

PLANNING COMMITTEE – 4TH OCTOBER 2016

ITEM 1

APPLICATION NO.

2016/0662

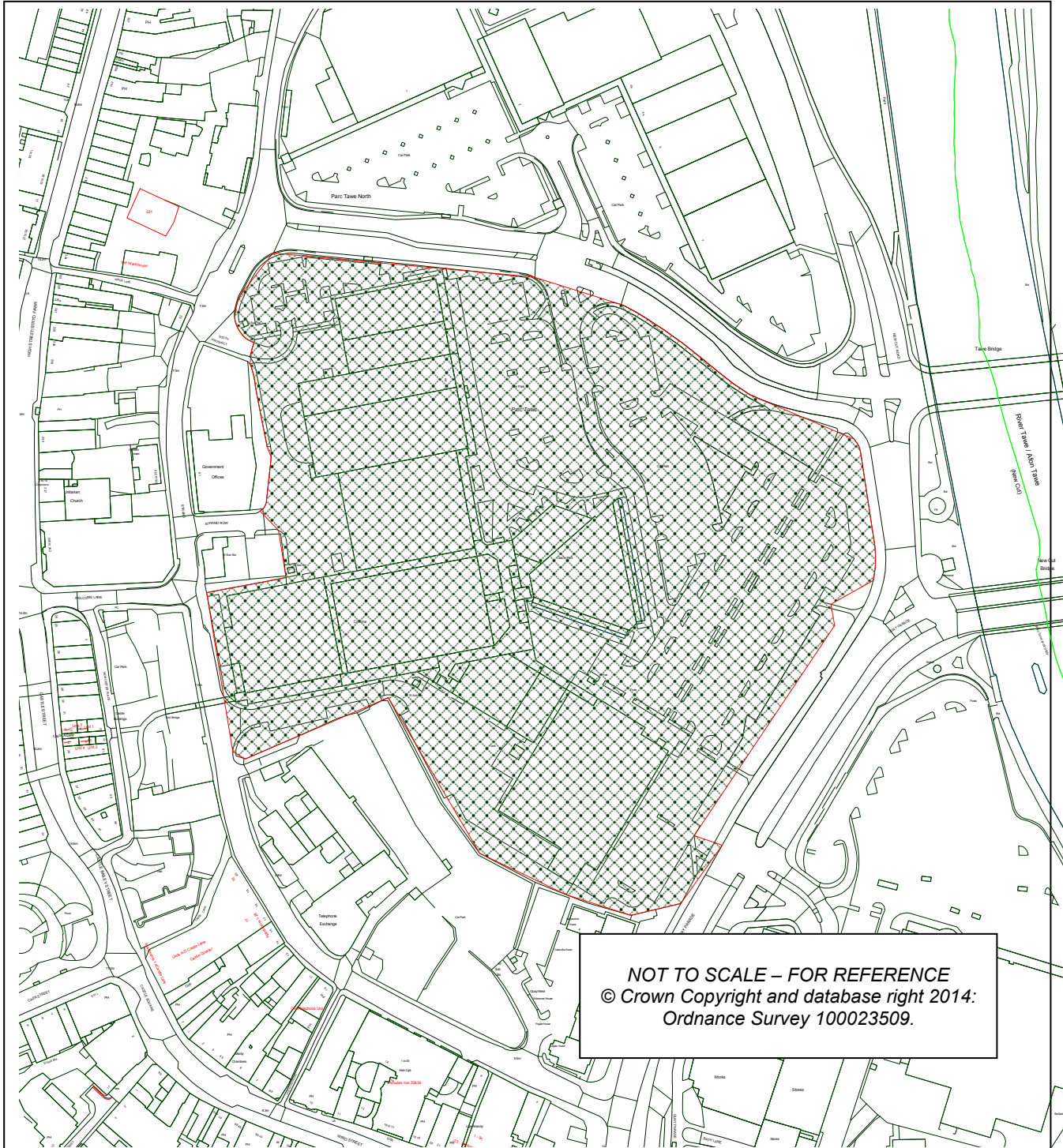
WARD:

Castle

Location: The Piazza Parc Tawe Swansea SA1 2AL

Proposal: Refurbishment of Retail Park and variation of conditions 3 (to include sale of food), 6, 7 and 8 of planning permission 2013/1815 dated 26th August 2014 and conditions 2 and 4 which were granted on appeal 2nd September 2015.

Applicant: Hammerson plc



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BACKGROUND INFORMATION

POLICIES

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Policy	Policy Description
Policy CC1 - UDP	Within the City Centre, development of the following uses will be supported:- (i) Retailing and associated uses (Classes A1, A2, A3), (ii) Offices (B1), (iii) Hotels, residential institutions and housing (C1, C2, C3), (iv) Community and appropriate leisure uses (D1, D2, A3) (v) Marine related industry (B1, B2). Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy CC2 - UDP	New retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy CC3 UDP	The St David's/Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. Any other retail based development, whether within or outside the City Centre, will be evaluated against this aim. Development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.
Policy CC4 - UDP	Definition of appropriate uses and floorspace in Parc Tawe (Phase 1), and consideration of other proposal within the Parc Tawe area. (City & County of Swansea Unitary Development Plan 2008)
Policy EC4	All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

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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 EV4	New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV5	The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV6	Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)	
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)	
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)	

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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 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 AS4	Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS5	Accessibility - Assessment of pedestrian and cyclist access in 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)	

SITE HISTORY

App No.	Proposal
2/1/87/0656/03	Parc Tawe Retail Park for a leisure and retail development including a multiplex cinema, ten pin bowling, A1 retail units, public toilets and fast food units. Planning Permission June, 1987
2013/1815	Alterations to existing retail park comprising demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use), substantial demolition of the enclosed walkway, demolition of vacant Class A3 former pizza restaurant, alterations and refurbishment of building facades, physical enhancements to the existing footbridge and associated ramp, creation of 4 no. kiosks (Class A1/A3), use of Units 2A, 2B and 3 for Class A3 purposes, erection of a standalone drive-thru restaurant unit (Class A3), reconfiguration of car parking layout, erection of 3m screen walling; landscaping and public realm works and associated highways works.

- Continued -

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- Continued -
- Appeal against Conditions 2, 4, 8 and 36 Allowed 2 September, 2015 deleting the conditions and substituting them for the following conditions:
- 2) *Unless otherwise agreed in writing by the Local Planning Authority the aggregate floorspace occupied by Use Class A1 at Parc Tawe Phase 1 shall not exceed 13,036 sq m (gross external area), including kiosks 1-4 as defined on submitted Site Plan 9485 P 024 Rev. D. New mezzanine floorspace shall not be permitted in any units of the development.*
- 3) *Notwithstanding Condition 2, Units 1, 5A, 5B, 6A, 6B, 6D hereby permitted at Parc Tawe Phase 1 (as defined in submitted Site Plan 9485 P 024 Rev. D) must not be used for the sale of food.*
- 8) *The units hereby permitted at Parc Tawe Phase 1 (as defined in submitted Site Plan 9485 P 024 Rev. D) must not be subdivided below 700 sq m (gross external area) or further amalgamated above 3,500 sq m (gross external area).*
- 36) *Notwithstanding the details shown on any approved plans, the design and materials of the public realm floor map as shown on drawing number 9845 P-017 Rev. C shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the agreed public realm floor map scheme.*
- 2015/2315 Refurbishment of Retail Park - Discharge of condition 9 (programme of archaeological work) of planning permission 2013/1815 dated 26th August, 2014
- 2015/2353 Refurbishment of Retail Park -Discharge of condition 36 (public realm floor map) of planning permission 2013/1815 granted 26th August 2014 (as varied on appeal allowed 2nd September 2015)
- 2015/2367 Refurbishment of Retail Park -Discharge of conditions 10 external finishes),11 & 12 (elevation details), 17 (Japanese Knotweed), 19 (cycle / motor cycle parking), 20 (disabled parking), 21 (footbridge protection), 26 (CPMP), 27 (site waste management), 29 (ventilation / fume extraction) ,31 (drainage) of planning permission 2013/1815 granted 26th August, 2014
- 2015/2513 Refurbishment of Retail Park - Discharge of conditions 13 (living green walls) and 14 (landscaping) of planning permission 2013/1815 granted 26th August 2014

RESPONSE TO CONSULTATIONS

The application was advertised on site. No public response received.

Highway Observations – No highway observations

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APPRAISAL

Introduction

This is an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 2, 3 (to include the sale of food), 6, 7 and 8 of planning permission 2013/1815 and conditions 2 and 4 which were granted on appeal 2nd September.

Section 73 Procedures

As a Section 73 application, the only matter which can be considered is the conditions to which the application relates and the permission itself is not a matter for consideration. The approval of a Section 73 effectively grants a new planning permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission. As outlined above, Conditions 2, 4, 8 and 36 were substituted following an Appeal decision and since then several details have been submitted in order to discharge conditions of the original scheme, notably conditions 9, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, 25, 26, 28, 30 and 35. It is therefore appropriate to update the relevant conditions to reflect this situation for clarity allowing a comprehensive decision notice to be issued.

Approved Scheme

The approved development for the alterations to existing retail park comprised:

- Demolition of vacant piazza units, kiosks, and some retail floorspace (A1/A3 Use);
- Substantial demolition of the enclosed walkway;
- Demolition of vacant Class A3 former pizza restaurant adjacent to Plantasia,
- Alterations and refurbishment of building facades;
- Physical enhancements to the existing footbridge and associated ramp;
- Creation of 4 no. kiosks (Class A1/A3);
- Use of units 2A, 2B and 3 for Class A3 purposes;
- Erection of a standalone drive-thru restaurant unit (Class A3);
- Reconfiguration of car parking layout;
- Erection of 3m screen walling;
- Landscaping and public realm works and associated highways works.

Broadly, the building structure of the remaining units in the north and south retail terraces and the leisure units would be retained and refurbished. This comprises recladding of key elevations including Quay Parade and the retail frontages; and repainting of secondary elevations such as the service yard areas. A new 186 sqm standalone drive-thru restaurant (Class A3) unit is proposed within the existing car park towards the north east corner of the park.

Revised Proposals

Following a review of the approved layout by the developer, a revised site layout plan is submitted under this Section 73 application which seeks to accommodate future tenant needs and in an effort to improve the design of the approved scheme. The principal changes are as follows:

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- Existing Unit 5 (Use Class A1) divided into 3 rather than 2 units (whilst remaining in accordance with Condition 7);
- Existing Unit 2 (Use Class A3) divided into 3 rather than 2 units;
- Condition 2 amended to allow a mezzanine in Unit 6B;
- Condition 3 amended to allow the sale of food in a single unit;
- Condition 7 amended to have specific regard to the Class A1 units;
- Discharge landscape details submitted under condition 22;
- 'Goal post' entrances features replaced;
- Inclusion of 4 kiosk units;
- The Odeon's units roof has been lowered;
- Unit 3 has a chamfered corner to enhance the public realm area;
- Revised car parking layout (856 car parking spaces including 50 disabled spaces in accordance with Condition 19);
- Revised hard and soft landscaping scheme;

Background

Whilst Parc Tawe is situated within the City Centre Action Area where UDP Policy CC1 supports retailing and associated uses (including A1 and A3), in determining planning application ref:2013/1815, there was concern that the refurbishment of the retail park would pose a threat to the Council's aspirations to enhance the vitality, attractiveness and viability of the City Centre as a regional shopping destination, and in particular securing the future comprehensive redevelopment and enhancement of the retail core at St Davids / Quadrant. The LPA therefore considered that the use of restrictive conditions were necessary to avoid an unrestricted Class A1 and A3 planning permission which potentially would lead to unacceptable impacts on the city centre retail core, contrary to UDP Policies EC4, CC1, CC2 and CC3. The applicant contended that the use of such conditions would render the permitted scheme unviable and appealed the conditions, in particular Conditions 4 and 8 which sought firstly to restrict the sale of a range of retail items and secondly, to prohibit the amalgamation or sub-division of the retail units. The Appeal Inspector concluded that Condition 4 was not necessary to protect the vitality and viability of the city centre retail core and would not put the regeneration of the St David's / Quadrant area at significant risk and that Condition 8 was unreasonable and amended the condition to prevent subdividing the retail units below 700 sq m or further amalgamated above 3,500 sq m.

Condition 2

Condition 2 was amended on appeal to read:

2. *Unless otherwise agreed in writing by the Local Planning the aggregate floorspace occupied by Use Class A1 at Parc Tawe shall not exceed 13,036 (gross external area), including kiosks 1 – 4 as defined in submitted Site Plan 9485 P024 Rev D. New mezzanine floorspace shall not be permitted in any units of the development.*

The applicants indicate that Mothercare the existing tenant in Unit 5 are proposing to relocate to proposed Unit 6B as set out in the updated Site Plan (ref: 9485 P-024 Rev U), and that Mothercare require 300 sq m of mezzanine floorspace in Unit 6b.

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The inclusion of a mezzanine comprising 300 sq m in addition to the proposed 1,394 sq m for Unit 6B, would create an overall proposed floorspace of 1,694 sq m. Condition 2 seeks to prevent the aggregate floorspace occupied by Use Class A1 in Parc Tawe 1 from exceeding 13,036 sq m. However, the additional 300 sq m floorspace would result in an increased amount of 12,965 sq m floorspace as opposed to 12,665 sq m in the originally proposed scheme and therefore would not exceed the limit set by Condition 2 and would be acceptable. It is therefore proposed to amend Condition to read:

2. *Unless otherwise agreed in writing by the Local Planning the aggregate floorspace occupied by Use Class A1 at Parc Tawe shall not exceed 13,036 (gross external area), including kiosks 1 – 4 as defined in submitted Site Plan 9485 P024 Rev U. New mezzanine floorspace shall not be permitted in any units of the development apart from Unit 6B as approved in the aforementioned drawing.*

Condition 3

Condition 3 was amended on Appeal to read:

3. *Notwithstanding Condition 2, Units 1, 5A, 5B, 6A, 6B, 6C, 6D hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 Rev D) must not be used for the sale of food.*

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

The applicants indicate that they are in the process of attracting new potential tenants to the proposed refurbished retail park and that this process has identified that foodstore operators would be interested in occupying a unit at Parc Tawe. The application therefore seeks to amend Condition 3 to allow any one on the retail units (i.e. Units 1, 5A, 5B, 5C, 6A, 6B, 6C & 6D) to be occupied for up to 1,860 sq m (20,000sq ft) for the sale of food, allowing for example the applicants to attract a food discount operator to Parc Tawe.

The Appeal Inspector retained through condition the restriction on the sale of food at Part Tawe. There is, however, no explanation given in her report as to why. It is noted, however, that the original 1987 permission was subject to conditions which prevented the sale of food. Planning Policy Wales advises:

10.3.1 When determining a planning application for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account, compatibility with any community strategy or up-to-date development plan strategy; need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan; sequential approach to site selection; impact on existing centres; amongst other issues.

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Having regard to the inclusion of Parc Tawe within the City Centre Action Plan area, within the context of PPW and the Swansea UDP Policies EC4, CC2 & CC4 it may be argued that it is not necessary to assess the proposal against the need for the development or adopt a sequential approach to the proposal. Moreover, as the proposal relates to a change of use of less than 2,500 sq m, as Parc Tawe is located within a sequentially preferred location for retail floorspace in compliance with PPW and TAN 4, there is no planning policy requirement to demonstrate quantitative retail need or to assess the retail impact of the proposal. However, the modification of the condition to allow the sale of food should have regard to whether there would be any material adverse impact upon the attractiveness, vitality and viability of the City Centre in accordance with UDP Policies CC2 and CC3 in particular and whether any development proposals would put at risk the comprehensive retail led regeneration of St David's / Quadrant area. It should also be borne in mind that Policy CC4 indicates the appropriateness of retail (A1) in Parc Tawe Phase 1.

The Swansea Central Area: Regeneration Framework (Feb. 2016) suggests that the St David's / Quadrant scheme should *deliver a retail leisure led scheme of quality, scale and critical mass for the wider regeneration of the central area and provide quality anchors and a quality offer to encourage retailers to Swansea*. The applicants argue that a food store would not meet these regionally ambitious objectives. It is further highlighted that the Unilateral Undertaking (UU) related to the existing permission (Ref:2013/1815) identifies a number of 'restricted' retailers which were agreed as being potentially damaging to the retail core and that the St David's / Quadrant proposal. For example, these include the likes of Marks and Spencer who also have a food offer but would not be able to relocate to any unit on Parc Tawe as part of these restrictions for the duration of the UU (i.e. 5 years or 7 years, dependent upon whether they are currently trading from the retail core – the period intended to allow St David's Quadrant scheme to get underway). However, the existing UU would not be enforceable against the current Section 73 application which would constitute a new planning permission, therefore the Section 73 application would need to include a new UU/Deed of Variation which the applications have indicated a willingness to complete. Therefore, subject to amending Condition 3 to allow any one of the A1 units to be used for the sale of food with such a use being restricted to a single user for up to 1,860 sq m (gross external area), then it is not considered that this would adversely affect the attractiveness, vitality and viability of the City Centre nor put at risk the development proposals for the comprehensive retail led regeneration of St David's / Quadrant project. It is therefore proposed to amend Condition 3 to read:

3. *Notwithstanding Condition 2, Units 1, 5A, 5B, 5C, 6A, 6B, 6C, 6D, K1, K2 ,K3 and K4 hereby permitted at Parc Tawe Phase 1 (as defined in submitted Site Plan 9485 P-024 Rev U) may also be used for the sale of food but such use shall be restricted to a single user for up to 1,860 sq m floorspace (gross external area).*

Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.

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Other Conditions

As indicated above, several of the details under the conditions of the original planning permission have been approved and the wording of the conditions recommended below have been updated to reflect the current situation. In particular with reference to the condition discharge application references and also to the updated Site Plan (9485 P-024 Rev U). Additionally, Condition 7 (original Condition 9) has been amended to have specific regard to the Class A1 units, and the landscape details submitted as part of this application to improve the pedestrian linkages would also discharge the requirements of original Condition 22.

External Alterations

The proposal is to upgrade the existing buildings via two means; re-cladding of key elevations including Quay Parade and the retail frontages; and repainting of secondary elevations such as the service yard areas. The approved scheme involved the installation of 'goal post' entrance features incorporating proposed signage zones, however, it is now proposed to replace these approved elements and provide a simplified glazed shop frontage to each unit with projecting glazed entrance canopy with space for new tenant signage above each entrance (precise signage details will require separate advertisement consent.)

The re-cladding to the retail unit frontages would predominantly comprise the installation of new 'Anthracite' coloured composite cladding panels. This is considered acceptable and typical of contemporary retail park vernacular, and the removal of the existing walkways would result in improved legibility to the retail units. Overall, it is considered that the design rationalisation and use of materials to the retail frontages would amount to a significant improvement to the existing buildings and will significantly enhance the appearance of the retail park buildings and public realm and as such comply with the provisions of UDP Policies EV1, EV2, EV4, EV5, EV9 and CC5 of the Council's adopted UDP.

Approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the completion of a new Section 106 Unilateral Undertaking (UU)/Deed of Variation re-instigating the existing provisions of the UU submitted under the Appeal to Planning Permission Ref: 2013/1815 and subject to the following conditions:

- 1 The development shall be commenced not later than the expiration of 5 years from the date of this planning permission.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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- 2 Unless otherwise agreed in writing by the Local Planning Authority the aggregate floorspace occupied by Use Class A1 at Parc Tawe 1 shall not exceed 13,036 sq m (gross external area), including kiosks 1-4 as defined in submitted Site Plan 9485 P 024 Rev. U. New mezzanine floorspace shall not be permitted in any units of the development apart from Unit 6B as approved in the aforementioned drawing.
- Reason: In accordance with UDP Policies CC2, CC3 and CC4, to protect the vitality and viability of the city centre retail core and to ensure that the development does not undermine the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 3 Notwithstanding Condition 2, Units 1, 5A, 5B, 5C, 6A, 6B, 6C, 6D, K1, K2 ,K3 and K4 hereby permitted at Parc Tawe Phase 1 (as defined in submitted Site Plan 9485 P-024 Rev U) may also be used for the sale of food but such use shall be restricted to a single user for up to 1,860 sq m (gross external area).
- Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 4 Unless otherwise agreed in writing by the Local Planning Authority, the aggregate floorspace occupied by Use Class A3 at Parc Tawe Phase 1, including mezzanines, shall not exceed 1,300 sq metres (gross external area), excluding kiosks 1 - 4, as defined on submitted Site Plan 9485 P-024 Rev U.
- Reason: In accordance with UDP Policies CC2, CC3 and CC4, to protect the vitality and viability of the city centre retail core and to ensure that the development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 5 Use Class A3 at Parc Tawe Phase 1 shall be accommodated solely within Units 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4 hereby permitted (as defined on submitted Site Plan 9485 P-024 U) and within no other unit at the site.
- Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 6 Units 2A, 2B, 2C, 3 and 8 hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 Rev U) shall be used exclusively for uses in Class A3 and for no other purpose (including any other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order with or without modification).

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- 6 Reason: In accordance with UDP Policies CC2 and CC3, to ensure an appropriate mix of food and non-food units at the development and to ensure that the scale of development does not undermine the aspirations of the Local Planning Authority for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 7 The A1 retail use class units hereby permitted at Parc Tawe Phase 1 (as defined on submitted Site Plan 9485 P-024 Rev U) must not be sub-divided below 700 sq m (gross external area) or further amalgamated above 3,500 sq m (gross external area).
Reason: In accordance with UDP Policies CC2 and CC3 and the Swansea City Centre Strategic Framework SPG and to protect the vitality and viability of the city centre retail core and the Council's aspirations for the future comprehensive redevelopment and enhancement of the retail core at St David's/Quadrant.
- 8 The construction of the 'drive-thru' restaurant facility on Unit 8 shall be undertaken in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief approved under condition discharge ref:2015/2315. Following completion of the construction phase of works a report shall be submitted to the Local Planning Authority outlining the findings of the completed archaeological work.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 9 The external finishes, (including new shop fronts, doors and external security measures) and repainting of existing cladding and the precise pattern and distribution of the external finishes shall be implemented in accordance with the approved details under condition discharge ref:2015/2367.
Reason: In the interests of visual amenity.
- 10 The final design and treatment of the western elevation of Unit 7 (ten pin bowling alley) and Parc Tawe entrance from The Strand elevation shall be implemented in accordance with the approved details under condition discharge ref:2015/2367.
Reason: In the interests of visual amenity.
- 11 The final design and treatment of the newly exposed western and north western elevations to Plantasia shall be implemented in accordance with the approved details under condition discharge ref:2015/2367.
Reason: In the interests of visual amenity.
- 12 The living green walls to the southern elevation of Unit 4, the north western elevation of Plantasia and to the northern edge of the service access road, shall be completed in accordance with the approved scheme under condition discharge ref: 2015/2513.
Reason: In the interests of visual amenity.
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- 13 The approved landscaping scheme under condition discharge ref:2015/2513 shall be carried out by the developer using all reasonable endeavours including any necessary consents from the local authority prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4. Any trees or shrubs planted in accordance with this condition which are removed shall be replaced by trees or shrubs of similar size and species to those originally required to be planted. Any trees or shrubs planted in accordance with this condition which die or 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 and to accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites.
- 14 The landscaping bund to Quay Parade shall be retained at its current height unless otherwise indicated within the approved scheme under condition discharge ref:2015/2513 (provided that the developer after using reasonable endeavours obtains any necessary consents from the local authority). The existing trees and vegetation and any new planting within the bund shall be retained in perpetuity (except where expressly authorised by the approved landscaping scheme).
- Reason: To ensure that the site is satisfactorily landscaped and to provide screening to the surface car park from this highly prominent and important gateway location.
- 15 No trees, shrubs or vegetation within the application site shall be removed, felled or cut back in any way, except where expressly authorised by the landscaping scheme as approved by the Local Planning Authority. Any trees, shrubs or vegetation removed without such authorisation, or dying, or being seriously damaged or diseased during the implementation of the development shall be replaced by plants of a size and species as may be agreed with the Local Planning Authority.
- Reason: In the interests of visual amenity.
- 16 The development shall be implemented in accordance with the Japanese Knotweed Management Plan approved under condition discharge ref:2015/2367 prior to the commencement of work on site.
- Reason: In the interests of the ecology and amenity of the area.
- 17 The development shall be implemented in accordance with the recommendations of Waterman Parc Tawe, Swansea - Ecological Building Inspections Report (EED13992-100_R_1_1_2_LM).
- Reason: In the interests of ecology.

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| 18 | <p>The cycle and motor cycle parking shall be laid in accordance with the Proposed Site Plan 9485 P 024 Rev U approved under condition discharge ref:2015/2367 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority) prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.</p> <p>Reason: In the interests of highway safety.</p> | |
| 19 | <p>The 50 disabled parking spaces shall be laid out in accordance with the Proposed Site Plan 9485 P Rev U approved under condition discharge ref:2015/2367 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority) prior to beneficial use of the refurbished scheme by any operator not currently located at the retail park.</p> <p>Reason: In the interests of accessibility.</p> | |
| 20 | <p>The proposed scheme for the protection works to the existing footbridge linking the site to Worcester Place, shall be implemented prior to the commencement of the refurbishment works to the footbridge in accordance with the scheme approved by the Local Planning Authority under condition discharge ref:2015/2367 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority).</p> <p>Reason: In the interests of highway safety.</p> | |
| 21 | <p>The existing at grade pedestrian linkages between the site and the Parc Tawe Link Road shall be widened in accordance with the details indicated on the landscape plan (ref:2375/15/B/1G) and the site plan (ref:9485 P-024 Rev U)(provided that the developer using reasonable endeavours obtains any necessary consents from the local authority) prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4.</p> <p>Reason: To improve pedestrian and cyclist permeability.</p> | |
| 22 | <p>The new at grade pelican crossing on the Strand (as per Vectos drawing 131086/A/05) shall be completed under a section 278 Agreement with the Highway Authority prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4 (provided that the developer using reasonable endeavours obtains any necessary consents from the local authority).</p> <p>Reason: In the interests of highway safety.</p> | |
| 23 | <p>The development shall operate in accordance with a car parking management plan to be submitted to and agreed in writing with the Local Planning Authority (such approval not to be unreasonably withheld or delayed) prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4.</p> <p>Reason: In the interests of sustainability and to ensure that the parking provision is being properly managed and contained within the site.</p> | |

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- ITEM 1 (CONT'D) APPLICATION NO. 2016/0662
- 24 The development shall operate in accordance with a Travel Plan to be submitted to and approved in writing with the Local Planning Authority (such approval not to be unreasonably withheld or delayed) prior to beneficial use of any of the Units at 2A, 2B, 2C, 3, 8, K1, K2, K3 and K4.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 25 The demolition and construction works on the application site (including all access roads) shall be implemented in accordance with the Construction Pollution Management Plan (CPMP) approved under condition discharge ref:2015/2367.
Reason: To ensure minimal nuisance impact on local residents / businesses from construction activities.
- 26 The development shall be implemented in accordance with the site waste management approved under condition discharge ref:2015/2367.
Reason: To assist the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.
- 27 If, during the course of development, contamination not previously identified is found to be present at the site, no further development (unless agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination
Reason: To ensure that the safety of future occupiers is not prejudiced.
- 28 The modifications to the ventilation / fume extraction to the Odeon Mechanical Plan shall be implemented in accordance with the approved details under condition discharge 2015/2367. Any new or replacement ventilation/ fume extraction systems to each A3 unit / kiosk shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the associated premises are occupied, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of general amenity.
- 29 A scheme for protecting any nearby retail/domestic premises from noise generated by any new or replacement external plant/machinery shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the associated Unit(s). The scheme shall demonstrate that the combined noise levels from all such plant units measured as an LAeq (1hour) will meet Noise Rating NR50. The assessments will be made at 1 metre from the facade of the closest retail/ domestic premises. Such works that form part of the approved scheme shall be completed before the associated premises are occupied and thereafter properly maintained, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect existing and future and residents and other commercial operators from noise disturbance from the plant servicing the proposed development.

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- 30 The detailed drainage strategy indicated on drg. Nos. WB03257 C 1502 - 1505 approved under condition discharge ref:2015/2367 showing how the foul water, surface water and land drainage shall be implemented prior to the construction of any impermeable surfaces draining to the system, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To reduce the risk of pollution to controlled waters and to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- 31 Foul water and surface water discharges shall be drained separately from the site.
Reason: To protect the integrity of the public sewerage system.
- 32 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.
- 33 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.
- 34 The development site is crossed by a 1650mm public combined sewer as marked on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Unless otherwise agreed in writing by the Local Planning Authority, no part of the building will be permitted within 8 metres either side of the centreline of the public sewer.
Reason: To protect the integrity of the public sewer and avoid damage thereto.
- 35 The design and materials of the public realm floor map shall be implemented in accordance with drawing number 9845 P 031 Rev E and 9485 P 041 Rev F as approved under condition discharge ref:2015/2353.
Reason: To accord with the City and County Council's policy of encouraging the provision of public art features on appropriate sites.

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 CC1, CC2, CC3, CC4, EC4, EV1, EV2, EV3, EV4, EV5, EV6, EV9, EV33, EV34, EV35, EV36, EV38, EV40, AS1, AS2, AS4, AS5 & AS6)
-

PLANNING COMMITTEE – 4TH OCTOBER 2016

ITEM 2

APPLICATION NO.

2016/1249

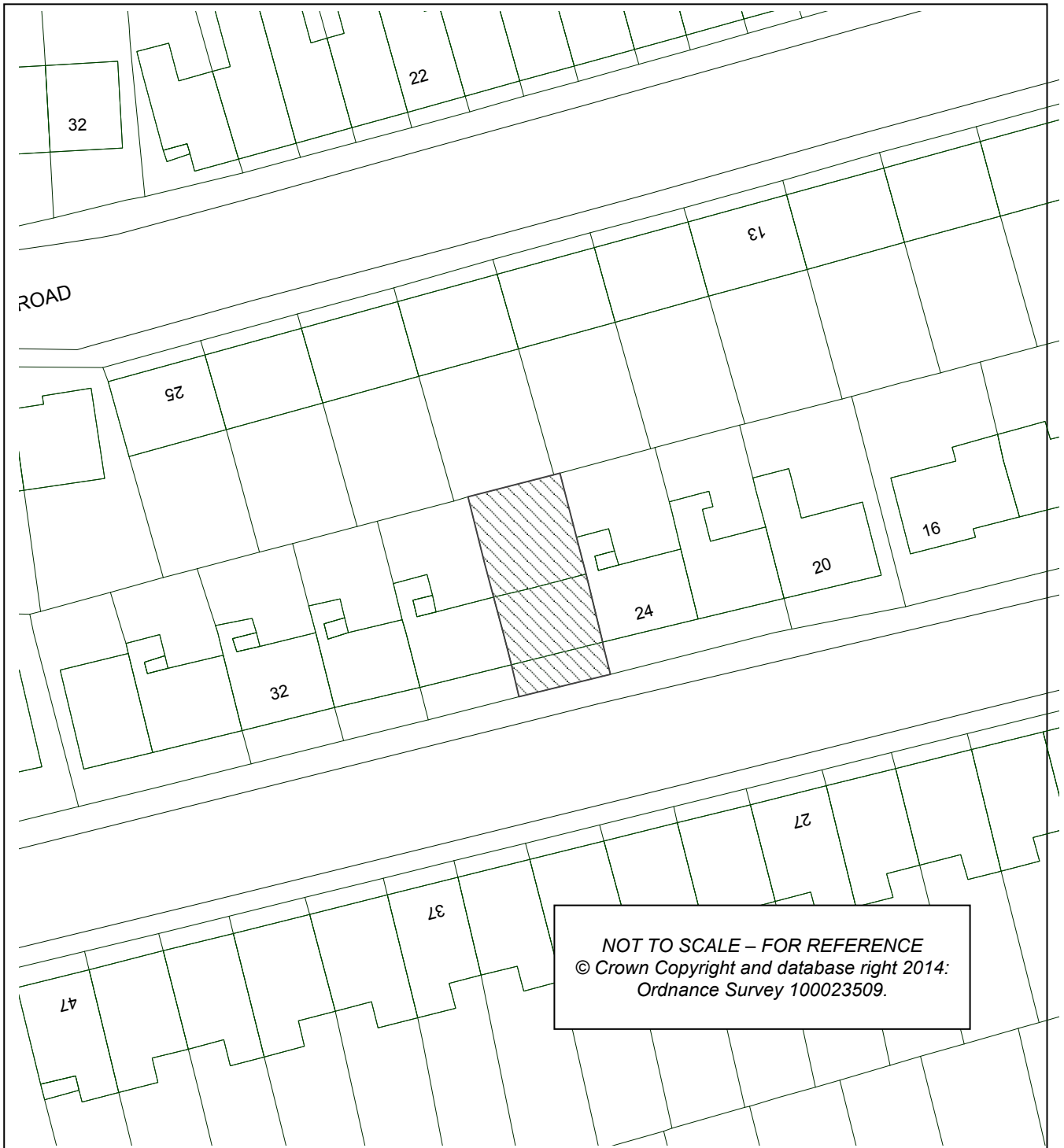
WARD:

Uplands

Location: 26 Pinewood Road Uplands Swansea SA2 0LT

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

Applicant: Mrs Sharon Davies



ITEM 2 (CONT'D)

APPLICATION NO.

2016/1249

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy HC5	Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

NO RELEVANT PLANNING HISTORY

RESPONSE TO CONSULTATIONS:

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to 4 individual neighbouring properties and through display of a site notice dated 1st July 2016. 30 individual letters of objection were received and a petition of 75 signatures received raising concerns relating to:

1. Too many HMO's.
2. Parking issues.
3. Noise.
4. Litter problems.
5. Anti-social behaviour.
6. Community is in decline.
7. Need for the development.
8. Decline in the care of properties.
9. High turnover of residents has a detrimental impact on area.
10. Bins and recycling issues.
11. Properties not looked after which affects house prices.
12. Letting signs are being left up all year around.
13. Bus issues with navigating the streets.
14. Impact approval would have on Councils drive for City Centre regeneration.
15. Character of area is moving away from families to slums.
16. Concern over the quality of the report.
17. Discrepancies within the report.
18. Accessibility of cycle storage.

ITEM 2 (CONT'D)

APPLICATION NO.

2016/1249

Dwr Cymru/Welsh Water: No objection.

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

No car parking is available but there is a rear yard area which could provided cycle storage.

I recommend that no highway objections are raised to the HMO for 4 persons, subject to cycle parking being erected in accordance with details to be submitted to the LPA, and implemented prior to beneficial occupation of the HMO.

Pollution Control: No objection.

APPRAISAL:

This application is reported to Committee for decision at the request of Councillor Nick Davies due to concerns relating to the concentration of HMOs in the area and in light of the fact there is a petition in excess of 30 individual signatures.

Description

Full planning permission is sought for the change of use of No 26 Pinewood, Uplands from a residential dwelling to a HMO for up to 4 people (Class C4). The existing dwelling is a two storey mid link terrace property which is situated within the suburban area of Uplands. Uplands is a suburban area of Swansea. The area comprises a mix of rows of traditionally designed terraced properties and large detached properties.

No external alterations are proposed and as such the proposal will have no impact on visual amenity.

Main Issues

The main issues for consideration during the determination of this application relates to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

ITEM 2 (CONT'D)

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It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however Swansea Local Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criteria of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, the proposal will not result in an increase in the number of bedrooms and as such both the existing and proposed units would accommodate 4 bedrooms. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

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

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

ITEM 2 (CONT'D)

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The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following on from the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation Practice Guidance (February 2016) HMOs. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students temporarily resident and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is evident from visiting the site and viewing the Councils own records that there are a number of houses in multiple occupation in and around Pinewood Road. The street comprises a mixture of rows of terraced properties, semi-detached and detached properties. Pinewood Road is situated towards the northern end of Uplands Ward and runs horizontally east to west through the area. The street is also crossed vertically by Glanmor Park Road, Llythrid Avenue, Le Breos Avenue and Hawthorne Avenue. Using evidence held by our Environmental Health Department (accessed 15th September 2016) there are currently 4 HMO licenses active between No's 1 and 69 Pinewood Road (approximately 63 properties) which is approximately 6% of dwellings within this road. These properties being No's 1, 4, 28 and 55 Pinewood Road.

It is clear that approval of the application would result in the addition of a further HMO into the Uplands Ward that already comprises a concentration of HMOs, however whilst this is the case there is no empirical evidence that leads conclusively to the conclusion that approval of this additional HMO would result in a harmful concentration or intensification of HMOs in this area or street. In terms of the street it can be noted that a low percentage of properties would be occupied as HMO's as a result of the approval of the application (8%).

In the absence of a percentage or other similar calculation based approach it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. As such whilst this application will result in further concentration of HMOs it cannot be regarded that this is a harmful concentration such that it complies with the aims of this criterion.

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

ITEM 2 (CONT'D)

APPLICATION NO.

2016/1249

Having consulted the Head of Transportation and Engineering it is acknowledged that there is no car parking available to support this application. However, the absence of car parking in itself is not a reason for refusal of a planning application. There is a need to demonstrate that the lack of car parking results in harm to highway safety within the immediate area.

It can be noted that the site is located in a sustainable location with access to amenities and public transport. It is not considered the use of the premises for up to 4 residents (or 6 residents within a C4 Use Class) would result in significant additional parking demand over and above the extant consent. A condition will be added to ensure the provision of cycle parking as an alternative means of sustainable transport is provided.

Therefore subject to an appropriately worded condition the proposal to provide for sustainable transport it is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The site has a large enough rear garden to accommodate refuse bins and as such it is reasonable to suggest that appropriate refuse storage arrangements can be provided and agreed via an appropriately worded condition.

Response to Consultations

Notwithstanding the above 30 individual letters of objection and a petition of 75 objections were received which raised concerns relating to the number of HMOs in the area, parking issues, community impact, impact on character of an area, bins and recycling, highway safety. The issues pertaining to which have been addressed above.

Further concerns were raised with respect of litter, noise and anti-social behaviour orders. This is a stereotypical assumption to make and the planning process cannot legislate for the behaviour of residents. Alternatively the occupiers of this property could be model citizens and it is for other bodies to legislate the behaviour of residents. As such these issues raised are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application.

In terms of the impact HMOs have on property prices are not material planning considerations which can be taken into account during the determination of an application.

In addition to this concern has been raised with respect landlords leaving letting signs up all year around. This is a Licensing and Enforcement issue and would need to be pursued separately.

Concern has been raised with respect discrepancies within the Officer report which was reported to Committee on the 6th September 2016. Officers acknowledged that there were errors within the report and these have been addressed. It should be noted that the errors contained within the report had no bearing upon the decision reached and as such the application is reported to Committee for decision with a recommendation of approval.

ITEM 2 (CONT'D)

APPLICATION NO.

2016/1249

With respect the cycle storage to the rear, the Local Planning Authority cannot force residents to cycle to their place of work or study etc, however it can offer alternative means of transport which Condition No 3 seeks to achieve.

Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would it is considered have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Plan received 22nd June, Existing and Proposed Plan and Site Location Plan received 27th June 2016.
Reason: To define the extent of the permission granted.
- 3 Details of facilities for the secure and undercover storage of four cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interest of highway safety and sustainability.

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, HC5 and AS6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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PLANNING COMMITTEE – 4TH OCTOBER 2016

ITEM 3

APPLICATION NO.

2016/1416

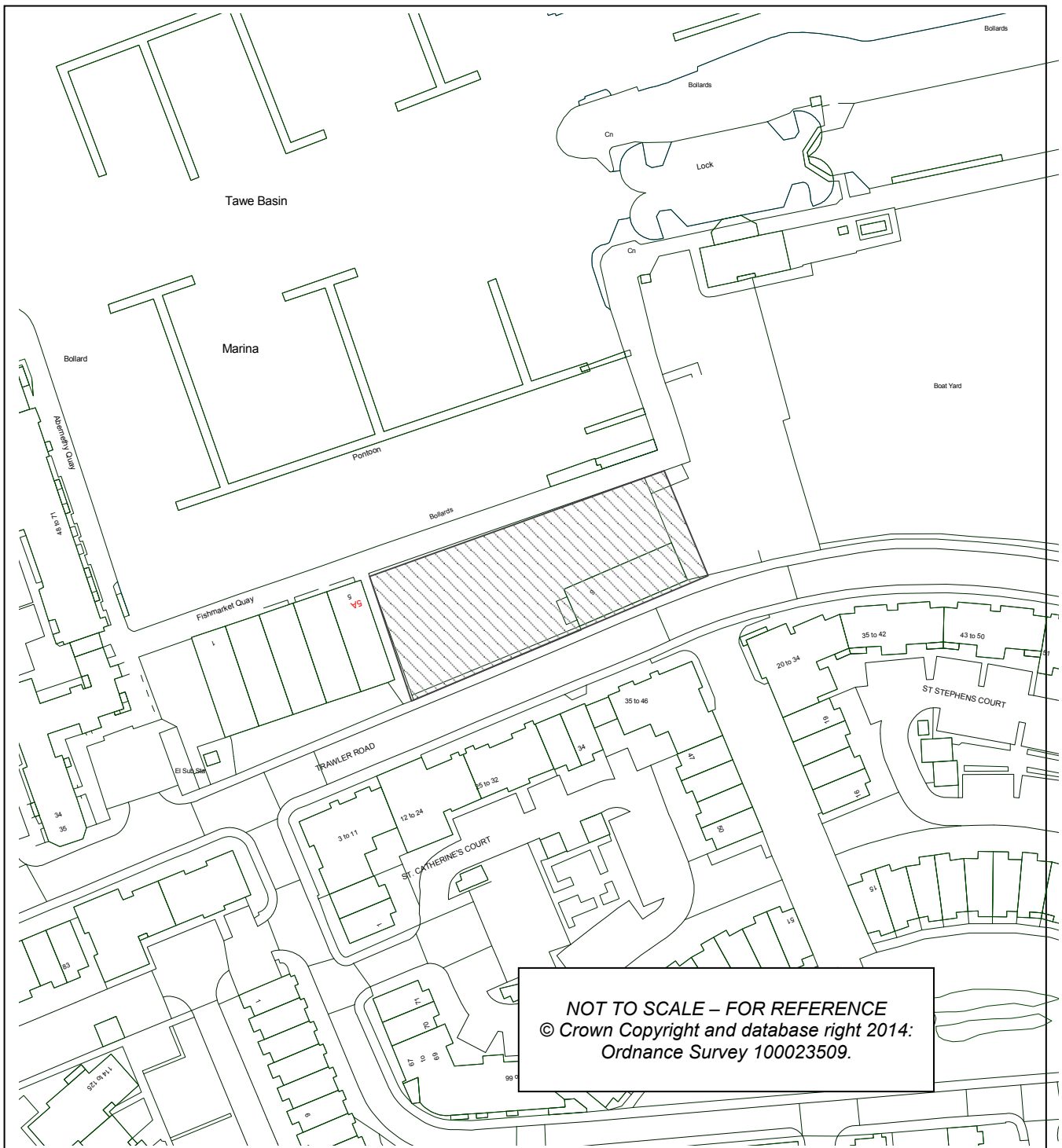
WARD:

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 and bin/bike stores (details of the landscaping (reserved matters) and western elevation pursuant to conditions 1 and 22 of outline planning permission 2015/1498 allowed on appeal on 5th May 2016

Applicant: Waterstone Homes Ltd



ITEM 3 (CONT'D)

APPLICATION NO.

2016/1416

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 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.

Planning Policy Wales (PPW) (January, 2016 8th 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.

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).*

PLANNING COMMITTEE – 4TH OCTOBER 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/1416

- 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).*

2015/1498

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 22 October, 2015 for the following reasons:

1. *The introduction of this intensive form of residential development in close proximity to existing business uses would be detrimental to the residential amenity that future residents of the proposed residential apartments 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 this intensive form of residential development 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).*

Appeal Allowed 5 May, 2016

ITEM 3 (CONT'D)

APPLICATION NO.

2016/1416

RESPONSE TO CONSULTATIONS

The application was advertised on site. No response

Highway Observations – no highway objections

APPRAISAL

This application is reported to Committee for decision as the development meets the Alternative Development Threshold set out in the Council's Constitution.

Introduction

Planning Permission for the construction of four/three storey block containing 50 residential apartments (Class C3) and 1 no. ground floor retail unit (Class A1) with associated undercroft car parking and bin/bike stores was allowed on Appeal on 5th May 2016 (Ref:2015/1498) (Appeal Decision appended).

Planning Application 2015/1498

The original planning application was reported to Planning Committee on 13th October 2015. The Officer Report set out the key considerations of the application and resolved to recommend approval of the application subject to conditions. Whilst noting the objections submitted it was considered that the overall urban design solution was acceptable in terms of scale, building mass and detailed elevational design. There was considered to be adequate car parking and it was not considered that the development would result in an unacceptable loss of residential amenity to any existing residential property. Concerns had been raised in relation to the introduction of noise sensitive residential apartments in close proximity to existing business operations, however, officers considered that suitable conditions could be imposed to control acoustic amenity of future residents and that refusal of the application would be unsustainable.

Contrary to the advice of Officers Members of the Planning Committee resolved to refuse the planning application on the basis of concerns relating specifically to the impact of the development upon residential amenity of future residents and noise nuisance with likely future complaints with the following 2 reasons being given for refusal as set out on the decision notice:

- 1. The introduction of this intensive form of residential development in close proximity to existing business uses would be detrimental to the residential amenity that future residents of the proposed residential apartments 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).*

ITEM 3 (CONT'D)

APPLICATION NO.

2016/1416

- 2. The introduction of this intensive form of residential development 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).*

The Appeal Decision – Appeal Ref APP/B6855/A/15/3139369

In dealing with the appeal against the refusal of the planning application the appointed Planning Inspector considered that the main issues were whether the proposed development would provide acceptable living conditions for future occupiers in terms of noise, odour and air pollution, with regard to its location in proximity to existing businesses in addition to the effect of the proposed development on the operations of existing businesses.

In relation to noise impacts the Planning Inspector noted that the evidence presented by the appellant (Noise Impact Assessment – NIA) on noise indicated that readings taken predominantly fall within Noise Exposure Category B of Planning Guidance (Wales) Technical Advice Note (Wales) 11, Noise – October 1997. Category B is noise which should be taken into account when determining planning applications, and where appropriate, conditions imposed to ensure an adequate level of protection. The Inspector noted that whilst one survey measuring point indicated a reading that just falls within Category C (where permission should not normally be granted) nonetheless noted that the overwhelming majority of recordings were within Category B. The Inspector further noted that the Councils Head of Public Protection, Housing and Health had accepted the conclusions of the evidence and agreed that a suitably acoustically insulated window design imposed via a planning condition would safeguard future residential amenity. The Inspector goes on to consider issues raised in relation to a noisy fan from the adjacent fish wholesaler, potential noise from the marina boat hoist as well as potential noise from the boatyard in relation to delivery of boats, use of power tools and general noise activity although considered that there was no reason to disagree with the conclusions of the NIA subject to appropriate conditions. In relation to Odour and Air Quality concerns the Inspector again considered that appropriate conditions could be utilised to deal with potential concerns.

In relation to the second reason for refusal, the impact upon existing businesses, the Inspector concluded that the location of the proposed development in proximity to the existing businesses would not be likely to give rise to any significant or undue detriment as a result of odour nuisance to future occupiers of the apartments, and would not be subject to an significant and demonstrate adverse noise impacts.

Other issues raised as part of the appeal have been addressed by the Planning Inspector who concludes that the application was acceptable and imposed a range of conditions as set out in the decision notice dated 5th May 2016.

ITEM 3 (CONT'D)

APPLICATION NO.

2016/1416

Description

The development granted planning permission comprised an outline planning application, whereby full details of access, appearance, layout and scale were provided, although detail related to any proposed landscaping was left to be considered as a reserved matter.

The Planning Inspector granted planning permission, in outline, subject to a 24 conditions, one of which requires details of the proposed landscaping (a reserved matter) to be agreed in writing by the Local Planning Authority prior to commencing the development.

Condition 1 of the permission reads:

- 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.*

This current application therefore relates to the details of the landscaping of the site.

Additionally, Condition 22 requires elevational drawings of the western elevation of the building to be submitted for approval and was deemed necessary in the interests of visual amenity. The western elevation drawing was not submitted under ref: 2015/1498. Condition 22 reads:

- 22. Prior to the commencement of development, elevation drawings of the western elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall be carried out in accordance with the approved elevational drawings.*

This application therefore seeks reserved matters approval for the landscaping of the site pursuant to Condition 1 and also seeks approval of the submitted details of the western elevation pursuant to Condition 22.

Main Issues

The main issues for consideration in this application therefore relate to whether the proposed landscaping and proposed elevational detailing to the western elevation is acceptable having regard to the Swansea Unitary Development Plan and any material considerations. Given the appeal decision the Local Planning Authority is unable to revisit matters of principle.

Landscaping and Visual Amenity

The landscape plan submitted (Drawing AS.05) indicates a soft planting area which is restricted to shrubs / climbers on the Trawler Road frontage in order to soften/ screen the undercroft parking area with external paving to hard landscaped areas essentially restricted to circulation area and along Fishmarket Quay. The scope for landscaped areas within the development are severely restricted to those indicated and the proposed soft / hard landscaping details are considered to be acceptable for the development within its context of the surrounding area. Overall, it is considered that the proposals would provide a good standard of landscape design in accordance with Policy EV1 of the Swansea Unitary Development Plan.

ITEM 3 (CONT'D)

APPLICATION NO. 2016/1416

The submitted western elevation drawing (Drawing AE.02) essentially indicates a 'blank' three storey rendered elevation with a central full height window area finished in aluminium double glazed windows which illuminates the internal access corridor. The approved floor plans indicate the windows are set back from the western elevation. The elevational treatment of the western elevation would be visually acceptable and the omission of any habitable room windows adjacent to Fishmarket Quay is considered appropriate.

Conclusions

In conclusion, having regard to all material considerations, including the Human Rights Act., the proposal would represent a satisfactory form of development which complies with the criteria of Policies EV1, EV2, EV3 & EV4 of the Unitary Development Plan and would have an acceptable impact on the residential and visual amenities of the area. Approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the following condition:

- 1 The development shall be carried out in accordance with the following approved plans and documents: Site location plan - AS.15, Elevation 04 - AE.02, Landscape Plan - AS.05
Received 13 July, 2016.

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: (UDP Policies EV1, EV2, EV3 & EV4)
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