

## PLANNING COMMITTEE – 1<sup>ST</sup> AUGUST 2017

ITEM 1

APPLICATION NO:

2016/3704/FUL

WARD:

Castle - Bay Area

Location:

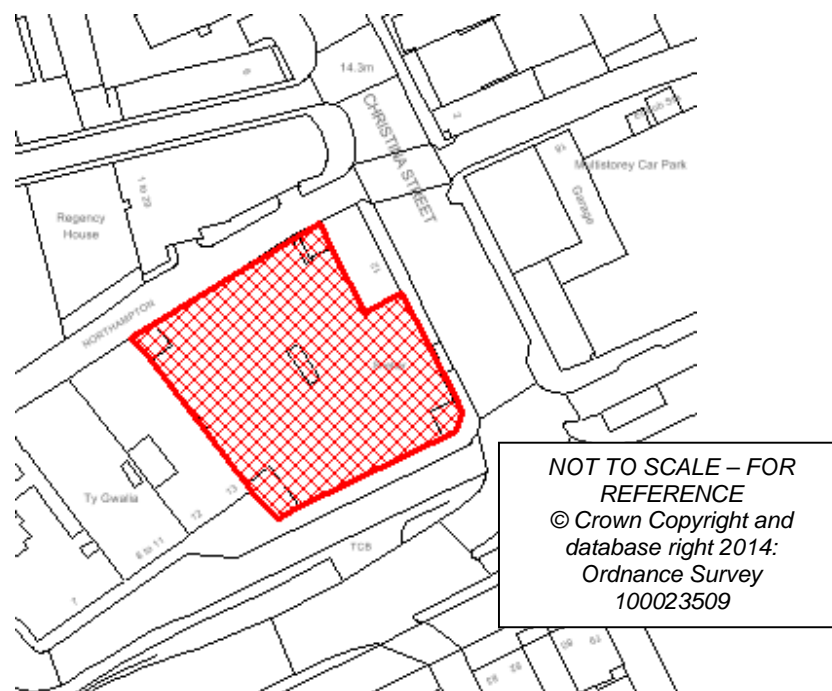
17-18 The Kingsway, Swansea, SA1 5JW

Proposal:

Construction of purpose built student accommodation building between 5-14 storeys for residential accommodation for students (up to 307 bedrooms) with ancillary communal facilities, cycle & bin stores, with ground floor commercial unit Retail (Class A1) and/or Restaurant (Class A3) and associated works following demolition of existing single storey restaurant building

Applicant:

Crosslane Student Developments (UK)Ltd, Eastways Plc And NMJ  
Crosslane Student Developments (UK)Ltd, Eastways Plc and NMJ



### **BACKGROUND INFORMATION**

#### **POLICIES**

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

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#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - CC1 - City Centre Mixed Use Development

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)

#### UDP - CC2 - City Centre Retail Core

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)

#### UDP - CC6 - Delivering Improvements in City Centre Accessibility

Promotion of improvements to the City Centre's accessibility through specified improvements. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV2 - Siting

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).

#### UDP - EV3 - Accessibility

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)

#### UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV5 - Art in the Environment

The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

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)

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#### UDP - EV13 - Shopfronts

Proposals for new or renovated shopfronts, including security grilles, should be sympathetic to the character of the building, adjacent properties and the surrounding area. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV33 - Sewage Disposal

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)

#### UDP - EV35 - Surface Water Run-Off

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)

#### UDP - EV36 - Development and Flood Risk

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)

#### UDP - EV38 - Contaminated Land

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)

#### UDP - EV40 - Air, Noise and Light Pollution

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)

#### UDP - HC11 - Higher Education Campus Development

Higher education campus development will be permitted subject to compliance with the defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC17 - Planning Obligations

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)

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### SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/3704/FUL	Construction of purpose built student accommodation building between 5-14 storeys for residential accommodation for students (up to 307 bedrooms) with ancillary communal facilities, cycle & bin stores, with ground floor commercial unit Retail (Class A1) and/or Restaurant (Class A3) and associated works following demolition of existing single storey restaurant building	PDE	

### RESPONSE TO CONSULTATIONS

The Wales Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to be accompanied by a pre-application consultation report (PAC). The submitted PAC Report has outlined the pre-application consultation undertaken during November / December 2016. Activities included a public consultation event and the provision of a project website. A number of issues were raised:

- o Car Parking
- o Transportation
- o Design
- o Community Impact
- o Environmental Issues

### ORIGINAL PROPOSAL (Received 23 December 2016)- excluding the 'Nawab' restaurant

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. A letter of objection was been received from Swansea Civic Society raising the following objections to this development proposal for this key City centre location.

1. The Swansea Central Area Regeneration Framework document formally adopted by the City administration in February 2016 redefines the Kingsway to be a business district and employment hub . . . supporting the economy and vibrancy of this part of Swansea's Central Area, and to provide active frontages. This application fails to demonstrate how the creation of a 253 bed student only accommodation block will contribute to any aspect of this objective. The students will be absent in the day time on week days when the strategy sets out to increase commercial activity, and the premises vacant for approximately 1/3 of the year. It should therefore be rejected on principle.

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2. If permitted to proceed in its current form, the 12 storey element will dwarf and dominate the surrounding buildings to an unacceptable degree as is clear from the drawings submitted. In addition this will set a precedent which in line with the City's definition of tall buildings will permit applicants to achieve even taller structures in the future. It is clear that maintaining 4 -5 storeys as a maximum would not impact the existing building lines of the Kingsway and would not out-scale or overshadow the adjacent structures of note, such as the YMCA. The case for a tall building at this location has not been justified other than developer profit at the expense of the existing residents and their amenities.
3. The application sets out to discourage students from using cars. This is insufficient and inadequate. Discounted or free bus passes may be provided but are not a preventive measure to ensure that there is no vehicle use or ownership. There are no details given of any proposed enforcement procedures sufficient to satisfy local concerns.
4. There are only three parking spaces proposed, allocated to staff and students with impaired mobility. Is it in accordance with Council DDA policy for this development to effectively bar or restrict the numbers of disabled residents to between 0 to 3 out of 253?
5. Reference is made of a student management team based on site as a reassurance that unacceptable behaviour will be avoided. This will necessarily need to be on a 24/7 basis. Office hours and a contact number would be totally inadequate.
6. The site is currently a pay and display car park. The provision of alternative parking within the City centre is not addressed and there is an implication that the reduction in parking provision will improve air quality. This is patently absurd as the need for parking will serve to only increase levels elsewhere in the City. What measure are in place to support alternative parking provisions?
7. The application identifies that there is a demand for quality student accommodation within the City. It does not demonstrate that this is the only suitable site other than commercial advantage to the developer or investor. This is not the basis for sound planning decisions.

### **AMENDED PLANS - including the 'Nawab restaurant Received 6 May 2017 and 11 May 2017**

The revised proposal was re-advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No responses from the public were received.

### **AMENDED PLANS (Received 18 July 2017)**

Amended plans were received on 18 July 2017 responding to design alteration requests from the Local Planning Authority. Additional consultation has been undertaken by Site Notice inviting any further comments in 14 days. No additional representations have been received to date.

### **Statutory Consultee Responses:**

The following responses have been received as part of the application:

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**Glamorgan Gwent Archaeological Trust** - Note the submission of a Heritage Desk-based Assessment (Report no. 16638, dated December 2016) which identifies the nature and extent of the archaeological resource of the proposed development area, and assesses any potential adverse effect of the application. It concludes that there are no known designated or non-designated sites that may be physically impacted by the development. Furthermore, the previous development of the site, visible on historic Ordnance Survey mapping, is likely to have had a severe effect on any potential remains that may have been present. The setting assessment also concludes that there will be no adverse non-physical effect upon the significance of any historic assets in the vicinity.

As a result there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

**CADW** - Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

The proposed development is located within the vicinity of the scheduled monuments known as Swansea Castle (GM012) and Original Swansea Castle (GM441) and within the vicinity of the registered historic park and garden known as PGW (Gm) 55 (SWA) St. James's Gardens and Crescent.

The application area is located some 540m from scheduled monuments Swansea Castle (GM012) and Original Swansea Castle (GM441): However all views towards the development from GM441 are blocked by the extant Castle Buildings. The development will not be seen from ground level of GM012 but will be visible from the wall walk above the hall block and the top of the southern garderobe tower. Scheduled monument Swansea Castle (GM012) consists of the remains of the 'New Castle', dating from the late 13th to early 14th century. The visible remains consist of the north and south blocks, connected by a short stretch of much-altered curtain wall. The curtain wall was originally continued up Castle Bailey Street on the west, and west from the north block to enclose a roughly rectangular area, with an entrance on the west side. The well preserved south block, which occupied most of the south side of the 'New Castle', is the most spectacular part, with its picturesque arcaded parapet on top of the outside walls. This was probably a slightly later addition to the main building, which was a residential block. At the west end of the block is a spectacular circular garderobe tower standing to its full height, and in the south-east angle is a small turret with an arrow slit.

The castle was built to command the Tawe Valley with significant views along the valley to the north and to Swansea Bay to the south, and also to control land access to the Gower Peninsula with significant views to the east along coastal plain, to the northwest along the Roman road to Loughor and to the west along the line of the present Gower Road.

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The proposed building will be visible in the latter view but will be seen in long views over the roofs of the modern buildings of the city and will be seen along with a number of other tall buildings such as Sun Alliance House. Consequently, at worst the proposed development will have a very low impact on the setting of scheduled monument Swansea Castle (GM012).

The application area is located some 670m east from the Registered St. James's Gardens and Crescent Historic Park and Garden: However, intervening buildings will block all views to and from the historic garden and the proposed development. Consequently the proposed development will have a no impact on the setting of scheduled monument Swansea Castle (GM012).

**Council's Drainage Engineer** - We have reviewed the application and note that the applicant has applied the SUDS hierarchy, they have considered infiltration based drainage for the site, however in this instance we do not feel it is an appropriate solution due to the makeup of the ground in and around the Kingsway area which has been indicated to be made up of copper slag with all the contaminants that it comes with.

The outline proposals indicate a discharge to DCWW apparatus which is the only viable option in this case and subject to their approval recommend that a condition is appended to any permission given requiring a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with. 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.

**Dwr Cymru Welsh Water** - No objection subject to conditions.

**Natural Resources Wales** - NRW do not object to the above proposal, however, make the following comments:

**Foul Water Disposal**

We note from the application form, that foul water flows will be discharged to the main public sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. We recommend that prior to determination, 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.

**Surface Water Disposal**

NRW note the submission of the document entitled; 'Crosslane Student Development UK LTD: Proposed Student Accommodation, The Kingsway, Swansea: Drainage Strategy in Support of Full Planning Application', dated December 2016, by Shear Design. As the drainage system design is ultimately a matter for Local Authority Drainage Engineers, we advise that you should consult them with regards to the proposals.

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Geoscience

NRW note that the proposed development is located on a brownfield site. However, we consider that the controlled waters at this site are not of highest environmental sensitivity and therefore we will not be providing detailed site-specific advice, or comments with regards to land contamination issues for this site.

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. However, if during any development, gross contamination is found to be present at the site then the applicant and Local Planning Authority (LPA) may wish to re-consult Natural Resources Wales.

Ecology and Protected Species

We note the provision of the document entitled; 'Proposed Student Residential Accommodation, The Kingsway, Swansea: Preliminary Ecological Appraisal', dated December 2016, by Opus International Consultants (UK) Ltd. NRW suggest that you discuss the proposals laid down in Section 6: Recommendations, with your Authority's Planning Ecologist.

**Mid & West Wales Fire & Rescue -**

The site plan of the above application site has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the Committee / Applicant. It is important that these matters are dealt with early on in any proposed development.

The developer should consider the need to provide adequate water supplies for fire fighting purposes on the site and general guidance on this matter is attached.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible Authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B.

**Head of Environmental Management (Pollution Control) -**

Air Quality: I had previously discussed the assessment carried out and requested an additional worst case scenario to be put through the DMRB assessment which produced a predicted NO<sub>2</sub> annual mean of 23.41µg/m<sup>3</sup>. The noise condition below references the requirement for mechanical ventilation which will ensure that 'windows closed' is an option for the residential units. I have no air quality grounds to object to this application.

Noise: The Environmental Noise Assessment has proposed façade acoustic detail to comply with the internal noise levels set out in BS 8233:2014. The comment is made that the 'intended function of the ventilation elements was understood not to have been confirmed'; please could you attach the following condition for the façade acoustic design:-



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Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

- o All habitable rooms exposed to external road traffic noise shall be subject to sound insulation measures as stated in section 5.3 of the Environmental Noise Assessment HRS Ref. 124748 AC 2v1. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.
- o The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: - To protect the proposed residential use against noise arising from the existing traffic use of the area.

With regard to the commercial use proposed for the ground floor please attach the following condition:

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

Reason: - to protect the proposed residential use against noise emanating from the commercial activity.

- o Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

The building services plant noise shall be designed to achieve a maximum daytime rating level (dBLeq,Tr), 5dB below the representative background (LA90) sound levels as set out within Table 5 Noise Assessment Environmental Noise Assessment HRS Ref. 124748 AC 2v1. The building services plant noise shall also be designed to achieve a maximum night-time rating level (dBLeq,Tr), of 32dBA90,T as set out within Table 5 Noise Assessment Environmental Noise Assessment HRS Ref. 124748 AC 2v1.

Reason: - To protect the existing and proposed residential uses against noise from building services plant.

- o The use hereby permitted shall not commence until a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

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Reason:- to protect the proposed residential use against noise emanating from the activity.

- o The use hereby permitted shall not commence until a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason:- to protect the proposed residential use against noise emanating from the activity.

Land:

Unforeseen Contamination

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

Reason: To ensure that the safety of future occupiers is not prejudiced.

**Highway Observations** - No formal response provided.

### **APPRAISAL:**

#### **Introduction**

The planning application is for a mixed-use student accommodation-led development at the existing temporary surface car park site on The Kingsway location at the junction of Christina Street / Northampton Lane. The scheme proposes the construction of purpose built student accommodation (PBSA) building between 5-14 storeys for residential accommodation for students (up to 307 bedrooms in a combination of cluster flats and studios) with ancillary communal facilities, cycle & bin stores, a single ground floor commercial unit Retail (Class A1) and/or Café / Restaurant (Class A3) and associated works following demolition of existing single storey Nawab restaurant building. To provide flexibility in securing future occupiers of the commercial floorspace planning permission is sought for either retail (Class A1) or café/restaurant (Class A3) use of the commercial floorspace.

The application was submitted originally in December 2016 and the site boundary did not include the existing Nawab restaurant. The application was subsequently amended in May 2017 to include the Nawab restaurant within the site boundary and further revised plans provided in July 2017.

#### **Application Site and Surroundings**

The site is currently used as a surface level car park and benefits from a temporary planning permission for this use and has an access from Northampton Lane, the site was cleared in 2009 following clearance of 1950s buildings.

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As indicated above, the existing Nawab restaurant building will be demolished, which is a single storey building situated on the north-eastern corner of the site and has little architectural merit.

The site abuts the offices of Pobl Housing Association (formerly Gwalia) to the west. This is a 1920s building over 3-4 floors with a light stone elevation and a positive character. Further to the west is the substantial YMCA building over 5 floors which has a high architectural quality with red brick elevations and bath stone dressings and is grade II listed. Along the site frontage there is the Newton Road service road, which separates the site from The Kingsway to the south which is a busy and wide street where significant public realm enhancements are scheduled to be commenced / completed in 2017 / 2018. Along the southern side of The Kingsway there is a variety of mixed commercial uses with underused upper floors, plus the Oceana site which is in Council ownership and is being cleared potentially to accommodate a 'business hub' that forms an element of the City Deal projects for Swansea. Slightly to the south-west is the Potters Wheel public house which has permission for extension upwards with 4 stories of residential accommodation above.

To the east the site abuts Christina Street which is a busy part of the city movement network. Currently this is one way north bound but this is likely to revert back to two way as part of the wider Kingsway public realm project. On the eastern side of Christina Street is a mixture of 4 storey NCP multi storey car park and 3 storey commercial buildings. The site abuts Northampton Lane along its northern boundary, where a 4 storey residential accommodation block is situated which has its main entrance onto Christina Street and windows face the site across Northampton Lane.

### **Proposed Development**

The PBSA building will range between 5 - 14 storeys. It is highlighted in the Planning Statement that the height has been restricted to 5 storeys adjacent to the northern boundary to avoid any overbearing effect on the residential flats in Regency House along the northern side of Northampton Lane, and the original proposed height on the Northampton Lane elevation was reduced by a storey in response to the Pre-Consultation process with the residents. Additionally, privacy windows are also incorporated in the rear elevation to avoid direct overlooking of habitable-room windows.

The commercial unit is proposed at ground floor level along the southern elevation to Newton Road in order to provide an active street frontage. The principal entrance / reception area for the student accommodation would be situated at the south-east corner of the site at the junction with Christina Street which is appropriate and will increase the footfall towards The Kingsway. The building will have facades to Northampton Lane, Christina Street and The Kingsway and will be arranged around a central internal courtyard, which will be accessed through the building. This will provide an external amenity area for residents, as well as internal access from the ground floor to the bin and cycle storage area, which is positioned at the north-western corner of the building, accessed from Northampton Lane. The refuse storage facility will be serviced externally from Northampton Lane.

The proposed development will be car-free, and therefore no on-site parking is provided. The accompanying Management Statement and Travel Plan, sets out that the prospective occupiers will be advised prior to taking out a tenancy that parking will not be available and it will not be possible to apply for a residents' on-street parking permit.

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This will be reinforced through the tenancy agreements of those who occupy the accommodation. The application highlights that the applicants own and operate student living schemes of this nature throughout the UK and beyond and that their City Centre schemes are, almost without exception, car-free and these are managed effectively. The proposed PBSA will be managed by an Accommodation Manager and associated staff with a controlled access from the main entrance. The Management Statement outlines the student tenancy agreements which highlight that it is a breach of the tenancy to bring a car to the building.

### **Planning Application**

The planning application has been supported with the following documents:

- o Design and Access Statement;
- o Planning Statement;
- o Management Strategy;
- o Flood Risk Assessment;
- o Ecology Assessment;
- o Fire Safety Assessment;
- o Acoustic Assessment;
- o Air Quality Assessment;
- o Heritage Impact Assessment;
- o Transport Statement including Travel Plan;
- o Drainage Strategy;
- o Townscape & Visual Assessment including Verified View Montages;
- o Wind Micro Climate Assessment;
- o Daylight & Sunlight Assessment;
- o Pre-application Consultation Report.

### **Material Planning Considerations**

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

- o Compliance with prevailing Development Plan Policy and Supplementary Planning Guidance;
- o Urban Design and Townscape / Visual impact;
- o Impact on Residential Amenity including noise impact;
- o Highways, Traffic, Car parking, Access and Pedestrian movements;
- o Impact on Archaeology and Cultural Heritage;
- o Flood risk and Drainage;
- o Pollution;
- o Impact on Ecology;
- o Refuse and Waste Management;
- o Fire Safety.

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### Development Plan Policy and Supplementary Planning Guidance

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### National Planning Wales - PPW (Edition 9, November, 2016)

The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015. Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker in taking decisions on individual planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Paragraph 4.2.4 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives.

TAN23 (Economic Development) states that the economic benefits associated with development may be geographically spread out far beyond the area where the development is located and therefore as a consequence it is essential that the planning system recognises and gives due weight to the economic benefits associated with new development. The development will provide significant economic benefits to the City of Swansea.

#### Swansea Unitary Development Plan

The primary focus of the UDP Spatial Strategy is to encourage a sustainable approach to the development of a prosperous region focused on a cosmopolitan and multi-cultural City and County, which capitalises on its waterfront location. Strategic Policy SP1 states that sustainable development will be pursued as an integral principle of the planning and development process. Development proposals designed to a high quality and standard, which enhances townscape, landscape, sense of place, and strengthens Swansea's Waterfront identity will be favoured.

Goal 2 of the UDP is to help promote the sustainable growth of the local and regional economy and a high priority is placed on raising economic prosperity in the region.

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PPW states that the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes and the planning system should support economic and employment growth alongside social and environmental considerations.

The application site is located within the City Centre Action Area where the objective is to reinforce and improve the City Centre as a vibrant regional focus for business and administration, shopping, culture and leisure. UDP Policy CC1 (City Centre Mixed Use Development) of the UDP states that within the City Centre, development of numerous uses will be supported and these include retail, offices, hotels and housing, community and leisure uses.

The site is currently in use as a pay and display surface level car park and it also includes a single storey detached restaurant building. The principle of development on this brownfield site is established and indeed encouraged both by the UDP and PPW, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore considered to be policy compliant.

In terms of the proposed use, the UDP sets out the different uses that are considered acceptable within the City Centre. Although purpose built student accommodation is not listed specifically under Policy CC1, student accommodation is similar to both hotels and residential apartments in terms of format and operation, however, UDP Policy HC11 specifically states that the use of appropriate City Centre sites for student accommodation will be favoured. The student accommodation use would generate a large number of city centre residents that would add footfall and activity in the city centre. The residents would positively contribute to how the city centre functions by taking advantage of its facilities and amenities. In addition, the ancillary commercial uses would create active frontages and would attract additional footfall to the area. As promoted by PPW, the proposed use would make efficient use of a plot of land that is currently underutilised.

On the basis of the above, and taking into consideration the Council's acknowledgement within the recently published Regeneration Framework that the site is suitable for significant amounts of living accommodation, the principle of a student accommodation development at this site is acceptable.

### Swansea Central Area Regeneration Framework (SCARF)

The site is located within the Swansea City Centre Strategic Framework area which has been defined to encompass all of the main retail and commercial areas of the City Centre. The Framework states that a priority for the City Centre is that it develops as an attractive, distinctive, mixed-use, higher density urban core.

The regeneration framework for Swansea city centre (SCARF) has recently been updated and has been the subject of public and stakeholder consultation and was adopted as informal planning guidance in February 2016 by the Council's Cabinet. It is informing the drafting of the Local Development Plan and will ultimately become SPG to updated Development Plan.

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The current regeneration framework for the city centre designates Kingsway / Orchard Street as a 'complementary area' with the vision theme of 'Living, Working and Learning' and is focussed on its potential to provide the Central Area with a new defined Working, living and learning zone with a new business district. The SCARF document states that the Kingsway could become a more attractive location for employment and upper floor residential development. New mixed use development with active frontages at street level will be encouraged around a new street scene and public realm, made possible by the removal of traffic lanes from the Kingsway.

Clearly there is a need to regenerate the Kingsway area with new vibrant uses and an improved quality of the built environment and the public realm. The Kingsway is highlighted in the SCARF document as the heart of a new 'living, working and learning area' with the strategic objective of increasing employment opportunities, injecting a wider mix of uses and adding to the vibrancy of the Central Area. The proposed development would be compatible with this initiative.

The SCARF also sets out strategic development and design principles for the area relative to the scheme:

- o Scale and Height - add scale to existing buildings and encourage design solutions of at least four storeys which (vertically) integrate complementary uses and occupation; Explore the potential for new tall buildings (subject to the review of the Tall Buildings Strategy).
- o Frontage Improvement - Promote the improvement in existing built frontages and use section 215 powers from the Town and Country Planning Act 1990 if necessary to ensure improvements.
- o Active Frontages - Ensure all developments incorporate active frontages to bring vitality to the street scene and help to create a sense of place and reference. All new developments must have active frontages at street level. Where there is scope for new development to abut Oxford Street, then the active frontage should be retail space, whilst on Kingsway the active frontage could be office lobby and public facing elements such as staff facilities / break out space.
- o New land uses - Encourage new uses which generates and attracts pedestrian movement. A diverse range of occupiers and uses should be encouraged including city living on upper floors.
- o Green space - Substantially increase green space through planting, pocket parks within the streetscape and 'green' architecture. A variety of greening initiatives could be explored including tree planting, pocket parks, green walls and green roofs.
- o Public Art - Include public art to enhance the attractiveness of the area.
- o Car Parking - There is potential to expand or re-develop The Kingsway NCP Car Park with active frontage.
- o Legibility and connections - New development should create routes and enhanced legibility to reinforce north / south connections to Oxford Street and beyond.

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- o Building Design - Reinforce and reference existing modernist character in approach to building design. There may also be scope for some new developments to step forward to a new building line utilising the reduced carriageway to break up the linear nature of Kingsway.
- o Materials - Promote the use of high quality materials and workmanship and design which requires less maintenance without scarifying quality.
- o Public Realm - introduce improvements to pavements including planting, feature lighting and other elements of public realm.

### Tall Building Strategy SPG

The revised Tall Building SPG was adopted in November, 2016 following public and stakeholder consultation. The proposed development site is located within the 'Consider Zone' which are those areas of the City where tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals. The Tall Building SPG defines a tall building as being twice the height of adjacent buildings and recognises that tall buildings can have a positive role in the City.

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

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

The SPG indicates that tall buildings should:

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

The Tall Buildings Strategy is applicable to the whole of the City and County of Swansea. However, the main thrust of the strategy focuses on the central area where tall buildings are considered more likely to be promoted and where infrastructure and services are able to support the development, and includes the City Waterfront, where there an opportunity for clustering; and the Retail and Leisure core, where there an opportunity for City living & greater intensity of scale.

The Tall Building Strategy SPG indicates that proposals will need to demonstrate that the key design principles have been considered and incorporated into the design.



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- o Land Uses - The land uses within tall buildings should be compatible and respond to local need. Where possible tall buildings should provide a mix of uses that support a variety of users at different times of the day. Proposals will be encouraged to provide public uses at ground level that support social interaction and inclusion.
- o Scale Form and Massing - Tall buildings should be considered in relation to the urban morphology of the city. Consideration should be given to key townscape principles, the urban block, size of plots, and relationship to the street and adjacent buildings. Tall buildings should emphasise key locations, help define the edges of streets and open spaces. Proposals should consider the human scale of the building at ground level, and clearly define the public and private realm.
- o Conservation Areas - Tall buildings should not damage or detract from the settings of listed buildings, conservation areas, historic parks and gardens and scheduled ancient monuments.
- o Visual -Tall buildings should be of slender proportion, and elegant in design. Tall buildings must consider the importance of near, distant and far views and vistas. Where appropriate, tall buildings should be considered in relation to other landmarks, sightlines and strategic view corridors. It is important that the visual impact is considered from all viewpoints and elevations to ensure that the building does not appear slab-like. Tall buildings must sit within a quality public realm, relating well to adjacent buildings.
- o Transport -Tall buildings can place great demands on the local infrastructure network. Proposals should demonstrate the proximity and accessibility of the building to sustainable transport modes and the quality of links between transport and the site. The impact on the surrounding infrastructure and the potential generation of traffic must be assessed. This will include consideration of access in terms of public transport and the extent to which the services can cope with the increase in demand, car parking provision and demand, and general servicing arrangements.
- o Movement, Legibility, Permeability - Tall building proposals will be expected to place great emphasis on achieving high standards of inclusive design. Tall buildings should promote accessibility and contribute to the legibility and permeability of the City. They should act as landmarks to aid movement, orientation and define important routes. Proposals should set to strengthen the urban grain and connections back into the City, enabling users to move about easily and safely on foot.
- o Access, Parking and Servicing - Access to tall buildings should be clearly defined and be directly from the public realm. Where possible, parking, servicing and utility functions should be integrated. Where possible, car parking should be provided underground.
- o Public Realm and Open Space - High quality public realm should form an integral part of the design of the site, creating a sense of place, contributing to local character and identify and promoting safety and accessibility for all.

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- o Interaction with the Public Realm - Proposals must maximise interaction at the street level, ensuring active frontages and well overlooked spaces. The positioning of entrances and commercial ground floor units should form a key consideration. There should be no blank inactive frontages at ground floor level. Public ground level access should be promoted with the opportunity to provide public access to upper levels.
- o Adaptable - Tall buildings should be adaptable to ensure flexibility over time, be functional and fit for purpose.
- o Quality - Tall buildings should be designed to be of the highest architectural. Every proposal should set a precedent for future development. The visual quality of the building at ground level is highly important and should be of an appropriate scale and character. High quality detailing and materials will be expected to make positive contribution to the character of the sense of place.
- o Sustainability - Sustainability principles will be used to assess tall building applications.
- o Microclimate - Tall buildings should comprehensively address the impact on the local microclimate.
- o Lighting - Tall buildings must be illuminated at night. Proposals should consider imaginative and distinct lighting techniques to positively contribute to the creation of a unique city nightscape and Swansea identity.
- o Security - Proposals for tall buildings must consider aspects of safety and security, and should encourage the clear definition of public and private space, maximising opportunities for overlooking.
- o Existing Tall Buildings - Applications for the replacement of existing tall building should be assessed on current policy and guidance on the design of tall buildings.
- o Accessible and Inclusive Design - New developments must be designed and managed to address the needs of people that will use them.

As indicated above, the Tall Building Strategy SPG was updated in November 2016, and one of the main changes was the definition of Kingsway corridor as a 'consider zone' for tall buildings. A tall building is defined as a building twice the height of the immediate context and the consider zone is defined as an area where tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals. Currently the eight storey Dragon Hotel is the tallest building on Kingsway (at the eastern end) and the inclusion of Kingsway in the tall building consider zone is in recognition of the need to diversify the uses and to increase the urban scale as part of the city centre regeneration.

### Places to Live Residential Design Guide SPG (2014)

Whilst this adopted design guide is generally aimed at housing developments, it is relevant to this proposal in terms of high density city centre living considerations and the residential amenity tests. The majority of the design requirements are set by the Tall Building SPG, however, the relevant requirements of the Residential Design Guide include:

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- o Maximise density in accessible location - as indicated above the, site is in a highly accessible location. It is well served by public transport, walkable to the city centre and a cycle ride to the various university areas. The Residential Design Guide sets the objectives of maximising densities in accessible locations, and whilst there is a high density, this assessment of the scheme demonstrates that there are no significant impacts and that the proposal has significant regeneration benefits.
- o Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are easy to locate, and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design. The proposed main student entrance will be from the controlled entrance lobby at the corner of Christine Street and will be highly visible and legible.
- o Address residential amenity in terms of overlooking, overbearing and overshadowing - addressed below.

### Urban Design and Townscape / Visual impact

The scheme broadly comprises 307 student bedrooms mainly organised as cluster flats with shared lounge/ kitchen areas, plus commercial unit at ground floor. It is arranged partly as an 'urban scale' block that redefines the street edges. This is six stories with the top floor setback to be recessive adjoining the Pobl Building. A 14 storey tower emphasises the corner of Kingsway and Christina Street which is slender and elegant through the façade treatment, then a further urban scale block of six stories onto Christina Street that drops to five stories onto Northampton Lane.

The urban block elements onto Kingsway and Christina Street have the top floors inset to reduce the sense of scale and reflect the 'roof' floors of traditional buildings. The elevation materials for these blocks is proposed to be red brick that references the listed YMCA buildings and the inset top (roof) floor is clad in recessive grey standing seam metal cladding. The full height windows which will maximise natural lighting of the rooms are grouped across floors to create architectural interest and also to reference the elevation treatment of the adjacent Pobl Building. Therefore this is clearly a building of its time, but it is considered to successfully reference positive aspects of the existing context.

The urban block element onto Northampton Lane is reduced in height and treated different to respect the amenity of the residents of Regency House opposite that are less than 10m away. This part of the scheme was amended following the statutory pre consultation (PAC) in response to concerns of the residents of Regency House in relation to residential amenity. To avoid overlooking and a loss of privacy, the openings to the student bedrooms on the Northampton Lane elevation have been designed with angled windows to look diagonally across the lane and to stop direct overlooking to the existing windows. The height onto Northampton Lane has been reduced from six to five floors to avoid issues of overbearing. Given the location of the proposed development to the south of Regency House, overshadowing is inevitable and this is not uncommon in an urban situation. Plus whilst the rooms in Regency House will lose their outlook, there is no planning right to a view and the car park was only approved as a temporary use of land.

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Therefore it is considered that the design and scale of the urban block onto Northampton Lane is acceptable in terms of urban design and residential amenity with regard to the tests set out in the Residential Design Guide.

In principle a tall building is acceptable on this site subject to the design tests as defined by the consider zone of the tall building strategy SPG. The siting of the tower on the corner of Kingsway and Christina Street is strongly supported; this reinforces this urban corner whilst allowing the tower to feature positively in views west along Kingsway.

The tower dimensions are 18m north-south, 18m east-west and 40.5m high. It is approximately 40% the height of the 107m Meridian Quay tower and 55% the height of the approved Mariner Street with 72m tower. The tower has been through a number of design revisions to ensure that the elevations appear slender and the top makes a positive contribution to the skyline. As the prominent south and east elevations are 18m wide and the tower is relatively low rise in height this has required the elevation to be broken up into two vertical bands using changes of materials and steps in the façade. This has been positively achieved in the final scheme with two vertical frames of Portland Stone effect screen cladding (this material to reflect the Pobl Building). This light coloured cladding is separated by a golden metal iridescent cladding which would be a bold and colourful finish. The elevation is further positively articulated by full height windows grouped to reinforced the slenderness and verticality. The skyline has been positively addressed in the final scheme by using the striking golden metal cladding for this element; reducing the massing of the upper floors; and by raising the south east corner to a point that is symmetrical and responds to the junction of Kingsway and Christina Street.

The ground floor active frontage areas incorporate a shallow colonnade where the masonry and structure from above comes down to ground level with the extensive glazing set back behind. This creates a high quality street elevation with active frontage. The entire ground floor onto Kingsway maximises active frontage with a commercial unit and entrance to the student accommodation. The commercial unit is a small scale café type unit which is considered appropriate in size, given the objective of accommodating smaller scale mixed uses in this area (the Swansea Central area to the south is the main focus for large footprint commercial uses). The student communal facilities wrap around to Christina Street to provide natural surveillance of the adjacent bus stop. There are student bedrooms on Northampton Lane at ground level. This will help make the lane feel safer but the privacy and security of these bed rooms will be paramount and this can be ensured by a suitably robust metal railing boundary treatment.

The urban scale block and tower incorporates windows in the side elevations that reflect that this building will be seen in the round from all sides. This address visibility looking east along St Helens where the southern frontage steps forward of the Pobl Building and looking and south down Christina Street.

The scheme incorporates an internal private courtyard for students only. There is no external public realm proposed as part of this application and therefore a contribution towards the public realm enhancements on Kingsway immediately adjacent to the site should be sought to address the requirements of the Tall Building Strategy SPG.

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There is no on site car parking proposed due to the accessibility of the site and proximity to existing city centre multi storey and surface car parks. Furthermore drop off can be achieved from the service road that wraps around the southern frontage parallel to Kingsway from Newton Street. This approach is supported and allows the ground floor to incorporate a private residential courtyard for students. There is however a cycle store access off Northampton Lane.

The proposal is accompanied by a desk top wind effects report that highlights issues of limited duration on the south east corner that could affect persons waiting at the bus stop on Christina Street. Mitigation in the form of a wind canopy fixed to the building and sides to the bus stop are suggested and it is considered that this can be adequately addressed through a condition.

The architectural approach reflects the post-war heritage of Kingsway in a positive manner. The red brick and Portland stone effect cladding finishes reference buildings in the area and the golden metal cladding will be an especially striking addition. The windows typically are joined across floors with feature spandrel panels which is a characteristic of the post war architecture of Kingsway. The materials are quality and robust, and there is no render proposed. The final detail of the materials including fixings etc can be controlled by a condition requiring a composite sample to be constructed on site.

This will be the first significant development scheme on Kingsway and it is considered to be a positive and bold addition to the city centre. The 307 student rooms and new commercial space will generate significant levels of footfall. The layout redefines the street edges and the tower will become a new landmark on Kingsway.

### Townscape and Visual Impact Analysis

A Townscape and Visual Impact Assessment (TVIA) has been submitted to provide an analysis of the potential townscape and visual affects arising from the proposed development. In summary, the assessment considers:

- o The townscape character of the site and surrounding area;
- o The visual role of the site in the surrounding area;
- o The sensitivity of townscape and views to change, having regard to the susceptibility of receptors to change and the value of the townscape and visual resources;
- o The scale of the change arising from the proposed development to the townscape and views, and
- o Whether the change would be beneficial, neutral or adverse.

This TVIA should be read in conjunction with the drawings and documents contained in the application submission including the Design and Access Statement and Accurate Visual Representations (AVRs) prepared by iCreate.

The TVIA has been undertaken from a number of public vantage points including:

- o The Kingsway - bus stop to south eastern end of The Kingsway
- o The Kingsway - adjacent to 64 The Kingsway
- o Community Garden within the former 'Vetch Field'
- o St. Helen's Road - opposite junction with George Street
- o Nicander Parade - Mayhill

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### Conclusions

The TVIA concludes that the proposed development would respond positively to the local context, enhancing it through:

- o Redefining the frontage to the Kingsway, Christina Street and Northampton Lane, providing natural surveillance and high quality building frontages
- o Acting as a visual marker of the approach to the City Centre from St. Helen's Road, and generally aiding legibility within this area of City
- o Contributing to a more coherent urban character for the northern edge of The Kingsway

It is anticipated that the character of The Kingsway will be undergoing change as a result of the ongoing regeneration of the City and the development site lies within an area highlighted as 'City living, working and learning' as defined within the Swansea Central Area: Regeneration Framework (February 2016). One of its key objectives is to 'increase employment opportunities, inject a wider mix of uses and add to the vibrancy of the Central Area'. The proposed development has the opportunity to be one of the first developments to kickstart the regeneration of this key complementary area.

In keeping with the aspirations of the Swansea Tall Building Strategy (October 2015) the proposed development would fulfil the following roles:

- o Create a distinctive skyline that projects a new image for the city;
- o Form a key landmark within a legible city;
- o Mark important public, civic or institutional uses;
- o Demonstrate a growing economic position; and
- o Set a precedent for sustainable development through the application of best practice requirements, optimising densities, and proximity to public transport.

The effect of the proposed development upon views has been considered from a number of representative viewpoints. This assesses the visual impact using an accurate 'grey box' representation of the proposals overlaid onto photographs from these viewpoints.

The visual role of development on the site from the surrounding area would be notable and in longer range views its role will be to provide a new city centre landmark within the wider panorama. The residents at Regency House, Northampton Lane will experience the greatest visual effects resulting from the proposed development.

The increased level of enclosure provided by the development would be beneficial to users of The Kingsway, the northern end of Dillwyn Street and pedestrians at the junction of Christina Street and Mansel Street. The visibility of the proposals from the eastern end of St. Helen's Road would also prove beneficial, providing the opportunity for the creation of a new focus and potential for improved legibility for those using this key route to the City Centre from the west.

While the development of this site will be visible from a number of viewpoints due to its location and height, the proposals would generally have either a neutral or beneficial effect upon views and visual amenity. It is considered that the proposed development would be compatible with the townscape character of the surrounding area, and would enhance both the site and its surrounding, creating an attractive new piece of townscape and providing a contemporary landmark for the city.

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The TVIA assessment concludes that the proposals would have either a neutral or beneficial effect upon views and visual amenity, and is concurred with and the proposal will clearly be visible as a focal point and this is considered to be a bold beneficial addition to the city scape.

### Wind Microclimate Assessment

The original submission was accompanied by a Desk-based Pedestrian Level Wind Microclimate Assessment. This concluded that with the proposed development built out, wind conditions at the site are expected to be generally suitable for the intended pedestrian use at ground floor, with the exception of lone location that required additional shelter. The increase in building massing over the existing site results in a generally windier environment, however, this remains similar to the baseline assessment. Mitigation measures have suggested to mitigate windy conditions to the south east corner where there is a bus stop.

Following the design amendments the wind microclimate assessment has been reviewed. The proposed amendments to the scheme include an increase to the height of the main tower, which occupies the southeast part of the development site. This increase in height would be expected to make conditions slightly windier at ground level, due to the increased impact of 'down-washed' wind from the sides of the tower. While this change would likely be small, the conditions in this area were already close to the upper threshold of acceptability.

It is recommended that further localised mitigation measures are developed for the area around the southeast corner of the site (in addition to the bus stop mitigation, which would still be required) to ensure a suitable wind environment for pedestrians. This mitigation would be likely comprise either landscaping at street level or horizontal elements (e.g. a canopy or fin) projecting from the façade of the building. With appropriate localised mitigation in place this should be suitable for the intended pedestrian usage.

### **Impact on Residential Amenity**

Policy EV1 of the UDP states that development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. Policy EV40 of the UDP states that development proposals will not be permitted that would cause or result in significant harm to local amenity because of significant levels of air, noise or light pollution.

A Daylight and Sunlight Report has been submitted to determine the impact upon the amenity of the occupants of the neighbouring properties. Daylight and sunlight calculations have been undertaken in accordance with the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' 2nd Edition, 2011 (the "BRE guide") and also British Standard 8206 - 2: 2008 - 'Lighting for Buildings - Part 2: Code of Practice for Daylighting', to which the BRE guide refers.

The Report has summarised the impact on Daylight as follows:

Of the 72 windows tested, 69 (96%) will continue to meet the targets set out in the BRE guide. The BRE numerical target for daylight using VSC measurements is for the surrounding buildings to retain 0.8 times, or more, their existing values. An aperture to both 2 and 4 Christina Street marginally transgress this target at 0.76 and 0.72 times their existing values.

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However, both of these apertures are the third aperture in two bay windows, and the two additional mitigating apertures in both bays meet the BRE targets. It is considered that there will be no noticeable difference in the effect on daylight amenity to either 2 or 4 Christina Street. In the mirror image scenario for 10 -11 Christina Street, of the 52 windows tested 45 (84.4%) will continue to meet the targets set out in the BRE guidelines. The failed windows on the third floor will retain between 0.79 to 0.73 times the existing which although do fall marginally below the BRE target, existing light level remain good reaching VSC levels between 23.99% to 25.16%. The windows to the second floor that do not meet the target will retain 0.79 times their existing values only narrowly missing the BRE targets by 0.01 times and there will be no materially noticeable difference in the daylight amenity in this scenario. Using the alternative targets provided in the BRE guide the test results to the surrounding buildings generally meet the targets with only limited minimal transgressions.

The Report has summarised the impact on Sunlight as follows:

Of the 51 windows tested, 50 (99%) will continue to meet the targets set out in the BRE guidelines. The non-compliance with the target is, in part, due to existing restrictions, affecting the window concerned, caused by projections from existing adjoining buildings and/or the subject buildings itself. The property that is affected has other windows in the same elevation that meet the target and the single failed aperture will continue to receive relatively good levels of sunlight. The BRE's sunlight target is 25% of the annual amount of sunlight available and the failed window exceeds this at 33% APSH, while also retaining 2% for the winter sunlight level when the target level is 5%.

Given the urban nature of the location, and the fact that the existing site is underdeveloped for an urban setting, the Report considers the results to be good. The results suggest that, in overall terms, the effects to the surrounding buildings are within conventionally acceptable limits, and are in line with the BRE's recommendations for properties in an urban setting.

As indicated above, the height of the building has been restricted to 5 storeys adjacent to the northern boundary to avoid any overbearing effect on the residential flats in Regency House along the northern side of Northampton Lane, and the original proposed height on the Northampton Lane elevation was reduced by a storey in response to the Pre-Consultation process with the residents. Additionally, privacy windows are also incorporated in the rear elevation to avoid direct overlooking of habitable-room windows.

These amendments now meet the amenity criteria of the BRE Guide, and in summary, the proposals are considered to be generally compliant with the requirements of the adopted residential design guide. The amenity impacts on the residential units to the north on the opposite side of Northampton Lane are noted but considered acceptable on balance given the urban context and significant regeneration benefits of the proposal.

### **Highways, Traffic, Car parking, Access and Pedestrian movements**

PPW aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.



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UDP Policy AS1 of the UDP requires that new development associated with housing, employment, shopping, leisure and service provision is located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling.

Policy AS2 states that new development should be designed to:

- o promote the use of public transport and facilitate sustainable travel choices;
- o provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport;
- o Allow for the safe, efficient and non-intrusive movement of vehicles, and
- o Comply with the principles of accessibility for all.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Whilst Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

A Transport Statement has been submitted in order to assess the impact of the development. The site is located in an extremely sustainable location in the City Centre and along a major bus route and so as excellent access to public transport both bus and rail and a number of local amenities within a short walk. The Transport Statement Assessment indicated that the Highway Network could accommodate the additional traffic generated by the proposal.

### Car Parking

The student accommodation will generate negligible traffic due to the lack of parking facilities provided. It is proposed, however, to require the implementation of a parking management plan through a Section 106 Agreement link to the tenancy agreements which will be required to ensure that students taking up residence do not own cars as there is no parking provided for this purpose. This is discussed below.

The adopted Swansea Central Area Regeneration Framework regarding car parking acknowledges that developments within the city centre will not be able to provide car parking and will be supported where they will make a significant regeneration impact. In such circumstances, developers will be expected to make contributions towards transportation initiatives to enhance alternative modes of transport or off-site parking provision secured through a Section 106 Agreement. As indicated the student accommodation is designed to be 'car-free'. This approach is considered to be acceptable where adequate support measures are put in place to prevent cars being brought to the site, and to secondly enhance walking and cycling measures to support the alternative forms of transport. To ensure that this car free arrangement works satisfactorily and does not cause overspill parking problems there is a need to ensure that students do not have cars, and that alternatives are in place. This will be secured via a Section 106 Planning Obligation which will tie the student residents into agreeing not to bring cars to the site. It is envisaged that if a student fails to comply with his tenancy agreement then as a worst case scenario that the tenant would be evicted. This arrangement will be controlled through the parking management plan.

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One of the objections received against the proposal is that the development would result in the loss of the existing surface pay and display car park resulting in a reduction in the parking provision within the city centre. However, the site only benefits from a temporary planning permission which expires 3 August 2017 (Ref:2015/1175) pending the redevelopment of the site.

### Pedestrian and Cycle Access

It is proposed that pedestrian and cycle facilities are to be enhanced by the development. A sum of £97,415 has been agreed with the developer in line with the Council's Supplementary Planning Guidance on Highways contributions. The contribution to be made at an agreed point in the development and tied into the beneficial occupation of any of the units. It is proposed to provide 80 cycle parking spaces within the development which is considered appropriate and would encourage students to use this sustainable mode of transport.

### Highways Infrastructure

As indicated the developer has agreed to make contributions of £97,415 towards works to upgrade the cycle and pedestrian facilities in the area. The redevelopment of the whole site will require new footways and public areas and this will need to be undertaken by a Section 278 agreement if the developer wants to keep the footways etc as adopted highways as they currently are. The plans indicate that the footways are to be laid out to tie into the public areas surrounding the proposed building envelope.

There is an existing strip of land along the site frontage (but within the proposed development site) indicated to be 'adopted highway boundary'. The development of this areas will require the 'highway' land to be subject to a Stopping Up Order either under the Planning Act or Highways Act. The former is a simpler process to enable development to be carried out in accordance with a granted planning permission.

### Conclusions

The Transport Statement indicates that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership is secured in a Section 106 Planning Obligation. The Section 106 Planning Obligation will also secure the financial contributions of £97,415 as outlined above for the upgrade works to the pedestrian and cycle facilities. Planning conditions will also require all highway works to be completed to Highway Authority Standards and Specification and the implementation of a Travel Plan. On this basis the application is considered to be acceptable in relation to its impacts upon highway safety and parking in the area.

### **Impact on Archaeology and Cultural Heritage**

#### Archaeology

The application is accompanied by a Heritage Desk-Based Assessment which has included a Written Scheme of Investigation which was principally a desk-based study.

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This concludes that there are no designated historic assets located within the site and therefore there are no significance archaeological remains which may be truncated by the proposed development. If there are any unknown / unidentified archaeological remains surviving beneath the site, they would have likely to be already been truncated by previous modern development. Glamorgan Gwent Archaeological Trust (GGAT) concurs with the conclusions of the Heritage Desk-based Assessment that there are no known designated or non-designated sites that may be physically impacted by the development and as a result there is unlikely to be an archaeological restraint to this proposed development.

### Cultural Heritage

Policy EV1(x) of the UDP states that new development shall have regard to the desirability of preserving the setting of any listed building. Policy EV2 (vi) states that new development must have regard to the physical character and topography of the site and its surroundings by avoiding detrimental effects on the historic environment. Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings as well as unscheduled archaeological sites and monuments and their settings.

The Heritage Desk-Based Assessment has identified two Scheduled Monuments located within the 1k study area, both relating to the buried and upstanding remains of Swansea Castle approx. 540m to the east of the Site. Additionally, St. James Gardens and Crescent, a Grade II Registered Park and Garden, is located approx. 645m west of the site. CADW have been consulted on this application in their remit as assessing the likely impact on Scheduled Monuments and Registered Historic Parks and Gardens. Whilst the proposed building would be visible from the top of the Castle over the roofs of the existing city centre buildings, CADW conclude that at worst the proposed development will have a very low impact on the setting of scheduled monument Swansea Castle. In respect of the Registered St. James's Gardens and Crescent Historic Park and Garden, the intervening buildings will block all views to and from the historic garden and the proposed development, and consequently the proposed development will have a no impact on its setting.

There are 8 Listed Buildings which have been identified as potentially susceptible to an impact. These are:

- o Mond Buildings, Grade II Listed c.185m east of the site;
- o Llewellyn Hall and YMCA Building, Grade II Listed c.85m south-west of the site;
- o Pagefield House / Quaker Meeting House, Grade II Listed c.115m south-west of the Site;
- o The Former Albert Hall, Grade II Listed c. 210 north-east of the site;
- o Mount Pleasant Baptist Church, Grade II Listed c.210m north-east of the site;
- o Carlton Cinema, Grade II Listed c.175m southeast of the site;
- o Tavern Public House, Grade II Listed c.190m south-east of the Site; and
- o St Andrew's United Reformed Church, Grade II Listed c.250m south-west of the Site.

The Oxford Street / Nelson Street / Union Street Conservation Area is located to the east of the site, however, the Assessment concludes that due to the prevailing urban character, the proposals would not harm the character of the Conservation Area. In assessing the settings of the historic assets, the Assessment has identified that there will be no adverse non-physical effects upon their heritage significance; and in reaching this conclusion had had regard to the provisions of Swansea City Council's Tall Buildings Guidance in reaching this determination.

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Whilst the Assessment has identified the above listed buildings within 400m of the site, given the intervening urban fabric of the site only the following historic assets have a visual relationship:

- o YMCA - this is the closest to the site (less than 100m away). The proposal would either be viewed as foreground or background to views of the YMCA looking east and west. Whilst the 14 storey tower will be a new landmark, this does not diminish the presence or architectural interest of the YMCA as there is sufficient separation within the urban street scene context and there would not be a detrimental impact on the setting.
- o Former St Andrews Church (now Mosque) - the dual pinnacles of St Andrews are a landmark looking along west Kingsway and the proposed 14 storey tower will not diminish this. As per the YMCA, the tower would be in the far background beyond the church when looking east along St Helens Road, so there would be no impact on the setting.
- o Mount Pleasant Baptist - the TVIA shows that in the view from Kingsway circle with the gable frontage of Kingsway Baptist Church in the medium foreground, the 14 storey tower would be visible in the further distance. Given the separation there is no impact on the setting.

Overall, it is concluded that the proposed development will have no adverse impact on the heritage assets and the proposed development would be consistent with the guidance within the provisions of Planning Policy Wales (Edition 9) and Technical Advice Note 24: The Historic Environment (May, 2017).

### **Flood risk and Drainage**

The Flood Risk Assessment and Drainage Strategy confirm that the site is entirely within a Flood Category Zone A and therefore has a low chance of flooding. The site is currently 95% impermeable and drains to the existing adopted combined sewer system to the north and east of the site. The Drainage Assessment has determined that the most appropriate method for the surface water management associated with the proposed scheme is to discharge to the public sewer system, although soakaway/infiltration techniques cannot be completely discounted until a site investigation has been undertaken. The design of the surface water drainage to serve the scheme will have no net effect on the existing sewer infrastructure capacity. The proposed development incorporates a green/sedum roof and a courtyard landscaped area therefore surface water runoff rates may in fact reduce. With regards to foul water flows, it is assumed that the existing foul water flows from the site unrestricted to one or more of the existing combined sewers adjacent to the site. The proposed on-site surface and foul water drainage systems to serve the scheme will be designed as separate systems and will not combine before connecting into the public sewer in accordance with current Building Regulations Part H. The Drainage Assessment concludes that the proposed development can be delivered in accordance with the requirements of the Local Authority and current Building Regulation requirements, subject to detailed design. Dwr Cymru Welsh Water and the Council's Drainage Engineers raise no objections in this regard.

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## Pollution

### Noise

An Environmental Noise Assessment has been undertaken to determine the site's suitability for residential student accommodation and to assess the ambient noise data in order to identify the requirements in respect of the façade and ventilation strategy to meet internal dwelling noise level requirements and also to assess external plant noise emissions from the development on surrounding noise sensitive receptors, in particular the nearest residential properties being the apartment block on the northern side of Northampton Lane.

A day and night ambient noise survey has been undertaken at the proposed development site at the Junction of Christina Street and Newton Street. The noise climate during the day is primarily dictated by the local transport system, with both The Kingsway and Christina Street experiencing large traffic flows. During the night period the noise climate changes dramatically when traffic flows are reduced. This concluded that the site was exposed to moderate to high noise levels from traffic on Christina Street and The Kingsway during the day. Noise sources during the night comprised traffic on Christina Street and The Kingsway, although such noise during this period was moderate.

The noise survey data have been used to determine the anticipated facade acoustic performance requirements in line with the guidance provided in BS 8233:2014 and recommends that moderate to high acoustic performance glazing and ventilation elements will be required. The use of opening windows to provide rapid ventilation (should this be an option on this particular development) has been identified as a moderate to high risk strategy due to the external noise levels at the site and consideration of a mechanical ventilation and / or cooling strategy is recommended. The data have also been used to determine plant noise emission limit criteria in line with the guidance provided in BS 4142:2014.

The Head of Housing & Public Protection has confirmed the conclusions of the Environmental Noise Assessment and recommends that conditions are imposed to ensure all habitable rooms exposed to external road traffic noise shall be subject to sound insulation measures as stated in section 5.3 of the Environmental Noise Assessment HRS Ref. 124748 AC 2v1. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed.

With regard to the commercial use proposed for the ground floor, it is recommended that conditions are imposed requiring a scheme is implemented that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. Additionally, for the building services plant noise shall be designed to achieve a maximum daytime rating level as set out within the Noise Assessment Environmental Noise Assessment, a scheme for the control of ventilation and fume extraction and for a scheme which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products.

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### Air Quality

An Air Quality Assessment Screening Report has been submitted with the application. The Head of Housing & Public Protection has discussed the assessment with the applicant's Consultants and requested an additional worst case scenario to be put through the assessment which produced a predicted NO<sub>2</sub> annual mean of 23.41µg/m<sup>3</sup>. The recommended noise conditions above reference the requirement for mechanical ventilation which will ensure that 'windows closed' is an option for the residential units. The Head of Housing & Public Protection states there are no air quality grounds to object to this application.

### **Impact on Ecology**

A Preliminary Ecological Appraisal has been undertaken and includes a desk study and an Extended Phase 1 Habitat Survey. The site is dominated by the hardstanding of the temporary surface car park and there was no evidence of any protected species and has no biodiversity value. The single storey Indian Restaurant has been assessed for bat activity but the report concludes that it has negligible bat roost suitability. The Council's Ecologist confirms that the site does not have any significant ecological value. As such the application is acceptable in respect of its impact upon ecology.

### **Refuse and Waste Management**

Policy R16 states that proposals for major new developments will be required to incorporate adequate and effective waste management facilities. The supporting text states that when assessing proposals for major new developments, the provision of waste management facilities for the collection, recycling and other management of all waste likely to be generated must be included.

There will be one central refuse store to service both accommodation blocks and will be located in Block B adjacent to Northampton Lane for ease of collection. The refuse strategy will be a managed system for collection days. The bins will be moved from the refuse store by the management team on collection day and located adjacent to the bin store within the site boundary. The refuse vehicle can then pull alongside the bin drop point and empty the bins. Once emptied, the bins will be moved back into the refuse store by the management staff. This will help make the process more efficient reducing the refuse vehicle's stop time.

The Council's Waste Management Team originally expressed concerns that the refuse store would not have sufficient capacity for a fortnightly domestic collection service but the Waste Team did indicate that a chargeable commercial service could be provided. Discussions have since been held with Swansea Council's Waste Management Department in order to develop a suitable refuse strategy proposal for the scheme in line with the Council's guidance and initiatives. As the scheme's use is student accommodation it has been discussed and agreed that development is a commercial offering and therefore falls under commercial waste and recycling. As such, the development's operator will engage with the Council to arrange for commercial refuse pick-ups. It has been agreed that the above proposal is agreeable in principle, with the finer details to be agreed at a later date and therefore a suitably worded planning condition is included.

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### Fire Safety

The application has been accompanied by a Fire Safety Overview Report which envisages that during the design development this report will be developed into a complete Fire Strategy for the approvals process. This complete fire strategy report will include any details of calculations, fire engineering analysis/ justifications required in the formal approval process from the relevant authorities. This report is provided for information only to inform the design of the issues that needs to be considered in the detailed design.

The report confirms that the design of the building has been carried out in accordance with British Standard BS 999:2015 Fire Safety in the design, maintenance and use of residential building Code of Practice. This includes fire detection and alarm systems, evacuation approach and fixed fire-fighting systems. The building will need to incorporate a sprinkler system, and additionally emergency lighting and smoke control / ventilation. It is also indicated that the external surface of the wall should adequately resist the spread of fire across the façade of the building in accordance with BS991:2015. The Report has also assessed the access and facilities for the Fire Service and concludes that the surrounding roads will allow access to the building.

### Conclusion

The proposal makes efficient use of an underutilised brownfield parcel of land which is in accordance with PPW's aspiration for the redevelopment of previously developed land. The site is not considered environmentally valuable and therefore there is no detriment to the natural environment. It has been demonstrated that the proposal accords with planning policy and that it comprises sustainable development as it provides social and economic benefits with limited environmental impacts. It has also been demonstrated that the scale and massing of this development is acceptable in this location given its sustainable location. The tower will be a bold addition to the City skyline and symbolises the successful regeneration of the Kingsway within the City Centre. The 307 student rooms and ground floor commercial space will generate significant levels of footfall and add a substantial boost to the diversification of The Kingsway. The proposal incorporates a slender tower of bold design with distinctive sloping roof profile. The site is close to many heritage assets and the proposals will have a consistently beneficial relationship so these precious buildings.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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**RECOMMENDATION:**

**APPROVE**, subject to the completion of Section 106 Planning Obligations to include the following clauses to prevent cars being brought to the development area and to include a financial contribution to highway infrastructure:

**1. Car Parking Management**

- a. The residents of the development shall be registered students only attending a Swansea based educational establishment
- b. The Owner shall not permit any student accommodation unit to be occupied other than by persons who prior to the commencement of Occupation have entered into a tenancy agreement in writing which contains a tenant's obligation not to keep or use a motorized vehicle within one mile of the boundary of the student accommodation (unless otherwise permitted within a public car parking facility such as Kingsway NCP MSCP) .
- c. The owner shall not permit any student accommodation unit to be occupied or continue to be occupied by any person who does not comply with the tenant's obligation.
- d. The Owner shall upon written request from the Council produced to the Council evidence of the Owner's compliance with the parking restriction.

**2. Highway Infrastructure**

Financial contributions to fund upgrade works to the pedestrian and cycle facilities £97,415 within the vicinity of the development site. The contributions to be made at an agreed point in the development and tied into the beneficial occupation of any of the units.

3. Section 106 Management and Monitoring Fee - Costs incurred against the management of the obligation based on 2% of the value of the obligations = £1,948.30

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies AS1,AS6, EV1, EV3 and HC17 of the City and County of Swansea Unitary Development Plan (November 2008).

and subject to the following planning 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:

AL-90-001 - Existing Block Plan; AL03-001 Rev B - Existing Site Location Plan; AL—03-002 Rev E - Existing Topographical Survey; AL-03-003 Rev P3 - Existing Stopping Up Order Plan; AE-03-001 Rev B - Existing Contextual Elevation; 16221 -100 Rev A - Drainage Plan - plans received 6 May, 2017.

415-16\_AL-20-001 Rev K - Site Plan, 415-16\_AL-20-002 Rev K - Ground Floor Plan,  
415-16\_AL-20-003 Rev G - First to Fourth Floor Plan,  
415-16\_AL-20-004 Rev F - 5th Floor Plan  
415-16\_AL-20-005 Rev G - 6th Floor Plan  
415-16\_AL-20-006 Rev G - 7th - 12th Floor Plan  
415-16\_AL-20-007 Rev G - 13th Floor Plan  
415-16\_AL-20-008 Rev F - Roof Plan

415-16\_AE-20-001 Rev F - Contextual Elevation;  
415-16\_AE-20-002 Rev F - Elevation 1 of 4;  
415-16\_AE-20-003 Rev F - Elevation 2 of 4;  
415-16\_AE-20-004 Rev F - Elevation 3 of 4;  
415-16\_AE-20-005 Rev E - Elevation 4 of 4;  
415-16\_AE-20-002 Rev F - Coloured Elevation 1 of 4;  
415-16\_AE-20-003 Rev F - Coloured Elevation 2 of 4;  
415-16\_AE-20-004 Rev F - Coloured Elevation 3 of 4;  
415-16\_AE-20-005 Rev E - Coloured Elevation 4 of 4;

415-16\_AS-20-001 Rev C - Cross-Section A-A 1 of 3;  
415-16\_AS-20-002 Rev C - Cross-Section B-B 2 of 3;  
415-16\_AS-20-003 Rev B - Cross-Section C-C 3 of 3;

- amended plans received 19 July 2016.

Reason: To define the extent of the permission granted.

- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works and shall be consistent with the Material Strategy within the Design and Access Statement Addendum. Development shall thereafter take place in accordance with the approved details. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works.

Reason: In the interests of visual amenity.

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

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- o Typical window unit;
- o Typical external door within its opening;
- o Shopfront;
- o A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- o Corner and soffit details of the cladding materials including fixing details.

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

Reason: In the interests of visual amenity.

- 5 Visual transparency shall be retained into each retail/commercial unit in accordance with a Shopfront Code, to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the units.

Reason: To ensure active, attractive and transparent shopfront which will maintain and enhance vitality at street level and avoid dead retail frontages.

- 6 Notwithstanding any detail shown on the approved plans, details of all wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The proposed mitigation measures shall be referenced to the wind microclimate assessment and shall be implemented in accordance with the approved scheme and retained thereafter to serve the approved development.

Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

- 7 Notwithstanding the details shown on any approved plan, precise details of the location, extent, design and finish of all visible external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works. Development shall thereafter take place in accordance with the approved details.

Reason: In the interests of visual amenity.

- 8 Prior to the beneficial occupation of the ground floor commercial unit with a Class A3 use, a method of ventilation and fume extraction shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and retained thereafter to serve the use in accordance with the approved details.

Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 (Telecommunications) 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.

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- 10 Notwithstanding the details shown on any approved plan, no superstructure works shall commence until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. 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 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.
- 11 All works to the Highway (footway and carriageway) shall be undertaken under a Section 278 agreement with the Highway Authority. This will include resurfacing of the footways on all frontages to Newton Street, Christine Street and Northampton Lane.  
Reason: In the interests of highway safety and to provide for an appropriate juncture between the highway and the development site.
- 12 Notwithstanding the details indicated in the application and prior to the commencement of development, a scheme to provide details of the highway frontage along Northampton Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how refuse vehicles and cyclists will service and access the area and providing a suitable boundary treatment to the ground floor residential units.  
Reason: In the interests of highway and cyclists safety.
- 13 The development shall be carried out in accordance with a Travel Plan to be submitted to and approved in writing by the Local Planning Authority prior to any beneficial use of the development commencing.  
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 14 Prior to the commencement of the development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved CMS.  
Reason: To prevent impact on the public including minimising traffic impacts on the surrounding highway network.
- 15 Prior to the commencement of the development, a Construction Site Waste Management Plan (CSWMP) for the control, management, storage and disposal of demolition waste/ excavated material shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved CSWMP.  
Reason: To ensure the appropriate management and storage of waste generated on site to reduce the risk of pollution and to ensure sustainability principles are adopted during development.
- 16 Prior to the beneficial use of the development, details of a Waste/ Refuse Management Plan (including recycling facilities) for the future operation of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place and be managed in accordance with the approved plans.

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Reason: To ensure the management and movement of refuse within the site in the interests of site safety.

- 17 Prior to the occupation of the development a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall be brought into beneficial use in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 18 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

- 19 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.

Reason: To protect the proposed residential use against noise emanating from the commercial activity on the ground floor.

- 20 Prior to occupation of any part of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.

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

All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Reason: To protect the existing and proposed residential uses against noise from building services plant.

- 22 Prior to beneficial use of the development a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: To protect the proposed and neighbouring residential use against noise emanating from such units.

- 23 If, during the course of development, contamination is found to be present at the site 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 the said contamination.

Reason: To ensure that the safety of future occupiers is not prejudiced.

### 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, EV5, EV6, EV13, EV33, EV35, EV36, EV38, EV40, HC11, HC17, R16, AS1, AS2, AS5, AS6, CC1, CC2 & CC6)
- 2 The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any works and specifically in respect of works in the public highway.
- 3 **Notification of Commencement of Development & Display of Notice**  
The developer is reminded of the requirements to notify the local planning authority of the initiation of development in accordance with Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order and to display a site notice in accordance with Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.
-



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ITEM 2

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

### Supplementary Planning Guidance:

River Tawe Corridor Study

Places to Live: Residential Design 2014

### RELEVANT PLANNING HISTORY

- 2007/2829 Mixed use development comprising 967 student accommodation units within 1 no. part 6 storey, part 7 storey, part 8 storey part 10 storey block, incorporating ground floor retail unit (Class A1), and 1 no. part single storey part 6 storey block plus up to 349 residential units, freestanding café/restaurant (Class A3), bicycle storage, car parking, riverside walkway, reconfigured public open space, landscaping, highways and infrastructure works (outline).
- 2008/1990 Details of landscaping for proposed student accommodation (reserved matters approval pursuant to outline planning application ref: 2007/2829) (resolved to grant planning permission 19th August 2008)  
Decision: Grant Permission Conditional  
Decision Date: 21/05/2009
- 2010/0844 Construction of 106 residential units (59 two & three storey dwellings and 38 apartments in 3 three/four storey blocks & 9 "flat over garages") (details of the siting, design, external appearance, means of access and landscaping pursuant to conditions 2,4 & 7 of the outline planning permission 2007/2829 granted on 19th December 2008)  
Decision: Grant Permission Conditional  
Decision Date: 22/02/2011
- 2013/1016 Revised ground floor layout to phase 1 Student Accommodation incorporating management suite/common room, refuse store, plant room and retail area; and external layout comprising additional vehicular access via residential estate road together with 5 space car park and revised cycle provision, substation relocation and landscaping (reserved matters approval pursuant to the outline planning permission 2007/2829 granted on 19th December 2008)
- 2015/1293 Revised layout to phase 2 Student Accommodation (340 bedrooms) including 'handing' Block D and incorporating re-arrangement of management suite / plant room and external layout of courtyard comprising landscaping, circulation and site access, car parking and cycle provision, refuse stores and sub-station (reserved matters approval pursuant to the outline planning permission 2007/2829 granted on 19th December 2008)

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ITEM 2

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### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters to properties in Pottery Street and through display of a site notice dated 20 April 2017.

### PETITION OF OBJECTION

A PETITION OF OBJECTION with 41 signatures from 30 households in Llais Tawe has been received, together with a joint LETTER OF OBJECTION from the occupiers of 14, 16, 18, 20 & 22 Pottery Street and an individual LETTER OF OBJECTION have been received. The principle points of objection may be summarised as follows:

- If permitted, this would destroy a key feature of the approved landscaping plan to create an avenue of semi-mature trees along the main axis of the Llais Tawe development, and damage the quality of environment for all residents of Llais Tawe and visitors to the riverside walkway.
- The properties and landscaping along the south side of Pottery Street were completed at an early stage in Bellway's Llais Tawe development, as the northern side was part of the St David's construction site.
- Bellway assured purchasers that as soon as St David's Phase 1 was completed, the landscaping on northern side of Pottery Street would be completed to the same standard in accordance with the landscaping plan
- The landscaping scheme indicated an avenue of semi-mature trees along Pottery Street running between New Cut Road and the River Tawe.
- When Phase 1 St David's was completed all the remaining properties in Llais Tawe had been sold. At this point Bellway decided to minimise expenditure on the landscaping, and only 2 of the 4 trees were planted, one of which has since died.
- Bellway have only submitted this retrospective application for the down -graded landscaping following a complaint and a Council enforcement case.
- Bellway have made no justification for the down-grading of the landscaping other 'proximity to street lighting and insufficient space for tree', which is entirely spurious.
- Down-grading the number of quality of trees on the northern side of Pottery Street destroys the key design objective of creating an avenue of trees.
- Bellway rightly emphasised in the approved landscaping plan that trees "provide a vertical element to balance the height of the houses and apartments, and soften the built form". This argument is even more crucial given its immediate proximity to the 7 - 10 storey bulk of the St Davids development.
- The down-grading of the final phase of landscaping affects all residents and visitors to Llais Tawe, including pedestrians to the river walkway.
- The amended plan is an improvement but falls short of the approved landscape plan.
- On the revised plan, trees 1-4, 6, and 8-10 are shown as the same size: only trees 5 and 7 are shown as smaller. Yet on the original approved plan the key feature of the landscaping design was that trees 1-7 would all be large 'semi-mature hornbeams' to create an avenue of 'key structural trees' leading from New Cut Road towards the river Tawe (the 'key cross-site axis' to use Bellway's own words) while trees 8-10 are shown as small/medium ornamental trees.
- As so far implemented, trees 1-3 and 8-10 are in accordance with the approved plan.



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- However on the north side of Pottery Street, Bellway has so far planted 2 trees (in positions 4 and 6) but these are similar to the 'small/medium ornamental trees' in positions 8-10 - they are NOT 'semi-mature hornbeams' of a size and quality to match trees 1-3. [Tree 6 is also dead and has not been replaced].
- I am sure that the residents would accept the need to 'set back' the position of trees 5 and 7 because of the street-light close to position 5 - but only provided that all 4 trees (4-7) are semi-mature hornbeams of the same size and quality as trees 1-3 in accordance with the approved plan.
- The revised plan indicates grass to the north and east of the parking spaces to replace the existing stone chippings. This is a welcome move towards the approved plan, but Bellway still proposes to omit the shrub beds and small/medium ornamental trees in front of the St Davids boundary wall/railings. Why? This is not acceptable.

### APPRAISAL

#### Introduction

The application is reported to Committee for decision at the request of Councillor Bev Hopkins. The Constitutional threshold has been met as a petition of objection containing 41 signatures from a minimum of 30 separate addresses has been received.

This Section 73 application relates to the Landscaping Condition 4 under the original outline planning permission ref:2007/2829 (and as implemented under the reserved matters approval ref:2010/0844) for the Llais Tawe residential development at New Cut Road, Swansea. In particular, it relates to a section of the landscaping adjacent to the car parking area on the northern side of Pottery Street which abuts the St David's Student Accommodation.

#### Background

Outline Planning Permission under ref :2007/2829 was granted on 19 December, 2008 following the completion of a Section 106 Agreement for a mixed use development comprising 967 student accommodation units and up to 349 residential units, freestanding café/restaurant (Class A3), bicycle storage, car parking, riverside walkway, reconfigured public open space, landscaping, highways and infrastructure works. The planning permission comprised a 'hybrid' outline planning application, whereby full details of siting, design, external appearance and means of access were provided and approved in respect of the student accommodation element of the scheme, including the retail store (but excluded the details of the landscaping being reserved for subsequent submission - ref:2008/1990 granted 21 May, 2009) with the remainder of the site (comprising the residential development and the riverside walkway / open space) to be subject to a reserved matters submission.

The reserved matters approval for Bellway Homes (ref:2010/0844) for the residential component of the scheme has been completed together with the riverside walkway and open space provision.

Phases 1 and 2 of the student accommodation unit (totalling 722 bedrooms) have been completed (with Phase 2 to be occupied later this summer (2017) and a revised ground floor layout to the Phase 1 area together with a revised external layout was approved under ref:2013/1016.

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### Description

The approved landscaping scheme for this section of the residential development, as indicated on the Landscape Strategy drg. No. 374.01 indicates the planting of 4 no. 'structural trees' in between the car parking spaces with a grassed area to the rear of the car parking spaces and a strip of planting abutting the boundary with the student development to contain a shrub bed with additional small / medium ornamental trees. The completed landscaping has involved the planting of only 2 trees and the laying of stone chippings abutting the boundary wall / railing of the student development.

It should be noted that since the original reserved matters approval, the siting of the boundary to the Phase 1 student development was revised under planning permission 2013/1016 which resulted in the construction of the existing dwarf boundary wall / railing being brought closer to Pottery Street. This has reduced the available landscaping area as originally proposed.

Additionally, it should be noted that there is a strip of land at the back edge of Pottery Street, which was previously used as a temporary bin store area. This area is under the control of the St. David's student development and the ground has recently been reinstated / prepared in readiness to be grass seeded.

The current proposed amended landscaping scheme from Bellway proposes to plant 4 no. 'Carpinus betulas' hornbeam trees between the car parking spaces (to replace the 2 no. existing trees if dead / damaged) and to replace the stone chippings with turf.

### Policy Issues

Policy EV1 of the Unitary Development Plan seeks to establish the principles of development to ensure new development shall accord with a defined set of criteria and Policy EV2 indicates that new development must have regard to the physical character and topography of the site and its surroundings by avoiding locations that would have a significant adverse impact on landscapes, open spaces and the general locality, including loss of visual amenity. Whilst Policy EV4 seeks to ensure new development will be assessed against its impact on the public realm.

### MAIN ISSUES

The main issue to consider in this application is whether the revised landscaping scheme is acceptable having regard to visual amenity and the character of the area.

### Visual Amenity

As referred to in the representations, the approved landscape strategy identified the key axis running through the site (along Pottery Street) from New Cut Road to the Riverside Walkway. The axis was intended to be highlighted with an avenue of semi-mature 'Carpinus betula' hornbeam trees. The development has been substantially completed in accordance with this strategy, save for the area in question, and as indicated above, since the original scheme was approved, the boundary enclosure to the Phase 1 St David's student development has encroached into this area thus reducing the available landscaping area as originally proposed.

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The planting of the 2 additional trees and replacement of the 2 existing trees (if dead or diseased) would accord with the general landscape strategy of creating the 'avenue' of trees to soften the impact of the scale of the buildings. It is therefore considered that the revised scheme, even with the absence of some of the lower level planting of the form scheme, along with the provision of grass seeding/turfing of areas abutting the car parking area provides an acceptable visual solution to the street scene and accords with policies EV1, EV2 and EV4.

In order to ensure the scheme be implemented as approved it is proposed that a condition be imposed requiring the implementation of the scheme within 3 months of the date of the permission and that if trees planting in accordance with the scheme are removed, die or become seriously diseased within 2 years of planting are replaced with trees of a similar size and species.

### **Conclusions**

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

As a Section 73 application, the only matter which can be considered is the condition to which the application relates and the permission itself is not a matter for consideration. The Section 73 application allows the LPA to reconsider conditions other than that which is the subject of the application to modify; however, in this instance the development has been completed and there is therefore not necessary to re-impose previous conditions. As indicated above, it is considered appropriate for a condition to be imposed requiring the revised landscaping scheme to be implemented within 3 months of this permission.

In conclusion, having regard to all material considerations, including the Human Rights Act., the proposal would represent a satisfactory form of development which complies with the criteria of Policies EV1, EV2 and EV4 of the Unitary Development Plan and would improve the appearance 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: [17050(05) 100A - Site Layout & 17050(05)101A - Proposed Landscaping - plans received 26 May, 2017).  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 2 The landscaping scheme as indicated on drg. No. 17050 (05) 101A shall be completed within 3 months from the date of this permission, and any trees which within a period of 2 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of the visual amenity of the area and to ensure the site is satisfactorily landscaped in accordance with the approved landscape strategy.

**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 & EV4.
-

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ITEM 3

APPLICATION NO:

2017/0962/FUL

WARD:

Uplands - Bay Area

Location:

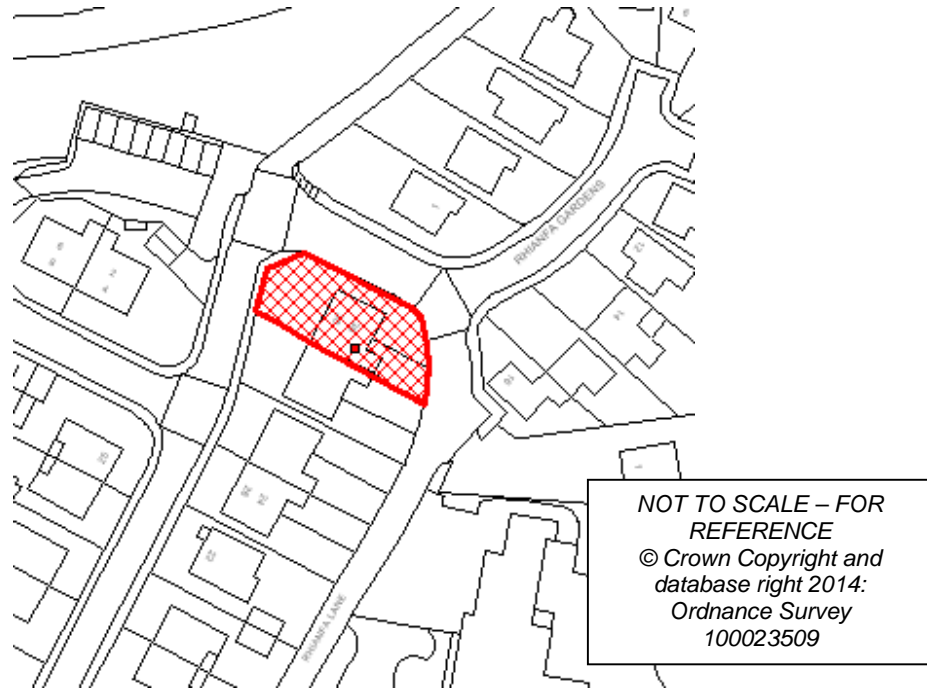
38 Ffynone Drive, Uplands, Swansea, SA1 6DD

Proposal:

Change of use from 3 bedroom flat (Class C3) to 4 bedroom HMO for 4 people (Class C4)

Applicant:

Mrs Polly Priestley



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV2 - Siting

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).

##### UDP - EV3 - Accessibility

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)

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### ITEM 3 (CONT'D)

APPLICATION NO:

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#### UDP - HC5 - Houses in Multiple Occupation

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)

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0962/FUL	Change of use from 3 bedroom flat (Class C3) to 4 bedroom HMO for 4 people (Class C4)	PDE	

### RESPONSE TO CONSULTATION

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

- 1) There are too many HMOs in the area
- 2) Refuse concerns
- 3) Parking concerns
- 4) Noise concerns
- 5) The proposal exceeds the proposed SPG limits
- 6) Property not suitable for HMO
- 7) Fire hazard due to HMOs
- 8) Impact on the conservation area
- 9) HMOs are shabby and un-kept
- 10) Property is 2 bed not 3 bed

Additionally a petition of objection has been received containing 30 signatures citing the number of HMOs in the area as being too many and parking concerns.

**Welsh Water** - No objection

**Pollution Control** - No comment

**Highway Authority** - The applicant states that there will be 4 people sharing hence it is still below the 6 person threshold.

One off street parking space is proposed in the form of garage parking, it is stated that there is also an open parking space opposite however this has not been shown within the red line boundary on submitted details.

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**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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On street parking is unrestricted. It is clear from objections received that parking has been highlighted as a problem with competition for spaces being high, however, there is currently no residents parking scheme in existence and following a discussion with the Residents Parking Officer there are no recorded complaints or requests for such a scheme therefore there are currently no plans to implement one.

Submitted plans indicate that cycle storage for 4 no. cycles will be made available.

Based on recent appeal decisions, it is not considered that a refusal from Highways could be justified at appeal despite ongoing concerns regarding the cumulative impact of increasing numbers of HMOs in the area.

On that basis, no highway objections are raised to the proposal subject to:

1. The dwelling being used by no more than 4 persons in the interests of highway safety
2. Cycle parking to be provided in accordance with the submitted details prior to beneficial occupation of the HMO.

### **APPRAISAL**

This application is reported to committee for decision at the request of Councillor Peter May. Additionally, a petition of objection containing 30 signatures has been received.

### **Description**

Full planning permission is sought for the change of use from residential (Class C3) to a 4 bedroom HMO (Class C4) at 38 Ffynone Drive, Uplands.

Amendments have been sought and gained following concerns raised by the case officer with the applicant with regard to the intensity of development and the impact of subdividing a bay window on the property's character and appearance. The amended plans, received 12 July 2017, have omitted the subdivision and reduced the number of bedrooms to 4.

The existing unit occupies the first floor of a semi-detached property which was constructed as a flatted development. The ground floor provides a separate unit of accommodation. The property is situated within the residential area of Uplands. The area comprises traditionally designed dwellings.

External alterations include the provision of 'velux' type windows to provide for the loft conversion. Cycle parking is proposed to the side of the property for 4 cycles and a waste and recycling area to the rear.

The original proposal sought consent for the reconfiguration of the first floor to create 5 bedrooms (including loft conversion). However following concerns raised regarding the unsuitability of the layout and the overintensive nature of the proposal the scheme has been revised to retain the existing 3 bedrooms at first floor level and create the additional bedroom in the loft.

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ITEM 3 (CONT'D)

APPLICATION NO:

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### 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.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however, whilst the Local Planning Authority has produced a draft SPG related to HMOs until formally adopted does not carry any weight.

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, there would be an increase in the number of bedrooms by one.



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**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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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 4 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 flat

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. 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.

From viewing the Councils own HMO register, there is currently 1 HMO registered on Ffynone Drive out of approximately 30 properties. This equates to a percentage of 3.3% HMO within the street. With that being said 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'. Planning inspectors in recent appeal decisions have stated that whether or not a proposal is harmful depends on a planning judgement. In this instance given there are limited numbers of HMOs in this area and only one on this street, without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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ITEM 3 (CONT'D)

APPLICATION NO:

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

In terms of highways matters the application property provides garage parking which is located separate to the main curtilage of the site on land opposite and the remainder of parking takes place on the street. Cycle parking is proposed to be provided on site for up to 4 cycles. Consultation has been undertaken with the Highway Authority who raise no objection with the application. The Highway Authority make reference to the objections received as part of this application citing parking being a problem with competition for spaces being high, however, refer to there being no current residents parking scheme and no recorded complaints or request for such a scheme.

Based on recent appeal decisions, the Highway Authority does not considered that a refusal from Highways could be justified at appeal. No objection is made subject to the following two requested conditions:

1. The dwelling being used by no more than 4 persons in the interests of highway safety
2. Cycle parking to be provided in accordance with the submitted details prior to beneficial occupation of the HMO.

With regard to the request to limit the number of people residing at the property a large family could currently reside at the property outside the control of the Local Planning Authority. However, due to concerns regarding the potential for overintensive use of the property as a 5 bedroom HMO it is considered reasonable to restrict the number of occupants to 4 in this instance. It is reasonable to require additional details in connection with the cycle parking to be provided prior to occupation of the HMO.

Appropriate refuse storage arrangements can be provided

The submitted plans show provision of a waste and recycling area to the rear of the property and this would be sufficient for the purposes of the HMO use.

### **Response to consultations**

With regard to the issues raised in the letters of objection, points 1-6 have been addressed above. With regard to the Conservation Area, the premises is not located within the Conservation Area and is considered to be of a nature that would have no tangible impact upon the nearest Conservation Area (Ffynone and Uplands). Fire hazards and property upkeep are not material planning considerations and are covered under separate legislation. With regard to the existing number of bedrooms, the Local Authority can only consider that which is submitted. Furthermore, the proposed arrangement is considered acceptable in this instance.

### **Conclusion**

It is considered that the Local Planning Authority has no evidence to suggest that the use of this property as an HMO would result in a harmful concentration of HMOs within this area.

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**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, AS6 and HC5 of the Swansea UDP and approval is recommended.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan received 30th May 2017; proposed first floor plan (01), proposed attic plan (04), proposed elevations (05) received on 12th July 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No more than four residents shall live at the property, as part of the HMO hereby approved, at any one time.  
Reason: In order to control the density of development in the interests of residential amenity.
- 4 The HMO shall not be occupied until facilities for the secure storage of four bicycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained for the lifetime of the use.  
Reason: In the interest of sustainability.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV3, AS6 and HC5 of the City and County of Swansea Unitary Development Plan 2008.
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### ITEM 4 (CONT'D)

APPLICATION NO:

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#### UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV9 - Development in Conservation Areas

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)

#### UDP - HC11 - Higher Education Campus Development

Higher education campus development will be permitted subject to compliance with the defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

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)

#### UDP - EV36 - Development and Flood Risk

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)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1164/FUL	Construction of new multi use student activity centre building with link to Fulton House including demolition work to Fulton House, engineering works, replacement car parking and landscaping	PDE	

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ITEM 4 (CONT'D)		APPLICATION NO:	2017/1164/FUL
2017/1248/LBC	Part demolition of eastern facade to allow creation of new 'link' to connect Fulton House to proposed new student activity centre. Phase 1 internal works to the ground and first floor including the demolition of partitioning, finishes and fittings and consequential making good and reinstatement of original glazing screens to the central refectory space (application for Listed Building Consent)	PDE	
2004/2241	New shopfront (Application for Listed Building Consent)	APP	25.01.2005

### RESPONSE TO CONSULTATIONS

The proposal was advertised on site and in the local press. No response has been received.

**Highways** - No objection. The applicant has supplied a proposed car parking plan which includes adequate replacement provision to ensure that the parking numbers are not compromised (as per the Highways comments on the pre-application enquiry).

The cycle parking has not been agreed but appropriate provision can be sited and as such this can be secured by condition prior to beneficial occupation of the new centre. No highway objections are raised to the proposal subject to conditions relating to car parking provision and cycle storage.

**Welsh Water** - No objection subject to sewerage conditions.

**Tree Officer** - No objection. The trees present on site are not protected by tree preservation order or by Conservation Area status, however under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

One tree is categorised as A (BS5837) - a large oak; the remaining trees (category C) are smaller, younger and planted as landscaping around the existing building. The proposed building will require the category C trees to be removed.

The removal of these trees will have little impact on the local amenity and are shown to be compensated for in the landscaping plan provided. There is no objection to the removal of these trees on this basis.

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**ITEM 4 (CONT'D)**

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The large oak requires protection during construction to prevent damage occurring to it. The tree protection plan (TPP) provided is not adequate to give this protection. The TPP is not an enforceable document as it uses 'should' several times, not 'must', 'will' or 'shall'. Assurance that no excavation will occur within the RPA is also required.

In the event of approval, a suitably updated tree protection plan condition is required.

**Drainage Officer** - No objection subject to condition relating to the submission of a comprehensive and integrated drainage of the site.

**Pollution Control** - No objection subject to a condition requiring details of soil type due to the presence of some contamination highlighted in the ground investigation report.

**Ecology** - No comments received to date.

**Design and Conservation Team Leader** - The proposed redevelopment of the Digital Technium site and construction of a Student Activity Centre (SAC) is supported by a comprehensive and well-illustrated Design and Access Statement that explains and justifies the proposals and also sets out the scheme evolution through the options explored and discounted.

The proposals have been subject to positive pre-application discussion including two Design Review Sessions with the DCfW in November 2016 and March 2017. The main DCfW comments can be summarised as follows:

**Design Commission for Wales ('DCfW') - November 2016 comments:**

- o Importance of original campus masterplan
- o Address people flows to, from and around the SAC
- o Ensure the scale of the SAC responds to the 'bookends' of Fulton House and avoid a dominant relationship
- o Ensure the scale and massing also relates positively to the Taliesin Arts Centre
- o Address the experience of moving between the old and new buildings internally
- o Use the elevations to highlight the entrances
- o Consider the elevation design in relation to Fulton House
- o Design the elevations in response to environmental aspects such as solar gain on the south side

DCfW March 2017 comments:

- o Encouraged an exemplar approach
- o Clarify the vision which is diluted by conflicting objectives
- o Address routes and wayfinding - especially on the north side
- o Design for flexibility
- o Address the energy strategy
- o Important relationships to Fulton House and Taliesin

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These issues highlighted by the DCfW have all been addressed in the final scheme as outlined in the following sections. The current Digital Technium building does not respect setting of Fulton House, it does not make good use of the plot, it does not relate well to the public realm of the Mall nor does it respect the underlying masterplan grid of Singleton Campus. Therefore although it is a new building, there is no objection to its demolition in terms of design and heritage.

It is accepted that the wider functions provided by the SAC cannot be accommodated within Fulton House as this would require a degree of internal alteration that is harmful to the listed building status, plus the space requirements simply would not fit. Therefore the proposal to construct a new SAC building alongside Fulton House with a link a wide internal ground and first floor link is supported.

Overall it is considered that the SAC is a well-designed building in its own right and it would be a positive and bold addition to Singleton Campus. Whilst it is a large building, the quality of the design and the careful handling of the massing (including the cutting back of the left top corner) ensures that the SAC would enhance the setting of the grade II listed Fulton House and it would also relate positively to the Taliesin Arts Centre. Approval is therefore recommended subject to conditions relating to its detailed design.

**CADW** - CADW consider there to be a neutral impact on the registered park and garden, Singleton Abbey and Sketty Hall as a result of the proposal and have raised no objection to the scheme.

### **Description**

Full planning permission is sought for the construction of a new multi-use student activity centre building with link to Fulton House including demolition work to Fulton House, engineering works, replacement car parking and landscaping. The building is of a comparable scale to the adjacent Fulton House with a footprint measuring approximately 55m in width (67m including link section to Fulton House), 45m in depth and a height of 18.5m over 4 floors. The link section is storeys in height and fully glazed to the front elevation.

### **ISSUES**

The main issues for consideration in this instance relate to the acceptability of the proposal at this location; the impact on the visual amenity of the area; the impact on the setting of the adjacent listed building and historic park; trees, drainage, the impacts on the residential amenities of neighbouring occupiers, the impacts on highway safety and ecology having regard to the criteria set out in Policies EV1, EV2, EV3, EV9, HC11, AS2, AS6, EV35 and EV36 of the City and County of Swansea Unitary Development Plan 2008.

Policy EV1 relates to design and specifically refers to, amongst other criteria, development having regard to the desirability of preserving the setting of any listed building; and requires development to sensitively relate to the existing development patterns, protecting natural heritage and cultural environment. The application site is located adjacent to and connect with Fulton House, a Grade II\* listed building and it is against this backdrop the application is assessed.



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Policy HC11 refers to higher education campus development and seeks to support schemes that demonstrate a layout, design and materials choice that are satisfactory; the intrinsic qualities of the site are respected; a satisfactory relationship with adjacent buildings and spaces; appropriate means of access and parking; quality landscaping integrated within the scheme; and no adverse impact upon residential amenity, natural heritage and historic environments.

Technical Advice Note 12 (TAN 12) Design (March 2016) includes advice on how promoting sustainability through good design may be facilitated through the planning system. The TAN sets out a 'route to good design' which encompasses an initial review of planning policy through to a continuous approval and collaboration stage which involves assessing design issues and pre-application discussions.

Technical Advice Note 23 (TAN23) Economic Development (February 2014) provides guidance for local planning authorities on developing high level economic planning objectives and assessing the economic benefits of new development. The guidance notes that economic development should contribute to all dimensions of sustainability and where economic development would cause environmental or social harm which cannot be fully mitigated careful considerations of the economic benefit will be necessary.

Technical Advice Note 24 (TAN 24) The Historic Environment (May 2017) contains guidance on planning application affecting the historic environment. The TAN encourages the use of Conservation Principles (2011, CADW) to guide such assessments. In terms of assessing setting, paragraph 1.25 identifies that some of the factors to consider and weigh in the assessment include the prominence of the historic asset, the expected lifespan of the proposed development, the extent of tree cover and its likely longevity and non-visual factors affecting the setting of the historic asset.

### **Background**

Swansea University is a wholly campus-based institution located on the South Wales coastline. The university comprises two individual campuses, the Singleton Park Campus and the Bay Campus, following the completion of the teaching facilities at The Bay Campus in 2015. Singleton Park accommodates the majority of the University's recreational facilities. The university received its charter in 1920 and in 1948 became the first UK campus-based institution. As such, Singleton Park now inherently accommodates all of the university's historically important buildings, the majority of which are excellent examples of British post-war architecture. Several developments have been undertaken at the university in recent years, to update/replace areas of building stock nearing the end of its life. As the Singleton Park Campus is bound on all sides, by either coast, a Hospital or conservation area, development land is extremely limited. As such, any future development options are highly constrained. Campus developments within the last 7 years include the re-cladding of Faraday Tower and the LIC Building, entrance improvements to Union House and the construction of Phase II Institute for Life Sciences building.

The applicant, within the submission, states the Student Precinct at Swansea University provides an opportunity for a comprehensive development at the heart of Singleton Campus which would provide an outstanding 'world class' student facility; Improve the 'stickiness' of the singleton campus and enhance the social activity throughout the day;

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Create attractive social opportunities for existing and prospective students; Ensure a true 'one stop shop' for student welfare and support; Improve overall student experience at Swansea University; And improve Swansea University's appeal to prospective students.

Justification has been provided which puts forward the case that the University has identified the need to centralise student academic and social welfare at the Singleton Campus. The proposed Student Precinct is to offer an improvement on the existing recreational facilities, welfare support services and teaching spaces to all students from both the Singleton Campus and the newly operational Bay Campus on Fabian Way. It is proposed that the new student precinct will act as the fulcrum to student life on the campus, linking existing routes and enhancing accessibility to surrounding buildings.

Fulton House is of special architectural and historic interest as recognised by the grade II listing bestowed by Cadw. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory requirement in determining application for listed building consent 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'. Paragraph 5.13 of TAN 24: The Historic Environment provides further explanation of the considerations including the importance of the building; its particular physical features; its setting; the impact of the proposed works on the significance for the building; and the potential community/ regeneration benefits. This consultation response applies these tests.

This grade II listed building was built in 1962 as the focal point for student life on Singleton Campus. The listing primarily relates to overall modernist architectural design and the role as the focal point within an early campus masterplan.

In recent years, Fulton House has become marginalised with the catering function reduced and the former dining spaced repurposed for teaching and group studies. The ground floor remains the function of student retail, but the internal commercial frontages have been much altered. This application should be read in conjunction with the current application (ref: 2017/1248/LBC), also under consideration at this committee, as the LBC application would facilitate the connection through the part demolition of the eastern façade to allow the link connection to Fulton House from the Activity Centre.

The significance of Fulton House extends beyond the building itself. The building and campus masterplan were both designed by Percy Thomas - one of the leading architects of the period. Together the building and masterplan represented an early move towards co-ordinating and organising educational developments that were prior to that ad-hoc and organic. The masterplan approach has come to typify higher education developments but unfortunately the masterplan at Singleton Campus has been watered down and recent buildings such as the Digital Technium have not respected the masterplan. The process of analysis that underpins this application has reasserted the importance of the grid masterplan and Swansea University has indicated that this will once again underpin any future development / redevelopment proposals at Singleton Campus.

Fulton House has become marginalised on campus; the main canteen at first floor closed, the ground floor evolved into an unappealing passage of retail units and cramped circulation areas, the upper floor former dining rooms converted to teaching space all due to changing student expectations.

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The current proposal is an opportunity to breathe new life into Fulton House and relaunch it at the heart of contemporary campus life.

The building that currently occupies the site is known as Digital Technium and was granted permission (2001/1545) by the Local Planning Authority in 2001. The University now considers the building surplus to requirements and has sought and received confirmation from the Local Planning Authority (2016/0661) that prior approval for its demolition is not required.

### **Visual Amenity and setting of Listed Building**

The application site is location along the 'Mall' on Campus and would replace the existing Digital Technium building and will act as a focal point for students and staff. The Mall is a key pedestrian route on campus and the site is bounded to the west by Fulton House and to the east, The Taliesin Arts Centre. The site can be viewed from the main approach from Mumbles Road. The Singleton Campus has several assets of significant heritage merit, none more so than Fulton House, which serves as the primary focal point when approaching from the main campus entrance. The proposed Student Activity Centre is located immediately to the right hand side of Fulton House and careful consideration has been given to the detailed design of the proposal and its relationship with Fulton House.

The site's topography is as such that there is a gradual slope towards the rear with a land level difference of approximately 3m. The building has been designed to accommodate the topography with side/rear access at a higher level, connecting to the first floor of the adjacent Taliesin building. The redevelopment of the Taliesin is subject to a further application (ref: 2017/1402/FUL) which is currently under consideration. It should be noted that the application site, Fulton House and the Taliesin all form an incremental, intrinsically linked and comprehensive redevelopment package to contribute to the overall campus redevelopment strategy.

The proposed four storey SAC would form a new central hub to Swansea University's Singleton Campus. It would contain student facilities, student welfare support, student union, food offerings, student retail, group and individual study space and teaching space. This project would also reinvigorate the adjacent grade II listed Fulton House as the focal point for eating and group study.

The siting and layout of the SAC responds to the underlying original Singleton Campus grid masterplan. It fills the plot and creates active frontage to define the adjacent public realm areas to the north, east and south.

The ground floor level of the SAC relates direct to the Mall and to public realm areas at different levels on the north, east as well as south. This comprises entrances and highly glazed areas; therefore the building maximises active frontage which is welcomed. The entrances are welcoming and legible, and they facilitate routes north-south and east-west through the building so that it becomes part of the public realm in its own right. The western internal link comprises the ground and first floor connection into Fulton House. Internally the large scale atrium will in effect be a new covered public space for the university that rises the full height of the building. Externally the architectural approach has been to 'float' the masonry above the glazed ground floor and to layer the facades with angled structural columns set back behind the glass.

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On one hand this positively marks the building out as 'of this time' whilst the design also references other works of Percy Thomas through the double height slot windows, Fulton House in through the scale and use of modernist architectural language and the Taliesin Arts Centre through the 45 degree angled elements.

The width of the ground and first floor connections to Fulton House relate to the width of the first floor refectory space which is the area of greatest significance in Fulton House. This would link through to the atrium of the SAC to create an internal plaza that is designed to create a distinction between the new building and listed building.

Although the SAC is taller than the immediate SW corner of the Taliesin Arts Centre, the proposed scale is similar to the overall Taliesin height to the main theatre space. The separation is informed by the original campus grid and the scale is relationship is mitigated through the use of materials with the glazed elevation rising up three stories and the stone cladding to the top floor only. This creates a light weight corner with the solid element apparently rising dramatically above the Taliesin.

There is a consistent architectural treatment to all elevations (there is no back), this means that the SAC relates positively not only to all parts of the surrounding campus, and also positively to Singleton Park which has a designated grade I historic status as well as enhancing the setting of the adjacent Sketty Conservation area which are 55m away at the closest point.

As well as the immediate direct relationship with Fulton House, the grade II listed law library and grade II listed Wallace Building are both within 100m of the proposed SAC building to the east and west respectively. Given the general built up nature of the campus it is considered that the proposal will have a neutral impact in respect of the wider listed university buildings.

The red line comprises more than the building footprint, this allows the Mall to the south be upgraded to allow spill out and the area to the east between the SAC and Taliesin Arts Centre to be remodelled to create a more useable space that works with the levels. The area between the SAC and Fulton House would become a service area that is close to public access. Whilst this would remove a pedestrian route, it is not currently well used and instead the intention is to direct pedestrian movement from the halls of residence to the north through the SAC. To the north, the existing trees are retained and there is scope for a softer public realm treatment, and beyond this the existing surface car parking is retained. It is recommended that the details of these external works are controlled through condition.

The application is considered to be acceptable in relation to its design, impact on visual amenity of the area and surrounding heritage assets and complies with the criteria set out in Policies EV1, EV2 and EV9 of the City and County of Swansea Unitary Development Plan 2008.

### **Residential Amenity**

The proposed unit is located within the Singleton Campus. There are residential towers to the rear of the site which form part of the halls of residence associated with the University. It is considered, however, that the proposal would not result in an adverse impact upon the occupiers or future occupiers of these units over and above that currently experienced as a result of the existing uses on campus.

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The nearest privately owned residential accommodation are located a considerable distance away, beyond the boundaries of Singleton Park. As such there are no residential amenity issues associated with this scheme.

### **Trees**

The Council's Tree Officer has provided comments following consultation and has confirmed that the removal of the trees specified in the submitted arboricultural report will have little impact on the local amenity and are shown to be compensated for in the landscaping plan provided. The imposition of a suitable condition relating to the tree protection is recommended.

### **Drainage**

The Council's Drainage Officer has offered no objection to the scheme subject to a condition relating to surface water run-off. This condition is recommended.

### **Highway Safety**

The Head of Transportation and engineering has raised no objection to the proposal subject to conditions relating to vehicular and cycle parking. These conditions are recommended.

### **Ecology**

Whilst no comments have been received from the Council's Ecologist, the submitted Preliminary Ecological Appraisal (March 2016) confirms that the potential for bats, reptiles and amphibians to be present is negligible. On this basis the application can be considered acceptable in relation to its impact upon ecology. A standard bat and bird informative is recommended.

### **Conclusion**

Having regard to all material planning considerations, including the Human Rights Act, it is considered that the proposal represents an acceptable form of development having particular regard to the criteria set out in Policies EV1, EV2, EV3, EV9, HC11, AS2, AS6, EV35 and EV36 of the City and County of Swansea Unitary Development Plan 2008 and, critically, the proposal would, subject to conditions, serve to enhance the special intrinsic quality of the adjacent listed building and would relate positively to the Taliesin Arts Centre. Accordingly, approval is recommended.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

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**ITEM 4 (CONT'D)**

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**RECOMMENDATION**

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan (18005 Rev P8), proposed site plan (18001 Rev P8), Proposed link floor plans (10011 Rev P8), proposed site plan detail (18007 Rev P8), Key buildings section (30001 Rev P8), proposed link elevations and sections (20001 Rev P7), GA elevations Student Precinct (20001 Rev P7), Ground floor (10006 Rev P8), first floor (10007 Rev P8), Second floor (10009 Rev P8), Third floor (10009 Rev P8), Roof plan (10010 Rev P8), Proposed drainage scheme (91003), landscape plan (91040 Rev P8) received on 25th May 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the submitted details, a large scale drawing to an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority illustrating the following details:
  - Ground floor glazing
  - The south entrance
  - Stone cladding (soffit, facade, parapet and fixings)
  - The glazed link
  - The external cladding to the projecting lecture hall
  - Typical upper floor windowsAdditionally, a composite sample panel shall be constructed on site and made available to view by the Local Planning Authority prior to works commencing. The development shall be carried out in accordance with the approved details/materials.  
  
Reason: In the interest of visual amenity.
- 4 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting and soil details. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

- 5 Notwithstanding the details hereby approved the works relating to the public realm improvements shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the beneficial occupation of the building.

Reason: In the interest of visual amenity

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

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 8 The car parking, as indicated on the plans hereby approve, shall be laid out and made available for the purposes of car parking prior to the beneficial occupation of the development and retained as such in perpetuity.

Reason: In the interest of highway safety.

- 9 Prior to the beneficial occupation of the development, cycle parking shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained in accordance with the approved details.

Reason: In the interest of sustainability.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, EV9, HC11, AS2, AS6, EV35 and EV36 of the City and County of Swansea Unitary Development Plan 2008.
- 3 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

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The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that 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 the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 4 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).

- 5 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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**PLANNING COMMITTEE – 1<sup>ST</sup> AUGUST 2017**

**ITEM 5**

**APPLICATION NO:**

2017/1248/LBC

**WARD:**

Sketty - Bay Area

**Location:**

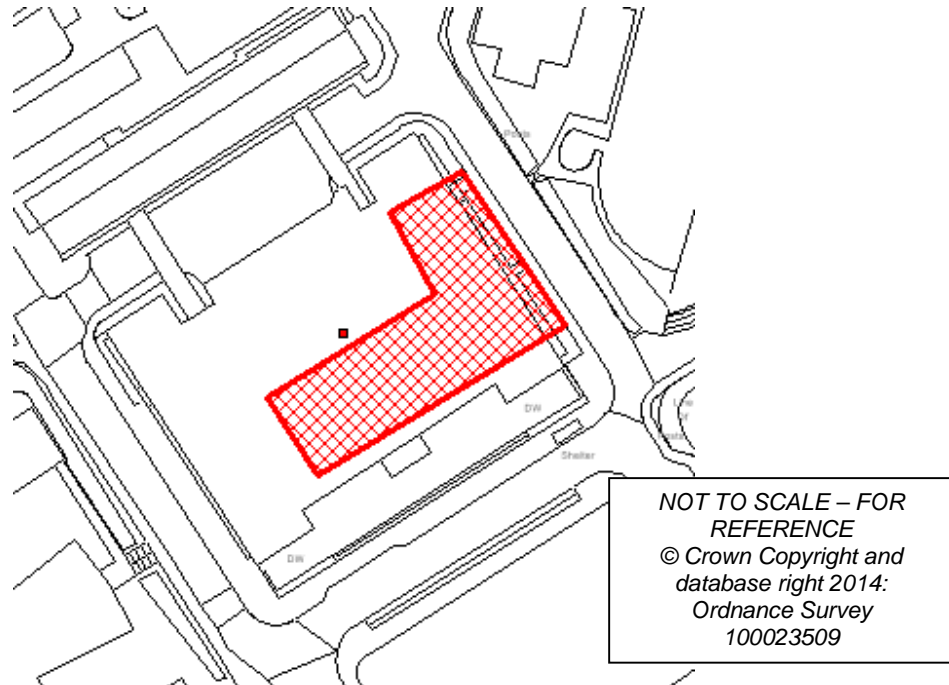
**Fulton House, University Of Wales Swansea, Singleton Park Internal Access Road, Sketty, Swansea, SA2 8PP**

**Proposal:**

**Part demolition of eastern facade to allow creation of new 'link' to connect Fulton House to proposed new student activity centre. Phase 1 internal works to the ground and first floor including the demolition of partitioning, finishes and fittings and consequential making good and reinstatement of original glazing screens to the central refectory space (application for Listed Building Consent)**

**Applicant:**

**Swansea University**



**BACKGROUND INFORMATION**

**POLICIES**

UDP - EV7 - Extensions/Alterations to Listed Buildings

Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 5 (CONT'D)

APPLICATION NO:

2017/1248/LBC

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1164/FUL	Construction of new multi use student activity centre building with link to Fulton House including demolition work to Fulton House, engineering works, replacement car parking and landscaping	PDE	
2017/1248/LBC	Part demolition of eastern facade to allow creation of new 'link' to connect Fulton House to proposed new student activity centre. Phase 1 internal works to the ground and first floor including the demolition of partitioning, finishes and fittings and consequential making good and reinstatement of original glazing screens to the central refectory space (application for Listed Building Consent)	PDE	
2004/2241	New shopfront (Application for Listed Building Consent)	APP	25.01.2005

### RESPONSE TO CONSULTATIONS

The proposal was advertised in the local press and on site. No response has been received.

### APPRAISAL

This application is reported to committee for decision as it is associated with planning application 2017/1164/FUL which is being considered on this agenda.

### Description

This application seeks Listed Building Consent for:

- o Minor reconfiguration of ground floor east end to connect to the Student Activity Centre (SAC) - this comprises removal of non-original internal walls to the chaplaincy area and formation of openings to reopen the original internal link between SE and NE stairs. This will reveal 4 no. original circular internal columns that are currently lost within later alterations.

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There will be some loss of external brick walling, window surrounds and window frames to make ground floor link - but these items are not unique and are repeated multiple times on the east and west elevations. The internal works will not affect the south-east and north-east stairs nor the ladies toilets with granite cubicle screens - these are original historic fabric.

- o Opening up first floor elevation including removal of brickwork, surrounds and eight windows (Fusion Café) to connect to SAC. Again whilst there is some loss of external walling and windows to make ground floor link they are not unique and together with the ground floor open up, this is still a modest proportion of the overall façade. The proposal is that structural columns will be retained and clad in circular to match other exposed columns in FH.
- o Removal of Fusion Café (originally the 'Snack Room') and reinstatement of glazed screen to main refectory space (to mirror the west screen that is still in place). This will reveal 4no original circular columns that are currently lost within later alterations and the original timber flooring is to be retained and refurbished. This will also include the insertion of a new screen at the north end of this space on the original alignment as shown in the as built first floor plan. This screen will define a modest café space off the main plaza area.
- o Sensitive refurbishment of main first floor refectory space. This grand double height space is the most significant space within the building retaining many original fittings. The proposed refurbishment includes; new acoustic ceiling, replacement of concealed plant within ceiling void, refurbishment of lighting, refurbishment of glazed screens and doors, refurbishment of timber panelling and refurbishment of flooring. This space will no longer be primarily a food space; instead it will be furnished with loose furniture to facilitate individual and group study as a learning commons. None of the furniture will be fixed, so it can all be removed for functions as per the original purpose of the space. It should be noted that the proportions of this space will not be altered by the proposed first floor link to the SAC due to the reinstatement of the glazed screen to what is currently the Fusion Café space. Therefore there will be connectivity from the refectory to the link and atrium within the SAC but it will be a distinct space in its own right.
- o New two storey link structure meeting Fulton House. This will be glazed to contrast with the existing brickwork and will meet the reveals of the former window openings. It is also set back at ground and first floor to ensure a distinct separation between the SAC and Fulton House.

The application has been supported by a Historic Impact Assessment and Design and Access Statement.

### ISSUES

The main issue for consideration relates to the visual impact of the proposals in terms of the need to preserve the Listed Building or its setting or any features of special architectural or historic interest which it possesses having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Technical Advice Note (TAN) 24: The Historic Environment (2017) and Policy EV7 of the City and County of Swansea Unitary Development Plan 2008.

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ITEM 5 (CONT'D)

APPLICATION NO:

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### Impact upon Listed Building

Fulton House is of special architectural and historic interest as recognised by the Grade II listing bestowed by Cadw. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory requirement in determining application for listed building consent 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'. Paragraph 5.13 of TAN 24: The Historic Environment provides further explanation of the considerations including the importance of the building; its particular physical features; its setting; the impact of the proposed works on the significance for the building; and the potential community/ regeneration benefits.

This Grade II listed building was built in 1962 as the focal point for student life on Singleton Campus. The listing primarily relates to overall modernist architectural design and the role as the focal point within an early campus masterplan.

In recent years, Fulton House has become marginalised with the catering function reduced and the former dining spaced repurposed for teaching and group studies. The ground floor remains the function of student retail, but the internal commercial frontages have been much altered. This application should be read in conjunction with the current application (ref: 2017/1164/ful) which proposes the demolition of the Digital Technium building and construction of a Student Activity Centre (precinct) as the proposed link section connects with Fulton House. This listed building application would facilitate the connection through the part demolition of the eastern façade to allow the link connection to Fulton House from the Activity Centre. The works encompass the ground and first floor levels and include the demolition of partitioning, finishes and fittings and the consequential making good.

The proposals at Fulton House are supported by a comprehensive and well-illustrated Heritage Impact Assessment (HIA) in accordance of with the requirements of the recently released TAN24. This explains the history and significance of the heritage asset and justifies the proposed alterations. Given that Fulton House (formerly College House) was completed in 1962 the HIA contains many as built photos and plans which helps significantly in understanding the listed building.

When considering applications for Listed Building consent TAN24 sets out the Conservation Principles that should be used to assist in the decision making process. There are four heritage values which need to be understood before the significance of the asset can be assessed with these being; evidential value, historic value, aesthetic value and communal value.

The evidential value is considered to be medium on the basis that although the building has been altered internally (such as the repurposing of the various hierarchal dining rooms, replacement of main southern curtain wall glazing) during its relatively short life, it does still communicate the original purpose as the physical and social heart of the campus.

The historic value is considered to be medium on the basis that it symbolises a quality modernist building and early movement into campus masterplanning and the design by Percy Thomas, one of Wales's leading modernist architects.

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The aesthetic value is considered to be medium on the basis that Fulton House is a well-designed modernist building that was designed as the visual focal point of the campus; especially to close the long view up the Avenue from Oystermouth Road. Internally, the double height first floor refectory space is the most significant space retaining most of the original finishes and fittings, plus art works at east and west ends. This space occupies the focal front (southern) part of the building behind the recently replaced curtain wall glazing.

The communal value is again considered to be medium on the basis that Fulton House was designed as the social heart of campus. Whilst it has become somewhat marginalised and underused in terms of function, the central location means that there is scope to reinvigorate the building.

Therefore overall heritage value is considered to be medium and there is considerable scope for this listed building to evolve in order to remain relevance and function at the heart of Singleton Campus.

The significance of Fulton House extends beyond the building itself. The building and campus masterplan were both designed by Percy Thomas - one of the leading architects of the period. Together the building and masterplan represented an early move towards co-ordinating and organising educational developments that were prior to that ad-hoc and organic. The masterplan approach has come to typify higher education developments but unfortunately the masterplan at Singleton Campus has been watered down and recent buildings such as the Digital Technium have not respected the masterplan. The process of analysis that underpins this application has reasserted the importance of the grid masterplan and Swansea University has indicated that this will once again underpin any future development / redevelopment proposals at Singleton Campus.

Fulton House has become marginalised on campus; the main canteen at first floor closed, the ground floor evolved into an unappealing passage of retail units and cramped circulation areas, the upper floor former dining rooms converted to teaching space all due to changing student expectations. The adjacent SAC is an opportunity to breathe new life into Fulton House and relaunch it at the heart of contemporary campus life.

Overall the changes to the listed building outlined above are considered to be beneficial. Whilst some historic fabric is lost due to the ground and first floor connection to the SAC, these elements are not unique. Whilst internal spaces will be altered; this generally entails removing insensitive modern alterations. The main refectory space is to be sensitively refurbished which is welcomed. Therefore approval is recommended subject to referral to Cadw and providing for conditions to ensure the following details are submitted and approved:

- o Details of protection of flooring, doors and walls in areas where alterations are proposed
- o Details of protection of art works within first floor refectory area
- o Details of new ceiling to first floor refectory space
- o Methodology for refurbishment of internal fittings such as refectory lights, glazed screens, internal doors, timber panelling, timber flooring
- o Details of circular casings to exposed structural columns
- o Large scale details of interface of ground and first floor link from SAC to Fulton House
- o Details of any alterations to plant, vents and M&E services

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The Council's Urban Design and Conservation Team Leader has been consulted as part of the application and has recommended this application is approved subject to the above condition. The proposal is therefore considered to respect the Listed Building and its special features in compliance with the tests set out in the Planning (Listed Building and Conservation Areas) Act 1990 and is in accordance with the criteria set out in Policy EV7 of the City and County of Swansea Unitary Development Plan 2008, having no significantly adverse impact upon the special character and appearance of the Grade II Listed Building that would warrant a refusal in this instance.

### **Conclusion**

Having regard to all material considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development that would serve to protect the special character and appearance of the Grade II listed building and would be in accordance with the criteria set out in Policy EV7 of the City and County of Swansea Unitary Development Plan 2008, paving the way for the link section and Student Precinct development.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

### **RECOMMENDATION:**

**APPROVE, subject to the following conditions and referral to CADW for further direction:**

- 1 The development hereby permitted shall begin not later than five years from the date of this Listed Building Consent.  
Reason: To comply with the provisions of Section 18 of the Listed Building and Conservation Areas Regulations 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan (SI241\_STL\_XX\_00\_DR\_A\_XXXX\_18010\_P8), Proposed site plan detail(SI241\_STL\_XX\_00\_DR\_A\_XXXX\_18012\_P8), proposed link floor plans (SI241\_STL\_XX\_01\_DR\_A\_XXXX\_10011\_P8), proposed link elevations and sections (241\_STL\_XX\_01\_DR\_A\_XXXX\_20002\_P8), key buildings sections (SI241\_STL\_XX\_XX\_DR\_A\_XXXX\_30001\_P8) received on 6th June 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the plans hereby approved and prior to works commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority that includes:

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- Details of the protection of flooring, doors and walls in areas where alterations are proposed;
- Details of protection of art works within the first floor refectory area;
- Details of the new ceiling to the first floor refectory space;
- A methodology for refurbishment of internal fittings such as refectory lights, glazed screen, internal doors, timber panelling and timber flooring;
- Details of circular casings to exposed structural columns
- Large scale details to an appropriate scale of the interface of the ground and first floor link from the Student Activity Centre to Fulton House;
- Details of any alterations to plan, vents and M&E Services.

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

Reason: In the interest of safeguarding the special character and appearance of the listed building.

### **INFORMATIVES**

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policy EV7 of the City and County of Swansea Unitary Development Plan 2008.
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