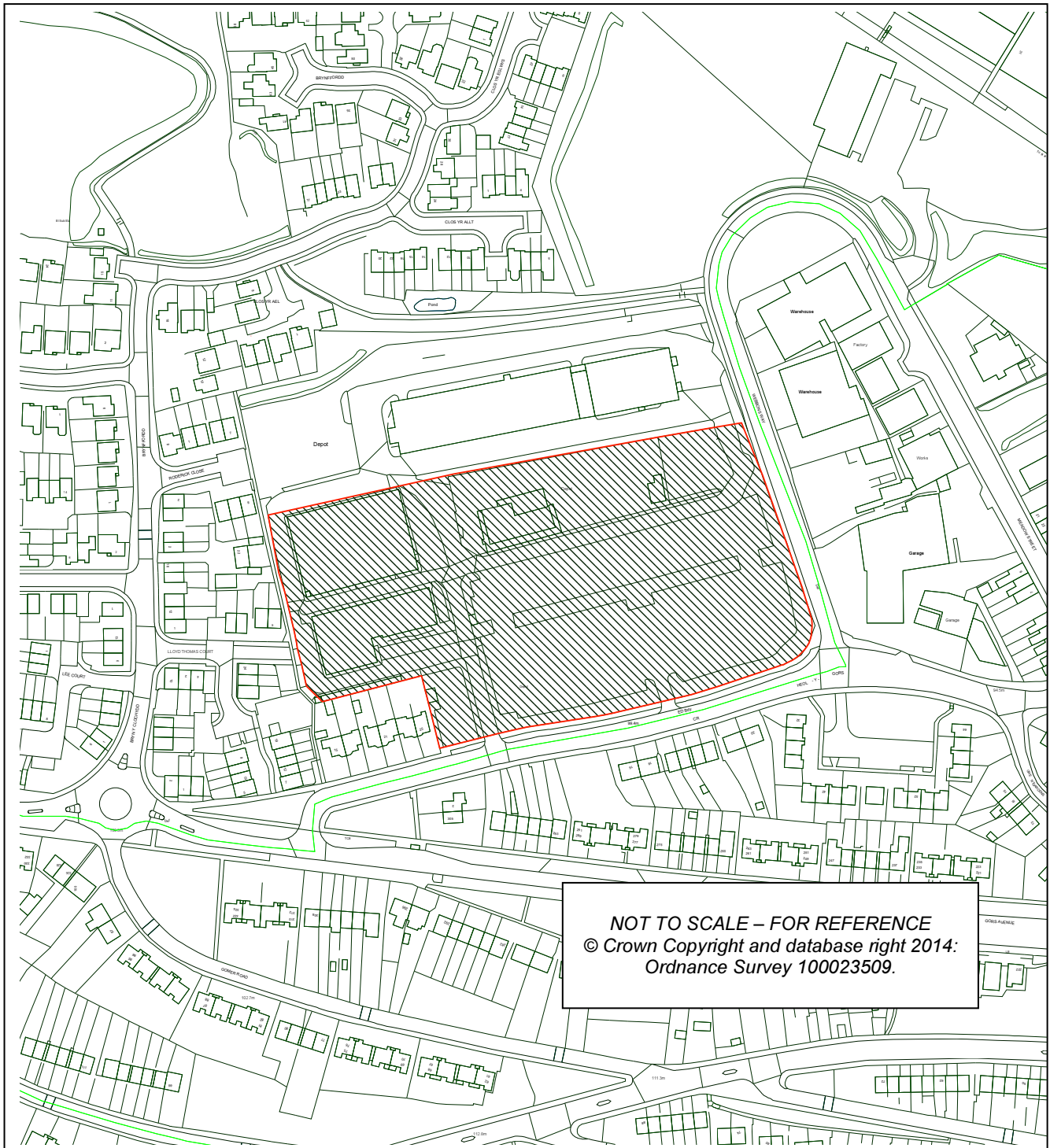
WARD:

Cockett

**Location:** Swansea Gors TEC site Heol y Gors Cockett Swansea SA1 6SB

**Proposal:** Residential development for up to 73 dwellings (outline)

**Applicant:** c/o agent



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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location 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 EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy EV39	Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

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Policy HC17      The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

Policy HC3      Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

<b>App No.</b>	<b>Proposal</b>
2009/0236	Single storey side extension Decision: Grant Permission Conditional Decision Date: 30/03/2009
2013/1832	External alterations to block 4 building, new pallisade perimeter fencing, 12 8m high floodlight columns, compound, new access and automated entrance gates Decision: Grant Permission Conditional Decision Date: 13/05/2014
84/0343/03	ERECTION OF SECURITY FENCING (PAGODA PALISADE). Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 26/04/1984
79/0582/03	TEMPORARY OFFICE ACCOMMODATION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 28/06/1979
79/1410/04	RENEWAL OF TEMPORARY PERMISSION TO USE A BUILDING TO HOUSE PERSONNEL ASSEMBLING FURNITURE Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 29/11/1979
2014/1147	External alterations to block 4 building, new pallisade perimeter fencing, 12 8m high floodlight columns, 21 1m high lighting, compound, new access and automated entrance gates (amendment to planning permission 2013/1832 granted 13th May 2014) (additional floodlight information received) Decision: Grant Permission Conditional Decision Date: 30/10/2014

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### RESPONSE TO CONSULTATIONS

**Neighbours:** The application was advertised on site in the form of a site notice and in the press as development which in the view of the City and County of Swansea may have a substantial impact on the amenity of the area. In addition to this all neighbouring properties were individually consulted. One letter of objection was received which is summarised below:

1. Conflict between the new residential development and the retained BT Depot.
2. Noise and disturbance.
3. Proposal is in conflict with the adopted Development Plan Policy.
4. New access does not have a right of way over Webbons Way.
5. Without access onto Webbons Way this proposed application would not be deliverable.
6. The current applications for this site and the depot to the north (2013/1832) should not be considered in isolation.
7. LPA should resolve ownership issue prior to the determination of the applications to ensure implementation is possible.
8. BT should engage with owner of Webbons Way.
9. Proposal may not go forward as part of LDP as Inspector may decide it is not deliverable due to owner objection.

**Education:** The catchment area for this development is Gors and the catchment schools are:

English Medium Primary	Gors Primary
English Medium Secondary	Dylan Thomas Comprehensive
Welsh Medium Primary	YGG Y Login Fach
Welsh Medium Secondary	YG Y Gwyr

The development will generate, in accordance with the agreed Supplementary Planning Guidance (SPG) policy, the following pupils with the associated cost:

Primary: 22.63 (£234,718)                      Secondary: 16.06 (£254,519)

#### Rationale

##### Primary:

There is sufficient surplus capacity at Gors Primary School, the English medium primary school to accommodate additional pupils. In January 2013, the surplus capacity stood figure stood at 146, with the forecasted figures for September 2019 showing a reduction to 73.

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However, there is concern over the condition of the school as Gors Primary was formerly 2 schools (Infant and Junior) and does not meet the aspirations of 21st Century Schools.

There is no capacity for growth in the Welsh Medium Primary schools, namely YGG Y Login Fach in this instance. In January 2013, YGG Y Login Fach had a surplus pupil capacity of 11. Furthermore, the estimated figures for September 2019 show the Welsh Medium school being reduced to a surplus capacity of only 3.

In order to accommodate any pupils from this development, the Welsh Primary school will require a developer's contribution for new build and the full figure generated for primary schools i.e. £234,718 in this instance.

### Secondary:

Whilst the development will generate 16.06 secondary pupils there will be a request for a specific contribution towards secondary provision at this time as there will not be sufficient capacity within either the English or the Welsh medium catchment schools.

1. Dylan Thomas Comprehensive, in January 2013 has currently a surplus capacity of 81 places, with an estimated figure for September 2019 of being 56.
2. All of the secondary schools in the west of Swansea are currently under review as part of the ongoing Secondary Stakeholder Forum. There is no surplus capacity at the school and has no scope to extend.

However, although the Welsh medium secondary school, YG Y Gwyr, in January 2013 had a surplus capacity of 199, the projection figure for September 2019 showed an over capacity of 168. It must be remembered that this site also has a number of temporary demountable buildings (i.e. two double classrooms), and on this basis this temporary accommodation can be removed for purpose of calculations which would then put Y Gwyr even more over capacity and at an earlier date.

(Please see table below).

In order to accommodate any pupils from this development, the Welsh Medium secondary school element, will require a developer's contribution for new build and this would mean claiming the full figure generated for secondary schools i.e. £254,519 in this instance.

One has to bear in mind that there is a number of other proposed developments for the area which are still under consideration by Planning and the results of these would further exasperate the situation. The construction timeline of this proposed new development would also, of course, have to be taken into consideration.

However, there are also other Planning Applications which have already been agreed, and some currently still under consideration, by Planning which would have an effect on the Secondary Welsh Medium catchment school involved here, and on the pupil numbers being then even more over capacity than those stated in the table above.

### Conclusion

Within the Welsh Medium sector, currently both YGG Y Login Fach and YG Y Gwyr are full and any extra housing within their catchment area will result in additional demand for places.

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N. B. Should any further sites be submitted for Planning consideration for proposed development in the area then we would, of course, want to reconsider the accumulative effect on this particular application alongside any new ones received in the near future.

In summary, in order to accommodate any pupils from this development The Authority would seek a Developer's contribution of £234,718 plus inflation for Welsh Medium Primary school enhancements at YGG Y Login Fach and would also be seeking the full £254,519 plus inflation for Secondary School enhancements at YG Y Gwyr.

The Education Department would welcome feedback on this initial request and a follow up meeting to clarify any issues you may have.

**Coal Authority:** The Coal Authority Response: Fundamental Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically one mine entry, actual shallow coal workings, coal outcrops.

The Coal Authority objects to this planning application, as a Coal Mining Risk Assessment Report has not been submitted as part of the application.

It is a requirement of Planning Policy Wales, paragraph 13.9 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

**Drainage and Coastal Management:** We have reviewed the application and the Drainage Strategy contained therein carried out by Waterman Transport and Development Ltd, dated August 2013, Rev 2 which we find acceptable. Based on the information submitted we recommend conditions are appended to any permissions given.

**Dwr Cymru/Welsh Water:** No objection subject to conditions and informatives.

**Parks Department:** With regard to the above mentioned Planning Application, having looked at the attached site plans of the proposed development, I wish to make you aware of the following observations which I wish to be taken into consideration by the Parks Service which are as follows:

- A 20 year commuted sum will be required from the developer for any future maintenance of POS carried out by The Parks Service.
- The provision of an appropriate planting schedule which will list the proposed species of trees and shrubs to be planted prior to approval where we can determine any maintenance or safety implications involved.
- Areas of POS to be in an acceptable and maintainable condition prior to adoption for future maintenance and to be accepted only upon whole completion of the development and not in phasing.



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- Provision of a copy of an up to date Tree Survey of existing trees which are to be retained and which will be included on any areas of POS within the development prior to any adoption for future maintenance.
- The future responsibility of the existing trees on the development which have been identified as being retained.
- If these existing trees have TPO's on them will they be included in the private gardens of the development or will the individual garden fence lines be erected to exclude the trees? If any of these trees remain outside of the private gardens will there still be access to the trees for inspections or to carry out work depending on the ownership of the land on which they will remain?
- Confirmation required for the future maintenance liability and responsibilities of any boundary walls and fences adjoining POS.
- The Parks Service would not be in a position to adopt the POS if the roads were to remain in private ownership and only upon adoption by the highway authority.

**Crime Prevention Officer:** Following comments:

(i).Site layout.

Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked and well used. They should not undermine the defensible space of neighbourhoods. Design features can help to identify the acceptable routes through a development, thereby encouraging their use, and in doing so enhance the feeling of safety. Routes must be lit.

Routes for pedestrians, cyclists and vehicles should not be segregated from one another. Networks of separate footpaths to unsupervised areas facilitate crime and anti-social behaviour and should be avoided.

Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.

I have concerns in relation to the paths that run at the rear of plots 1-9 and 33-34. Also in relation to the proposed paths between the properties at plots 2 and 3, 43 and 44. In my opinion these paths must be designed out or they will result in crime/anti social behaviour occurring.

Entry onto the estate must also be restricted to the designated routes

(ii).Lighting.

Lighting on the estate must meet the British Standard 5489.

(iii).Boundary identification.

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Defensible space using symbolic barriers e.g. change of surface colour or texture, should be built into the design to encourage a feeling of territoriality amongst users especially at the entrances to the development.

There should be a symbolic feature or change of surface, i.e. colour or texture at the entrance to the estate and to identify public areas from private or semi private areas e.g. the footpaths from the driveways/front gardens.

Preferably front boundaries would be identified by a low wall and gates.

(iv).Landscaping and planting.

There should be clear lines of sight across the development.

Trees should be bare stemmed up to 2 metres from the ground and not interfere with lighting. They must not be located to provide an assist for criminals to climb over walls. Plants or bushes should only grow to a maximum height of 1 metre.

There should be clear unobstructed views of the parking bays from the properties.

(v).Side and rear boundaries.

Robust fencing or walls at least 1.8 metres high (2 metres high if they back onto a rear lane or open land) must protect the rear and sides of the properties. Gates must be robustly constructed, be the same height as the adjacent fencing and be lockable. Gates, fencing and walls must be designed to be difficult to climb over.

Gates preventing access to the sides and rear of the properties must be sited as near to the front building line of the properties as possible.

There must be nothing adjacent to walls or fencing to assist criminals in climbing over them.

Unlawful access to the rear of all properties must be prevented/made difficult.

(vi).Vehicle parking bays.

Parking bays and the driveways must be overlooked by rooms in the properties that are usually occupied i.e. living rooms. This is especially important where there is side parking.

Parking bays and the driveways to the garages must be well illuminated and there must be no obstruction and clear lines of sight from rooms overlooking the parking bays.

(vii).Garden sheds.

Garden sheds must be sited away from the rear and side fencing/walls to prevent assisting people in climbing over them.

(viii).Bin security.

Bins must be kept in secure areas e.g. the rear gardens.

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(ix).Security lighting.

Security lighting must be installed controlled by PIR detectors, photo electric cells or time switches. They must protect the rears and sides of the houses, the parking bays and the driveways to the garages.

Callers at the front doors of the properties must be lit during the hours of darkness by appropriate lighting.

(x).Drainpipes.

If the drainpipes are not within the fabric of the buildings or behind locked gates, they should be designed so that they do not offer an assist to climbing.

(xi).Public utilities.

Meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.

(xii).Blank walls.

Windowless elevations or blank walls adjacent to space to which the public have access, should be avoided and provide at least one window to a habitable room wherever possible. Where blank flanking walls are unavoidable, a 1 metre 'buffer zone' should be created.

(xiii).Door security.

All external doors to the individual properties should meet the SBD standard PAS 24 2012 or equivalent.

Wooden doors must have mortice locks fitted (up to the British Standard 3621) two thirds of the way down the individual doors. The front door in addition to the British Standard mortice lock must have a British Standard rim lock fitted a third of the way down the door. Rear doors, in addition to the mortice locks, must have mortice bolts fitted 6 inches from the top and bottom of each door.

UPVC doors must be multi point locking.

Glass in door panels or adjacent to door panels must be laminated.

Doors in recesses of more than 600mm must be avoided.

The letter plate apertures must be no larger than 260mm x 40mm and be located at least 400mm away from any locks to stop access to the lock operating system through the aperture. An internal deflector must be fitted over the letter plate to restrict access to the locking mechanism and to prevent letter plate burglary.

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(xiv).Window security.

All vulnerable windows fitted, i.e. ground floor windows, should meet the SBD Standard i.e. PAS 24 2012 or equivalent. They should have laminated glass and also key operated window locks fitted.

(xv).Intruder alarm system.

A 13 amp fused spur should be installed in each individual property. Ideally all properties would have an intruder alarm fitted up to the relevant British Standard.

(xvi).Identification of properties.

The individual properties must be clearly identifiable with numbers clearly displayed.

(xvii).Garage.

The external garage doors should meet the standards specified by SBD i.e. LPS1175 SR1 or PAS 24 2012.

There should be no windows installed in the garages.

The driveways to the garages must be protected by security lighting.

Consideration should be given to alarming the garages the alarm being linked to the house alarms if fitted.

**Pollution Control:** No objection subject to conditions.

**National Resource Wales:** We would have no objection to the proposed development, but would like to make the following comments.

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 acknowledge from the Drainage Strategy Report (Waterman Transport & Development Ltd, dated August 2013) that Dwr Cymru Welsh Water (DCWW) have confirmed there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution. We would therefore have no further comment to make in this regard.

In terms of surface water drainage, we are pleased to note that the preferred option is infiltration to ground by means of soakaway. However the drainage report advises that ground information on the suitability of soakaways/other on-site infiltration is not yet available.

The use of soakaways/infiltration to ground would be our preferred option for surface water drainage from the site and we are therefore fully supportive of the approach taken within the drainage report. As such, we would encourage the applicant to explore the suitability of the ground for soakaways, as recommended in the drainage strategy.

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We would also recommend that the use of infiltration drainage is enhanced by the implementation of additional sustainable drainage techniques (SUDS) for example, rainwater harvesting, waterbutts, grassed swales etc.

We note that the drainage report has also looked at the feasibility of discharging surface water to the Burlais Brook culvert. This has been considered as an option should infiltration to ground not be possible. As there are recorded incidents of flooding on the Burlais Brook, any surface water discharge would need to be attenuated and discharged at an agreed rate by your Authority's Drainage Engineers.

As the means of surface water drainage has not yet been established, we would recommend that the following condition is included on any permission granted.

**CONDITION:** No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority.

**REASON:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Whatever regulation method is adopted, it is essential that the developer enters a suitable long term legal agreement to ensure satisfactory long term maintenance and future renewal.

Furthermore, whatever surface water management system is eventually implemented, this must be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change. We do acknowledge that the Drainage Report has considered this requirement as part of their consideration of discharge to the Burlais Brook.

#### Contaminated Land

This site is considered brownfield land and it is possible that historic uses may have led to contamination. No information has been submitted with the application on any potentially contaminative uses and any impact this may have on sensitive receptors.

Your Authority may wish to consider including a full suite of land contamination conditions on any permission. However as a minimum, we would ask that the following condition is included.

**CONDITION:** If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

**REASON:** To prevent pollution of controlled waters.

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Please note that with regard to land contamination, we only consider issues relating to controlled waters. You are advised to consult with your Authority's Public Health Department for advice in relation to other receptors such as human health.

### Pollution Prevention

Construction and demolition activities can give rise to pollution. It is therefore important that appropriate provisions are made for dealing with dust pollutions, surface water management and waste storage during the construction phase.

We consider there to be a particular risk of causing pollution to the local ditches and watercourses during the demolition and construction phases, unless appropriate pollution prevention measures are in place. We would therefore recommend that a detailed construction management plan (CMP) is produced and submitted as part of the application. In particular, we would be seeking details on what measures are in place to reduce the risk of contaminated surface run-off from entering and pollution controlled waters. We would therefore recommend that the following condition is included on any permission granted.

**CONDITION:** No development approved by this permission shall be commenced until a Construction Management Plan (CMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The Method Statement shall identify as a minimum;

**REASON:** Prevention of pollution to controlled waters and the wider environment.

As a minimum we recommend the plan should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will actually be protected from site run off.
- How the water quality of the watercourses will be monitored and recorded.
- What the construction company intends to do with surface water runoff from the site 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.
- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks, offices etc
- measures for dealing with dust
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

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### Waste Management

Given the nature and scale of this development, and as demolition works are included, 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. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such, we would recommend an appropriately worded condition is included on any permission granted. The following condition is suggested, but could be amended as you see fit.

**CONDITION:** No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.

**REASON:** To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website; [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

We recommend that developers should refer to the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) for further information and guidance. This can be found from the Environment Agency website at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Any waste materials transported off site must be done so by a registered waste carrier and disposed of at an appropriately licensed facility.

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### Ecology and Protected Species

With regard to the ecology of the site, and protected species found there, we welcome the submission of the survey report 'Swansea Gors TEC – Ecology: Extended Phase 1 Habitat Survey' (WYG Environment, 2013). We support the recommendations for mitigation and enhancement made in the report and advise that, where appropriate, these commitments are secured by condition on any permission your authority may issue.

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

We trust the above comments will be helpful and will assist your Authority in the determination of the application.

**FOLLOWING CONCERNS RAISED BY THE COAL AUTHORITY AND THE COUNCILS URBAN DESIGN SECTION, AMENDED PLANS AND ADDITIONAL INFORMATION WAS REQUESTED FROM THE APPLICANT. THIS ADDITIONAL INFORMATION WAS ADVERTISED ON SITE IN THE FORM OF A SITE NOTICE AND ALL PREVIOUS CONSULTEES WERE RECONSULTED. THE FOLLOWING RESPONSES WERE RECEIVED:**

**Coal Authority:** Comments as follows:

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works, to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales, paragraph 13.9, in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above condition.



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**Highways:** Comments as follows:

### 1 Background

1.1 This proposal is for the redevelopment of part of the BT site at Heol y Gors. The application is in outline for up to 73 dwellings with access from Heol y Gors as currently. The rear part of the site being retained by BT will be accessed from Webbons Way and this aspect is subject of a separate application.

1.2 Whilst the development does not qualify for requiring a full transport assessment in terms of the number of dwellings (less than 100), due to traffic sensitivities in the area, an assessment has been submitted in support of the proposal.

### 2 Traffic Generation Impact

2.1 The transport assessment has quantified the likely traffic generation of the development as 39 two-way movements in the am peak (8-9) and 44 two-way movements in the pm peak (5-6). When compared to existing movements at the site generated by its current use the actual difference in traffic movements is calculated at 13 fewer two-way movements in the am peak and 8 more two-way movements in the pm peak.

2.2 Distribution of traffic movements to and from the site has been assigned in accordance with existing traffic movements in the vicinity. The impact at the traffic signals on Gors Avenue/Cocket Road indicates less than 0.5% impact. This level of impact is not significant and therefore will not adversely affect the efficiency of the traffic signal junction.

### 3 Accessibility

3.1 There is a small selection of shops within 400m walking distance of the site on Heol y Gors. This includes a newsagents and small supermarket. Footways are generally present on both sides of the road in the area and pedestrians therefore are catered for.

3.2 There is a 10-15 min frequency bus service along Heol y Gors which is well within the recommended 400m walking distance. Access to the site for bus use therefore is acceptable.

3.3 There are no dedicated cycle facilities in the immediate vicinity of the site. Cyclists therefore would be required to use on road facilities as is the case for existing adjacent residents.

### 4 Site Layout

4.1 As the application is in outline form, an indicative layout has been submitted for illustration purposes only. This shows how 73 units might be accommodated on the site. The layout is generally to a traditional standard with carriageway and footways both sides of the road.

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4.2 Some elements of the layout may not be suitable for adoption due to the layout and materials being proposed. This aspect is normally fine-tuned at the S38 adoption stage.

5 Conclusions and Recommendation

5.1 The assessment of traffic impact indicates that no adverse affect will result on the surrounding highway network and I am satisfied that the traffic generation can be adequately accommodated.

5.2 I recommend no highway objection subject to the following;

i. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway,

ii. No dwelling shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reasons:- To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

iii. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

iv. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

Informative:

Management and Maintenance of Estate Streets - Note

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

Submission of Details - Adoptable Streets - Note

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition X of this consent.

### **FURTHER VIABILITY APPRAISAL INFORMATION WAS SUBMITTED BY THE APPLICANT AND THE FOLLOWING RESPONSES WERE RECEIVED:**

It is noted that Education originally requested in November 2013 a Developer's Contribution of £234,718 for YGG Y Login Fach and £254,519 for YG Y Gwyr. I understand this Education contribution was reduced to £75K between the two schools, namely YGG Y Login Fach (£35,982) and YG Y Gwyr (£39,018) in a recommendation approved at the Planning Committee Stage on 22nd December 2014; but a decision which was later contested by the applicant.

As YGG Y Login Fach is already facing accommodation pressures, a request has been made for this £75K to be awarded in total to YGG Y Login Fach as our preference for this application, in this instance. It has to be noted that the capacity figures for this school as at January 2015 were down to 8 unfilled places, with the estimated figures for January 2022 showing - 29, i.e. being well over capacity, and a definite need for additional spaces/improved facilities on site, especially bearing in mind the possible further number of pupils to be generated from this new development i.e. 22.63 Primary pupils (and 16.06 Secondary pupils) – as per SPG calculations.

As previously discussed, the site will have an impact on all provisions of education in the area, but we understand the position regarding the viability of the site and do not wish to jeopardise the site being developed as it is included in the UDP and LDP.

At this stage we therefore feel we have no option but to accept the £35K Section 106 Developer's Contribution being offered for YGG Y Login Fach.

### **APPRAISAL**

#### Description

Outline planning permission is sought for the construction of up to 73 dwellings at the site of the Swansea Gors TEC site, Heol Y Gors, Swansea.

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Access is to be considered as part of this application with all other matters reserved for further consideration, however an indicative layout including plot positions and landscaping has been submitted in support of this application.

The site comprises of the former Swansea Gors Telephone Engineering Centre (TEC) site in Cockett which is a 2.14 ha area of land lying on the northern side of Heol y Gors which forms the site frontage. To the west the site abuts Webbons Way, whilst to the east it abuts the rear of existing housing development accessed off Bryn y Clochydd. To the north the site abuts a further development site comprising of the former Motor Transport Workshop (MTW) property, also under the applicant's ownership and which may form an extension to the current development at a later date. A single site access is provided from Heol y Gors. The site frontage along Heol y Gors and the southern half of the western boundary fronting onto Webbons Way incorporate a continuous planting screen comprising of both hedgerows and trees. The site also includes some green areas and existing trees within its interior.

The site is currently allocated for housing under the extant Swansea Unitary Development Plan. Planning permission has recently been granted under Ref: 2014/1147 for external alterations to block 4 building, new pallisade perimeter fencing, 12 8m high floodlight columns, 21 1m high lighting, compound, new access and automated entrance gates (amendment to planning permission 2013/1832 granted 13th May 2014) at the site to the north of this application site which will enable the existing BT operation to continue and enable the disposal of the larger southern part of the existing site for residential development.

The illustrative layout indicates that the proposal will have a mix of 30 two bed, 26 three bed and 17 four bed properties which will take up the form of a mixture of semi-detached, terraced and detached dwellings.

### Main Issues

The main issues for consideration during the determination of this application relates to the principle of residential development at this location, the visual impact of the proposal upon the area and the wider street-scene, the impact of the proposal upon the residential amenities of the neighbouring occupiers, highway safety, Section 106 contributions, ecology of the site, drainage issues and land stability having regard for National and Local Planning Policies and the Supplementary Planning Guidance documents entitled 'Planning Obligations', 'City and County of Swansea Parking Standards' and 'Residential Design Guide'. It is not considered that the provisions of the Human Rights Act raise any additional issues.

### Principle of Development

The site is a brownfield site which is situated within the urban area of Cockett. The site is situated within the North, East and Central Housing Zone which supports the reintroduction of residential units into the central area of the City. The site is an allocated housing site under the provisions of Policy HC1(31) of the Swansea Unitary Development Plan and as such the principle of residential development at this brownfield site is acceptable.

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Whilst it is acknowledged that BT is seeking to retain a small part of the northern element of the site in order to continue operating in the short term the approval of this application will not result in this northern part of the site becoming isolated and incapable of being developed in the future. The redevelopment of the site will create valuable employment into the area during the construction period and also the provision of much needed homes. As such Policy HC1 of the UDP in principle allows for the release of this land for residential development, however a successful scheme will also have to address other policies within the Unitary Development Plan.

Development will be required to be appropriate to its location and will only be approved where it meets the criteria set out in Policies EV1, EV2, EV3, EV33, EV35, EV38, EV39 and HC17 of the UDP. These policies seek to ensure that new developments not only follow set objectives of good design and quality but ensure that it is appropriate to its local context and does not have an adverse impact on the landscape and heritage of the area.

Given the site is an allocated housing site in land use terms it is acceptable in principle for residential development. However it is essential that any scheme should seek to respect the character and appearance of the area in terms of siting, scale, design and materials.

### Planning Obligations

The developer originally agreed to the following Section 106 Contributions associated with the proposed development:

- 20% affordable housing at 70%ACG.
- £75,000 Education Contribution and
- £8,786 Open Space Contribution

The applicant in the meantime has marketed the site and conducted a Geotechnical Report which concluded that substantial capping and grouting would be required on part of the application site.

The applicant has therefore contended that the Section 106 requirements identified above are too onerous and would render the scheme unviable. To support this, the applicant submitted a number of financial viability appraisals in line with the requirements of the Supplementary Planning Guidance document entitled 'Section 106 Contributions'.

The applicant wishes consent to be granted in order to dispose of the land to a house builder. The land is currently in industrial use and therefore there is a balance to be struck for the applicant in terms of either releasing this land for much needed residential development or retaining it for employment uses. The Local Planning Authority acknowledge that there are development costs associated with the release of land for residential development which in this instance include the relocation of BT assets, historic coal mining activity, land contamination and general land clearance costs (in excess of £650,000).

The site is located within the Swansea North, East and Central Strategic Housing Policy Zone and as such Policy HC3 of the Swansea UDP requires housing development on sites for 25 or more dwellings or sites in excess of 1ha to include negotiations for the inclusion of affordable housing.

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The Local Planning Authority would not wish to see this allocated brownfield site undeveloped particularly given that the existing housing land supply within the Authority is below the required 5 years, however, this must be balanced against UDP policy requirement which seek to deliver affordable housing and other Section 106 contributions to mitigate the impact of the development.

As stated above, the applicant has provided a number of viability appraisals and whilst the Local Planning Authority would query some of its assumptions, it is acknowledged that there are some substantial costs associated with the release of this land for development.

Furthermore it must also be recognised that the development has to be viable in financial terms for the landowner to release this land for development given that it has an existing land use value.

The applicant has submitted a viability appraisal with a 15% reduction in construction costs at approximately 746m<sup>2</sup> which is substantially below the BCIS average construction costs. This provides a residual land value of £302,300 which is substantially below the existing land value (approx. £500k). On this basis it is considered that the site is not viable and in accordance with the provisions of the Council's adopted Supplementary Planning Guidance entitled "Planning Obligation" published in March 2010 it is not considered that the provision of affordable housing on this site could be justified in this instance.

UDP Policy HC17 – Planning Obligations requires the Local Planning Authority 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. The policy goes on to say that provisions should be fairly and reasonably related in scale and kind to the individual development. Whilst the proposal does not require any highway improvements the proposal will generate a requirement for education provision. Using the above referenced Supplementary Planning Guidance this scheme would generate approximately 22.63 primary school places (£234,718) and 16.06 secondary school places (£254,519). In this respect this development is within the catchment area for Gors Primary (English Primary), Dylan Thomas Community (English Secondary), Login Fach (Welsh Primary) and Ysgol Gyfn Gwyr (Welsh Secondary). Both the English schools have significant capacity, whilst the Welsh schools have capacity issues.

Currently approximately 13% of people in Swansea speak Welsh and therefore it would be unreasonable to request the applicant to pay such large education contributions from one site. Given the % of Welsh speakers is estimated to increase to 15% it is considered that a contribution of £75,000 could potentially be required. In this instance the applicant has proposed a contribution of £35,000 towards Login Fach Welsh Primary School which has been accepted by the Education Department.

In light of this the Local Planning Authority has a decision to make as to whether it supports the redevelopment of this brownfield allocated housing site or refuses the application due to the developments unacceptable impact on Welsh Medium education. In light of the fact this proposal will bring forward an allocated housing site and result in the redevelopment of this brownfield land, on balance, it is not considered, in this instance, reasonable to refuse planning permission for the proposed development on the basis of the impact upon schools within the area.

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UDP Policy HC24 (Play Areas / Public Open Space) requires new housing developments where the level and nature of open space provision in the locality is inadequate, to: make provision for open space within or near to the development or: to contribute towards the provision or improvement of existing off-site facilities.

An appropriate area of open space is to be maintained at the entrance of the application site adjacent to Heol Y Gors, as previously referred to in this report. This open space is proposed to be managed and maintained by a private management company, which will be controlled as part of a S106 Planning Obligation.

The proposed open space provision within the application site is considered to be acceptable and complies with the provisions of Policy HC24 of the UDP.

### Visual Amenities

The proposal will involve the re-development of the southern part of the site and whilst only access is for consideration at this stage, the illustrative layout demonstrates how the site could be potentially developed. The site is considered to be of a sufficient size to accommodate up to 73 dwellings and each plot will have a similar density to other dwellings within the immediate vicinity.

Overall the proposed scheme exhibits underlying principles of good design with good definition of public and private realms, corner buildings at key locations, and dwellings which close vistas. The proposal incorporates an attractive area of public space at the entrance to the site which will be overlooked by plots 59, 60, 61 and 62. Whilst the layout information is only indicative, it is essential that Plot 62 should be a corner building which responds to both the new entrance and Heol Y Gors.

The proposal seeks to retain as much of the planting on site as possible as well as the incorporation of the existing grassed area adjacent to the retained site entrance which helps create a sense of place and an established maturity to the scheme. The approach of providing good pedestrian permeability through the site in all directions via dedicated footpaths is considered appropriate, however it is important that appropriate boundary treatment is incorporated into the detailed scheme which can be considered further at reserved matters stage. All house elevations abutting footpaths should incorporate windows to habitable rooms at both first and ground floor levels, again this can be revisited at reserved matters stage.

The informal play area is welcomed as this provides recreational space for the development. However the DAS seems to suggest that the provision of equipment is limited to one children's springer seat, a timber bench and timber bin. This provision is not considered sufficient to make meaningful use of the space which would simply become a lost opportunity. This could be addressed through condition.

The houses at the eastern boundary have an inward looking orientation with rear gardens which back onto Webbons Way. Generally inward looking development should be avoided and proposals should be integrated into the existing wider context. However given the nature of Webbons Way, which comprises of part of a loop road serving commercial industrial premises fronted by dead frontages in the form of security railings or blank walls, it is considered that the proposed approach is acceptable in this instance.

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The illustrative information indicates that the proposed properties would incorporate a ridge height of approximately 7-10m. There is a variety of designed properties within the area of differing styles and ages. Whilst no details relating to design has been submitted at this stage, it is acknowledged that the redevelopment of the site could respect the visual amenities of the area. Details relating to design and external appearance would however be considered further at reserved matters stage.

The site measures approximately 2.4 ha and the indicative scheme would have a density of just over 30 dwellings per hectare which is well within the City and County of Swansea's 30-40 dwellings per hectare target which is indicated in the Supplementary Planning Guidance Document entitled 'Residential Design Guide'. The density is considered necessary in order to fully utilise the sites accessibility potential and the provision of a large area of open space for residents will provide a high level of environmental quality for residents. In this respect a well designed scheme of this density proposed will help utilise the maximum potential of the site whilst helping conserve land resources. As such the proposal is considered to relate to the scale of adjacent residential properties. Therefore the scale of the indicative layout is considered to accord with the character of the area.

In view of the above the scheme is considered to respect the visual amenities of the area and wider street-scene in compliance with Policies EV1 and EV2 of the Swansea UDP.

### Impact upon the residential amenities of the neighbouring properties

The main issues for consideration in terms of the impact of the proposal on residential amenity will be whether the proposal has an acceptable impact on the residential amenity of the existing properties surrounding the application site and the residential amenities of the occupiers of the new properties.

No's 15, 17, 19, 21, 23 and 25 Heol Y Gors are sited to the southwest of the application site and front the main highway. The illustrative layout indicates that the proposal incorporates an area of open space towards the entrance which wraps around the side and rear area of No' 23 and 25 Heol Y Gors which will ensure the proposal will have an acceptable impact upon the residential amenities of these properties. The side gable and parking area of Plot 1 will side onto the rear gardens of No's 15, 17, 19 and 21 Heol Y Gors some 20m from the rear façade of these properties and 4m from the actual boundary. This coupled with its siting to the north will ensure this plot will not result in unacceptable overbearing or overshadowing upon the residential amenities of these properties. Overlooking will be addressed at reserved matters stage. As such the impact of the illustrative proposal upon these properties is considered acceptable.

Plots 1, 2, 3, 4, 5, 6, 7, 8 and 9 run along the western boundary of the application site. All these plots are sited in excess of 10m to the east of the boundaries with the neighbouring properties and where back to back with these properties are 21m from one another which is considered a sufficient distance in order to ensure the scheme will not result in unacceptable overbearing or overshadowing. Again overlooking can be addressed at reserved matters stage, however there is considered a sufficient distance in order to mitigate any potential harm.



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Plots 62 to 73 run parallel to Heol Y Gors fronting the highway. These properties will be sited a minimum distance of 18m from the boundaries with the existing properties opposite which is considered a sufficient distance to ensure they will not prove unacceptably overbearing, overshadowing or raise any issues relating to overlooking.

The development raises no residential amenity issues to the north or east of the application site as they are bounded in these directions by commercial uses.

The illustrative layout indicates that all proposed properties will have a minimum of 40m<sup>2</sup> useable amenity space which is in accordance with the Supplementary Planning Guidance Document entitled 'Residential Design Guide'.

Furthermore the illustrative layout indicates that where properties are sited back to back (10 backs onto 15, 16 / 11,12,13, 14 back onto 22, 23, 24, 25 / 26, 27, 28, 29 back onto 37, 38, 39 / 49, 50, 51, 52 back onto 69, 70, 71, 72 / 57, 58 back onto 63, 64) they are sited some 21m from one another which is in compliance with separation distance suggested in the Supplementary Planning Guidance Document entitled 'Residential Design Guide'.

In terms of side to rear relationships plot 7 to 10, 3 and 4 to 15, 20 to 59, 59 to 58, 62 to 63, 53 and 54 to 57, 57 and 58 to 31, 21 to 30 and 31, 32 to 53, 35 to 49 and 50, 41 and 42 to 40, 38 to 40 and 48 to 73 are all sited in excess of 12m from one another which again is in compliance with the Supplementary Planning Guidance Document entitled 'Residential Design Guide'.

As such it is considered that indicative layout demonstrates to the satisfaction of the Local Planning Authority that the site can be developed for up to 73 dwellings in a way which ensures the residential amenities of the neighbouring properties is maintained to a satisfactory level, whilst also ensuring the proposal will provide a suitable level of residential amenity for the future occupiers of the proposed dwellings. Issues relating to overlooking can be ensured further at reserved matters stage and it is considered necessary to remove some permitted development rights in order to ensure the long term amenity space of the neighbouring properties.

### Drainage

The application proposes the use of mains drainage for foul water. Policy EV33 of the UDP suggests that planning permission will only be granted where development can be served by the public mains sewer. Dwr Cymru/ Welsh Water have been consulted and they have not objected in terms of connecting to the sewer.

Consultation has taken place with the National Resource Wales and the Council's Drainage Officer and subject to conditions they have raised no objection to the proposed drainage strategy for the redevelopment of this site.

In terms of surface water drainage, the preferred option is infiltration to ground by means of soakaways. However the drainage report advises that ground information on the suitability of soakaways/other on-site infiltration is not yet available.

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The use of soakaways/infiltration to ground would be the preferred option for surface water drainage from the site and therefore the LPA is fully supportive of the approach taken within the drainage report. As such, the applicant should explore the suitability of the ground for soakaways, as recommended in the drainage strategy. The use of infiltration drainage should be enhanced by the implementation of additional sustainable drainage techniques (SUDS) for example, rainwater harvesting, waterbutts, grassed swales etc.

The drainage report has also looked at the feasibility of discharging surface water to the Burlais Brook culvert. This has been considered as an option should infiltration to ground not be possible. As there are recorded incidents of flooding on the Burlais Brook, any surface water discharge would need to be attenuated and discharged at an agreed rate by the Local Authority.

As the means of surface water drainage has not yet been established, conditions should be included on any permission granted.

### Highways

Having consulted the Head of Transportation and Engineering it is acknowledged the application is an outline submission for up to 73 dwellings with access from Heol y Gors. The rear part of the site being retained by BT will be accessed from Webbons Way and this aspect is subject of a separate application.

Whilst the development does not qualify for requiring a full transport assessment in terms of the number of dwellings (less than 100), due to traffic sensitivities in the area, an assessment has been submitted in support of the proposal.

The transport assessment has quantified the likely traffic generation of the development as 39 two-way movements in the am peak (8-9) and 44 two-way movements in the pm peak (5-6). When compared to existing movements at the site generated by its current use the actual difference in traffic movements is calculated at 13 fewer two-way movements in the am peak and 8 more two-way movements in the pm peak.

Distribution of traffic movements to and from the site has been assigned in accordance with existing traffic movements in the vicinity. The impact at the traffic signals on Gors Avenue/Cocket Road indicates less than 0.5% impact. This level of impact is not significant and therefore will not adversely affect the efficiency of the traffic signal junction.

There is a small selection of shops within 400m walking distance of the site on Heol y Gors. This includes a newsagents and small supermarket. Footways are generally present on both sides of the road in the area and pedestrians therefore are catered for.

There is a 10-15 min frequency bus service along Heol y Gors which is well within the recommended 400m walking distance. Access to the site for bus use therefore is acceptable.

There are no dedicated cycle facilities in the immediate vicinity of the site. Cyclists therefore would be required to use on road facilities as is the case for existing adjacent residents.

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As the application is in outline form, an indicative layout has been submitted for illustration purposes only. This shows how 73 units might be accommodated on the site. The layout is generally to a traditional standard with carriageway and footways on both sides of the road.

Some elements of the layout may not be suitable for adoption due to the layout and materials being proposed. This aspect is normally fine-tuned at the S38 adoption stage.

The assessment of traffic impact indicates that no adverse effect will result on the surrounding highway network and the Head of Transportation and Engineering is satisfied that the traffic generation can be adequately accommodated. There are therefore no highway objections subject to conditions.

### Ecology

With regard to the ecology of the site an extended Phase 1 Ecological Survey was submitted as part of this application and following consideration of this document in consultation with Natural Resource Wales it is considered that the recommendations contained within that report for mitigation and enhancement should form part of any approval and secured via appropriately worded conditions.

### Land Stability

In terms of land stability, the Coal Authority originally made a holding objection to the determination of this application and requested the submission of a Mining Risk Assessment. The Coal Authority records indicate that there is a mine entry on the site close to the southern boundary. The site is also in a likely zone of influence from workings from 3 coal seams at between 31m to 101m depth, last worked in 1904 and is in an area of likely unrecorded historic coal mine workings at shallow depth.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment, dated 30 January 2014 and prepared by WYG Environment. The Coal Mining Risk Assessment has been informed by appropriate sources including; BGS maps, BGS borehole data, Coal Mining Report and mine abandonment plans.

The Coal Mining Risk Assessment identifies that the site is underlain by three coal veins, the Slatog, Bwdwr (or Bodwr) and Hughes seams. The report states that the Slatog seam extends across the northern third of the site with workings on the Bwdwr and Hughes seams extending beneath the entirety of the site.

The Coal Mining Risk Assessment identifies that there is significant risk to the new development from past shallow mine workings and that further site investigations are required in order to ascertain the exact situation in respect of coal mining legacy issues on the site.

The Coal Mining Risk Assessment also comments on the mine entry indicated on the Coal Authority records as being on the southern part of the site. The report author notes that their review of data, including geo-referencing abandonment plans and overlying them with current plans and site boundary plans, indicated that there were no mine shafts within the site boundary.

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On this basis the report authors sought further clarification from the Coal Authority as to the origin of the location of the shaft identified in the Coal Mining Report. The Coal Authority confirmed that the information used to identify the site of the mine entry was supplied by British Coal on their demise and as such must be regarded as a bone fide location.

As no further information is available at this time the report authors state that the mine shaft cannot be excluded and is still considered as a potential risk. They recommend that further site investigations be carried out in order to clarify the situation regarding the presence, or not, of the mine entry on the site and its condition if found, with appropriate mitigation measures as may be required.

It is noted that the planning application is in outline with all matters reserved for consideration at a later date apart from access. The findings of the intrusive site investigations proposed in respect of the mine shaft, if located on the site, should inform any subsequent layout of the development with appropriate exclusion zones if necessary.

The Coal Authority therefore withdrew its objection to the proposed development subject to the imposition of a condition or conditions which secure the submission of site investigations prior to commencement of work on site. Therefore the current submission is considered to comply with the principles of Policy EV39 of the Swansea UDP.

### Response to Consultations

Notwithstanding the above, one letter of objection was received which raised concerns relating to the surrounding commercial uses, noise and disturbance, the principle of the development and deliverability of the site to the north. The issues pertaining to which have been addressed above.

Concern has also been raised with regard the land ownership of Webbons Way. This is a civil matter between the two land owners and not a matter for the Local Planning Authority.

The application for the site to the north has been granted under Ref: 2013/1832 and this development proposes a new access onto Webbons Way. It is not, however, for the Local Planning Authority to resolve land ownership issues in this respect.

Finally concern has also been raised regarding the LDP process, however, this is a separate issue and not considered relevant to the consideration of this application.

### Conclusion

In conclusion it is considered, subject to conditions and the applicant entering into a S106 Planning Obligation, that the proposed development is compatible with the objectives of Policies EV1, EV2, EV3, HC1, HC17, AS1, AS6, EV39, EV33, EV35, and HC3 of the Swansea Unitary Development Plan and the Council's adopted Supplementary Planning Guidance document's entitled the 'Residential Design Guide' and 'Planning Obligations'. Approval is therefore recommended.

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**RECOMMENDATION**

**APPROVE, subject and to the developer entering into a Section 106 Obligation to provide the following:**

- 1. a management plan for the future maintenance and management of the of the public open space,**
- 2. an Education contribution of £35,000 towards Login Fach Welsh Primary School**
- 3. a Section 106 Management and Monitoring fee equivalent to 20% of the planning application fee.**

**And subject to the following conditions:**

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Class A of Part 1 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.
- 5 Before each individual property hereby approved is occupied the means of enclosing the boundaries of the individual curtilages relating to that dwelling shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and general amenity.

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- 6 Notwithstanding the submitted plans, details of the play equipment for the recreational space shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the first dwelling.  
Reason: To ensure an adequate level of play provision.
- 7 The site shall discharge surface water at no greater than 25 litres per second per developed hectare as stated in Section 5.1.2 of the Drainage Strategy, August 2013 REV 2.  
Reason: To reduce surface water flood risk downstream and protect the integrity of the Burlais Brook culvert.
- 8 No development 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 in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 9 Prior to the commencement of any development, a scheme for the construction, ownership and maintenance of the surface water system shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the first dwelling and shall thereafter be maintained in accordance with the approved details.  
Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.
- 10 If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

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ITEM 7 (CONT'D)

APPLICATION NO.

2013/1522

- 11 No development approved by this permission shall be commenced until a Construction Management Plan (CMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The Method Statement shall identify as a minimum;
- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
  - How each of those watercourses and pathways will actually be protected from site run off.
  - How the water quality of the watercourses will be monitored and recorded.
  - What the construction company intends to do with surface water runoff from the site during the construction phase.
  - storage facilities for all fuels, oils and chemicals
  - construction compounds, car parks, offices etc
  - measures for dealing with dust
  - measures for dealing with any contaminated material (demolition waste or excavated waste)
  - identification of any buried services, such as foul sewers, so that they are protected
  - details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060
- Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.
- Reason: To prevent pollution of controlled waters.
- 12 No development shall commence until a Site Waste Management Plan has been completed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
- Reason: Prevention of pollution to controlled waters and the wider environment.
- 13 No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The streets within the estate shall be completed in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.
- Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 14 No dwelling shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Phasing and Completion Plan.
- Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

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ITEM 7 (CONT'D)

APPLICATION NO.

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- 15 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

- 16 Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive species plants including Himalayan balsam and Japanese Knotweed will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement.

Reason: In the interest of ecology and to prevent the spread of invasive species.

- 17 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be 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 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.

Reason: In the interest of ecology and the amenity of the area.



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

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

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

The reports shall be submitted individually.

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

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

19 Phase 1 report: Desk Top Study

this shall:

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

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

Phase 2: Detailed Investigation

this shall:

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

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

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

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

- Continued -

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ITEM 7 (CONT'D)

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Phase 3: Remediation Strategy Options Appraisal this shall:

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

Phase 3: Validation/verification Report

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

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

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

- 20 Prior to the commencement of work on site further site investigation works relating to ground conditions and the stability of the site shall be completed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of land stability.

- 21 The development shall be carried out in strict accordance with the recommendations for mitigation and enhancement identified in the survey report 'Swansea Gors TEC - Ecology: Extended Phase 1 Habitat Survey (WYG Environment, 2013) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of ecology.

- 22 The development shall be carried out in accordance with the following approved plans and documents: [A074361 02 Application Site Plan, A074361 (C) 02 Site Location Plan, drainage strategy report, ecology report, planning statement, transport statement, received 30th October, 2013 and A074361(C)13 Rev A Illustrative layout dated 11th March 2014]

Reason: To define the extent of the permission granted.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, HC1, HC17, AS1, AS6, EV39, EV33, EV35, and HC3)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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- 3 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
- 4 Any waste materials that are generated on site (either as a result of construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website; [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during development works are waste or have ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

We recommend that developers should refer to the CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) for further information and guidance. This can be found from the Environment Agency website at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Any waste materials transported off site must be done so by a registered waste carrier and disposed of at an appropriately licensed facility.

- 5 **Management and Maintenance of Estate Streets - Note**  
The applicant is advised that to discharge condition X that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

**Submission of Details - Adoptable Streets - Note**

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition X of this consent.

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ITEM 7 (CONT'D)

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6 Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.

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

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal you should contact them on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

7 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).

8 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

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ITEM 7 (CONT'D)

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- 9 The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - [www.dwrcymru.com](http://www.dwrcymru.com)

Further information on the Welsh Ministers Standards Can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk)

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

### Water Supply

No problems are envisaged with the provision of water supply for this development.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under sections 40-41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

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

## 10 INFORMATIVES

### 1 Construction Noise

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

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

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

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

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ITEM 7 (CONT'D)

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10      2    Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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

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

3    Dust Control:

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

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

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

4    Lighting

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

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PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 8

APPLICATION NO.

2014/1189

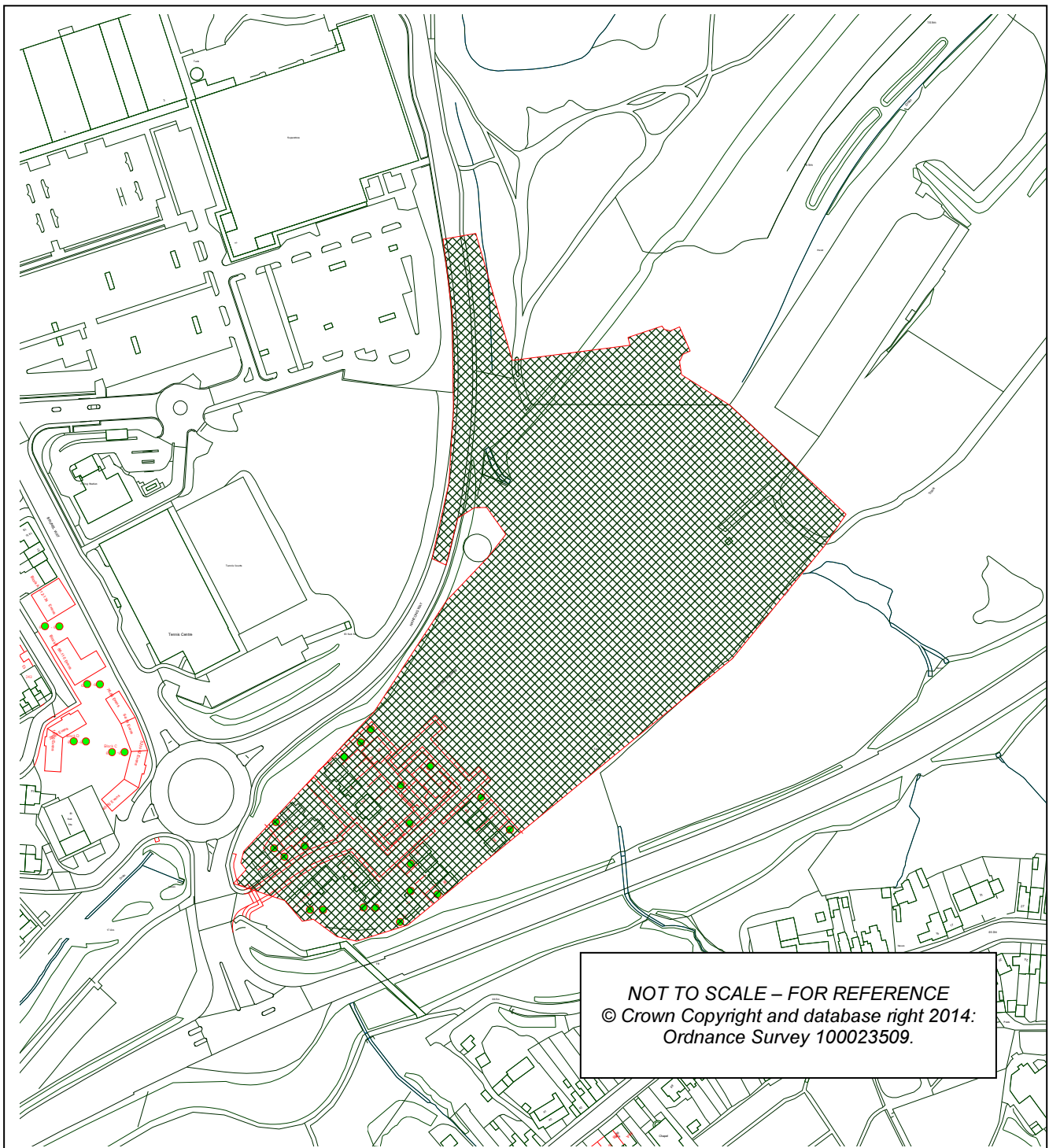
WARD:

Bonymaen

**Location:** Land at Upper Bank, Pentrechwyth, Swansea, SA1 7DB

**Proposal:** Residential development with construction of new vehicular access off Nantong Way (outline) - Section 73 application to vary condition 21 (Foul sewerage connection) and removal of conditions 16 (Footway improvements to Nantong Way) and 24 (Oil Interceptor) of planning permission 2006/1902 granted 16th July 2012.

**Applicant:** Hygrove Planning Services



## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 8 (CONT'D)

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### **BACKGROUND INFORMATION**

#### **RELEVANT PLANNING POLICIES**

##### **Unitary Development Plan**

Policy EV1	New development shall accord with the stated objectives of good design
Policy EV2	Siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and its surroundings.
Policy EV3	Accessibility
Policy HC1 (76)	Site allocated for residential development – Upper Bank, Pentrechwyth
Policy HC17	Planning Obligations
Policy AS1	New developments (including housing) should be located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling
Policy AS2	Design and layout of access to new developments should allow for the safe, efficient and non intrusive movement of vehicles
Policy AS6	Parking provision to serve developments will be assessed against adopted maximum parking standards to ensure appropriate levels of parking

##### **Supplementary Planning Guidance**

Tawe Riverside Corridor Strategy, which was adopted as draft Supplementary Planning Guidance by Council on 21<sup>st</sup> September, 2006

Planning Obligations (March, 2010)

##### **National Planning Policy Guidance:-**

##### **National Planning Policy Guidance:-**

Planning Policy Wales (PPW) (July 2014 7<sup>th</sup> Edition)

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

##### **Technical Advice Note: 12 Design**



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ITEM 8 (CONT'D)

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### RELEVANT PLANNING HISTORY

2006/1902

Residential development with construction of new vehicular access off Nantong Way (outline)

Planning Permission 6 July 2012 following completion of a Section 106 Planning Obligation. The completed Section 106 Planning Obligation incorporates the following clauses:

#### Education Contribution

Not to allow occupation of the 51st Housing Unit constructed under the Planning Permission until the Owners and the Developers have paid the Council the sum of £70,000 (increased in the Retail Price Index) as an Education Contribution.

#### Second Schedule - Affordable Housing Obligations

The Owners and the Developers covenant with the Council that not more than 120 Market Housing Units shall be occupied on the site under the Planning Permission until 20 Affordable Housing units have been constructed.

#### Third Schedule - Highways Works and Access

1. Not to start construction of any dwelling on the site under the Planning Permission until a Highways Agreement under the Highways Act has been agreed with the Council.
2. Not to allow the occupation of any dwelling until the existing 'temporary' bollards adjacent to the existing Brunel Way access which separate the carriageways to / from Morfa and which prevent right turn vehicular movements, shall be replaced with a more permanent physical barrier (at the developers expense) in accordance with details to be submitted to and approved by the Local Planning Authority in order to enforce the restriction of no right turn vehicular movements.
3. Not to allow the occupation of more than 80 dwellings on the site under the Planning Permission until:
  - 3.1 The vehicular access off Nantong Way to the Site is brought into use and
  - 3.2 A pedestrian crossing across Nantong Way has been provided and brought into use;
4. Not to allow the occupation of more than 50 dwellings on the site under the Planning Permission until:
  - 4.1 Works for the upgrading of the existing footpath between the pedestrian footbridge over the A4217 and Pentrechwyth Road.
  - 4.2 Works for traffic calming near Pentrechwyth School.

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 8 (CONT'D)

APPLICATION NO.

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5. To design the internal road layout of the site to discourage through traffic and reduce traffic speed to no more than 20 mph through the site.

2014/0013

Construction of 42 residential units (details of siting, design, external appearance and landscaping pursuant to condition 01 of outline planning permission 2006/1902 granted 6th July 2012)

Approval of reserved matters granted 7 March, 2014

### RESPONSE TO CONSULTATIONS

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

**Natural Resources Wales** - Having reviewed the information provided, NRW would not object to the variation of condition 21 and the removal of conditions 16 and 24.

**Dwr Cymru Welsh Water** – We have approved a new connection as illustrated so there is no objection from DCWW.

**Highway Observations** – On inspecting the site and surrounding highway, namely Nangtong Way, I consider the requirement for a 4m shared footway / cycle way along Nangtong Way, adjoining the Upper Bank site to be impractical, due to the excessive costs and disruption to the site, necessary to construct such a facility, when a good quality 2m wide footway already exists. Additional works would entail potential statutory diversions and retaining structures in order to retain the Upper Bank site.

I would, therefore, suggest the need to fulfil this particular element of work is withdrawn.

### APPRAISAL

The outline planning permission Ref:2006/1902 was granted 6 July 2012 following completion of a Section 106 Planning Obligation and included the means of access details to be obtained from a new vehicular access road on Nantong Way, however, this was later amended to allow the occupation of no more than 80 dwellings on the site under the planning permission until the vehicular access (together with a pedestrian crossing across) off Nantong Way to the site is brought into use. The Transport Assessment which accompanied the application was based on a development proposal of 218 residential units for the site.

Reserved matters approval for the first phase of the residential development of the site was granted on 7th March, 2014 (ref:2014/0013) and construction of which is nearing completion. This element of the scheme consists of the construction of 42 residential units within the south-eastern section of the site with vehicular access from Brunel Way, and includes the provision of 22 no. affordable housing units comprising of 14 flats and 8 houses as part of a deal with Family Housing Association. A future vehicular access is proposed from Nantong Way to connect to the northern edge of the site and will serve the later phases of housing development. These access roads will be connected internally within the site to provide a connected road layout throughout.

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APPLICATION NO.

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### **Section 73 Application**

This current Section 73 application seeks to vary condition 21 (Foul sewerage connection) and removal of conditions 16 (Footway improvements to Nantong Way) and 24 (Oil Interceptor) of the outline planning permission 2006/1902. The Section 73 application also seeks to revise the requirements of several of the conditions in order to facilitate the delivery of the scheme. In particular, Condition 2 requires the submission of the reserved matters not later than the expiration of three years from the date of this permission i.e. 6 July, 2015. This condition as it stands prohibits the submission of any further reserved matters applications.

### **Condition 16 (Footway improvements to Nantong Way)**

Condition 16 to ref:2006/1902 reads as follows:

16. *The existing footway along the site frontage to Nantong Way (A4217) shall be widened to a minimum width of 3 metres in accordance with details to be submitted to and approved by the Local Planning Authority, shall be constructed in accordance with the approved details, and completed in accordance with the approved phasing scheme.*

*In order to facilitate shared cycle / pedestrian usage and in the interests of pedestrian safety.*

The Head of Highways and Transportation has indicated, following an inspection of the site and surrounding highway along Nantong Way, that the requirement for the 3 metre shared footway / cycle way along Nantong Way, adjoining the Upper Bank site would be impractical, due to the excessive costs and disruption to the site, necessary to construct such a facility, particularly given that a good quality 2m wide footway already exists. Additional works would entail potential statutory diversions and retaining structures in order to retain the Upper Bank site. It is therefore recommended that this condition be removed.

### **Condition 21 (Foul sewerage connection)**

Condition 21 reads as follows:

21. *The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage of the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority. The foul flows from the proposed development must be connected to the public sewerage system at manhole SS66943702, which will require the construction of off-site foul sewers.*

*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.*

This condition required that foul flows from the proposed development must be connected to the public sewerage system at manhole SS 66943702 which will require the construction of off-site foul sewers. However, the proposed development (and future adjoining development) will be served by a new foul water sewer which be adopted by Welsh Water under a Section 104 Agreement.

ITEM 8 (CONT'D)

APPLICATION NO.

2014/1189

The proposed foul sewer will connect to the existing public foul sewer network at Welsh Water manhole SS66957221, which lies within Ffordd Donaldson off Brunel Way. Welsh Water have confirmed that they have approved the new connection under the Section 104 Agreement and therefore it is proposed to amend the requirements of the condition under the Section 73 application.

#### **24 (Oil Interceptor)**

24. *Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.*

*To prevent pollution of the water environment.*

The surface water runoff from the proposed development will be collected in a single adoptable surface water sewer which discharges to an existing surface water culvert within the site highway, which in turn discharges to the local watercourse. Due to the nature of the development, which is entirely residential, the surface water runoff is considered to have a very low risk of containing oil contamination and would have a negligible impact on the water quality of the receiving watercourse, and as such a dedicated oil interceptor is not considered necessary due to the low risk posed by the development. Welsh Water Dwr Cymru and Natural Resources Wales raise no objections to the removal of this condition.

#### **Section 106 Planning Obligation**

The outline planning permission under ref:2006/1902 addressed issues of traffic generation; site investigation / remediation; flood risk / drainage infrastructure; and archaeology / cultural heritage. Additionally, the permission is subject to a Section 106 Planning Obligation which requires an education contribution of £70,000 upon occupation of the 51<sup>st</sup> housing unit, the provision of 20 affordable housing units and the provision of off-site highway works under a Highways Agreement including works to the existing Brunel Way access; a vehicular and pedestrian crossing off Nantong Way (prior to more than more 80 dwellings being occupied); the upgrading of the existing footpath between the pedestrian footbridge over the A4217 and Pentrechywth Road and traffic calming near Pentrechwyth School (prior to the occupation of no more 50 dwellings) and the internal road layout of the site being designed to discourage through traffic and reduce traffic speed to no more than 20 mph through the site. The requirements of the Section 106 will still apply to this current Section 73 application.

#### **Conclusion**

As a Section 73 application, the only matter which can be considered are the conditions to which the application relates and the permission itself is not a matter for consideration. The LPA may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission, and additionally, a Sec. 73 application allows the LPA to reconsider conditions other than those which are the subject of the application to modify. The new planning permission should however refer to all the previous conditions to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary. In this respect the conditions on the original planning permission are substantially re-imposed.

## PLANNING COMMITTEE – 13<sup>TH</sup> OCTOBER 2015

ITEM 8 (CONT'D)

APPLICATION NO.

2014/1189

It is recommended that the Section 73 application to vary Conditions 2 & 21 and to remove Conditions 3, 16 and 24 under planning permission ref:2006/1902 be granted. It is not considered that the provisions of the Human Rights Act provide any other overriding considerations.

### RECOMMENDATION:

**It recommended that the application be APPROVED subject to the following conditions:**

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

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

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

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

2 Detailed plans and drawings with respect to the matters reserved in condition 1 shall be submitted for approval by the Local Planning Authority in accordance with the approved Design Development Framework pursuant to condition 1 and a programme of phasing of the development to be approved pursuant to Condition 4 of the permission.

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

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ITEM 8 (CONT'D)

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- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 A programme of the future phasing of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of further works on the site approved under further reserved matters applications. The development shall be completed and brought into beneficial use in accordance with the approved phasing and the details approved under Condition 1, unless otherwise agreed by the Local Planning Authority.
- Reason: To ensure that the development is completed in accordance with the plans and a phasing scheme approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Details of the means of enclosing the site boundaries and the individual curtilages of all dwellings and / or apartment blocks including the details of the height, design and materials of forecourt enclosures, shall be submitted to and approved by the Local Planning Authority. The approved means of enclosure shall be completed in accordance with these approved details.
- Reason: In the interests of visual amenity and general amenity.
- 6 Samples of all external finishes together with an external finishes schedule illustrating the disposition of finishes within the layout shall be submitted to and approved by the Local Planning Authority before the development is commenced. The development shall be completed in accordance with the approved scheme
- Reason: In the interests of visual amenity.
- 7 The landscaping scheme for the site to be submitted as part of the reserved matters and shall incorporate an area of public open space, not less than 0.2h in area and to include an equipped play area and the scheme as approved shall be carried out in accordance with the approve programme of phasing pursuant to Condition 03. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
- Reason: In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the Town and Country Planning Act 1990.

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- 8 A landscape management plan including management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any phase of the development. The landscape management plan shall be carried out as approved.  
Reason: To ensure that the landscaped areas are adequately maintained in the interests of visual amenity.
- 9 Before the development hereby permitted is commenced, details of the levels of the dwellings, roads and footpaths in relation to the adjoining land and highways together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.  
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 10 Road layout details of the new vehicular site access roundabouts including longitudinal road sections and surface water drainage details shall be submitted for the approval of the Local Planning Authority as part of the submission of details.  
Reason: To allow the proper consideration of all highway details.
- 11 Prior to the commencement of the development of the adoptable roads, full road engineering details of the internal road layout shall be submitted to and approved by the Local Planning Authority and shall be constructed in accordance with the approved details.  
Reason: To allow the proper consideration of all details in the interests of highway safety.
- 12 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 13 The use of any retaining walls to support the internal road network will need to be supplemented by full structural calculations and drawings to be submitted for approval of the Local Planning Authority prior to the construction of any such works commencing on site  
Reason: To allow the proper consideration of all details in the interests of highway safety.

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- 14 No part of the development hereby approved shall be occupied until a Travel Plan for the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented prior to the occupation of any part of the development.
- Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 15 The new access off Nantong Way shall be constructed prior to the occupation of the 81st dwellinghouse. The existing left-in/left-out access arrangement for vehicular traffic onto Brunel Way shall incorporate a lit, pedestrian / cycleway access points at the south-western corner of the site together with a connection to the existing footbridge over the A4217 and an additional lit, pedestrian / cycleway access at the north-eastern corner of the site, the details of all of which shall be submitted to and approved by the Local Planning Authority as part of the reserved matters approval, and the works completed in accordance with the approved phasing scheme.
- Reason: To ensure good accessibility, in the interests of safety for pedestrians and cyclists and to provide a safe route to school for local school children.
- 16 Unless otherwise agreed by the Local Planning Authority, no development (which shall exclude site clearance, demolition, ground investigation and site preparation works) approved by this planning permission shall be commenced until:
- a. A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors, an assessment on human health and environmental risk assessment has been produced.
  - b. A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
    - a risk assessment to be undertaken relating to ground and surface waters and human health associated on and off the site that may be affected, and
    - refinement of the Conceptual Model, and
    - the development of a Method Statement detailing the remediation requirements.
  - c. The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

- Continued -



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- d. A Method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, and human health using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

The development of the site should be carried out in accordance with the approved Method Statement

Reason: To ensure that any site contamination is satisfactorily dealt with in the interests of public safety and amenity.

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

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

- 18 Upon completion of remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and report shall also be detailed in the report.

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

- 19 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved by the Local Planning Authority, and shall be implemented in accordance with the approved scheme.

Reason: In the interests of the ecology and amenity of the area.

- 20 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage of the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority. The foul flows from the proposed development shall be connected to the public sewerage system at manhole SS66957221, which has been constructed.

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

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- 21 The development hereby approved shall not be occupied until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

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

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EV1, EV2, EV3, HC1, HC17, AS1, AS2 & AS6)

### PLANS

3485.SL03 proposed development site, 101B S104 foul drainage off-site foul connection received 13th August 2014.

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ITEM 9

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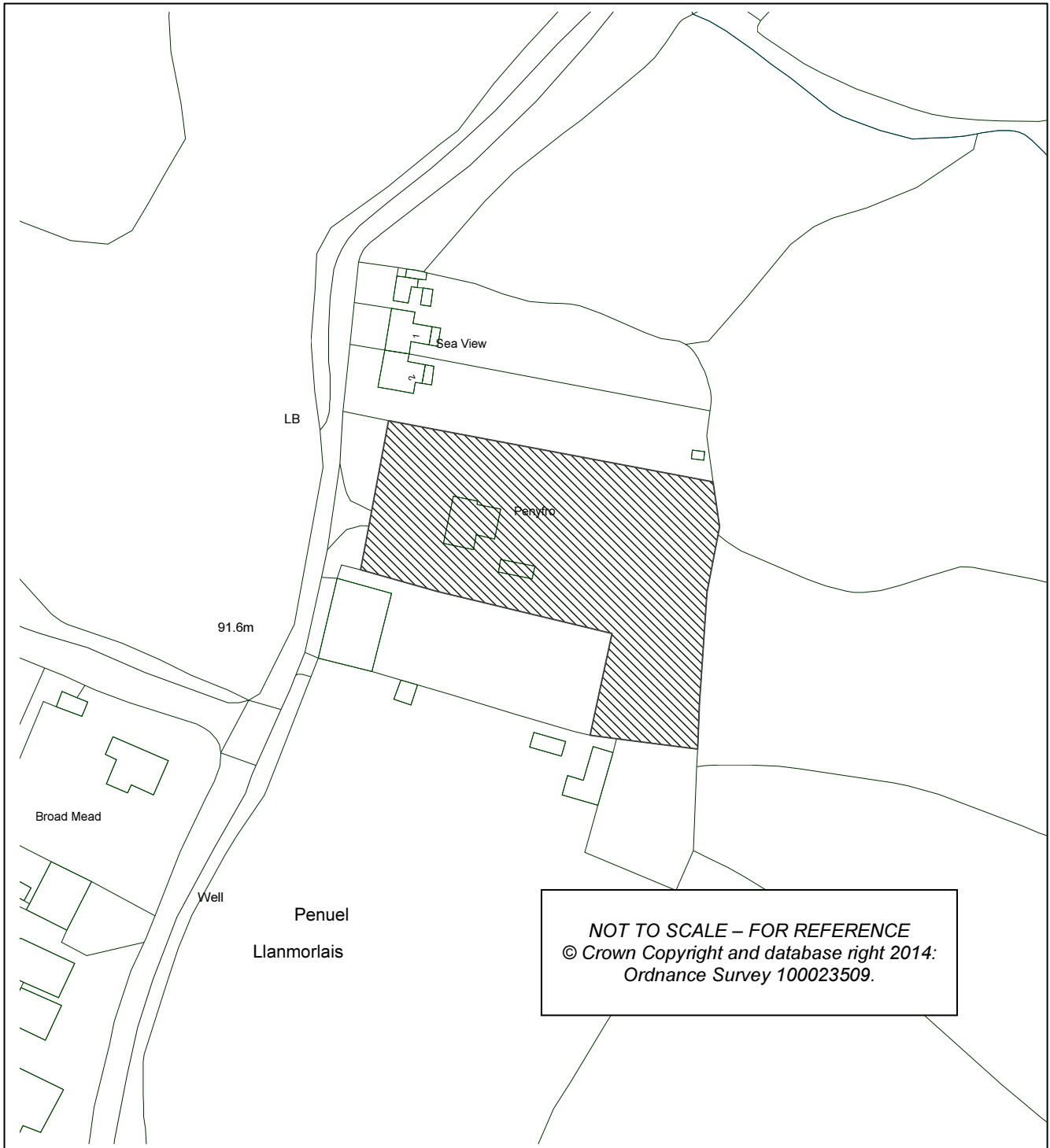
WARD:

Penclawdd

**Location:** Penfro, Penuel, Llanmorlais, Swansea SA4 3UQ

**Proposal:** Replacement dwelling house

**Applicant:** Mrs S Davies



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### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)
Policy EV19	Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (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).

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2015/0438	Replacement dwelling Decision: Refuse Decision Date: 14/05/2015

#### **RESPONSE TO CONSULTATIONS**

The application was advertised on site and in the press as a Departure to the City and County of Swansea Unitary Development Plan (UDP). Neighbouring properties were also consulted.

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Two letters of objections have been received. One of these letters is written by the occupiers of the neighbouring property known as Penuel Chapel. The second letter is from a firm of planning consultants, written on behalf of the occupiers of Penuel Chapel. The comments contained within these letters of objection are outlined below:

The latest development fails to address the previous reason for refusal (2015/0438) and therefore clearly falls foul of Development Plan Policies and therefore fails to address the underlying principle of development whereby new residential development is unacceptable in an open countryside location unless justified for the purposes of agriculture or an appropriate use to serve the rural economy.

Reference must be drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which stipulates that planning applications should be determined in accordance with the Development Plan for an area unless material considerations indicate otherwise.

In this instance it is recognised that the latest proposal has altered the height of the dwelling and incorporates materials which appear to be more in keeping with a typical Gower Cottage. However as a consequence of the altered height the proposal has merely compensated for this reduction by introducing an additional two-storey rear wing extension to form a contrived development with a complicated roof form that is still excessive in terms of scale and massing and fails to respect the exemplary design standards expected of the Gower AONB Design Guide.

The ground floor area of the proposed dwelling is approximately 65% larger than the footprint of the existing bungalow whilst the additional storey will increase the volume of the proposed construction to more than three times that of the existing bungalow.

Notwithstanding the information provided in the supporting DAS, it is evident that the scale parameters indicated within the Gower AONB Design Guide have not been faithfully applied as it is calculated that the depth of the proposed dwelling measures approximately 7.6 metres which is greater than two-thirds of the width of the dwelling, and does not even account for the 6 metre projection of the two storey rear extension, and as such contrary to the Design Guide (Para A1.16). The same can be said for the two storey side extension which is estimated to measure 6.3 metres in depth. The cover letter seeks to justify that the depth of the replacement dwelling is acceptable and suggests that the depth of Penuel Chapel lies well beyond this building line; however, this is an unjust representation bearing in mind the Chapel lies directly along the road frontage whereas this dwelling is set back and extends considerably further back.

Whilst it is acknowledged that the proposal has been built with the parameters of a 'Gower Cottage' in mind, it is considered that the design fails to achieve the desired Gower standards and is greatly undermined by excessively large extensions with a complicated roof layout that represent a contrived form of development.

It is considered that the proposal represents an 'executive' sized house as opposed to a typical replica of a Gower Cottage.

It is accepted that Penuel Chapel occupies a more prominent position but this landmark building is listed in the National Monuments Record for Wales.

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In contrast, the proposed development represents an overly large dwelling which has no relationship to immediate neighbouring buildings, particularly given its set back position, and thus representing a visually intrusive form of development which fails to sustain the character and setting of the site or the immediate locality. The DAS also suggests that the existing dwelling is the only bungalow property in the immediate vicinity when in fact there are several more single-storey properties within a half-mile radius from Penyfro, both to the north and south.

It is considered that the excessive scale and massing of the proposed replacement dwelling will cause a significant adverse effect to the amenity of the neighbours.

Planning permission for car parking spaces at Penyfro is limited to two vehicles (Application ref 92/0289). The application to increase this to three vehicles represents a significant increase in motor vehicle usage by residents.

Bats are frequently seen around the proposed development site. Such animals enjoy protected status and it is misleading of the applicant to state that no protected and priority species will be adversely affected by the proposed development.

The DAS states that the existing property dates back to the 1960s, this is wholly untrue. The bungalow was built in 1993 by members of the applicant's own family.

Within the Gower AONB, restrictive housing and protection policies have been in operation for many years. Development has only been allowed in exceptional circumstances. The countryside, including the agricultural land, is one of the area's major assets and should be protected from any development which need not be located there.

Historically, the planning reports noted the "concern over a number of 'edge settlement' permission and over the relatively large number of 'agricultural dwellings' being developed in open countryside away from existing farm buildings".

Penuel has never been a site identified for housing development.

It is considered that this application design is contrary to the Gower AONB Design Guide in that it neither represents an example of innovative design nor high-quality traditional detailing. The scale and proportions of the main building, the oversized roof and the excessively large extension to the rear do not match the recommendations within the Design Guide and constitutes a considerable overdevelopment of the curtilage. Contrary to the Design Guide too is the significant enlargement of the existing footprint and the trebling of the current building's volume. In that the proposed plans have offered no evidence of significant energy efficiency, many of the applicant's supporting statements within the DAS are completely without substance. In short, the proposed new dwelling does not exhibit due regard for its rural location within the Gower AONB.

Due to Penyfro being a single-storey dwelling, the Chapel has always enjoyed complete privacy, both in the house and in the garden. Given that the bungalow is set back from the highway to a far greater extent than is Penuel Chapel, the erection of a large two-storey house on the extended footprint of Penyfro will create opportunity for direct overlooking from every one of the first floor windows along the south aspect of the proposed new build as well as oblique overlooking from windows on the first floor of the west and east aspects.

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The visible nature of the proposed replacement building, i.e. its height and its massing, will also cause a significantly detrimental effect on the perspective that is currently viewed from the Chapel's large glazed windows at its rear. This new perspective will cause an oppressive and overbearing effect on the house and garden.

The proposed building will create an unwelcome precedent in this locality for properties to directly overlook others' living spaces. There are no other examples in the vicinity for rural detached properties to overlook the private living areas of its neighbours. Penuel is recognised as an area of open countryside, and as such, the expectation by its homeowners for privacy and quiet are far greater than those of a typical residential community.

Penyfro is a small retirement bungalow that was constructed for a local farmer and his wife on a 0.2 acre rectangular plot of their own agricultural land within the Gower AONB. The permission to build the bungalow in its current position was granted outside of approved policy guidance. Permission was subject to the conditions of Section 106, restricting occupancy to a person employed or last employed in agriculture, and subject also to the installation of a defined boundary around the bungalow's curtilage prior to occupancy. In 2011, the Section 106 restriction was lifted despite the Planning Department's advice that this application should be refused.

There is an extremely strong case for the retention of small single storey properties that can usefully serve as affordable housing for all, including its ageing population.

There are issues regarding the sustainable credentials of the proposals

The supporting DAS fails to evidence that the proposal represents an exceptionally sustainable form of development, and the applicant has not prepared a pre-assessment or demonstrated their commitment to achieve CfSH Level 4. In addition the DAS fails to demonstrate how the development exhibits an appropriate design for a dwelling in a rural location and therefore does not justify an exception to Policy EV19.

We assert that the application represents an unjustified replacement dwelling which clearly falls foul of UDP Policy as well as local and national policies to encourage sustainability, minimise carbon emissions and ensure appropriate housing provision for the future.

It is maintained that the scale of the development is substantially larger and is fundamentally different in design and character compared to the original dwelling which clearly conflicts with Policy EV19, hence the reason the application has been advertised as a departure from the provisions of the UDP. The DAS draws reference to the Gower AONB Design and paragraph A1.29, albeit referenced as paragraph A1.25, which indicates that proposals that depart from the provisions of Policy EV19 maybe considered as an exception to the policy where the scheme is considered to be exceptional in terms of sustainability and design exhibiting due regard for its rural location into the countryside.

The proposals do not accord with Planning Policy at both National and Local Levels.

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It is contended that there are notable discrepancies on the planning application submission not least of all the accuracy of the site location plan. According to Part 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, an application for planning permission must be accompanied by a plan which identifies the land to which the application relates. However having regard to the previous planning history of the site, in particular planning permissions 89/0557 and 92/0289, it can be evidenced that the residential curtilage is being extended by this application, incorporating surrounding agricultural land to the side and rear without consent. In reference to the red line boundary, it also suggests that the application form has been completed incorrectly given that Certificate A has been signed on the declaration of ownership. It would appear that the land surrounding the bungalow was registered by the former applicant and the applicant has failed to serve the requisite notice upon this owner, or taken reasonable steps to ascertain the ownership of land to which the application relates by publication of the notice after the prescribed date in a newspaper circulating in the locality. In this respect it clearly conflicts with regulation 10.(1) of Part 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

There are concerns both with regards to the general visual amenity implications related to the proposals and the impact on a neighbouring property.

It is disingenuous for the applicant to repeat the complaint of inadequate living accommodation as justification for the bungalow's demolition.

One objection letter has been received from Edwina Hart (Assembly Member) the comments of which are outlined below:

I have some real concerns about this application. We have struggled for years to maintain the integrity of the Gower landscape, the size and purpose of dwellings. It is important that the planning system upholds the underpinning principles of planning policy in Wales.

The impact of any development upon the character and appearance of the Gower AONB is a primary consideration.

### **Welsh Water –**

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

### **Council's Ecology Officer –**

A protected species survey was requested and following submission of the survey the Authority's Ecologist provided the following comments:

The surveyor is confident there are no roosting bats in the house, the search carried out found no features suitable for bat access and no signs of bats in any part of the property.



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An emergence survey wasn't carried out as the building was assessed as being unsuitable for bats. I think the survey is sufficient and no further work is needed. Standard Bat and Bird informatives recommended.

### **NRW –**

#### Protected Species Survey

We note the recent submission of the document entitled; 'Penfro, Llanmorlais, Gower, Swansea: Assessment of Bat Interest', dated 15 August 2015, by Fiona Elphick.

The assessment states that no evidence of current or recent bat roosting was noted and no potential access points to the roof space or any other part of the structure could be found. In addition, the external features of the building are regarded as offering negligible potential for roosting. The report concludes that the building has no bat interest.

In light of these findings, we have no further comments to make in relation to this matter.

#### Foul Water Disposal

As the proposed dwelling is not currently within a mains sewered area we note that the applicant intends to dispose of foul water via a septic tank. Should your Authority be minded to grant planning permission, the applicant should be advised that a permit or registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulation 2010, is required from Natural Resources Wales. Further guidance on this matter is available from our website:

**Council's Head of Transportation and Engineering – No objection.**

### **APPRAISAL**

This application is reported to Committee for decision as the proposal is a Departure from the Development Plan and a recommendation of approval is being put forward.

#### **Description**

The existing dwelling is a bungalow of relatively modest proportions located within the countryside and the Gower AONB amongst a small hamlet of dwellings. There is various planning history pertaining to the site which relates to the construction of the bungalow which was originally consented as a retirement bungalow for a farmer. However, the original 'agricultural tie' relating to the dwelling was subsequently lifted via a Section 106 removal application, which was granted consent in 2012 (2011/0366).

The proposal comprises of replacing the existing bungalow with a two storey dwelling. An application for a two storey replacement dwelling was recently refused planning permission (2015/0438).

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### Issues

The main issues for consideration during the determination of this application relate to the acceptability of the proposal in principle, the impact of the proposed dwelling on the character and appearance of its immediate context, the wider landscape and the Gower AONB, the impact on the residential amenities of the neighbouring dwellings, the ecology of the site and highway safety, having regard to the provisions of the Unitary Development Plan. It is not considered that the Human Rights Act raises any additional issues.

A previous application for a replacement dwelling (2015/0438) was refused for the following reason –

*'The proposed replacement dwelling, by virtue of its scale and design would represent an inappropriate and unsympathetic form of development which would be detrimental to the character and appearance of the Gower AONB and the surrounding open countryside. The proposal, therefore, conflicts with the provisions of Policies EV1, EV2, EV19, EV22 and EV26 of the Swansea Unitary Development Plan 2008 and the Gower AONB Design Guide.'*

The current proposals have now been amended so that they are more reflective of the Guidance indicated within the Gower AONB Design Guide (page 45) .There is however an exception to this guidance, in terms of the depth of the main part of the dwelling. These are discussed in further detail in the 'Visual Amenity' section of this report.

### Policy Context

The site is situated within the Gower AONB and as such Policies EV22 and EV26 of the UDP require development to first and foremost preserve and enhance the character and appearance of this highly protected area. Policies EV1 and EV2 are also relevant, although they are more generic policies relating to all types of development.

Policy EV19 of the Swansea UDP relates to the erection of replacement dwellings/chalets in the open countryside and states that:

*Replacement dwellings in the countryside, including residential chalets, will only be permitted where:*

- (i) The residential use has not been abandoned,*
- (ii) The proposed new dwelling is similar in terms of its siting, scale, design and character with the dwelling it is to replace, and -*
- (iii) The development complements the character of the surrounding area.*

The main aim of these policies is to prevent the replacement of rural dwellings with inappropriate new development that detracts from the character of villages and the countryside in which they are set.

The proposal is discussed against criteria i) and ii) of Policy EV19 below. Criterion iii) is discussed in the 'Visual Amenity' section of this report.

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The existing bungalow is currently in use as a residential dwelling. The residential use of the site has therefore clearly not been abandoned, and criterion i) is met.

Criterion ii) of Policy EV19 requires replacement dwellings to be similar in terms of siting, scale, design and character to the dwelling it is to replace. The scale, form and design of the building is distinctly different to that which it is to replace, and therefore the proposal is not considered to comply with criterion (ii) of Policy EV19. On the basis, the application has therefore been advertised as a departure from the provisions of the Development Plan.

The Supplementary Planning Guidance document entitled 'A Gower Design Guide' provides additional clarification with respect proposals which depart from the provisions of Policy EV19 of the Swansea UDP. The Design Guide states that *"it is not the intention of the UDP... to restrict proposals which would complement the character of the Gower in accordance with Policies EV19 (iii) and EV26."*

The Design Guide also states *"it would be a missed opportunity not to replace an existing nondescript or poorly designed dwelling with a better designed dwelling that enhances the appearance and character of the locale and the AONB."* Furthermore, paragraph A1.29 of the Gower Design Guide states that *"proposals may be considered an exception to the policy where the scheme is considered to be high quality in terms of sustainability and design exhibiting due regard for its rural location in the countryside."*

Paragraph a1.35 of the Gower AONB Design Guide also states that *"in addition to being high quality, proposals which wish to depart from the provisions of Policy EV19 should also be exemplars of sustainability. In this regard schemes which are high quality and... achieve at least Code for Sustainable Homes Level 4 in all criteria, may be considered favourably."*

The design merits of the scheme are discussed below in the 'Visual Amenity' section of this report, together with the compliance of the scheme against the Gower AONB Design Guide.

### **Visual Amenity**

The proposed dwelling is a traditional Gower style cottage and of an appropriate scale in accordance with the majority of the general guidance set out in the Gower AONB Design Guide SPG.

The width and ridge height of the proposed dwelling complies with the diagram of a 'Gower Cottage' set out within the Design Guide (page 45). The pitch of the roof (at approximately 38 degrees) also complies with the range of between 30 – 45 degrees specified in the design guide.

However, the depth of the main part of the dwelling is 7.5m. The Guide states that the depth of the main part of the dwelling should be less than or equal to two thirds of the width of the main frontage. Therefore, the width should not exceed 6m if that rule is applied. The main part of the dwelling is therefore 1.5m deeper than it should be if the diagram on page 45 of the Design Guide is slavishly applied. However, this greater depth does not adversely affect the general design or appearance of the proposed dwelling.

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Therefore whilst the size and form of the main part of the dwelling does not strictly comply with the diagram contained within the Design Guide, the proposal is nevertheless still considered to be akin to a 'Gower Cottage' and thus acceptable to the character of the Gower AONB.

The rear single and two storey wing of the proposed dwelling is considered to be subservient to the main part of the dwelling, and its scale and massing is considered to be acceptable. This element of the proposal will be located to the rear of the dwelling and, therefore, is not readily visible within the streetscene and will be considered to be in keeping with the general character and appearance of the surrounding area.

The use of traditional materials such as the hardwood doors and windows and slate roofing is particularly welcomed. In order to secure the architectural quality of the scheme, a condition is recommended seeking samples to be submitted in relation to all finishes. Additionally it is considered that further details are required with regards to certain elements of the proposal i.e details of windows and openings, verge and eaves etc. Therefore, appropriately worded conditions to this effect are also recommended.

It is acknowledged that the proposed dwelling is wider than the previous proposal which was refused. However, the front elevation of the dwelling is now broken up into two elements, being the main front elevation and a subservient side annex, which is considered to break up the overall massing of the frontage. The proposed front elevation complies with the recommendations made in the Design Guide.

Furthermore the ridge height of the dwelling has now been reduced (8m) which is considered to make a major difference in terms of the overall acceptability of the scheme. The proposed dwelling as a whole is now considered to be more in-line with the requirements of the Design Guide and as such is considered an acceptable scheme compared to the previous scheme which was not considered to comply with the Guide and as such would have had a harmful impact on the surrounding area.

Therefore, given the above considerations it is considered that the proposal will be in keeping with the surrounding area which is characterised by various types of properties. It should also be noted that the site is located within an existing cluster of dwellings and is not isolated, meaning its approval will not result in the approval of a new development in an area devoid of buildings.

It should also be noted that the dwelling to the south of the site is a large two storey property incorporating a large footprint and, therefore, the size and scale of the proposal dwelling will not be out of keeping with dwellings within the immediate vicinity. It should also be noted that the existing dwelling as it currently stands is a relatively non-descript bungalow and the proposal, therefore, given its sensitive design will be considered to complement the surrounding area rather than take away from it.

Therefore, whilst as stated above, the proposed dwelling does not comply with (ii) of EV19 of the Unitary Development Plan, it is in keeping with the credentials set out in the Gower AONB Design Guide and is not considered to have a harmful impact on the surrounding area. The applicant has also advised that the dwelling will be constructed to Code for Sustainable Homes Level 4.

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Therefore, it is considered that the proposal will be high quality in terms of design and sustainability, and therefore qualifies as an 'exception' scheme to Policy EV19, as permitted by the Gower AONB Design Guide.

### **Residential Amenity**

The proposed dwelling is located in excess of 10m away from each of the side boundaries with neighbouring properties, therefore, there are not as such considered to be any particular issues with regards to impacts on neighbouring by way of overlooking or overshadowing or overbearing impacts.

The only issue that may be a problem, is the potential overlooking of the neighbouring property to the south – the objector's property (Penuel Chapel). The south facing side elevation of the proposed dwelling features windows at both first and second floor level. The two first floor windows however serve a bathroom and an en-suite which are non-habitable rooms. The applicant's agent has confirmed that the second floor window serves attic space

The Council's 'Infill and Backland Design Guide' states that a separation distance of 10m between a proposed first floor habitable room and the rear or side garden boundary of neighbouring properties should be provided. It also states that 21m should be provided between opposing habitable room windows.

On the basis that the first floor side windows (facing towards Penuel Chapel) are serving non-habitable rooms, they are not considered to create an overlooking problem. The second floor window is to serve attic space. However, there is the potential that the attic space of the proposed dwelling could be converted to living accommodation at a later date. If this did take place, a separation distance of 21m would not be achieved. On this basis it is recommended that a condition be used so that this window is fitted with obscured and fixed glazing.

It is acknowledged that the dwelling is located quite far back within the plot. However, given the separation distance between the proposed dwelling and its site boundaries, it is not as such considered to have a negative impact upon the living conditions of neighbouring occupiers.

It is also acknowledged that the site is located at a higher level than the properties to the north. However, again given the distance of the proposed dwelling away from the common boundary with the neighbouring property to the north, it is as such considered that the potential impact would be relatively minimal.

In terms of any overlooking from the front and rear of the proposed dwelling to the properties either side, the distances between the proposed dwelling and its neighbouring properties is considered to dictate that any overlooking would be very oblique and, therefore, would not represent a major problem in this instance.

### **Highway Safety**

The Head of Transportation and Engineering has stated there is no objection to the scheme in question. It is not considered that the proposed erection of a larger replacement dwelling on the site will have an impact on highway safety.

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The local highway network is capable of meeting the demands of the minimal increased level of vehicular activity associated with a larger dwelling, whilst the new dwelling is served by sufficient off-street car parking provision. The access arrangements serving the plot are also considered to be acceptable (they are similar to the existing arrangements).

### **Sustainability**

To accord with the criteria set out in the Gower AONB Design Guide the development should achieve at least Code for Sustainable Homes Level 4 in all criteria. The agent has confirmed that the applicant is agreeable to adhering to the requirements to construct a dwelling to Code Level 4. In order to secure this, relevant conditions will be used to ensure the development is built in-line with Code Level 4.

### **Response to Consultations**

The issues relating to a majority of the concerns contained within the letters of objection, relating to issues such as visual and residential amenity implications, highways considerations, Code for Sustainable Homes, Impact on the Gower AONB and Planning Policy considerations are considered to have been addressed within the context of the report.

The objectors have suggested that the applicant does not own all of the application site and have subsequently not completed the correct 'Certificate' section of their planning application forms. The applicant has been asked for clarification on this matter, who has verbally confirmed that she does indeed own all of the site.

The objectors have suggested that the application site is larger than the extent of the original curtilage serving the existing dwelling. This suggestion is indeed correct. It appears that the original curtilage of the site has been extended over previous years (albeit without planning permission), and the extent of the current application boundary appears to reflect current site circumstances. Aerial imagery of the site seems to suggest the extended curtilage, as indicated on the Location Plan submitted with the application, has been in existence for in excess of ten years, suggesting that in any event, the unauthorised extension to the original curtilage would now be immune from enforcement action. The granting of this planning application will regularise the situation.

The issues relating to the concerns over why the requirements of a previous Section 106 agreement was removed is not considered to be pertinent to the determination of this application. The current planning application must be determined based on the existing planning status of the site – a dwelling without an agricultural tie.

A bat survey has been provided and assessed as mentioned above in the 'Response to Consultations' section.

How long the property has been in existence is not a matter of importance in this instance.

The family's needs in terms of the space required for their family is not a material planning consideration and is not taken into consideration.

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### Conclusion

For the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV22 and EV26 of the UDP and will complement the character and natural beauty of the AONB. The scheme does not comply with criteria ii) of EV19 as it is not similar in terms of its scale, design and character with the dwelling it replaces.

In overall design terms, however, the proposed scheme is considered to be high quality in terms of sustainability and design, which demonstrates how well considered traditional design can respond positively to the sensitive and cherished landscape of the Gower AONB.

Whilst the proposal is considered not to accord with one of the criteria of EV19, it is however considered to accord with Policies EV1, EV2, EV22 and EV26 of the UDP and the provisions of the Gower AONB Design Guide.

On this basis therefore the proposal is regarded as an acceptable departure from the provisions of Policy EV19 of the City and County of Swansea UDP (2008). Approval is therefore recommended.

### RECOMMENDATION

#### APPROVE, subject to the following conditions;

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 01 Location Plan received 11th June 2015. Elevational drawings and Floor plans drawings, received 16th June 2015. 02 Site Plans, received 31st July 2015.  
Reason: To define the extent of the permission granted.
- 3 Samples of all external finishes (including details of window, doors, cills, fascias, soffits and guttering) shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 4 Large scale details of:
  - eaves and verges
  - fascias and cills
  - windows, window reveals and their openings;shall be submitted to and agreed in writing by the Local Planning Authority before works commence on site.  
The development shall be carried out in accordance with the agreed details.  
Reason: In the interests of visual amenity.

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- 5 The second floor window in the south-facing side elevation of the dwelling hereby approved, shall be fitted with obscured glazing and shall be unopenable below a height of 1.7m from internal floor level. This window shall be retained as such at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To safeguard the privacy of the occupiers of the neighbouring property known as Penuel Chapel.
- 6 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 4 and achieve a minimum of 3 credits under category Ene1 - Dwelling Emission Rate, in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 7 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 8 The dwelling hereby approved shall not be occupied, until a Code for Sustainable Homes 'Final Certificate' is submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate has been achieved for the dwelling, in accordance with the requirements of Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.

### INFORMATIVES

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



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2 STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

This Standing Advice is valid from 1st January 2015 until 31st December 2016

3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird

- Take, damage or destroy the nest of any wild bird while that nest in use or being built

- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

5 A permit or registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulation 2010, is required from Natural Resources Wales. Further guidance on this matter is available from their website: <http://naturalresources.wales/apply-and-buy/water-abstraction-licences-water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

6 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV19, EV22 and EV26 of the Unitary Development Plan.

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