



## Planning Committee – 6<sup>th</sup> March 2018

**Item 1 (Cont'd)**

**Application Number:**

2013/1403

### 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 - 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)

### 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)

### UDP - EV8 - Demolition of Listed Buildings

Permission will not be granted for the total or substantial demolition of a Listed Building except where the appropriate justification has been proved. (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 - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and/or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

### 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 - 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)

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#### 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 - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC2 - Urban Infill Housing

Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### 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 - 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)

#### 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)

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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)

### Site History

#### App Number

#### Proposal

#### Status

#### Decision Date

2013/1405

Partial demolition (roof & internal areas) of the former Castle Cinema (Laserdome) and conversion from Class D2 (Assembly & Leisure) to a mixed use development incorporating 2 no. commercial units (Class A1 / A2 / A3) at lower ground floor (on the Strand), 1 no. commercial unit (Class A1, A2 / A3) at ground floor / first floor (to Worcester Place), with 58 student study bedrooms within 11 cluster flats together with external alterations including new window openings & new roof construction (application for Listed Building Consent)

PDE

2008/1678

Partial demolition of existing building with retention of front and rear elevations facing Worcester Place and The Strand and redevelopment to provide 40 no. residential flats (Class C3) in a building incorporating 9 levels

WDN

27.02.2012

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2008/1676	Partial demolition of existing building with retention of front and rear elevations facing Worcester Place and The Strand and redevelopment to provide 40 no. residential flats (Class C3) in a building incorporating 9 levels (application for Listed Building Consent)	WDN 27.02.2012

### RESPONSE TO CONSULTATIONS

#### ORIGINAL PROPOSAL - October, 2013

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. No public response.

#### AMENDED PROPOSAL - October, 2017

The amended proposal was re-advertised by press / site notices. No response.

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

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

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

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

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

### **The Cinema Theatre Association**

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

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

Although there were alterations to the interior of the building in the 1960's, much original detail remains. Behind the sound proof upholstered side walls there remains a segmental vault, coved cornice pilasters, all of which are original.

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

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

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

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

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

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

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

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

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

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

### **Natural Resources Wales -**

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

#### **Flood Risk**

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

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

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

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

#### **Drainage**

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

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

The surface water management system should be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change.



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Whatever regulation method is adopted, it is essential that the developer enters a suitable long term legal agreement to ensure satisfactory long term maintenance and future renewal.

### Bats

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

### Pollution Prevention

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

### Waste Management

As demolition works are included as part of this application, we would recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer /contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)).

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

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

### **Glamorgan Gwent Archaeological Trust -**

18 Dec. 2013

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

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

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

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

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

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

30 March, 2015

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

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

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

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

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

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

3 October, 2016

Thank you for notifying us of amendments to the plans for this application.

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

The current application appears to largely sit within the footprint of the original building. As you will be aware an archaeological evaluation was undertaken by the applicant's archaeologists Archaeology Wales in March 2016. As the building is still in use the evaluation was limited to the excavation of 3 small trenches.

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The evaluation did not identify any remains of earlier than 19th century date, however it was noted in the applicant's archaeological contractor's report (Report 1470) that the evaluation was limited to a small sample of the development site and therefore it was still possible that archaeological remains of medieval date would survive in the development area. Particularly within areas of the development requiring deeper excavations, such as the digging of footings for foundations and the lift shaft. Certainly this assumption is supported by recent work in the vicinity which has shown that the whole area between High Street, Castle Street and the Strand contains highly sensitive archaeological deposits.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

### **CADW -**

16 Jan. 2014 - The advice set out below relates only to those aspects of the proposal, which fall within Cadw's remit as a consultee on planning applications - the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens. Our comments do not address any potential impact on the setting of any listed building, which is properly a matter for your authority. These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

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

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

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

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

Although there are 2 separate designations for the area they are both part of the same historic complex Swansea Castle, with GM441 being the inner bailey of the original castle and GM012 covering a new ward constructed inside the curtilage of the original castle.

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The site of the Castle Cinema is therefore inside the historic castle but not inside a scheduled area. It is noted that the proposed building uses much of the footprint of the existing structure but an extension on the southern side extends outside the footprint but not into a scheduled area. Your authority are advised to consult your archaeological advisors GGAT (Glamorgan-Gwent Archaeological Trust, Heathfield House, Heathfield Road, Swansea, SA1 6EL) on this impact.

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

GM012, Swansea Castle

Physical impact

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

Impact on Setting

The western part of the proposed development will have an additional two storeys added to the height of the existing southern wall of the cinema. Whilst this will result in the new building only being slightly higher than the current one, the south wall will now be vertical to full height, rather than having sloping roof. This will considerably increase the visual bulk of the building behind (and above) the standing remains of the debtors prison when viewed from the main range of the New Castle (a building to which increasing public access is being made. Although the raised height will match that of the existing Castle Buildings these do not serve as a backdrop to the standing remains. The impact on the setting of the scheduled monument will therefore be severe from views from the south.

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

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

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GM441 Original Swansea Castle

### Physical Impact

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

### Impact on Setting

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

### Conclusion

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

13 April, 2015 -

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

Cadw's role in the planning process is not to oppose or support planning applications but to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments or registered historic parks and gardens. It is a matter for the local planning authority to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

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

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

### Impact on Scheduled Monument

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

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

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

Cadw considers that whilst the proposed design of the building is better than the previously submitted version, it has fundamentally failed to address the major issue that the wall of the proposed southern elevation will be higher and closer to the debtors prison than the existing wall of the cinema. This would considerably increase the visual bulk of the building behind (and above) the standing remains of the debtors prison when viewed from the main range of the New Castle (a building to which increasing public access is being made) thus producing a significant adverse impact to the setting of the scheduled monument.

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

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

### Conclusion

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

6 November 2017

Thank you for your letter of 18 October 2017 inviting our comments on the amended plans submitted for the above planning application.

### Advice

Having carefully considered the amended information provided with this planning application, we consider that the current proposed development will have a slight but not significant impact on the setting of scheduled monuments, GM012 and GM441. We therefore have no objections to the impact of the proposed development on the scheduled monuments.

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### Assessment

Amended plans for this proposed development have now been produced. The amended proposal is to demolish the structurally defective roof of the existing but retain all of the original external masonry walls in place. The front 'classical' section to Worcester Place and at the rear the complete elevation to The Strand would be retained, repaired and renovated. The north and south walls would be retained, repaired and have new openings constructed in them to provide window and door openings for the conversion to student accommodation. The areas of white glazed brickwork to both of these walls will be retained and on the prominent south wall, which overlooks the Castle, there are only minimal alterations made to provide an entrance door and windows to the staircase to the student accommodation. The remaining area of the south wall which is rendered will be retained as a rendered finish. The north wall is clay brickwork, which is proposed to be retained.

The proposed building will now have the same floor plan and height as the existing building and therefore will not dominate the remains of Swansea Castle (GM012). The proposed windows along the north and south elevations will clearly show the change of use from a cinema to a residential building but this alteration will not have any impact on the significance of the scheduled monument. Consequently, it is our opinion that the current proposed development will have a slight but not significant impact on the settings of scheduled monuments GM012 and GM441.

### Pollution Control -

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

### Highway Observations -

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

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

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

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



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

1. Cycle parking to be provided in accordance with details to be submitted for approval to the LPA, as a minimum providing one space per bedroom.
2. Before the development hereby permitted begins arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on Worcester Place, Castle Street or the Strand at any time.
3. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
4. Adequate bin storage to be contained within the site for both the A3 and residential uses in accordance with details to be submitted for approval to the LPA ,to avoid storage on the highway causing any obstruction to traffic.

### APPRAISAL

#### Background

This application was originally submitted in September, 2013 and has been subject to protracted discussions with the applicants. The application was reported to the Planning Committee on 13 October, 2015 and was recommended for refusal for the following reasons:

*1 The scale and massing of the proposed development would represent an overdevelopment which would be harmful to the special architectural, historical importance and character of the listed building, and harmful to the setting of the Ancient Monument and Listed Building status of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area, contrary to the provisions of the Planning (Listed Building and Conservation Areas) (Wales) Regulations 2012 and Swansea Unitary Development Plan Policies EV6, EV7, EV8 and EV9.*

*2 The application has not been supported by an archaeological evaluation assessment in order to assess the highly sensitive archaeological resource within the site contrary to the provisions of Swansea Unitary Development Plan EV6.*

The applicant had requested that the planning applications be deferred in order that an archaeological evaluation assessment could be prepared and also that they would be submitting revised design proposals amending the scale and massing for consideration. It was resolved by the Planning Committee to defer the application to allow the submission of revised plans and an archaeological evaluation assessment.

An Archaeological Evaluation Report was submitted in May, 2016 following the excavations which were carried out in March, 2016.

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An amended scheme was submitted on 25 August, 2017 which now involves the partial demolition of the existing building involving the removal of the roof and in the internal areas of the 'Laserdome' operation and the conversion to a mixed use development incorporating two commercial units on the lower ground floor to the Strand, a further commercial to the Worcester Place frontage and the creation of 58 no. student study bedrooms within 11 cluster flats together with various external alterations to the existing fabric of the building. The amended proposal has been subject to re-consultation and the responses to the consultations have been updated accordingly. The corresponding application for Listed Building Consent is submitted under Ref: 2013/1405.

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

### Original Proposal

The original application sought to substantially demolish the former Castle Cinema with retention of two storey entrance foyer to Worcester Place elevation & two storey element to the Strand elevation, and construction of a primarily 4 storey mixed use development incorporating parking / storage on the Strand, commercial space (Class B1) on lower ground floor, commercial unit (Class A1, A2 / A3) at ground floor (to Worcester Place), with 67 student study bedrooms within 13 cluster flats.

The original proposal involved significant demolition and significant new build elements which was recommended for refusal in 2015 due to:

- o Excessive scale that dominated the locality
- o Strident design that paid no regard to the listed building nor Swansea Castle
- o Harmful effect on the historic fabric of the listed building, harmful to the character of the listed building, harmful to the setting of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area.

Following the deferral from the Planning Committee, further negotiations took place and this allowed the design team to revise the proposals to be more sensitive and contextual.

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

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The new build element would effectively been a five / part four storey building with a communal access area from Worcester Place.

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

The latest design iteration has substantially reduced the extent of the proposed demolition works. It is now proposed to retain the northern and southern side walls of the building, which in previous schemes were to be demolished. The amended proposal will require the insertion of new window openings into these walls but retaining their existing fabric. Internally, it is proposed to demolish the balcony area and screen arch to the auditorium and moreover, it is proposed to remove the existing roof structure although the eaves level will be retained. However, the original staircases and first floor level of the commercial area on Worcester Place would be retained and incorporated into the proposed development. The original rear staircases at The Strand end of the building are retained, and will be used to provide access to the proposed student accommodation. It is stated that the reduced extent of the demolition is required in order to achieve a viable conversion of the building.

It is stated that the demolition works are necessary due to the following reasons:

- o The condition of the fabric has steadily deteriorated and the revenue from the business is not sufficient to carry out substantial repair;
- o The building urgently needs a new viable use to generate sufficient money to restore the fabric of the building;
- o The building has been on the market since 2007 and the only viable use is residential.
- o Very little remains of the auditorium.
- o The building has been included in the register of listed buildings at 'risk' and without a new and viable use the building will not be restored and preserved for the future.

The original justification for this scheme was weak as issues with the building condition largely due to the lack of maintenance is not a legitimate argument for the significant demolition works. A stronger justification of why the substantial demolition of the listed building and the proposed works was considered necessary and should have been submitted in accordance with the guidance provided within paragraphs 91 - 92 of the Planning and the Historic Environment: Historic Buildings and Conservation Area - Welsh Office Circular 61/ 96. Further guidance is provided by UDP Policies EV6, EV7, EV8 & EV9. Additionally, in accordance with Regulation 6 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012 (in respect of the Design and Access Statements - DAS).

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The DAS failed to fully explain the design principles and concepts that have been applied to the works; taking into account the special architectural or historic importance of the building; the particular physical features of the building that justify its designation as a listed building; and the building's setting having regard to its location within the Wind Street Conservation Area and relationship to the Ancient Monument (Swansea Castle) and how the approach adopted takes account of the policy background having regard to the above. Cadw 'Conservation Principles' document provides the basis to indicate the significance of various elements and features in order to come to a rational and robust conclusion of what must be retained and what could change.

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

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

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

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

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

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### Unitary Development Plan (UDP)

The site is not specifically allocated under the UDP and Policy HC2 indicates that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals.

Policy HC6 (Flat Conversions) of the Swansea Unitary Development Plan indicates that proposals for the conversion of vacant or underused commercial and industrial buildings to flats or other self-contained units of accommodation will be permitted subject to satisfaction of a list of criteria. These policies are supported by policies CC1 which encourages a mixed use development (including retail and residential) within the City Centre, and which in particular encourages the re-use of historic buildings and proposals will be considered against a list of criteria including residential amenity, potential for noise disturbance, traffic generation and parking, and in the case of retail development, the criteria specified in Policy EC4. Policy CC2 indicates that retailing is regarded as the most appropriate ground floor use within the primary shopping streets of the City Centre. Whilst the application property is not identified as a key frontage in the retail core area, within the SPG - Non Retail Uses in Swansea City Centre, the creation of the proposed retail unit together with 'shopfront' display windows, will provide an element of life and vitality within the commercial street scene thereby retaining an active ground floor frontage.

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

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

Policy EV7 of the UDP refers to proposals to extend or alter listed buildings which will not be permitted unless they safeguard the character of the listed building in terms of its scale, design, materials and features which it possesses that are of special architectural or historic interest, and the historic form and structural integrity of the building. The change of use of listed buildings will be permitted where this contributes towards the retention of a building without having an adverse effect on its character, special interest or structural integrity. The amplification to the policy indicates that the setting of a listed building is often an essential part of its character. If listed buildings become isolated from their surroundings, their character as well as their economic viability may suffer. They may also lose much of their interest and the contribution they make to townscapes or the natural heritage.

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Where the original use of a building is no longer viable, proposals will be determined on the basis of concurrent applications for detailed planning permission and listed building consent, which should contain full detailed and surveyed drawings of the existing building and any works associated with the proposed change of use. The impact on the character of the listed building is considered in greater detail as part of the application for listed building consent - ref: 2013/1405.

UDP Policy EV8 states that permission will not be granted for the total or substantial demolition of a listed building other than where there is the strongest justification and convincing evidence that, i) every reasonable effort has been made to sustain existing uses or find viable new uses compatible with the building's character and setting, and ii) preservation in some form of charitable or community ownership is not possible or suitable, and iii) the proposed new development would produce substantial benefits for the community, which would decisively outweigh the loss resulting from demolition. The amplification to the policy states that the Council will follow the advice contained within WO Circulars 61/96 and 1/98 in assessing applications for the demolition of a listed building (now replaced with TAN 24 - Historic Environment) , which must be accompanied by sufficient supporting information to allow assessment under the above criteria. Applications must also be accompanied by a full structural survey detailing why demolition is required.

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

### Heritage Impact

An historic analysis reveals that the side (north and south) elevations were originally hidden by adjoining/ adjacent buildings that have since been demolished. Therefore the blank side elevations of the Castle Cinema were never designed to be seen and the re-creation of these elevations with windows to provide a sense of activity and life is encouraged in principle. However, the south elevation will be highly prominent rising up behind the debtor's prison and Swansea Castle.

In response to the tests under Policy EV8, the submitted DAS makes the following points:

- o The existing business operation does not generate sufficient profit to carry out the restoration of the building.
- o The building has been on the market since 2007 but this has proved to be unsuccessful without the benefit of a planning permission / listed building consent.
- o There has been no interest to use the building for a charitable or community use.
- o It would be in the public interest for the proposals to be implemented.

Consequently, it is contended that there are sufficient reasons to satisfy the policy EV8 'tests and justify the partial demolition of the building.

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### Amended Proposal

The amended proposal is to demolish the structurally defective roof of the existing but retain all of the original external masonry walls in place. The front 'classical' section to Worcester Place and at the rear the complete elevation to The Strand would be retained, repaired and renovated. The north and south walls would be retained, repaired and have new openings constructed in them to provide window and door openings for the conversion to student accommodation. The areas of white glazed brickwork to both of these walls will be retained and on the prominent south wall, which overlooks the Castle, there are only minimal alterations made to provide an entrance door and windows to the staircase to the student accommodation. The remaining area of the south wall which is rendered will be retained as a rendered finish, the render being subject to detailed inspection and agreement with the local authority on the extent of repair or replacement with render on a like for like basis. The north wall is clay brickwork, which is proposed to be retained.

The intention is to provide a mixed use development consisting of commercial units at The Strand and Worcester Place levels and student accommodation on the lower ground floor, ground floor, first, second and third floor levels and consisting of 11 flats accommodating a total of 58 bed spaces.

The original designs were considered over-dominant in relation to the adjoining section of the Castle. The current amended design proposals retain the scale and mass of the existing building. The new roof will replicate the pitch of the existing roof with an identical ridge height. The new roof will incorporate dormers within the roof but will remain subservient to the roof structure and overall, the scale and massing will be similar to the existing building.

The elevations facing Worcester Place and The Strand will be restored and these will provide the architectural interest for the project. The north and south walls will have a simple and straightforward elevational treatment with regularly spaced windows, with the windows to the ground floor and first floor levels being full height with glazed balconies. Windows will be powder coated aluminium with a neutral colour. The roof will be finished in natural slate and the dormer roof windows faced with a zinc coated standing seam system incorporating powder coated aluminium windows.

### Highways, traffic, and car parking

The proposed development is unable to provide any car parking facilities for the proposed student residential; units, however, the property is located within the city centre central core area, where proposals are not required to provide off-street car parking. The Head of Transportation raises no highway objections to the proposal subject to conditions in respect of cycle parking, restriction on residents parking permits, the submission of a travel plan and provision on on-site bin storage.

### Impact on Archaeology

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

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

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

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

The archaeological evaluation was undertaken by the applicant's archaeologists Archaeology Wales in March 2016. As the building is still in use the evaluation was limited to the excavation of 3 small trenches, the evaluation did not identify any remains of earlier than 19th century date, however, Glamorgan Gwent Archaeological Trust have highlighted that it is still possible that archaeological remains of medieval date would survive in the development area. They have therefore advised that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent. This would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

### Impact on Ecology

A Bat and Owl Survey have been submitted in support of the application in accordance with UDP Policy EV2(v), which requires at the earliest opportunity an assessment of species and habitats on site and, where planning permission is granted, implementing any necessary mitigation measures. The conclusions of the report were that there was owl use or bat use of the building and that no potential roost sites were identified. In this respect, Natural Resources Wales and the Council's Ecologist note the conclusion of the survey and have raised no objections accordingly.



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### Conclusions

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

It is considered that the scale, design and massing of the amended proposal would now be sympathetic to the character of the listed building and respect the historic form and integrity of the structure of the building and so doing would protect the setting of the Ancient Monument of Swansea Castle and preserve the character of the Wind Street Conservation Area in accordance with UDD Policies EV6, EV7, EV8 and EV 9.

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.

### 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, 1037-21 existing site plan, 1037-22 existing lower ground floor plans, 1037-23 existing ground floor plan, 1037-24 existing first floor plan, 1037-25 existing south elevation, 1037-26 existing east and west elevations, 1037-27 existing north elevation, 1037-28 existing section, 1037-29 proposed site plan,  
  
1037-92 - Proposed Roof Plan; 1037-97 - Long Section - amended plans received 31 May, 2016  
  
1037-85B - Site Plan; 1037-86B - Proposed Level 1 (The Strand); 1037-87B - Proposed Level 2 (Lower Ground); 1037-88B - Proposed Level 3 (Ground); 1037-89C - Proposed Level 4 (First Floor); 1037-90C - Proposed Level 5 (Second Floor); 1037-91B - Proposed Level 6 (Third Floor); 1037-93C - Proposed Southern Elevation; 1037-94B - Proposed Eastern Elevation; 1037-95C - Proposed Northern Elevation; 1037-96B - Proposed Western Elevation;- amended plans received 25 August, 2017

Reason: To define the extent of the permission granted.

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- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall be implemented 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 super structure works, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window unit within its opening;
- o Typical external door within its opening;
- o Roof lights;
- o Details of the location, extent, design and finish of all visible external ventilation;
- o Rainwater goods;

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

Reason: In the interests of visual amenity.

- 5 Prior to the commencement of the development, including any demolition and site clearance works, a Construction Method Statement (CMS) detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoardings;
- v) wheel washing facilities;
- vi) measures to control the emissions of dust, dirt and noise during demolition and construction;
- vii) a scheme for recycling / and disposal of waste resulting from demolition and construction works;
- viii) the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

Reason: In order to prevent pollution of the environment, protect the residential amenities of the area, to secure the satisfactory development of the site and to minimise traffic impacts on the surrounding highway network.

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- 6 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 7 Prior to the beneficial occupation of any Class A3 unit within the development, a method of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to its use being commenced.  
Reason: to ensure no nuisance caused to future occupiers by potential noise and odour from the proposed uses.
- 8 The building services plant noise emissions from the proposed developments when measured at a position 1m from the nearest noise sensitive receiver should be controlled to an LAeq night-time of 5dB(A) below background (LA90). If any of the plant exhibits a tonal or impulsive character then these limits will be reduced by a further 5 dB(A). (This is in line with BS4142: 1997).  
Reason: To protect future and existing residents from noise disturbance from the plant servicing the proposed development.
- 9 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. Development shall thereafter take place in accordance with the approved details.  
Reason: To ensure that each unit is adequately soundproofed in the interests of the amenity of the residents of the units.
- 10 Prior to the beneficial occupation of the development, the developer shall submit details of the proposed glazing to all elevations along with full details of the associated individual mechanical ventilation for the proposed residential units. Development shall thereafter take place in accordance with the approved details.  
Reason: To protect the residential units from the noise levels of a city centre environment.

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2013/1403

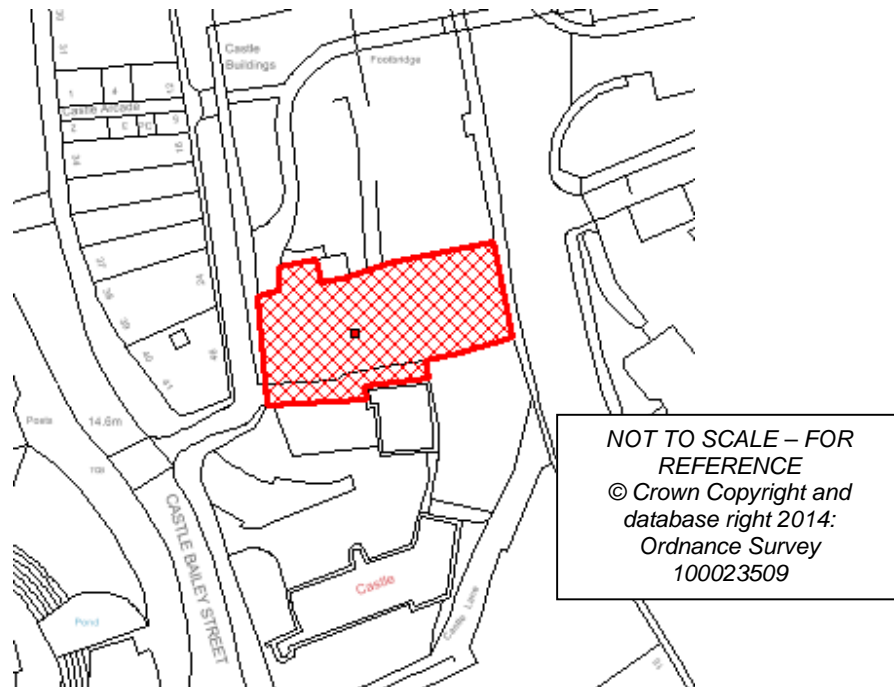
- 11 Prior to beneficial use of the development, details of an Operational Management Plan including a Waste and Refuse Management Plan (to include recycling facilities) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.  
Reason: In the interests of public safety, to protect future resident's amenity and to ensure the management and movement of refuse within the site in the interests of amenity and site safety.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV5, EV6, EV7, EV8, EV9, EV33, EV34, EV35, EV36, EV38, EV40, EC4, HC2, AS1, AS2, AS5, CC1, CC2.
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## Planning Committee – 6<sup>th</sup> March 2018

Item 2 Application Number: 2013/1405  
 Ward: Castle - Bay Area  
 Location: Former Castle Cinema, Worcester Place, Swansea, SA1 1JQ  
 Proposal: Partial demolition (roof & internal areas) of the former Castle Cinema (Laserdome) and conversion from Class D2 (Assembly & Leisure) to a mixed use development incorporating 2 no. commercial units (Class A1 / A2 / A3) at lower ground floor (on the Strand), 1 no. commercial unit (Class A1, A2 / A3) at ground floor / first floor (to Worcester Place), with 58 student study bedrooms within 11 cluster flats together with external alterations including new window openings & new roof construction (application for Listed Building Consent)  
 Applicant: Mr & Mrs R Jones



### 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 - 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)

## Planning Committee – 6<sup>th</sup> March 2018

**Item 2 (Cont'd)**

**Application Number:**

2013/1405

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)

UDP - EV8 - Demolition of Listed Buildings

Permission will not be granted for the total or substantial demolition of a Listed Building except where the appropriate justification has been proved. (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)

### Site History

App Number	Proposal	Status	Decision Date
2013/1403	Partial demolition (roof & internal areas) of the former Castle Cinema (Laserdome) and conversion from Class D2 (Assembly & Leisure) to a mixed use development incorporating 2 no. commercial units (Class A1 / A2 / A3) at lower ground floor (on the Strand), 1 no. commercial unit (Class A1, A2 / A3) at ground floor / first floor (to Worcester Place), with 58 student study bedrooms within 11 cluster flats together with external alterations including new window openings & new roof construction	PDE	
2008/1678	Partial demolition of existing building with retention of front and rear elevations facing Worcester Place and The Strand and redevelopment to provide 40 no. residential flats (Class C3) in a building incorporating 9 levels	WDN	27.02.2012

## Planning Committee – 6<sup>th</sup> March 2018

Item 2 (Cont'd)	Application Number:	2013/1405
2008/1676	Partial demolition of existing building with retention of front and rear elevations facing Worcester Place and The Strand and redevelopment to provide 40 no. residential flats (Class C3) in a building incorporating 9 levels (application for Listed Building Consent)	WDN 27.02.2012

### RESPONSE TO CONSULTATIONS

#### ORIGINAL PROPOSAL - October, 2013

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. No public response.

#### AMENDED PROPOSAL - October, 2017

The amended proposal was re-advertised by press / site notices. No response.

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

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

## Planning Committee – 6<sup>th</sup> March 2018

Item 2 (Cont'd)

Application Number:

2013/1405

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

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

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

### **The Cinema Theatre Association**

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

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



## Planning Committee – 6<sup>th</sup> March 2018

Item 2 (Cont'd)

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

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

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

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

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

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

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

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

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

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

10 November, 2017

The Cinema Theatre Association Cymru ( Wales ) does not object in principle to the revised planning application made for the former castle Cinema, on the understanding that the foyer housing the commercial unit is restored to its original condition which includes the re-instatement of the original paybox and wrought iron staircases to the balcony.

### **Glamorgan Gwent Archaeological Trust -**

18 Dec. 2013

Castle Cinema, a Grade II Listed building, is situated between two Scheduled Ancient Monuments; immediately to the north lies the site of Swansea Old Castle (GM441), which contains the earliest evidence of occupation in Swansea and likely dates to the early twelfth century, whilst immediately to the south is the site of Swansea New Castle (GM012), which likely dates to the fifteenth century. In addition, the Historic Environment Record shows the close proximity of a number of other important archaeological sites in the immediate vicinity, including the Swansea Castle Walls (03329w), and human burials (01946w). Previous archaeological work in this area indicates that there is a substantial likelihood that important archaeological deposits survive within the project area and beneath the existing building. These deposits have a high potential for significantly enhancing our understanding of the early settlement of Swansea and our understanding of

Medieval life. In particular, they may be essential for providing information on the different phases of castle development, which currently remain poorly understood. Consequently, their preservation is considered to be highly desirable.

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

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

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Item 2 (Cont'd)

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

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

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

30 March, 2015

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

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

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

The proposed development has the potential to reveal archaeological remains. Planning Policy Wales (2012) Section 6.5.1 notes that "The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or unscheduled."

## Planning Committee – 6<sup>th</sup> March 2018

Item 2 (Cont'd)

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

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

3rd October, 2016

Thank you for notifying us of amendments to the plans for this application. Consequently, we have consulted the detailed information contained on your website.

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

The current application appears to largely sit within the footprint of the original building. As you will be aware an archaeological evaluation was undertaken by the applicant's archaeologists Archaeology Wales in March 2016. As the building is still in use the evaluation was limited to the excavation of 3 small trenches. The evaluation did not identify any remains of earlier than 19th century date, however it was noted in the applicant's archaeological contractor's report (Report 1470) that the evaluation was limited to a small sample of the development site and therefore it was still possible that archaeological remains of medieval date would survive in the development area. Particularly within areas of the development requiring deeper excavations, such as the digging of footings for foundations and the lift shaft. Certainly this assumption is supported by recent work in the vicinity which has shown that the whole area between High Street, Castle Street and the Strand contains highly sensitive archaeological deposits.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

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We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

### **Council for British Archaeology -**

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

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

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

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

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

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

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

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

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

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

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

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

## Planning Committee – 6<sup>th</sup> March 2018

Item 2 (Cont'd)

Application Number:

2013/1405

Further comments 30 April, 2015

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

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

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

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

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

**Ancient Monument Society** - Thank you for your consultation.

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

Firstly, the correct treatment of the listed building.

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Item 2 (Cont'd)

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

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

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

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

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

2. On the townscape:

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

The South elevation facing the Castle is raw and unattractive.

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

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

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

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

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



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Application Number:

2013/1405

**Highway Observations** - no response.

### APPRAISAL

#### Background

This application was originally submitted in September, 2013 and has been subject to protracted discussions with the applicants. The application was reported to the Planning Committee on 13 October, 2015 and was recommended for refusal for the following reasons:

*1 The scale and massing of the proposed development would represent an overdevelopment which would be harmful to the special architectural, historical importance and character of the listed building, and harmful to the setting of the Ancient Monument and Listed Building status of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area, contrary to the provisions of the Planning (Listed Building and Conservation Areas) (Wales) Regulations 2012 and Swansea Unitary Development Plan Policies EV6, EV7, EV8 and EV9.*

*2 The application has not been supported by an archaeological evaluation assessment in order to assess archaeological resource within the site contrary to the provisions of Swansea Unitary Development Plan EV6.*

The applicant had requested that the planning applications be deferred in order that an archaeological evaluation assessment could be prepared and also that they would be submitting revised design proposals amending the scale and massing for consideration. It was resolved by the Planning Committee to defer the application to allow the submission of revised plans and an archaeological evaluation assessment.

An Archaeological Evaluation Report was submitted in May, 2016 following the excavations which were carried out in March, 2016.

An amended scheme was submitted on 25 August, 2017 which now involves the partial demolition of the existing building involving the removal of the roof and in the internal areas of the 'Laserdome' operation and the conversion to a mixed use development incorporating two commercial units on the lower ground floor to the Strand, a further commercial to the Worcester Place frontage and the creation of 58 no. student study bedrooms within 11 cluster flats together with various external alterations to the existing fabric of the building. The amended proposal has been subject to re-consultation and the responses to the consultations have been updated accordingly. The corresponding application for planning permission is submitted under Ref: 2013/1403.

Castle Cinema is a grade II listed building and is currently in use as 'Laserzone'. The building was built in 1912 - 1914 and is situated adjacent to Swansea Castle which is both Grade 1 Listed and an Ancient Monument. Castle Cinema is also a key building within the Wind Street Conservation Area, and is a highly prominent building on entering the city centre core area from Parc Tawe. The principal entrance is obtained from Worcester Place and the building extends down to The Strand, and due to the topography of the site has a secondary entrance at the lower Strand level.

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The existing building consists of a roughly rectangular auditorium in form with a pitched slate roof, with an ornate Beaux Arts classical elevation facing Worcester Place, whilst The Strand façade of three storeys comprises a brick elevation. The building was damaged by fire in 1927, partly bomb damaged in 1941, whilst the cinema interior was remodelled in 1962. It is indicated that the cinema use ceased in 1985.

### Original Proposal

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

The original proposal involved significant demolition and significant new build elements which was recommended for refusal in 2015 due to:

- o Excessive scale that dominated the locality
- o Strident design that paid no regard to the listed building nor Swansea Castle
- o Harmful effect on the historic fabric of the listed building, harmful to the character of the listed building, harmful to the setting of Swansea Castle and harmful to the overall quality and character of the Wind Street Conservation Area.

Following the deferral from the Planning Committee, further negotiations took place and this allowed the design team to revise the proposals to be more sensitive and contextual.

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

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

The latest design iteration has substantially reduced the extent of the proposed demolition works. It is now proposed to retain the northern and southern side walls of the building, which in previous schemes were to be demolished. The amended proposal will require the insertion of new window openings into these walls but retaining their existing fabric.

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Internally, it is proposed to demolish the balcony area and screen arch to the auditorium and moreover, it is proposed to remove the existing roof structure although the eaves level will be retained. However, the original staircases and first floor level of the commercial area on Worcester Place would be retained and incorporated into the proposed development. The original rear staircases at The Strand end of the building are retained, and will be used to provide access to the proposed student accommodation. It is stated that the reduced extent of the demolition is required in order to achieve a viable conversion of the building.

It is stated that the demolition works are necessary due to the following reasons:

- o The condition of the fabric has steadily deteriorated and the revenue from the business is not sufficient to carry out substantial repair;
- o The building urgently needs a new viable use to generate sufficient money to restore the fabric of the building;
- o The building has been on the market since 2007 and the only viable use is residential.
- o Very little remains of the auditorium.
- o The building has been included in the register of listed buildings at 'risk' and without a new and viable use the building will not be restored and preserved for the future.

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

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

The submitted Building Assessment in support of the application highlights that there is considerable water ingress within the building, and overall the building is in a poor condition.

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The Assessment states that there has been no capital investment in the building for many years, and now needs a significant amount of money on it. The building is now on the Councils Listed Building at Risk Register. The Building Assessment concludes that the form of the building and its structural condition makes the building unsuitable for conversion, and that there is sufficient justification for its partial demolition. Although the building is in use ('Laserzone'), there clearly are significant maintenance issues; this includes water ingress and structural defects.

### Material Planning Considerations

The main issue to be considered is whether there is a justification for the substantial demolition of the listed building having regard to the relevant Planning Legislation, under the Planning (Listed Buildings and Conservations Areas) Act 1990 and other related national planning policy and guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### Compliance with prevailing National and Development Plan policy

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

Planning Policy Wales (PPW) sets out the land use planning policies as they apply to Wales, lists relevant legislation and sets out the general sustainable development principles and the role of the planning system. Section 6 sets out the objectives in respect of conserving the historic environment and in particular the objective of ensuring the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building special architectural and historic interest (6.1.1.). PPW indicates there is no statutory requirement to have regard to the provisions of the development plan when considering an application for listed building consent.

This building is of special architectural and historic interest as recognised by the grade II listing bestowed by Cadw in 1984. Section 16 of the Planning (Conservation Areas and Listed Buildings) 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.

Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They must provide the LPA with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

In determining applications for the total or substantial demolition of any listed building, proposals need to provide convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition.

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Applications should not be granted for demolition simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building.

Unitary Development Plan (UDP)

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

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

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

UDP Policy EV8 states that permission will not be granted for the total or substantial demolition of a listed building other than where there is the strongest justification and convincing evidence that, i) every reasonable effort has been made to sustain existing uses or find viable new uses compatible with the building's character and setting, and ii) preservation in some form of charitable or community ownership is not possible or suitable, and iii) the proposed new development would produce substantial benefits for the community, which would decisively outweigh the loss resulting from demolition. The amplification to the policy states that the Council will follow the advice contained within WO Circulars 61/96 and 1/98 (now replaced by TAN 24: The Historic Environment) in assessing applications for the demolition of a listed building, which must be accompanied by sufficient supporting information to allow assessment under the above criteria. Applications must also be accompanied by a full structural survey detailing why demolition is required.

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

### Heritage Impact

The current amended Listed Building Consent proposals are accompanied by a 'Heritage Statement' (the title should be Heritage Impact Assessment in accordance with the Cadw requirements but the content is the same). The Heritage Statement (HS) summarises the significance as follows in accordance with the Cadw Conservation Principles publication.

An historic analysis reveals that the side (north and south) elevations were originally hidden by adjoining/ adjacent buildings that have since been demolished. Therefore the blank side elevations of the Castle Cinema were never designed to be seen and the re-creation of these elevations with windows to provide a sense of activity and life is encouraged in principle. However, the south elevation will be highly prominent rising up behind the debtor's prison and Swansea Castle.

In response to the tests under Policy EV8, the submitted DAS makes the following points:

- o The existing business operation does not generate sufficient profit to carry out the restoration of the building.
- o The building has been on the market since 2007 but this has proved to be unsuccessful without the benefit of a planning permission / listed building consent.
- o There has been no interest to use the building for a charitable or community use.
- o It would be in the public interest for the proposals to be implemented.

Consequently, it is contended that there are sufficient reasons to satisfy the policy EV8 'tests and justify the partial demolition of the building.

### Amended Proposal

The amended proposal is to demolish the structurally defective roof of the existing but retain all of the original external masonry walls in place. The front 'classical' section to Worcester Place and at the rear the complete elevation to The Strand would be retained, repaired and renovated. The north and south walls would be retained, repaired and have new openings constructed in them to provide window and door openings for the conversion to student accommodation. The areas of white glazed brickwork to both of these walls will be retained and on the prominent south wall, which overlooks the Castle, there are only minimal alterations made to provide an entrance door and windows to the staircase to the student accommodation. The remaining area of the south wall which is rendered will be retained as a rendered finish, the render being subject to detailed inspection and agreement with the local authority on the extent of repair or replacement with render on a like for like basis. The north wall is clay brickwork, which is proposed to be retained.

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The intention is to provide a mixed use development consisting of commercial units at The Strand and Worcester Place levels and student accommodation on the lower ground floor, ground floor, first, second and third floor levels and consisting of 11 flats accommodating a total of 58 bed spaces.

The original designs were considered over-dominant in relation to the adjoining section of the Castle. The current amended design proposals retain the scale and mass of the existing building. The new roof will replicate the pitch of the existing roof with an identical ridge height. The new roof will incorporate dormers within the roof but will remain subservient to the roof structure and overall, the scale and massing will be similar to the existing building.

The elevations facing Worcester Place and The Strand will be restored and these will provide the architectural interest for the project. The north and south walls will have a simple and straightforward elevational treatment with regularly spaced windows, with the windows to the ground floor and first floor levels being full height with glazed balconies. Windows will be powder coated aluminium with a neutral colour. The roof will be finished in natural slate and the dormer roof windows faced with a zinc coated standing seam system incorporating powder coated aluminium windows.

### **Evidential Value**

Externally the building has a classical frontage onto Worcester Place with beaux arts influences in richly carved bath stone incorporating two storey columns and cartouche carvings. The Strand elevation is brickwork with restrained classical references reflecting the warehouses that would have lined this dockside street. The side elevations were not designed to be viewed and were originally party walls. The south elevation retains glazed bricks that shows where courtyard with Swansea post building was (demolished 1960s). The brick extension to the north elevation with flat roof to accommodate toilets as part of the 1962 upgrade.

The roof structure was damaged in WWII and repaired by encasing the steel trusses in concrete. The roof covering retains a slated finish but the upper cowl parts of the roof ventilators appear to have been removed after April 2012 without listed building consent.

Internally the Cadw listing description notes that the cinema was refitted in 1962 so it is likely that many of the original fittings were removed at this time. The current use as laser zone has removed the cinema seating and boarded over the raking floor. However a significant amount of internal original detail is intact in the former front of house (lobby area) including ceiling friezes, wall plasterwork details and stairs to the gallery. The paying booth was removed from the lobby without listed building consent and this is stored in the lower basement. The original floor finishes are likely to still be present below modern coverings.

Although the Heritage Statement indicates that the auditorium was 'stripped out' in the 1980s, it is not clear if the removal of the seating was carried out before or after the listing in February 1984. The store rooms on the lower Strand frontage retain many of the original stud walls and a pair of substantial escape stairs.

The Cadw listing description notes that 'original sinuous balcony remains', however this is not addressed in the Heritage Statement and is an issue of concern in the proposed internal alterations (see later).

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The addendum justification statement indicated that "The balcony as it exists currently, was built in 1962 and consequently should be regarded as a modern construction, a latterly applied iteration."

### **Historic Value**

Castle Cinema was built circa 1914, refitted in 1962 and closed in the early 1980s. The history of the building reflects the changing cinema tastes with the initial boom prior to WWI, 'wide screen' refitting in 1962 and eventual obsolescence to be replaced by home videos and a new multiplex in the Parc Tawe development. The building sits on the site of an earlier post medieval building as shown in the historic map regression and this in turn sits on part of the inner ward of Swansea Castle.

Much of the area (including the site) is underlain by a medieval burgage plots (narrow frontages onto the street and deep plots stretching back at right angles). The subsequent phases of redevelopment of this site have combined the medieval burgage plots between Worcester Place and the Strand but the underlying orientation is still apparent. During the Victorian period, various buildings were constructed in the Swansea Castle courtyard including post office and local newspaper office, these were demolished during the 1960s as part of a national programme to reveal medieval heritage (and in the process destroying Victorian heritage), the evidence of this lost building can be seen in the glazed white brickwork to the south elevation of Castle Cinema which marks the location of an internal light well.

The potential for archaeological remains low due to successive redevelopments of site as highlighted in the submitted archaeological investigation report. Furthermore the revised scheme proposes very little ground disturbance proposed but GGAT have recommended an archaeological watching brief be carried out.

### **Aesthetic Value**

The Worcester Place frontage is ornate using an interpretation of classical architecture to celebrate the cinema entrance. The Strand elevation reflects the warehouses that have been lost and the side elevations are functional because they were never designed to be seen. Whilst the plain side elevations are often seen as a negative feature in the wider conservation area, they are deferential to Swansea Castle (specifically the immediately adjacent debtors prison block) in terms of colour, architecture and scale.

Section 3.4.3 of the Heritage Statement fails to acknowledge that the original sinuous balcony remains as noted in the Cadw listing description and as shown in the photos within the Design and Access Statement. This has been addressed in the addendum justification statement.

### **Communal Value**

The Castle Cinema was a key part of the social history of Swansea. However it needs a new use to sustain the heritage assets. It occupies a unique location in terms of proximity to Swansea Castle and reflects the multiple phases of redevelopment that have occurred within the central area.



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### Regeneration strategy

The adopted Swansea Central Area Regeneration Framework (SCARF, 2016 ) identifies Castle Cinema as part of the Wind Street retail and leisure-led mixed use area. The regeneration priorities include increasing the mix of uses, reusing vacant buildings, respecting designated heritage assets and ensuring active frontages. Furthermore the enhancement of the appearance and vitality of Castle Square is a key priority identified in the SCARF document. The proposed reuse of Castle Cinema meets all the regeneration aspirations. The proposed student accommodation would increase city living whilst being sufficient separate from the noise and antisocial behaviours associated with Wind Street. The retention of the cinema lobby area and first floor ensures active frontage onto Worcester Place as part of Castle Square. The commercial units onto the Strand also help revitalise this area with active frontage which is emerging as an alternative evening economy area. The overall design approach manages to respect the heritage designations as outlined elsewhere in these comments.

### Assessment of proposals

The amended scheme respects the character of listed building (with one significant exception as noted below) and reuses much more of the historic fabric with side walls retained and new window openings formed. This means that application is now not considered to comprise 'substantial demolition' which removes the tests set out in UDP Policy EV8.

The proposal is to fully retain and repair the ornate bath stone frontage onto Worcester Place including repair of the original doors that still exist under modern coverings. The proposal is also to fully retain and repair the red brick Strand frontage including the 'Castle Cinema' lettering. The drawings note that the masonry is to be repaired and the window frames are to be redecorated or repaired in a like for like manner as required. Clearly this is welcomed and the detail of the stonework repairs can be controlled by condition. Furthermore the conversion utilises the existing openings onto Worcester Place and Strand so no new openings are proposed on these architecturally important elevations

The proposal is to retain the existing north and south side masonry walls (as opposed to earlier proposals for demolition and rebuilding of the side walls). The retention of the side walls includes retention of the glazed white bricks and arch on south elevation, plus general red engineering brickwork and areas of existing cement render. The drawings show new side windows punched through the masonry to serve the student rooms and shared lounge areas. These windows will clearly be a modern intervention into what was originally a party wall, the new intervention will be apparent through the use of modern frames in aluminium and modern surround, the detailing of which can be controlled by condition. However they also manage to be sensitive to the heritage of the listed building and wider conservation area by diminishing in size to the upper level of openings in deference to classical architectural principles. However it is not clear how the openings will be formed or detailed or how the heads will be supported - therefore this detail needs to be controlled by condition.

Signage for the accommodation and commercial will require separate advertisement consent and Listed Building Consent for the fixings to the building.

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The application information indicates that the existing roof structure is in poor condition due to WWII repairs that cannot be rectified. Therefore a new roof structure incorporating student accommodation is proposed and this can be mitigated by recording to a recognised standard before work starts, this will document the original roof structure and the later WWII repairs. The design of the new roof structure has been the subject of significant negotiations to ensure that the new roof maintains the scale and profile of the existing and that the rooflights to serve the student rooms are integrated in a sensitive manner. The proposed new roof retains the hipped roof above the Strand frontage, retains the gable set back from the ornate Worcester Place elevation as per the existing and reinstates a pair of roof vents that mirror the existing. The proposed drawings and section demonstrates that the roof windows are organised to a unified side band that is angled to form a mansard giving headroom for the accommodation. This preserves the character of the roof form whilst making sensitive use of the roof space for accommodation, it also ensures that the building continues to be subservient to Swansea Castle and is respectful of the traditional roof forms within the wider Wind Street Conservation Area.

Internally the proposals restores lobby as a commercial unit including reinstating the cinema paying booth that was removed to storage without listed building consent and retains the pair of stairs to give access to a first floor space for the commercial unit. This also retains the 1962 north extension for continued use as toilets. Clearly this is welcomed to retain and celebrate the key spaces, plus the methodology of the repairs to the extant original features can be controlled by condition.

A consequence of the proposed student accommodation would be the subdivision of the auditorium space. Whilst the seating was apparent removed in the 1980s, the modern screen arch still remains (from 1962 wide screen) as does the curving first floor balcony which is noted in the Cadw listing description. Whilst this could be mitigated to a degree by recording to a recognised standard prior to starting work, it is considered that:

- o The line of the 1962 wide screen could be marked by new wall finishes and floor finishes and new internal details.
- o The failure of the Heritage Statement and the DAS (demolition plans in appendix E) to address the existence of the balcony is a significant issue. The Heritage Statement (HS) needs to be updated to assess the significance of the curving balcony and either robust justification provided for the removal of the balcony provided in the HS or the plans be slightly amended to retain the curve of the balcony as the rear wall to the first floor space of the commercial unit. It also follows that the demolition plans in appendix E of the DAS must accurately highlight all historic fabric that is proposed to be removed including the curving balcony and 1962 screen surround.

A justification addendum has been submitted which explains that the balcony also dates from the 1962 refit of the cinema and is not original historic fabric. It explains that retaining the balcony will make the scheme unviable and instead proposes recording prior to removal and points out that 'original' features are retained and restored such as the lobby interior, stairs and ticket booth. This is considered to be acceptable and the recording can be required by condition. This has been supplemented by an accurate demolition plan.

The drawings indicate a breathable treatment of internal faces to the external walls within the student accommodation which is welcomed to work with the building fabric and this can be finalised by a condition requiring further details.

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The lower storage levels onto the Stand are indicated to be converted to student rooms with commercial space at street level whilst retaining the pair of original stairs. Clearly this is welcomed.

### Heritage designations

Swansea Castle is an scheduled ancient monument and grade I listed building, the boundary of which immediately abuts much of the south elevation/ boundary to Castle Cinema. Cadw have commented that the current amended proposals would not dominate the castle whilst sensitively communicating the change of use. It is agreed that the proposal would have a deferential scale and recessive materials and therefore is acceptable in the context of Swansea Castle.

The implementation of the works to the Castle Cinema will require Scheduled Monument Consent (SMC) from Cadw for ground disturbance abutting the scheduled area and scaffolding within the scheduled area. The need for SMC from Cadw should be added as an informative. Furthermore the proposals allow for the potential future visitor centre for Swansea Castle that has been suggested to be located on the grassed area to the south of the debtors prison block.

The proposals for Castle Cinema manage to maintain the buildings architectural presence as both a focal building and recessive building within the wider Wind Street Conservation Area. The Worcester Place and Strand elevations would be preserved and repaired, whilst the alterations to the plain side (north and south) elevations to insert the windows to the student bedrooms maintains the recessive character.

### Impact on Archaeology

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

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

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

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

The archaeological evaluation was undertaken by the applicant's archaeologists Archaeology Wales in March 2016. As the building is still in use the evaluation was limited to the excavation of 3 small trenches, the evaluation did not identify any remains of earlier than 19th century date, however, Glamorgan Gwent Archaeological Trust have highlighted that it is still possible that archaeological remains of medieval date would survive in the development area. They have therefore advised that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent. This would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

### Conclusions

It is considered that the scale, design and massing of the amended proposal would now be sympathetic to the character of the listed building and respect the historic form and integrity of the structure of the building and so doing would protect the setting of the Ancient Monument of Swansea Castle and preserve the character of the Wind Street Conservation Area in accordance with UDD Policies EV6, EV7, EV8 and EV 9.

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.

### RECOMMENDATION

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act. 1990.

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- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, 1037-21 existing site plan, 1037-22 existing lower ground floor plans, 1037-23 existing ground floor plan, 1037-24 existing first floor plan, 1037-25 existing south elevation, 1037-26 existing east and west elevations, 1037-27 existing north elevation, 1037-28 existing section, 1037-29 proposed site plan,

1037-92 - Proposed Roof Plan; 1037-97 - Long Section - amended plans received 31 May, 2016

1037-85B - Site Plan; 1037-86B - Proposed Level 1 (The Strand); 1037-87B - Proposed Level 2 (Lower Ground); 1037-88B - Proposed Level 3 (Ground); 1037-89C - Proposed Level 4 (First Floor); 1037-90C - Proposed Level 5 (Second Floor); 1037-91B - Proposed Level 6 (Third Floor); 1037-93C - Proposed Southern Elevation; 1037-94B - Proposed Eastern Elevation; 1037-95C - Proposed Northern Elevation; 1037-96B - Proposed Western Elevation;- amended plans received 25 August, 2017

Reason: To define the extent of the permission granted.

- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall be implemented 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 super structure works, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o details and method statement for proposed new windows including treatment of openings formed in existing masonry;
- o Full size samples of proposed new windows;
- o Large scale drawn details of roof vent features, new roof windows and details of new parapet gutter arrangement;
- o Methodology for masonry repairs including bath stone frontage, lime repointing, localised replacement of masonry, any crack stitching cleaning, etc.;
- o Details of repairs and redecoration of retained internal wall, ceiling and flooring;
- o Details of internal finishes to ensure breathability;

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

Reason: In the interests of visual amenity.

## Planning Committee – 6<sup>th</sup> March 2018

Item 2 (Cont'd)

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2013/1405

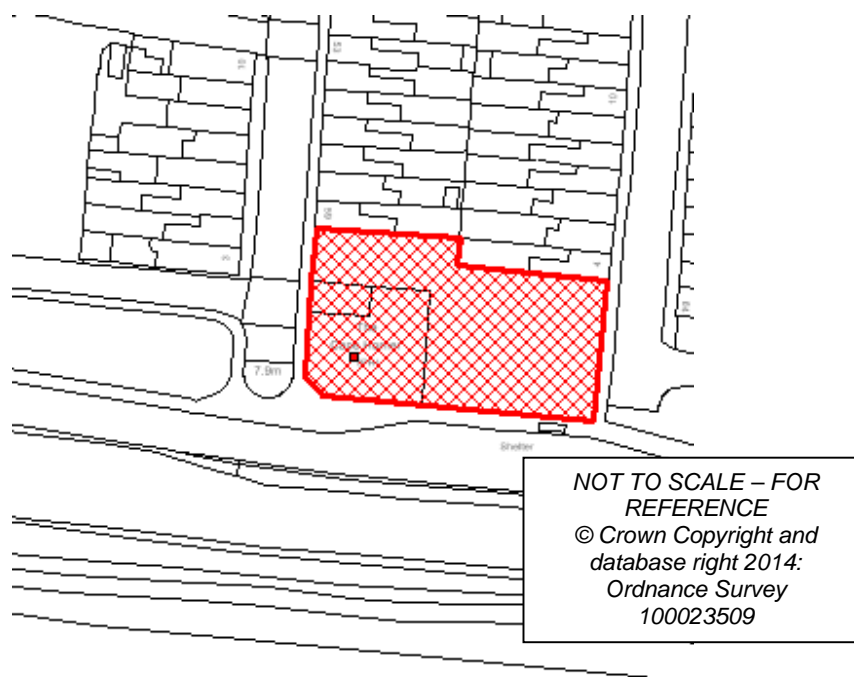
- 5 No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
Reason: To assess the historic and architectural value of the site.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV6, EV7, EV8, EV9.
-

## Planning Committee – 6<sup>th</sup> March 2018

Item 3	Application Number:	2017/1429/FUL
	Ward:	St. Thomas - Bay Area
Location:	Former Cape Horner Public House, Miers Street, St Thomas, Swansea, SA1 8BZ	
Proposal:	Demolition of existing structure and construction of a 3 storey building to provide 72 bedroom student accommodation units (studios & cluster flats), access from Miers Street, landscaping and car & cycle parking	
Applicant:	Hawkfire Developments Ltd. Hawkfire Developments Ltd	



### 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)

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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 - 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 - HC2 - Urban Infill Housing

Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### 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)



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### Item 3 (Cont'd)

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2017/1429/FUL

#### 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)

#### UDP - R16 - Major New Development Waste Management Facilities

Proposals for major new developments will be required to incorporate adequate and effective waste management facilities. (City & County of Swansea Unitary Development Plan 2008)

#### 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)

#### 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
2017/1429/FUL	Demolition of existing structure and construction of a 3 storey building to provide 72 bedroom student accommodation units (studios & cluster flats), access from Miers Street, landscaping and car & cycle parking	PDE	
99/0980	Two storey extension to public house to provide hotel accommodation (outline)	PCO	
98/6003	Erection of 1 no. 48 sheet advertisement hoarding on side elevation	PCO	

## Planning Committee – 6<sup>th</sup> March 2018

Item 3 (Cont'd)		Application Number:	2017/1429/FUL
2016/1054	Pre-app Redevelopment of site to provide student accommodation comprising of 56 no.studio flats and 4 no. six bed shared apartments	PRENE G	21.06.2016
2011/0246	Change of use from public house (Class A3) to residential care home (Class C2) part two, three and four storey 'L' shaped extension (amendment to planning permission 2008/1900 granted 6th February, 2009)	INV	
2008/1900	Variation of condition 01 of planning permission 2002/2060 granted 30th September 2003 for part two, three and four storey 'L' shaped extension to public house to provide motel accommodation, to extend the period of time to commence the development for a further five years	APP	06.02.2009
2002/2060	Part two, three and four storey 'L' shaped extension to public house to provide motel accommodation	APP	30.09.2003

### RESPONSE TO CONSULTATIONS

#### PETITION OF OBJECTION

#### ORIGINAL PROPOSAL

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through a press notice and the display of site notices on 21 August, 2017.

Following consultation A Petition of Objection containing 74 signatures, and 19 LETTERS OF OBJECTION including letters from Mike Hedges AM and Cllr Joe Hale have been received to the application. The following is a summary of the points raised:

- \* Harmful concentration / intensification of HMO's in Eastside;
- \* Increase in HMO's in the area has created parking issues;

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- \* Parking is already a problem and will create more congestion;
- \* Parking problems despite the introduction of residential parking;
- \* Any management of parking will be circumvented by students;
- \* There are already tensions between residents and SA1 workers due to parking issues;
- \* No room for emergency vehicles to turn around;
- \* Downgrade appearance of local area;
- \* Increase rubbish;
- \* Noise pollution;
- \* Extra strain on local resources;
- \* Significant impact on character of established residential community;
- \* Detrimental effect on welfare, safety and social cohesion of community;
- \* Negative approach to health and wellbeing of existing residents;
- \* 64 bedroom hall of residence will exacerbate problems of social and community erosion;
- \* Transient population have scant regard to immediate surroundings and anti-social behaviour will occur;
- \* Proposal meets none of the objectives of EV1, EV2, HC2, HC3, HC5 and AS2;
- \* Design, scale and massing out of context with St Thomas;
- \* Inappropriate contextual design;
- \* Four storeys represents an over development of the site;
- \* Scale would dominant terraced properties with loss of residential amenity – overbearing, overshadowing, loss of natural daylight / sunlight to neighbouring properties;
- \* Loss of privacy due to overlooking windows;
- \* Adverse micro-climate conditions;
- \* Over intensification and should not go ahead due to sheer size in a small residential street;
- \* Not in keeping with the character of small residential community;
- \* St Thomas is not in the city centre – it is a residential area;
- \* Negative impact on value of surrounding houses;
- \* Planning Policy Wales indicates it is valid to consider the effect of a proposal on the amenity of neighbouring properties.
- \* Whole community should be protected due to loss of privacy, loss of sunlight, increase in noise, antisocial behaviour and crime;
- \* Design is a tall building in comparison with other houses and this is not a Council Consider Zone – should be city centre;
- \* There is plenty of room to build student accommodation near the campus;
- \* Development is not considered to be affordable housing;
- \* Open air all day / night party zone will be created within the garden / cycle storage area;
- \* Will the existing sewerage system be able to cope?
- \* Strain on public resources, the community is already over populated;
- \* Existing building is riddled with asbestos;
- \* Bins and recycling bags will be left unattended;
- \* Residents have expressed a preference for open space, family housing or other needed facilities on the site;

### AMENDED PROPOSAL

The application was re-advertised on site and the objectors re-notified. 16 further LETTERS OF OBJECTION (including letters from Cllrs Clive Lloyd and Joe Hales) have been received, reiterating the above points and specifically as follows:

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- \* This is now for larger accommodation for 72 units with only 11 parking spaces;
- \* This has not addressed earlier objections and is out of character with terraced housing;
- \* Fire engine will not be able to access the site;
- \* Whilst Purpose Built Student Accommodation (PBSA) is preferable to HMO conversion of family properties, this is the wrong development proposal for this location.
- \* There are already significant proposals for large PBSA which have been approved at Kings Road (500 beds) and New Cut Road (former Unigate Dairy Site) (700 beds) in the last 12 months. The Council draft SPG on HMO's and PBSA recommends that PBSA should be within the boundary of the City Centre and not close to long standing communities such as St Thomas.
- \* St Thomas has already seen an increase in the numbers of HMO and the impact this has had on car parking and waste issues.
- \* The lack of adequate parking proposals and the proposed increase in beds, will only compound an already stretched parking provision.
- \* It is going to put an already strained waste collection service under more strain.
- \* Residents also have about the increase in noise and potential anti-social behaviour.
- \* Although the site was formally a public house, it was controlled by licensing conditions.

### **Dwr Cymru / Welsh Water –**

#### Sewerage

In respect of the aforementioned and accompanying Pre-Application Consultation (PAC) Report, we can confirm that part of our consultation response has been acknowledged insofar as foul flows from the proposed development can be accommodated within the public sewerage system. However, as part of our response, it was also highlighted that disposal of surface water flows should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority and/or Natural Resources Wales. Notwithstanding our response, the application form indicates the applicants wish to discharge surface water to the public sewer albeit no evidence has been provided to demonstrate that all other drainage options have been explored and exhausted.

Accordingly we would request that a condition is included, if minded to grant Planning Consent, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets in respect of a drainage scheme for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.

The proposed development site is crossed by 150mm combined public sewers with their approximate position being marked on the attached Statutory Public Sewer Record. Their position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.

**Drainage Engineer** – has no objection to the re-development of this brownfield plot subject to DCWW being consulted as it is likely they will restrict the discharge rates coming from the site in line with their requirements and system capacity which may require the provision of onsite attenuation as part of future detailed design.

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### Pollution Control -

#### Noise

I have been through the Noise Impact Assessment (reference: 6478/BL/pw) and would agree with their findings that mitigation measures will be required to ensure that noise levels set out in BS 8233:2014 are achieved.

Confirmation of the final full mitigation measures to be utilised will need to be conditioned and agreed in writing prior to the use of the development.

#### Air Quality

I've been through the AQ report and whilst it models compliance the worst case scenario, the concentrations are close to the Annual Mean Objective for NO<sub>2</sub> at the four modelled receptor locations at 1.5m. Recent literature has highlighted that the annual mean objective for NO<sub>2</sub> is not a 'safe level' and so exposure to the modelled concentrations >37ug/m<sup>3</sup> will still have a public health effect.

2016 data at site 408 returned an exceedance of the annual mean objective of 43.5ug/m<sup>3</sup>, the location is not dissimilar to the proposed site. There will be traffic movements (AADT) of approx. 34,776 with vehicles accelerating away from the traffic light junction and engines will be under load; literature puts forward that emissions are generally greater in this scenario.

There is also the effect of the bus stop located directly outside the proposed site; the idling engines and pulling away from the bus stop will also lead to elevated concentrations at the façade of the development and it is possible that the actual concentrations at the façade could exceed those modelled.

I would like to see possible mitigation schemes put forward to address the public health exposure at the façade location; for example, a living barrier along the kerb side or relocation of the bus stop.

**Highway Observations** - 2017/1429/FUL | Demolition of existing structure and construction of a 3 storey building to provide 72 bedroom student accommodation units (studios & cluster flats), access from Miers Street, landscaping and car & cycle parking | Former Cape Horner Public House Miers Street St Thomas Swansea SA1 8BZ

#### 1. Introduction

1.1 This application is for a planning permission for works as outlined above on a site currently used as a public house with associated car parking.

1.2 The applicants undertook a PAC and Highways was consulted as a statutory consultee. Pre-application advice had been given regarding this proposal and the current document provides the elements that had been requested. In addition the principle of a Highways section 106 contribution was requested to improve the infrastructure for walking/cycling in the area. In this instance the sum was £32,377 to be used towards improvement in the walking/cycling/public transport provision. Specific projects would be to upgrade the TRO's in the area and create a shared use path (for walking /cycling) from Cape Horner to the junction to Port Tennant on Fabian Way

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1.3 The site is located on Fabian Way, direct vehicular access is available off Miers Street and a bus layby is located immediately outside the site (Fabian Way). The proposed plans show that car parking is available to the rear of the site accessed off Miers Street, cycle parking is also indicated. Pedestrian access is available from the front and from the rear.

1.4 The student accommodation will house 72 students.

### 2. Vehicular Access and Traffic

2.1 There is a car park proposed at ground floor level holding 11 cars. There is also cycle rack providing adequate cycle storage.

2.2 All the main roads within the vicinity of the application site have pedestrian footways on both sides of the carriageway together with public lighting.

The student accommodation is likely to generate negligible vehicular traffic due to the limited parking facilities provided which in the main are intended to serve visitors/servicing/and wardens. A Section 106 Agreement to include the tenancy agreement will be required to ensure that students taking up residence do not own cars and bring them to the site or the surrounding area as there is no parking provided for this purpose.

2.3 The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it. The section 106 Contributions which are being requested will support this thrust. The site is ideally placed for bus routes too as well as being a short walk to the Quadrant bus station with national links.

2.4 As has been mentioned the main thrust of the modal splits is towards non car modes of transport. For the 72 students the sum that will be requested is £32,377 towards a Highways section 106 agreement to promote/enhance cycle/walking/public transport routes. This is line with the SPG on Highway Contributions and monies have been received (or promised to receive) from other similar student sites across Swansea. Specific projects would be to upgrade the TRO's in the area and create a shared use path (for walking /cycling ) from Cape Horner to the junction to Port Tennant on Fabian Way

### 3. Transport Statement

3.1 A Transport Statement was submitted in February 2018 by Asbri Transport as requested as part of the PAC process.

3.2 The previous/current lawful use of the site was as a public house with functions rooms with a large car parking area to the rear.

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- 3.3 Access to the site is via Miers Street which is subject to a 20mph limit and is also part of the Controlled Parking Zone. Miers Street is a cul de sac with the Cape Horner being located at the end. Turning is provided by the use of Pinkney Street which loops around and ties back into Miers Street at a priority junction. Pedestrian access will be available from Miers Road and access to the cycle storage is via Inkerman Street.
- 3.4 The site is well located in terms of access to public Transport and the local amenities/facilities with a short walk of the site. The site is also well located in terms of access to the National Cycle Network routes 4 and 43.
- 3.5 The section 106 contributions sought by Highways will be put towards enhancements in non-car modes of transport and encouraging access to cyclists, public transport users and pedestrians.
- 3.6 The document compared the likely trip levels for the public house and the student accommodation. The TRICS Database was used to derive the vehicle trip rates. For the public house then the p.m. peak (1700-1800) generated the most vehicle trips at 16. For the student accommodation use the a.m. peak (0800-0900) will generate 3 movements and in the p.m. peak four movements. It is therefore seen that there is a decrease in car movements associated with the proposed use that the current public house use.
- 3.7 The layout of the parking area will allow access for emergency vehicles.
4. Car Parking
  - 4.1 The site is located outside the City Centre core and as such there is a requirement to provide parking. 11 spaces are being provided and this is in line with the CCS parking standards for 'managed student accommodation'.
  - 4.2 The student accommodation is planned to be essentially car-free. 11 car parking spaces are provided for visitor and disabled use (one space). To ensure that this car free arrangement works satisfactorily and does not cause overspill parking problems onto the adjacent residential streets there is a need to ensure that students do not have cars, and that alternatives are in place. The tenancy Agreement will have to form part of the Section 106 agreement which will tie the student residents into not bringing cars to the site. The use of the category of 'managed student accommodation' in relation to car parking is underpinned by this Section 106 reference to non-car ownership and as such it needs to be included as a condition.
  - 4.3 Due to the lack of parking for the student element there is a requirement for a management scheme to ensure that all the limited parking spaces are managed effectively and to ensure that maintenance/servicing can be satisfactorily accommodated. This parking management scheme should also include the start of term drop offs and end of term pick-ups as there will be a significant increase in cars that cannot be accommodated within the site.

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5. Pedestrian and Cycle Access
  - 5.1 Pedestrian/cycle facilities are to be enhanced by the development. A sum of £32,377 will be requested. This will be put towards providing enhanced pedestrian/cycle facilities referenced in section 2.4.
  - 5.2 Adequate cycle parking is shown to be available (72 spaces) so cycling will be a viable sustainable mode of transport particularly in view of the proximity of the site to the National Cycle Network (NCN) Routes.
6. Public Transport
  - 6.1 The site is currently served by frequent bus services along Fabian Way and Delhi Street. The site is located within walking distance to the Quadrant Bus station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision.
  - 6.2 The Train Station is further afield but can be reached by a number of frequent bus services that run past the site.
7. Highways Infrastructure
  - 7.1 The applicant will be required to make a contribution of £32,377 which will be used to improve the accessibility for pedestrians and cyclists.
  - 7.2 The change of use proposed is unlikely to have any impact on existing highway infrastructure.
  - 7.3 Existing highway access points are to be utilized so there are no highway safety issues arising from continued use of the points.
  - 7.4 Accident data showed that there were no obvious issues in and around the site on Miers Street nor Delhi Street
8. Conclusions
  - 8.1. The development can be accommodated within the existing infrastructure and parking will be controlled by the use of the tenancy agreement to prohibit cars being brought to the site.
  - 8.2 Pedestrian and cycle facilities will be catered for within the development in conjunction with the contents of the Section 106 and the proposed building layout and the provision of cycle storage and pedestrian access points.
  - 8.3 The TS showed that the car trips expected will be minimal with the emphasis on foot, bus and cycle usage.
  - 8.4 The use of the incorporation of the tenancy agreement into the Section 106 agreement will ensure that car use is minimized.



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Item 3 (Cont'd)

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9. Recommendations

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

- i. The Section 106 to include details of a parking management scheme for the parking area. The document should make specific reference to general day to day management as well as the pick ups and drop offs which will bring more vehicles than can be accommodated at once.
- ii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
- iii. The Section 106 to include the financial contributions as outlined above (£32,377) for the works to upgrade the TRO's and provide a new shared use link to the Port Tennant junction.
- iv. I recommend that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- v. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during demolition and construction; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- vi. The development to be occupied by students only at all times in the interests of highway safety.

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### APPRAISAL

#### Application Site and Surroundings

The application site comprises the former Cape Horner public house and its adjacent car park situated on the northern side of Fabian Way. The site is bounded by the residential terraced properties in Miers Street and Inkerman Street, St Thomas.

#### Proposed Development

The planning application as original submitted proposes the redevelopment of the site with the demolition of existing structure and construction of a 4 (part 3) storey building to provide 64 bedroom student accommodation units (studios & cluster flats), with vehicular access from Miers Street to a 12 space car parking area (including 1 no. disabled space), cycle parking (64 no. spaces) and a small amenity / landscaped area. Pedestrian access into the building was proposed from the rear and front of the building.

The amended scheme consists of the development of a 3 storey building along the Fabian Way frontage with 2 storey elements returning along the Miers Street and Inkerman Street elevations. The amended building would now accommodate a total of 72 bedrooms with a 11 space car parking area.

The submitted application plans supporting documents submitted with the application include:

- \* Design and Access Statement;
- \* Transport Statement;
- \* Air Quality Assessment Report;
- \* Noise Impact Assessment;
- \* Bat Survey;

#### Material Planning Considerations

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

- \* Principle of development having regard to Development Plan Policy and Supplementary Planning Guidance;
- \* Townscape and visual impact;
- \* Impact on residential amenity;
- \* Highways, traffic, car parking, access and pedestrian movements;
- \* Pollution (Air Quality & Noise)

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

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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.

Swansea Unitary Development Plan

The site is within an established residential area and Policy HC2 in respect of urban infill housing states that proposals for housing development within the urban area will be supported where the site has been previously developed or is not covered by conflicting plan policies or proposals and provided the proposed development does not result in a listed set of adverse effects including (ii) Cramped/Overintensive development, (iii) Significant loss of residential amenity, iv) Significant adverse effect on the character and appearance of the area, and (vi) Significant harm to highway safety. For the purposes of this policy infill development is defined as the development of land within an existing settlement. The policy offers guidance on the determination of proposals for residential development on unallocated sites, or white land, and whilst this scheme is for student accommodation the principles of the policy would equally apply.

Policy HC11 relates specifically to Higher Education Campus Development, but indicates that the use of appropriate City Centre sites for student accommodation will be favoured with the view to encouraging City Centre living, and contributing towards its revitalisation. The site is outside the City Centre core action area, however, it is within a sustainable location adjacent to the City Centre and its proximity to the proposed UWTSD Innovation Quarter makes it an attractive and sustainable location for student accommodation.

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As indicated Policy HC11 favours appropriate City Centre sites for the development of student accommodation. The Council is currently preparing Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) and the draft report was presented to this Committee on 4 July, 2017. In respect to PBSA, the SPG sought to promote such developments in appropriate City Centre sustainable locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; with good access to services, facilities and public transport and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for this area. However, the Planning Committee resolved not to adopt the SPG and to carry out further public consultation in respect of the threshold limits for HMO's.

Whilst the draft SPG was not adopted, it did indicate that where proposals for student accommodation are on campus they will be assessed against the criteria under policy HC11, and where they are proposed off campus they will be assessed against UDP Policies including Policies EV1 and EV2. The LPA will therefore favour City Centre sites for PBSA unless the proposed site is within a Higher Education Campus. However, the SPG proposed that the LPA will consider PBSA proposals at sustainable locations on the edge of the City Centre where it can be demonstrated:

- \* There are no available and suitable sites in the City Centre; and
- \* There is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
- \* The development would give rise to an overall benefit to the vitality and viability of the City Centre.

It is highlighted that UDP Policy HC11 does not specifically exclude new PBSA from areas outside of the City Centre, and whilst the emerging policy within the Local Development Plan and the SPG is more explicit in attempting to guide student accommodation into the City Centre, this is not yet adopted planning policy. In land use policy terms, it is argued that the development seeks to make efficient use of an underused brownfield site which is in accordance with both Planning Policy Wales and the UDP and the site provides good accessibility and connectivity to the City Centre by walking, cycling and public transport.

Members will be aware of a recent planning decision on Plot A1 within the SA1 Swansea Waterfront Development which allowed on Appeal the construction of a purpose built student accommodation (PBSA) between 7 and 9 storeys (500 bedspaces) under ref:2016/1511 – 29 June, 2017. Within the Appeal decision, it was concluded that the PBSA would not undermine the overarching vision for the area moreover, would be entirely consistent with the recent shift in focus at wider parts of the SA1 area, including the University of Wales Trinity St David (UWTSD) led development comprising the 'Innovation Quarter' and that the PBSA would complement such proposals. Additionally, it was concluded that the appeal site represents a sustainable location, within walking distance of a number of facilities and services as well as being relatively well served by sustainable modes of transport.

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### Townscape and visual impact

This is a prominent site on the gateway approach into the city along Fabian Way and therefore needs to be appropriate in terms of its mass, form and design and respond to the context of the surrounding urban environment in a positive manner. The policy position, set out primarily in policies EV1 and EV2 and supported through Supplementary Planning Guidance requires that new development be, amongst other criteria, appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. Furthermore development should integrate effectively with adjacent spaces and the public realm to create good quality townscape.

The former Cape Horner public house sits on site of an earlier public house and terraced residential frontage that historically was continuous from Miers Street to Inkerman Street. Fabian Street as it was known lost the active frontage due to past road widening schemes. The current three storey Cape Horner building dates from the post war period. It is of limited architectural merit and the main feature of interest is the circular oculus to the second floor terrace roof. The adjoining surface car park that occupies approx. 2/3 of the site frontage detracts from the key approach into the city and is a poor use of land and there is therefore no objection to the demolition of this building.

The reinstatement of active frontage along Fabian Way between Miers Street and Inkerman Street is welcomed and the principle of student development in this accessible location is supported, however, the original proposal was struggling to balance the gateway relationship to Fabian Way and relationship to adjacent 2 storey context of the residential terraces.

The proposed building was half a storey higher than the existing Cape Horner building and would have filled the entire frontage and despite the efforts to reduce the sense of scale with inset top floor and limited floor plates to 2nd and 3rd floors, the scale was still considered to be overly dominant in the context of the 2<sup>nd</sup> scale of St Thomas. Furthermore the rear (north elevation) would have been highly prominent from St Thomas, looking along Miers Street and Inkerman Street and would have been a discordant feature seen rising above the two storey roof scape looking south from the junctions with the Delhi Street. Following discussions with the applicants, it was suggested that the top (3<sup>rd</sup>) floor was removed entirely and the scope to wrap the footprint into an L shape from Inkerman Street to Fabian Way with a scale that steps up from 2<sup>nd</sup> adjacent to the terraces up to 3<sup>rd</sup> along Fabian Way was explored. In this context, it should be noted that planning permission was granted in Sept. 2003 for a part two, three and four storey 'L' shaped extension to the public house to provide motel accommodation (Ref:2002/2060).

Additionally, the original scheme incorporated an architectural emphasises at the western corner onto Miers Street, whereas the eastern elevation, which would be viewed from the main approach into the city had a lesser emphasis. Given the prominence of this site and the prominence from both the east and west, the design should be given equal architectural treatment. Within the original proposal, the proposed student bedrooms on the rear elevation had no outlook being served by high level windows which would have an unacceptable impact on the amenity for future occupants and their quality of life/ wellbeing. Furthermore the effort to respond to the amenity and overlooking issues with high level windows resulted in a foreboding and unattractive north elevation, that will negatively impact on the St Thomas streetscape.

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### *Amended Proposal*

The scale of the amended scheme has been reduced from four to three storeys on Fabian way, stepping down to two storey return frontages on the side streets to avoid an overly dominant relationship to general St Thomas two storey terraces when viewed from locations such as Dehli Street. The proposed elevation drawings demonstrate that the proposed three storey development is slightly lower than the existing three storey Cape Horner building. This balances the visual prominence of the Fabian Way frontage on a key approach into the city with the domestic scale of St Thomas.

The footprint has also been amended from a 4 storey linear block running parallel to Fabian Way to a 3 storey horseshoe block that steps down to 2 storey on the side streets. This recreates the perimeter block with southern frontage that originally existed as shown in historic maps. The reduction in scale from four to three stories also avoids an unacceptable overbearing and overshadowing of the properties and gardens to the north. The two storey wings onto Miers Street and Inkerman Street do not extend back any further than the adjacent rear wings of the existing houses and the overshadowing due to these elements is no worse than the overshadowing created by existing properties in the remainder of the terrace which is typical of an urban area. Plus the rear of the main three storey block is some 8.5m from the side end terrace Inkerman Street and 13.5m from the side boundary of the end terrace on Miers Street. Overlooking from the rear of the development to the existing properties and gardens to the north is designed out with rear 'blinker' windows that do not allow direct views out and instead angle the views away. There is no issue with overlooking across the streets given that these are public realm areas. This should be addressed by end (east) bedroom windows and clear glazed controlled aspect oriel full height windows in the north elevation that are angled to face the streets to the east and west.

The perimeter block development has a secure courtyard in the centre for cycle storage and off street car parking. This will also secure the side boundaries of end properties by the building wrapping round onto Miers Street and Inkerman Street and leaves small gap to the blank gables of existing terraces which are secured by gates.

The architecture of the proposed development reflects contemporary student schemes and SA1 developments with a legible main entrance facing Fabian Way, full height bedroom windows facing the street areas, larger lounge windows in splayed corners at either end facing onto Fabian Way, cladding panels to ensure robustness and weathering (no render), a red brick ground floor treatment to reference traditional brick in SA1 such as J Shed. It will contribute to the identity of Fabian Way striking a balance between the architecture of the SA1 area and the scale of St Thomas.

### **Impact on residential amenity**

As indicated above, the original proposal was a 4 storey development which not only was unacceptable on design grounds, but would have had an unacceptable physical and visual impact on the residential amenity of the occupants of the neighbouring properties. The amended proposal has been reduced to a three block along the Fabian Way frontage returning to 2 storey along Miers Street and Inkerman Street. The reduced scale of the proposal is more in keeping with the scale of the adjacent terraced housing and in this respect would not have unacceptable visual or physical impact.

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Additionally, as referred to above, overlooking from the rear of the development to the existing properties and gardens to the north is designed out with rear 'blinker' windows that do not allow direct views out and instead angle the views away. The oriel windows would be partially obscure glazed only allowing views to the east that are angled to face the streets to the east and west and thus avoid overlooking of the adjacent rear garden areas.

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

The site is located on Fabian Way, but vehicular access to the site is proposed off Miers Street from an existing access and there is a bus layby located immediately outside the site (on Fabian Way). The proposed plans show that car parking is available to the rear of the site accessed off Miers Street indicating 11 spaces; cycle storage is also indicated in a cycle rack. The layout of the parking area will allow access for emergency vehicles. Pedestrian access is available from the front and from the rear, and all the main roads within the vicinity of the application site have pedestrian footways on both sides of the carriageway together with public lighting.

The application has been supported with a Transport Statement which assesses the proposals in relation to the highway network with respect of trip generation.

Planning Policy Wales sets out that car parking is a major influence in terms of the choice of means of transport and the pattern of development. It states, in paragraph 8.4.2, that "local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate." Furthermore it advises that new developments should be consistent with "minimising the need to travel and increasing accessibility by modes other than the private car" (Para. 4.7.3).

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:

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

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. 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.

### Traffic Generation

The previous/current lawful use of the site as the Cape Horner public house operated with functions rooms with a large car parking area to the rear. Access to the site is via Miers Street which is subject to a 20mph limit and is also part of the Controlled Parking Zone.

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Miers Street is a cul de sac with the Cape Horner being located at the end and turning is provided by the use of Pinkney Street which loops around and ties back into Miers Street at a priority junction. Pedestrian access will be available from Miers Road and access to the cycle storage is via Inkerman Street.

The site is within a sustainable location and is well located in terms of access to public transport and the local amenities/facilities with a short walk of the site. There are frequent bus services along Fabian Way and Delhi Street and the site is located within walking distance to the Quadrant Bus Station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision. Whilst the Train Station is slightly further afield it is still within walking distance and can be reached by a number of frequent bus services that run past the site.

The site is also well located in terms of access to the National Cycle Network routes 4 and 43 and adequate cycle parking is shown to be available (72 spaces) so cycling will be a viable sustainable mode of transport particularly in view of the proximity of the site to the National Cycle Network (NCN) Routes.

The Transport Statement has compared the likely trip levels for the public house and the student accommodation. The TRICS Database was used to derive the vehicle trip rates. For the public house then the p.m. peak (1700-1800) generated the most vehicle trips at 16. For the student accommodation use the a.m. peak (0800-0900) will generate 3 movements and in the p.m. peak four movements. It is therefore seen that there is a decrease in car movements associated with the proposed use that the current public house use.

The Head of Transportation indicates that the proposed development is unlikely to have any impact on existing highway infrastructure and that the existing highway access points may be utilized so there are no highway safety issues arising from continued use of the points. The accident data showed that there were no obvious issues in and around the site on Miers Street nor Delhi Street

### Car Parking

The site is located outside the City Centre core and as such there is a requirement to provide parking. However, the student accommodation is planned to generate negligible vehicular traffic due to the limited parking facilities provided which in the main are intended to serve visitors/servicing/and wardens. The Parking Standards Supplementary Planning Guidance specifies that for purpose built student accommodation, within all zones, there is a need for 1 car parking space for every 25 bedrooms for servicing, wardens and drop-off areas and a visitor requirement for 1 space per 10 beds. However, as the site lies outside of the Core the requirement also reflects that, in addition to the above, parking is needed for students and visitors and that equates to 1 space per 10 bedrooms. Based upon the scheme for 72 bedspaces this amounts to a total of 11 car parking spaces and the proposed parking provision would be in line with the CCS parking standards for 'managed student accommodation'.

The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it.



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In addition, to the Section 106 Obligation to manage the car parking, a section 106 Contribution has been requested to support this thrust. For the 72 students, in accordance the Section 106 Planning Obligations SPG sum has been calculated to be £32,377 to promote and enhance cycle/walking routes and specifically would be used to upgrade the TRO's in the area and create a shared use path (for walking /cycling ) from Cape Horner to the junction to Port Tennant on Fabian Way.

The mechanisms suggested by the Highway Authority would, on balance, result in an acceptable development having regard to highway considerations and the policies contained within the Unitary Development Plan. The provision of the planning obligations would be a course of action considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

### Conclusions

The development can be accommodated within the existing infrastructure and The use of the incorporation of the tenancy agreement into the Section 106 agreement will ensure that car use is minimized. The Transport Statement shows that the car trips expected will be minimal with the emphasis on foot, bus and cycle usage. Pedestrian and cycle facilities will be catered for within the development in conjunction with the Section 106 and the proposed building layout and the provision of cycle storage and pedestrian access points. The Head of Transportation raises no highway objections subject to the completion of a Section 106 Planning Obligation in respect of a car parking management scheme / student tenancy agreement for a 'managed student accommodation' and a highway contribution (£32,377) towards works to upgrade the TRO's and provide a new shared use link to the Port Tennant junction. Additionally, there is the requirement for conditions in respect of a Travel Plan and a Construction Method Statement.

### Air Quality and Noise

#### Air Quality

The application is supported by an Air Quality Assessment, which considered that by the nature of the development (only 12 car parking spaces) should not significantly increase traffic on local roads, however, the new student accommodation will be subject to the impacts of road traffic emissions from the adjacent road network, with the proposed development lying close to the A483 Fabian Way. The main air pollutants of concern related to traffic emissions are nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>).

UDP Policy EV 40 relates to air, noise and light pollution and states that Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. The amplification to the policy states that planning permission will not be granted for development that would cause significant harm to air quality by virtue of emissions from the development itself or the additional new traffic movements it would generate. Neither will permission be granted where a development is proposed that would increase the number of exposed individuals in an area likely to fail UK air quality objectives.

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Concentrations of nitrogen dioxide, PM10 and PM2.5 have been predicted at four locations at the proposed development. Receptors have been identified at each of these locations to represent the façades of the proposed student apartments, at varying heights representing the ground to the third floor. Nitrogen dioxide, PM10 and PM2.5 concentrations have been predicted the proposed year of opening (2019) and the annual mean PM10 and PM2.5 concentrations are well below the annual mean objectives at all receptors.

The Assessment therefore concludes that the air quality impacts will not be significant without mitigation which takes account of the assessment that concentrations will be below the air quality objectives for all worst-case receptor locations within the new development. However, the Pollution Control Service have questioned the conclusions of the report and have highlighted that the effect of idling buses on the adjacent bus stop may lead to elevated concentrations at the façade of the development and it is possible that the actual pollutant concentrations at the façade could exceed those modelled. It has been suggested that possible mitigation schemes put forward to address the public health exposure at the façade location; could for example, involve planting a living barrier along the kerb side or relocation of the bus stop. The Head of Transportation is however, reluctant to relocate the bus stop on the basis that its current location operates effectively and moving it can be problematic. It is potentially feasible to plant a living green fence at the front of the development, with ivy as an example, may can radically reduce the level of PM10s and other pollutants. This can be achieved by a condition.

### Noise

A Noise Impact Assessment has been submitted to assess the impact of environmental noise on the proposed development. The main source of noise being from road traffic. External noise monitoring was undertaken on 23 and 24 May, 2017. The results of the survey indicate that the road traffic noise would fall within Noise Exposure Category C (under Technical Advice Notice (Wales 11) – Noise (Oct. 97) which states:

“Planning Permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”

Within NEC – C Daytime equivalent noise levels of between 63 – 72 dBL Aeq (16 HOUR), night-time equivalent noise levels of between 57 – 66 dBL Aeq (8 HOUR).

Noise mitigation measures will therefore be necessary on all parts of the site that fall into NEC - C to ensure the noise levels in the habitable rooms achieve “35 dBAeq, 16 hr during the day and 30 dBAeq, 8 hr at night”.

The Noise Assessment provides recommendations in respect of external wall and roof construction. The windows on all elevations could be openable; however, they would be sealed airtight to control external noise and should be normally closed along the Fabian Way frontage. There should be no un-attenuated vents or openings in the built façade. The windows along Fabian Way will require specific noise mitigation measures. The habitable rooms will need to be ventilated with a mechanical system or hybrid system as acoustic trickle vents will not meet the required sound reduction.

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Within the proposed built fabric construction and suitable ventilation provisions, the predicted internal equivalent noise levels due to road traffic would be within BS 8233:2014 criteria of 35 L AEQ (16 HOUR) and 30 L AEQ (8 HOUR) within the daytime and night-time habitable rooms of the development where the site falls into NEC – C.

### **Impact on ecology;**

The application is supported by an Ecological Survey Report to assess the bat interest of the former Cape Horner Public House. The surveys for the presence of bats were carried out on 3 September, 2016 and identified that roosting opportunities were limited and there was no evidence of current or recent use by bats and therefore the proposed works would not require derogation under a licence. However, some enhancements within the site could be provided by erecting bay boxes on the replacement building, or by offering opportunities within the design of the new building. As such the development will have no adverse impact upon ecology.

### **Waste Storage;**

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. The building proposes a waste storage area on the ground floor which lies near the ramp access. The applicant has sized the waste storage area according to the Residential Design Guide SPG requirements and used the SPG requirements for 'flats' when sizing the store. The area can accommodate 40 bins and a drawing has been provided by the applicant to illustrate this. Whilst comments from objectors are noted in relation to the siting of the waste storage and its potential visual impact on the area the drawings show that this is to be contained within the building. A suitable planning condition can be used to secure the full details of the storage and through a waste management scheme to prevent any potential adverse impacts upon visual amenity or the amenity of those living and working in the area.

### **Conclusion**

The redevelopment of this site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan in respect of such developments within urban area. Whilst the site is outside the City Centre Core Action Area and UDP Policy HC11 in particular, favours the development of Purpose Built Student Accommodation within appropriate City Centre sites, there is recognition of the contribution this type of development can make towards achieving the Council's wider regeneration aims. Moreover, the site is situated in a sustainable location where there is good accessibility and connectivity to the City Centre by walking, cycling and public transport. The completion of the Section 106 Planning Obligation towards a highways contribution (£32,377) towards works to upgrade the Traffic Regulation Orders and provide a new shared pedestrian / cycling use link to the Port Tennant junction would enhance the accessibility of the site and benefit the wider area.

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").

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In reaching this decision, 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 decision 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 completion of a Section 106 Planning Obligation to include the following:

- \* a (£32,377) highway contribution (to be paid within 12 months of commencement of the development) towards works to upgrade the Traffic Regulation Orders and provide a new shared pedestrian / cycling use link to the Port Tennant junction.
- \* The provision of a mechanism to deal with the control of on-site car parking through limiting allocation of spaces to students based upon the number of spaces available (including visitor spaces) and excluding students not allocated with a space from bringing a vehicle to the site through the production and agreement of a Tenancy Agreement. Mechanisms shall be set out to deal with any failure to comply with the terms of a Tenancy Agreement.
- \* Section 106 Management and Monitoring Fee - costs incurred against the management of the obligation based on 2% of the value of the obligation = £648.00

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).

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 & Block Plan - 00; Block Plan - 01; Existing Floor Plan - 02; Existing Elevations - 03 plans received 27 June, 2017  
  
Proposed Ground Floor Plan - C04 Rev A; Proposed First Floor Plan - C05 Rev A; Proposed Second Floor Plan - C06 Rev A; Proposed Roof Plan - C07 Rev A; Proposed Front & Rear Elevations - C08 Rev; Proposed Side Elevations & Sections - C09 Rev A; - amended / additional plans received 9 January, 2018  
  
Reason: To define the extent of the permission granted.

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- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall be implemented 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 super structure works, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window unit (including angled windows) within its opening;
- o Typical external door within its opening;
- o A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed;
- o Details of the location, extent, design and finish of all visible external ventilation;
- o Entrance Canopy;
- o Rainwater goods;
- o Car park / courtyard entrance doors / barriers:

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

Reason: In the interests of visual amenity.

- 5 No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

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7 Prior to commencement of the development, detailed plans of any piling operations to be carried out within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring properties and the piling or other foundation designs using penetrative methods will only be allowed for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.  
Reason: To ensure that a statutory nuisance does not for neighbouring premises and in order to assess potential for pollution of controlled waters from inappropriate methods of piling.

8 Prior to the commencement of the development, including any demolition and site clearance works, a Construction Method Statement (CMS) detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoardings;
- v) wheel washing facilities;
- vi) measures to control the emissions of dust, dirt and noise during demolition and construction;
- vii) a scheme for recycling / and disposal of waste resulting from demolition and construction works;
- viii) the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

Reason: In order to prevent pollution of the environment, protect the residential amenities of the area, to secure the satisfactory development of the site and to minimise traffic impacts on the surrounding highway network.

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

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

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- 10 Prior to beneficial use of the development, details of an Operational Management Plan including a Waste and Refuse Management Plan (to include recycling facilities) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.  
Reason: In the interests of public safety, to protect future resident's amenity and to ensure the management and movement of refuse within the site in the interests of amenity and site safety.
- 11 Prior to the occupation of the development, a 'living green fence' shall be planted at the front of the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fence shall be retained thereafter as part of the development as approved.  
Reason: In order to mitigate air quality pollutants within the immediate vicinity.

### **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, EV33, EV35, EV36, EV38, EV40, HC2, HC11, HC17, R16, AS1, AS2, AS5 & AS6]
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#### 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 - 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)

#### UDP - EV20 - New Dwellings in the Countryside

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV21 - Rural Development

In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV22 - Countryside General Policy

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
- ii) Practical management and improvement measures.

(City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV24 - Greenspace System

Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV26 - Area of Outstanding Natural Beauty

Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

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#### UDP - EV27 - SSSI's and National Nature Reserves

Development that significantly adversely affects the special interests of sites designated as SSSI's and NNR's will not be permitted unless the need for the development is of such significance that it outweighs the national importance of the designation. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV29 - Common Land

Common land will be protected from development in recognition of its importance for agriculture, natural heritage, the historic environment and as an informal recreation resource. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV31 - Protection of the Undeveloped Coastline

Along the undeveloped coastline development proposals for the provision of visitor and recreation facilities and services to complement existing facilities will be permitted at specified coastal locations. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

#### 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 - EV39 - Land Instability

Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC15 - Urban Tourism

Proposals that consolidate the urban tourism resource, by improving the quality and range of attractions, destinations, accommodation and services will be supported at specific locations. (City & County of Swansea Unitary Development Plan 2008)

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#### UDP - EC16 - Swansea Bay Recreational and Tourism Facilities

New or improved recreational tourism facilities at specific destinations around Swansea Bay are proposed which capitalise on the seafront aspect and contribute towards the regeneration of the Bay.

Between these areas of appropriate development, the emphasis is on safeguarding and enhancing the environment of the Bay and other waterfront areas. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC18 - Serviced Tourist Accommodation

Development that improves the range and quality of serviced tourist accommodation will be permitted subject to specific criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC2 - Urban Infill Housing

Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (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)

#### 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 - AS3 - Public Rights of Way

Accessibility - Protection of public rights way. (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)

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### Site History

App Number	Proposal	Status	Decision Date
2017/2641/S73	Application under Section 73 to vary conditions 1 and 32 of Planning Permission 2014/1946 granted 15th September 2017 to amend the building parameters and detailed design strategy relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore	PDE	
2014/1946	Application under Section 73 to vary conditions 2 (phasing), 5 (submission of reserved matters), 6 (commencement) and 24 (ecological CMS) and the removal of conditions 31 (Code 3) and 32 (BREEAM) of outline planning permission 2010/1451 granted 20th December 2011 relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore	S106	15.09.2017

### RESPONSE TO CONSULTATIONS

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. 4 LETTERS OF OBJECTION were received making the following comments:

- o The site is a mass of a landmark and beautiful headland and natural rocky outcrop will be obliterated.
- o Previous reports from CCW, Mumbles CC and Gower Society were less in favour of the development.
- o Luxury flats will only be available to wealthy - second homes.
- o There is no evidence of improved attractions and facilities for visitors and tourists.
- o Pier is a listed structure and should be maintained by charitable trust such as National Lottery funding.
- o Section 73 application will not ensure a high standard of development and lifting restrictions will be to detriment of site.
- o Most of criticisms from previous objections still apply.

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- o Why build more flats / apartments when there are so many uninhabited for more than a year.
- o Large scale urban development would be an act of environmental vandalism.
- o Mumbles Headland is one of Wales' most significant coastal landscapes and Swansea's most attractive natural feature and recognised worldwide.
- o Views from Mumbles Headland can be viewed from M4 and will be obscured.
- o Height of the proposed development must be restricted.
- o The safeguard from the original plan are being lifted watered down or removed.
- o The neglect of the Pier is being rewarded.
- o It is protected by Green Space Protection (EV24); AONB (EV26); Common Land (EV29); & Protection of the Coastline (EV31).

**Rebecca Evans AM** - I have been contacted by a constituent regarding the planning application above.

My constituent is concerned that not enough time has been allocated to consider the proposals and urges the Local Authority to extend the consultation period.

I would be grateful if you could consider the points raised and look forward to hearing from you.

**Mumbles Community Council** - no response to date

**The Gower Society** - We have studied the revised application for the above development and have the following comments to make :

1. This is a complex application that we have not been able to fully grasp i.e. what the developer is specifically aiming for. However it is clear that a relaxation of current Conditions 1 and 32 may severely compromise what was previously approved under 2014/1946. Approval was contentious anyway.
2. Our main concerns have always been the protection and enhancement of the historical and iconic features of the site by such a development on the AONB.
3. Increase in any heights, footprints and encroachment onto natural features cannot be permitted. Over development of an historic site springs to mind.
4. The iconic land and sea scape of the pier, the lighthouse and some of the existing period buildings must be protected.
5. We were previously advised of possible implications of the proposed Tidal Lagoon may be that there may be increased flooding risks.
6. The structural state of the pier (and the previous claims that finance must be generated from this commercial development in order to maintain it) concerns us.
7. We note that the application form states that no prior consultation has been made with your Department. We find this to be unusual for such a proposal.

We find that we do not have sufficient knowledge that persuades us to do anything else but object to this request if it is the case that 2 and 3 above will not be fully met. We would be obliged if you would take the above comments into consideration when arriving at your decision.

**Natural Resources Wales** - no response to date

**Highway Observations** - no observations

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### APPRAISAL

#### Background

The Mumbles pier foreshore and coastal strip development was granted outline planning permission on 20 December 2011 following the completion of a Section 106 Planning Obligation, which relates to the refurbishment of the pier, local bus service enhancements, a social benefit (bricks and mortar) clause and agreed off-site affordable housing allocation (Ref:2010/1451). The description of the development approved as part of that outline application is as follows:

*"Demolition of existing buildings (in part) and comprehensive re-development of land at Mumbles Headland and Foreshore / Coastal Strip (extending to Knab Rock) comprising: Headland Building (up to 6 storeys) to accommodate a range of commercial / leisure entertainment uses (Class D2) at ground floor - including Retail (Class A1); Food and Drink (Class A3); and amusement centre / arcade, with the upper floors utilised for hotel / visitor accommodation - (Class C1)(maximum of 70 rooms) and /or residential (32 apartments); Coastal Strip Building (up to 4 storeys) to accommodate 26 Residential apartments (Class C3); alterations and refurbishment works to existing pavilion (including new glazed canopy) to accommodate retail and food and drink uses; Site / Office (Class B1) within headland store; site-wide engineering and earth works, including sea defence and land reclamation works to form new sea wall and associated construction of new pedestrian boardwalk (and extension of existing public realm; landscaping and public art; highway access and site-wide service infrastructure works; headland car parking to be extended to serve hotel and / or residential with public car parking along coastal strip with private residential parking; and associated works (outline application with all matters reserved, other than strategic access)"*

Since the outline planning permission was issued in December, 2011, the new RNLI lifeboat station with the associated renovation of the end of the pier has been completed and is now operational, however, the outline approval under ref: 2010/1451 has not been implemented. Since that time the Council has approved a section 73 application to vary certain condition of the original approval. These permissions are described in further detail below.

#### **Original Planning Permission - ref: 2010/1451**

The outline planning permission was granted with all matters other than strategic access reserved for subsequent consideration; however, the application was accompanied by a considerable amount of supporting information as part of the Environmental Impact Assessment which sought to establish: Quantum of floorspace; Range of uses; Bulk and massing; Layout & Parking and access. Whilst the application was structured to allow for maximum flexibility in terms of the composition of land uses that ultimately may come forward as part of the development, the outline permission established a set of parameters through the planning conditions (Condition 1), to ensure that the development corresponds to the description, scale and form of development contained within the application, the environmental impacts of which were assessed through the Environmental Statement which accompanied the application.

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The proposal for the redevelopment of the coastal strip and headland areas would consist of the following:

- o Residential Development on the Coastal Strip - this will consist of a single building accommodating up to 26 two-bedroom residential units within a 3 to 4 storey high building envelope incorporating an undercroft private car park for 38 spaces.
- o Public Realm - A new area of public realm will be created as part of the redevelopment scheme, encompassing the creation of a new pedestrian boardwalk.
- o Car Parking - Public car parking is to be retained along the coastal strip area (37 visitor spaces are to be provided). The existing car park on the headland is to be extended and remodelled to provide 46 car parking spaces (36 spaces currently) to serve the hotel and / or residential development.
- o Headland Building - the proposal would comprise either of the following options:

Option 1 - 32 residential units (incorporating 3 penthouse apartments) above a commercial ground floor (11,400 sqft.) or

Option 2 - 70 bed hotel with small leisure complex (8,500 sqft) at first floor above a commercial ground floor (11,400sqft).

The proposed building is over 6 floors. It is proposed that the ground-floor level of the new building will accommodate a range of commercial leisure / entertainment uses - including restaurant, family entertainment (and possible relocation of amusement arcade), specialist retail and leisure uses, with active frontages facing the pavilion (forming a 'street') and overlooking the beach to the east. The upper floors of the headland building will be utilised for hotel and / or residential accommodation.

- o Pavilion / Public Realm - The existing pavilion building will be substantially remodelled and refurbished, and will accommodate food and drink floorspace (in the form of a café / restaurant / bar) and specialist retail facilities. The area of public realm(boardwalk) currently located adjacent to the existing pavilion building will be extended outwards to form an enlarged area of public realm and outdoor seating.

### Section 73 Planning Permission - ref: 2014/1946

The outline permission required the submission of the reserved matters before the expiration of 3 years from the date of the permission i.e. 20 December 2014 (Condition 5); however, no reserved matters were forthcoming within this timescale and a Section 73 Application to vary conditions 2 (phasing), 5 (submission of reserved matters), 6 (commencement) and 24 (ecological CMS) and the removal of conditions 31 (Code 3) and 32 (BREEAM) was approved by Committee in February, 2015. Following the completion of the related Section 106 Planning Obligation the decision notice was issued 15 September, 2017 (Ref:2014/1946). The new permission now requires the submission of applications for the approval of the reserved matters to be made before the expiration of two years from the date of this permission i.e. 15 September, 2019. In granting the Section 73 application, it also extended the period to commence the development and the permission therefore remains extant.

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### Current Application

This current Section 73 application seeks to vary conditions 1 and 32 of Planning Permission 2014/1946 granted 15th September 2017 to amend the building parameters (Condition 1) and detailed design strategy (Condition 32) relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore.

### Specific matters relevant to section 73 applications

Section 73 of the 1990 Act allows applications to be made for planning permission without complying with or varying the wording of conditions previously imposed on an extant planning permission. Where a section 73 application is granted, its effect is to grant a new planning permission.

Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

The LPA can grant permission unconditionally or subject to different conditions. They can refuse the application if they decide that the original conditions should continue. The original planning permission will continue whatever decision is taken on the section 73 application. In granting permission under section 73 the LPA may impose new conditions upon the consent - provided the conditions do not materially alter the development that was subject to the original permission.

### Section 106 Planning Obligation

As indicated, the Section 106 relates to the refurbishment of the pier, local bus service enhancements, a social benefit (bricks and mortar) clause and agreed off-site affordable housing allocation (Ref:2010/1451). The provisions of the Section 106 will remain enforceable within the proposed Section 73 application.

### Assessment of planning conditions

#### Condition 1

Currently reads as follows:

*1 This permission shall relate to the disposition of land uses, quantum of development, maximum building heights and massing as specified in the Parameters Schedule (Drwg. No. SW984/A/(P) 16 rev. B), Design and Access Statement Addendum (May, 2011) and the Regulation 19 Environmental Statement addendum and as identified on drawing numbers SW/984/A(P06 - 13 rev B).*



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*Reason: To ensure that the development corresponds to the description, scale and form of development contained within the application, the environmental impacts of which were assessed through the Environmental Statement which accompanied this application.*

As indicated above, whilst the original application was submitted for outline consent only, it was supported by the Environmental Statement and a significant amount of supporting information to establish the maximum building heights and massing through the Parameters Schedule of the proposed development. The condition was therefore imposed to ensure that the proposed development was implemented in accordance with the submitted information under which the application was assessed.

The applicants contend that the condition as it is presently worded does not allow for any flexibility in its interpretation or application and have requested that the wording is amended to require any subsequent scheme to be '**broadly**' in keeping with the approved parameters. This variation would allow the Local Planning Authority to consider minor deviations from the approved parameters as part of any subsequent Reserved Matters application(s). This would for example, allow for minor differences to the built form and footprint to be considered.

The critical thing to consider here is whether or not variation of the wording would be appropriate in planning terms having regard to the development approved. Clearly the Council, as Local Planning Authority are yet to consider the overall design of the development and the purpose of the parameters were to set out just that, parameters, in order to ensure the overall scale of development was appropriate. The applicant wishes to have flexibility when designing the scheme which they consider would "*encourage the best design solutions on site, as opposed to simply necessitating designing the scheme to fit rigidly within, and to the approved parameters*".

The principle of allowing flexibility is considered to be reasonable and appropriate in this instance, however, the word 'broadly' which has been suggested by the applicant should be omitted and substituted for the words 'be substantially implemented in accordance with', as this would allow flexibility but at the same time ensuring that the development of the scheme overall is substantially in accordance with the parameters. The Local Planning Authority retains control over the overall form and design of a scheme and such an amendment would not prejudice a future application which would be considered on its own merits. On this basis therefore it is considered appropriate and acceptable to amend the wording of the condition as follows:

1 This permission shall **be substantially implemented in accordance with** the disposition of land uses, quantum of development, maximum building heights and massing as specified in the Parameters Schedule (Drwg. No. SW984/A/(P) 16 rev. B), Design and Access Statement Addendum (May, 2011) and the Regulation 19 Environmental Statement addendum and as identified on drawing numbers SW/984/A(P06 - 13 rev B) **approved under Ref: 2014/1946. Any deviations from the above details will be considered on its merits having specific regard to the provisions of the adopted City and County of Swansea Unitary Development Plan and relevant and related policy.**

*Reason: To ensure that the development corresponds to the description, scale and form of development contained within the application, the environmental impacts of which were assessed through the Environmental Statement which accompanied this application.*

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### Condition 32

Currently reads as follows:

32 Prior to the submission of any Reserved Matters Application, a Detailed Design Strategy incorporating:

- o Detailed contextual analysis and design options
- o Finalisation of precise massing
- o Architectural and design concepts
- o Materials palette and sample panels
- o Visual testing of the detailed design proposals
- o Public realm and landscape strategy
- o Public art strategy
- o Lighting strategy and mitigation
- o Reflectivity strategy and mitigation
- o Sustainability strategy
- o Noise attenuation/sound proofing -

Shall be submitted to and approved by the Local Planning Authority. This Detailed Design Strategy will be reviewed following the approval of each Reserved Matters Application to provide an up to date framework.

Reason: To ensure the development meets the design objectives of the adopted Mumbles Pier and Foreshore Development Framework for the site.

It is indicated by the applicants that it was previously anticipated that the Foreshore and Headland developments would be delivered by separate applicants at different times through the submission of separate Reserved Matters Applications and that the purpose of the condition was to ensure that if two or more reserved matters applications were to be considered, then there would be a coherence of design between the different elements of the scheme established through the Detailed Design Strategy. It is now indicated that the applicant proposes to deliver all of the proposed development following the approval of a single reserved matters application covering both the Headland and Foreshore elements of the site. The delivery of the entirety of the development through one single reserved matters application will enable the Detailed Design Strategy (DDS) to be considered at that stage and the submission of the DDS in advance of the reserved matters application would serve little purpose.

It is also worth pointing out however, that when the original outline planning application was determined in June, 2011 there was an outstanding objection from the then Countryside Council for Wales (CCW) (now part of NRW). It was acknowledged by CCW that whilst significant efforts had been made to reduce the impact of the development and through improvements to the design, particularly in respect of the Foreshore Building, they retained concerns in respect of Headland building's scale and mass. As such there were concerns that the development would have unacceptable levels of adverse landscape and visual impacts on the AONB and iconic landscape of Mumbles Head. There were also concerns about the lack of available information to assess the scale of the impacts in respect of night time visualisations, reflectivity and the landscaping / planting strategy and also apparent flaws in some aspects of the LVIA analysis and a general understatement of the landscape and visual impacts.

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Notwithstanding the concerns from CCW, it was considered that the ES and addendum ES provided a comprehensive assessment of the landscape and visual effects of the proposed development and broadly accords with best practice in relation to these effects. However, it was considered that in order to address the outstanding concerns, Condition 32 (Condition 34 in the original outline approval ref: 2010/1451) be imposed (as outlined above) to give further certainty that the final design and execution of the development achieves the objectives for the site as set out in the adopted Mumbles Pier and Foreshore Development Framework and to address the specific concerns of CCW.

It is considered that the Detailed Design Strategy may be assessed through a Design and Access Statement when the Reserved Matters application is submitted and the detailed design may be assessed against the design parameters under Condition 1. However, it is considered that rather than removing the condition, a variation is appropriate to consider that in the event separate applications are submitted, then the requirement for the submission of a DDS will remain place. It is therefore proposed that Condition 32 is amended to read:

**32 Other than in the circumstances of a single Reserved Matters application being submitted (covering the entire scheme and site the subject of this Outline planning permission),** prior to the submission of any part (part site / scheme) Reserved Matters Applications, a Detailed Design Strategy incorporating:

- \* Detailed contextual analysis and design options
- \* Finalisation of precise massing
- \* Architectural and design concepts
- \* Materials palette and sample panels
- \* Visual testing of the detailed design proposals
- \* Public realm and landscape strategy
- \* Public art strategy
- \* Lighting strategy and mitigation
- \* Reflectivity strategy and mitigation
- \* Sustainability strategy
- \* Noise attenuation/ sound proofing

shall be submitted to and approved by the Local Planning Authority. **In the event of multiple (Full / Reserved Matters) applications** this Detailed Design Strategy will be reviewed following the approval of each Reserved Matters Application to provide an up to date framework.

Reason: To ensure the development meets the design objectives of the adopted Mumbles Pier and Foreshore Development Framework for the site.

### Environmental Statement Addendum

The Section 73 application has been accompanied by an Environmental Statement Addendum (ESA) to reviewing the proposal in the context of

- o Planning Policy Context
- o Need and Alternatives
- o Socio- Economic and Community Effects
- o Transportation
- o Ecology

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- o Landscape / Seascape and Visual Impact Assessment
- o Archaeology and Cultural Heritage
- o Flood Risk and Drainage
- o Ground Conditions and Water Resources
- o Services and Utilities

These are considered in turn but the general conclusion of the ESA is that the project refinements will not impact upon the findings of the original ES. This conclusion is accepted.

### **Planning Policy Context**

There have been no planning policy changes since the previous ES was undertaken, and upon the outline planning permission was granted, and the principle of development at the Mumbles Pier and Foreshore site is therefore established, and is supported by the adopted Development Framework in place for the redevelopment of the site.

The application site is identified on the Local Development Plan Proposals Map as being a 'Non Strategic Housing Site Outside Settlement' and additionally, the ESA highlights that the Joint Housing Land Availability Study has been released since the outline permission was granted and revealed in 2016 the housing land supply had fallen to 3.2 years. Therefore it can be concluded that there have been no planning policy changes since the previously submitted ES was undertaken, which would have a material impact upon the assessment process of the proposed scheme or the conclusion which was reached to grant planning permission.

### **Need and Alternatives**

It is not considered that there have been any changes in circumstances regarding the need for, or alternatives to, the development since the granting of planning permission for the proposed scheme and that the original conclusions within the ES are still valid. The need for the development - as a mechanism and 'enabling' development to facilitate the renovation of the listed Pier remains. In summary, there have been no changes to the need for the development or alternatives to the development since the issuing of planning permission for the proposed development. The conclusions drawn within the Environmental Statement which was completed in 2010, are therefore still valid and the recommendations remain appropriate. This conclusion is accepted.

### **Socio- Economic and Community Effects**

It is not considered that there have been any materially significant changes in Socio Economic circumstances or potential community effects since the assessment of the impacts was carried out to inform the previously submitted Environmental Statement. Accordingly, no further assessment is required and the recommendations/conclusions of the ES remain appropriate and will be implemented as detailed previously.

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### Transportation

It is not considered that there have been any materially significant changes in traffic conditions within the vicinity of the application site since the Transport Assessment was carried out to inform the previously submitted Environmental Statement and therefore no further transport assessment work is considered necessary to support the Section 73 application. The recommendations/conclusions of the ES remain appropriate and will be implemented as detailed previously.

### Ecology

The current proposed Section 73 application proposes the variation of both Condition 1 (Building Parameters) and 32 (Detailed Design Strategy). It is not considered that the variation of Condition 1 (Building Parameters) would impact upon ecology on site. The intended variation would introduce the word "broadly" or to be "substantially implemented" into the Condition, ensuring that the development broadly complies with the approved building parameters. This variation would provide the opportunity for minor variation from the approved parameters, in for example precise heights or measurements of block footprints. The proposed development would be within the previously approved site boundaries and would not encroach in any way upon previously unidentified and assessed ecological habitat.

The variation of the wording of Condition 32 would have no potential implications for ecology on or adjacent to the site. The amendment to the wording would simply retain the requirement for a DDS, if the development were to be brought forward (contrary to current proposals) as two separate Reserved Matters applications, as opposed to one single comprehensive redevelopment of the site. However, the proposed scheme is implemented; it will adhere to the provisions of the Outline permission.

In summary, there are no new nature conservation designations in the local vicinity, and there has been no significant change to the habitat composition of the site. The conclusions drawn from the ecological assessments within the Environmental Statement which was completed in 2010, are therefore still valid and the recommendations/mitigation measures remain appropriate and will be implemented as detailed previously. This conclusion is accepted.

### Landscape / and Visual Impact Assessment

There have been no changes in the visual character of the site or its surrounds in the intervening time since the landscape and visual impact assessments were undertaken to support the outline application. This s73 application has been submitted to allow for flexibility in the design of the development by requiring the development to broadly accord with the approved parameter plan. As such, any alteration to the scheme would be a minor change compared to the approved development and would have negligible impact on the landscape or visual amenities of the surrounding area. In summary, there are no new landscape designations in the local vicinity and there has been no significant change to the landscape of the site. The conclusions drawn from the Landscape and Visual Impact Assessment and the previously submitted Environmental Statement, are therefore still valid and the recommendations/mitigation measures remain appropriate and will be implemented as detailed previously. This conclusion is accepted.

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### **Archaeology and Cultural Heritage**

There have not been any new designations or significant discoveries of archaeological resource within the vicinity of the application site, or changes in policy, with regard to archaeology or heritage matters. In summary, the conclusions drawn from the Archaeology and Heritage assessment undertaken within the previous Environmental Statement are considered to still be valid, and the recommendations/mitigation measures remain appropriate and will be implemented as detailed previously. Accordingly, no further assessment work is considered necessary to support the Section 73 application.

### **Flood Risk and Drainage**

It is not considered that flood risk or drainage conditions have altered in any material or significant way since the approval of planning permission in 2011. Accordingly the assessments which were previously carried out to the satisfaction of the LPA and EA remain valid and robust, and no further assessment and / or evaluation of the flood risk or drainage effects of the development are considered necessary. In summary, there have been no significant material changes in flooding or drainage issues within the vicinity of the application site. The conclusions which were drawn from the FCA and drainage assessment within the previous Environmental Statement, and therefore, still valid and the recommendations / mitigation measures remain appropriate and will be implemented as detailed previously. Accordingly, no further assessment is considered necessary to support this current Section 73 application.

### **Ground Conditions and Water Resources**

It is not considered that ground conditions or water resources have altered significantly since the approval of planning permission in 2011. Accordingly the assessments which were previously carried out to the satisfaction of the LPA and EA remain valid and robust, and no further assessment and / or evaluation of the flood risk or drainage effects of the development are considered necessary. The conclusions which were drawn within the previous Environmental Statement are accordingly still valid and robust, and the recommendations / mitigation measures remain appropriate and will which will need to be implemented as part of the reserved matters submissions.

### **Services and Utilities**

There have been no significant material changes to the services and utilities within the vicinity of the site since the approval of the previous application and the conclusions drawn from the previous Environmental Statement.

### **Conclusion**

Since the previous Section 73 permission was granted, there have been no material change in considerations, and it is recommended that this further Section 73 application to vary Conditions 1 and 32 under planning permission ref:2014/1946 be granted. As indicated above, where a Section 73 application is granted, its effect is to grant a new planning permission and should therefore refer to all the previous conditions to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary. In this respect the conditions on the original planning permission are recommended to be re-imposed.

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The variation in wording of the conditions will have no effect on the ability of the Local Planning Authority to consider the design and other impacts of a future Reserved Matters application. Such an application would be required to be reported to the Planning Committee for decision and so members will be able to fully consider the design and all other relevant impacts of the development upon the area.

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.

### **RECOMMENDATION:**

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

- 1 This permission shall be substantially implemented in accordance with the disposition of land uses, quantum of development, maximum building heights and massing as specified in the Parameters Schedule (Drwg. No. SW984/A/(P) 16 rev. B), Design and Access Statement Addendum (May, 2011) and the Regulation 19 Environmental Statement addendum and as identified on drawing numbers SW/984/A(P06 - 13 rev B) approved under Ref: 2014/1946. Any deviations from the above details will be considered on its merits having specific regard to the provisions of the adopted City and County of Swansea Unitary Development Plan and relevant and related policy.  
Reason: To ensure that the development corresponds to the description, scale and form of development contained within the application, the environmental impacts of which were assessed through the Environmental Statement which accompanied this application.
- 2 Prior to the commencement of development on site a programme for the phasing of any proposed development shall be submitted to and approved by the Local Planning Authority. The agreed Phasing Programme shall accord with the Section 106 Obligation pursuant to this planning permission. The development shall be completed in accordance with the approved Phasing Programme.  
Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 3 Details of the appearance, landscaping, layout and scale of the buildings, (hereinafter called 'the reserved matters') of each phase of the development shall be submitted to and approved by the Local Planning Authority before any development of that phase commences and shall be supported by a Design and Access Statement for that phase and shall accord with the parameters schedule and related plans referred to in Condition 1 of this planning permission.  
Reason: To ensure that each phase of the development corresponds to the approved development, the environmental impacts of which were assessed through the Environmental Statement which accompanied this application.

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### Item 4 (Cont'd)

Application Number:

2017/2641/S73

- 4 The applications for reserved matters shall be accompanied by details of the existing and proposed levels for that part of the development indicating the relationship to the adjoining land and all ground remodelling proposed.  
Reason: To enable the reserved matters applications to be properly considered to ensure that the work is carried out at suitable levels in the interests of visual amenity.
- 5 Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of the planning permission issued under ref: 2014/1946 i.e. by 15 September, 2019.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 6 The development shall commence within 5 years of the date of this permission or before the expiration of 3 years from the date of approval of the last of the reserved matters to be approved, whichever is the later unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 7 Unless otherwise agreed in writing with the Local Planning Authority the development shall incorporate the mitigation measures identified in the Environmental Statement, details of which shall be submitted to and approved by the Local Planning Authority as part of the approval of the reserved matters or to comply with the conditions of this permission.  
Reason: To ensure adequate mitigation of any identified adverse environmental impacts.
- 8 All habitable areas within the residential development should be set above a minimum level of 8.8mAOD (the predicted 1 in 100 year wave event level) with minimum levels along the road and car park areas should not be less than 7.4m AOD and all buildings should be designed to incorporate flood resilience measures.  
Reason: In the interests of safety in the event of a potential flood event.
- 9 Notwithstanding the details indicated within the submitted Design and Access Statement, details and samples of all external finishes of every aspect of the built environment shall be submitted with all reserved matters applications and approved by the Local Planning Authority prior to that part of the development commencing.  
Reason: In the interests of visual amenity.
- 10 Notwithstanding the details indicated within the application, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme of hard and soft landscaping of the site. The landscaping scheme shall include details of all street furniture and public realm works and shall be carried out in accordance with the approved phasing programme. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.  
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.



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Item 4 (Cont'd)

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- 11 Prior to the beneficial use of any part of the development hereby approved, a flood management / emergency evacuation plan (for each phase of the development) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of a flood warning system, incorporation of defined emergency evacuation routes, appropriate warning signs and making all future occupants/users aware of the approved emergency plan.  
Reason: To ensure safe evacuation in the event of a potential flood event.
- 12 Prior to the commencement of development, details of the design and alignment of the pedestrian walkway (boardwalk) and associated retaining structure along the foreshore shall be submitted for the approval of the Local Planning Authority. The pedestrian walkway shall be constructed in accordance with the approved scheme, and the approved phasing programme and shall incorporated a minimum level of 7.4m AOD, unless otherwise agreed by the Local Planning Authority.  
Reason: In the interests of visual amenity and in order to mitigate against the potential flood risk across the site.
- 13 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 14 The development hereby approved shall not be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for the site has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority. Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public foul sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public foul sewerage system.  
Reason: To ensure that a satisfactory and comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.
- 15 No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the local planning authority.  
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent pollution of the water environment.

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- 16 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment.

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

- 18 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.
- Reason: To prevent pollution of the water environment.

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- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.  
Reason: To prevent pollution of the water environment.
- 20 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.  
Reason: To prevent pollution of the water environment.
- 21 No development approved by this permission shall be commenced until a comprehensive Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan should identify all possible detrimental impacts from the release of contaminants to air and water arising from the site preparation and construction phases of the development. The plan should identify how these impacts will be avoided, or where this is not practicable, mitigated. All construction activities on the site shall be undertaken in accordance with the approved plan, subject to any amendments agreed in writing by the Local Planning Authority.  
Reason: To prevent pollution of the water and wider environment.
- 22 No development approved by this permission shall be commenced until a Waste Management Plan for the control, management, storage and disposal of demolition waste / excavated material has been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure sustainability principles are adopted during development.
- 23 Unless otherwise agreed in writing with the Local Planning Authority, the detailed design measures as outlined in the Ecology Strategy within the Environmental Statement (Sections 9.139 and 9.140) shall be incorporated as part of the submission of reserved matters prior to that part of the development commencing. The agreed mitigation measures shall be implemented in accordance with the approved Phasing Programme.  
Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.
- 24 Prior to commencement of development an Ecological Construction Method Statement (ECMS) shall be submitted to and agreed in writing by the Local Planning Authority. The ECMS shall be overseen by an appointed Ecological Clerk of Works (ECW), and shall incorporate the details outlined in Section 9.142 of the Environmental Statement, unless otherwise agreed in writing with the Local Planning Authority, in order to protect the identified ecological resources during the demolition and construction phases of the development.  
Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.

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- 25 Prior to the commencement of development, an Ecological Management Plan (EMP) shall be submitted for the approval of the Local Planning Authority. The EMP shall set out the long-term management measures that will be implemented, the responsibilities for implementing those managements measures and shall establish a monitoring programme. The EMP shall incorporate the details outlined in Section 9.144 of the Environmental Statement, unless otherwise agreed in writing with the Local Planning Authority, and shall thereafter be implemented in accordance with the approved details.  
Reason: In the interests of nature and landscape conservation and to protect the ecology of the site.
- 26 All lighting associated with the development, both during and post construction, shall be designed in such a way as to avoid direct illumination of the sea surface. Details shall be submitted in writing for the prior approval of the Local Planning Authority.  
Reason: To minimise potential disturbance to fish and other marine ecology.
- 27 No demolition or construction shall take place on the application site until full engineering drawings and supporting calculations of the effect of any part of the development may have on the cliff face and adjacent highways, together with a phased programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for inspection of the works during the construction period and for its future maintenance which shall rest wholly with the developer or successors in title to the land. The works shall be completed in accordance with the agreed scheme.  
Reason: To ensure the development does not compromise the structural integrity of adjoining land.
- 28 A car parking management scheme for the development shall be implemented within 12 months of the first occupation of any part of the development in accordance with details to be submitted to and approved by the Local Planning Authority.  
Reason: In the interests of highway and pedestrian safety.
- 29 No part of the development shall be brought into beneficial use until the parking facilities associated with that part of the development have been laid out and are available for use. The headland and foreshore car parking areas shall each incorporate a minimum of 3 BS8300 standard blue badge car parking spaces.  
Reason: To ensure that parking congestion does not prejudice the free flow of traffic along the public highway and to provide an adequate level of accessible car parking.
- 30 No part of the development hereby approved shall be occupied / brought into beneficial use until a Travel Plan for that part of the development has been submitted to and approved by the Local Planning Authority. The Travel Plan shall be implemented prior to the occupation of any part of the development.  
Reason: In the interests of sustainability and to reduce car borne traffic.
- 31 Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.  
Reason: In order to minimise traffic impacts on the surrounding highway network.

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Item 4 (Cont'd)

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32 Other than in the circumstances of a single Reserved Matters application being submitted (covering the entire scheme and site the subject of this Outline planning permission), prior to the submission of any part (part site / scheme) Reserved Matters Applications, a Detailed Design Strategy incorporating:

- \* Detailed contextual analysis and design options
- \* Finalisation of precise massing
- \* Architectural and design concepts
- \* Materials palette and sample panels
- \* Visual testing of the detailed design proposals
- \* Public realm and landscape strategy
- \* Public art strategy
- \* Lighting strategy and mitigation
- \* Reflectivity strategy and mitigation
- \* Sustainability strategy
- \* Noise attenuation/ sound proofing

shall be submitted to and approved by the Local Planning Authority. In the event of multiple (Full / Reserved Matters) applications this Detailed Design Strategy will be reviewed following the approval of each Reserved Matters Application to provide an up to date framework.

Reason: To ensure the development meets the design objectives of the adopted Mumbles Pier and Foreshore Development Framework for the site.

33 Details of all items of public art shall be approved and implemented as an integral part of the Reserved Matters approval.

Reason: To accord with the Mumbles Pier and Foreshore Development Framework and in the interests of visual amenity.

34 The development shall include beach safety equipment in accordance with details to be submitted to and agreed by the Local Planning Authority and installed in accordance with the programme of phasing to be agreed pursuant to Condition 02 of this permission.

Reason: In the interests of public safety.

### 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: [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, EV7, EV20, EV21, EV22, EV24, EV26, EV27, EV29, EV31, EV34, EV35, EV36, EV39, EC15, EC16, EC18, HC2, HC3, HC17, AS1, AS2, AS3, AS6).

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### Item 5 (Cont'd)

Application Number:

2017/2665/RG3

#### UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

#### 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 - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

#### 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 - 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 - 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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### Item 5 (Cont'd)

Application Number:

2017/2665/RG3

#### UDP - AS6 - Parking/Accessibility

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

#### UDP - HC15 - Community and Health Facilities

Proposals for new and improved local community and health facilities will be supported subject to compliance with a defined list of criteria including access ability, significant impact on amenity, significant effect on natural heritage and historic environment and impact on adjacent road network. (City & County of Swansea Unitary Development Plan 2008)

### Site History

App Number	Proposal	Status	Decision Date
2017/2370/SCR	SCREENING OPINION for a proposed pupil referral unit	PCO	
2017/2665/RG3	Demolition of existing buildings and construction of new Pupil Referral Unit (to be known as Swansea PRU) and associated access, parking and landscaping. (Council Development Regulation 3).	PDE	

### RESPONSE TO CONSULTATIONS

Twelve neighbouring properties were directly consulted and the application has been advertised by way of a site notice and a press notice.

No objections have been received to this publicity exercise.

### Natural Resources Wales (NRW)

We recommend that you should only grant planning permission if you attach the following condition, in relation to bats, a European Protected species. This condition would address significant concerns that we have identified and we would not object providing the condition was attached to the planning permission.

#### *Protected Species*

As part of the statutory pre-application consultation for the above proposal the document entitled; 'Swansea Pupil Referral Unit: Preliminary Ecological Appraisal and BREEAM Ecology Report', dated July 2017, by AECOM Ltd was submitted to NRW. This report is also referenced in Section 5.2 of the Planning Statement, dated December 2017. We also note the submission of the report entitled; 'Cockett House, Swansea: Bat Roost Characterisation Survey Report', dated September 2017, by Keystone Environmental Ltd. The above documents have identified that bat roosts are present within Buildings 1 and 5 at the application site.



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On the basis of the above reports, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal, subject to the inclusion of a planning condition on any planning permission that prevents the commencement of development works until the applicant has provided the Local Planning Authority (LPA) with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

### *Legislation and Policy*

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

### *Ecology and Biodiversity*

We also note the submission of the document entitled; 'Cockett House, Swansea: Reptile Survey', dated September 2017, by Keystone Environmental Ltd and the 'Mitigation and Enhancement' proposals, laid down in the Preliminary Ecological Appraisal and BREEAM Ecology Report. We recommend that you seek the advice of your Authority's Planning Ecologist with regard to the proposed habitat mitigation and enhancement measures.

### *Pollution Prevention & Waste Management*

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

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**Item 5 (Cont'd)**

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As best practice, we would advise the applicant/developer to produce a site-specific Construction Management Plan (CEMP) / Pollution Prevention Plan (PPP), with particular reference given to the protection of the surrounding land & water environments.

We would also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money.

For general guidance in respect of pollution prevention and waste management, we would refer you to our website at: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk).

### *Environmental Permits/Exemptions*

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) (Amendment) Regulations 2015. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

### *Waste produced during construction*

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of the waste duty of care the applicant/developer must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls.

### **CADW**

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument. Our assessment of the application is given below.

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### *Our role*

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. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### *National Policy*

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance. PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

### *Assessment*

The proposed development is located some 150m northeast of scheduled monument, Cockett standing stone (GM582). The monument comprises an impressive standing stone, probably dating to the Bronze Age. It is a slab of quartz conglomerate, set on end and standing 1.2m in height and measuring 1.2m in thickness from east to west and 0.4m in width.

Bronze Age standing stones are thought to have been located so that they could be viewed from and to neighbouring funerary monuments, prominent natural features and associated settlement sites. When constructed, the Cockett standing stone would have been visible to the west and in particular the northwest from the Afon Lan valley.

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The proposed development is not located in the identified significant views and the topography of the area may block any view of it from the scheduled monument. Consequently it is our opinion that the proposed development will not cause any damage to the setting of scheduled monument GM582.

### **Glamorgan Gwent Archaeological Trust (GGAT)**

Thank you for notifying us regarding this application, consequently, we have consulted the further information on your website and the information in the Historic Environment Record. The proposal will require archaeological mitigation.

Information in the Historic Environment Record shows that the Cockett Standing Stone, a Scheduled Monument (Cadw ref: GM582), which is of probable Bronze Age date, is located approximately 80m to the south-east of the development boundary. Within the proposed development area, historic Ordnance Survey maps of the late 19th and early 20th centuries show a row of buildings marked as Industrial Schools on the first edition 1879, and Cottage Homes on the second edition of 1899. These were built in 1877, and more built to the north-west in 1897. Each housed ten children and a matron to replicate 'home' life in the 19th century. Further smaller buildings are shown adjoining the northern boundary of the site, and two larger buildings at the southern boundary. Although no above ground remains of these survive, it is possible that remains of these survive below ground and may be encountered during any construction work.

The impact on the buried archaeology will require mitigation and the likely causes of impact will be works for foundations, services installation including sewer provision, and landscaping. We therefore recommend that a condition should be attached to any consent to ensure appropriate mitigation.

The applicant should be required to submit and implement a programme of archaeological work in accordance with a written scheme of investigation. This requirement should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief during any ground disturbing work, including landscaping and enabling works, geotechnical and test pitting, identifying any elements of the proposals which may also need to be hand-dug by archaeologists, which will also ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014;

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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

We also recommend that a note should be attached to the planning consent explaining that:

A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

### **Coal Authority**

The Coal Authority Response: Material Consideration

The application site falls very marginally within the defined Development High Risk Area; The Coal Authority's records indicate that the plotted position for a recorded off-site mine entry (shaft, CA ref. 262194-023) is approximately 20m from the southern boundary of the site. The zone of influence of this shaft encroaches very marginally across the southern boundary of the site. It does not extend to any new build development.

The application is accompanied by a Phase 1 Geo-Environmental and Geotechnical Assessment report (4 August 2017, prepared AECOM). Section 7 of the report states that a "A coal risk assessment should also be undertaken, to determine the likely impact on the site from historical coal mining activities in proximity, and inform any subsequent ground investigation."

Whilst the Phase 1 report is clearly not a Coal Mining Risk Assessment, it provides a general acknowledgement that the application site is in an area affected by coal mining activities and recommends the undertaking of a borehole investigation to assess the risk posed by shallow mine workings. Gas monitoring is also recommended.

The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when considering this particular proposal the specific part of the site where new development is proposed actually falls outside the defined Development High Risk Area. As such, we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and we wish to raise no objection to the application.

It is for the LPA to determine whether it considers that the undertaking of the site investigations into coal mining legacy as recommended in the Phase 1 Report are necessary in light of the location of the development outside the Development High Risk Area.

If this proposal is granted planning permission, in the interests of public safety the Coal Authority we would, however, recommend that the following wording is included as an Informative Note within the Decision Notice:

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The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### Wales and West Utilities

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

### Council's Head of Engineering and Transportation

Highways have been involved with the development of this site from an early stage and we have also responded to the PAC in late 2017.

The applicant for this development is the Director of Place on behalf of the Education Department. Asbri Planning acted as the agents and the Transport Statement was prepared by Aecom, the scope of which was agreed by the Highways Officer CCS.

The Highways comments made at the Pre-Application Consultation (PAC) Stage (in italics below) were as follows:

*The scheme is proposed as part of a Swansea Council Education drive to deliver a facility which provides a Pupil Referral Unit for education other than at school (EOTAS) with associated access parking and landscaping works on land to the rear of Cockett Road. The unit will accommodate 135 pupils and 75 full time staff.*

*Asbri Planning have been appointed as the planning consultant and Aecom have produced the Transport Statement. CCS Highways have been involved from an early point in the development of the scheme with regard to any highways implications and improvements necessary.*

*The existing site is currently in use providing social care and educational support services.*

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*Following discussions, it was requested that in order to accommodate the additional traffic generated by the proposal that a 'right turn lane' would be required. This would allow dedicated right turns both into the site, and also into John Street (which provides access to Cockett Police Station). Currently right turners block the through traffic which often results in congestion. At present both the accesses are not restricted and are used as access/egresses.*

*Access to the site is gained directly off Cockett Road and is heavily trafficked. In both the a.m. and the p.m. peak the flows are in excess of 2000 vehicles per hour. The existing site access has 14 movements in the am peak and 16 movements in the pm peak. The John Street access recorded flows of 12 movements in the am peak and 8 in the pm peak. These movements were recorded on a typical day but it is noted that if there is a large training even on the current site then the movements could be significantly increased.*

*The trip analysis has been derived using local census data and the staff and pupil numbers and reasonable assumptions have been made regarding timings of journeys and mode of transport. Whilst the morning trips are likely to coincide with the traditional morning peak, the afternoon peak is likely to be staggered.*

*The accident data provided showed no apparent clusters or similar associated with the existing access points. The site is served by a frequent bus service into and out of the City Centre. The services 15, 16 and 43 run passed the site.*

*The existing access point off Cockett Road will be utilised as a way in only. The existing access/egress from the site onto John Street will be relocated and act as an egress only, thus there will be one way in and one way out, and a one way circulatory system will operate within the site. Pedestrian provision will be available at both access points.*

*The provision of a right turn lane (with a ghost island separating the two turnings) will improve the movement through the junctions particularly for the straight through traffic which does get held up by the right turners waiting for a gap in the traffic.*

*It is considered that the highway improvements proposed will mitigate for the marginal increase in traffic movements arising from the proposed development.*

*The existing site contains 122 parking spaces and the indicative plan shows 77 car parking spaces although final numbers will need to be agreed, that goes for the (covered/secure) cycle parking as well. 6% of the car parking spaces will need to comply with the layout for blue badge holders. In addition to the 77 car parking spaces there are 25 taxi parking spaces and a mini bus pull in area. The site access/egress, parking routes and taxi drop off areas will be clearly signed and a swept path analysis will need to be submitted to demonstrate that emergency and delivery vehicles can enter the site, turn within the site and safely leave the site.*

*Due to the heavy flows on Cockett Road it will be a requirement that the access improvements (and the implementation of the dedicated right turn lane) that will be undertaken by a combination of Section 106 and Section 278 Works, need to be completed prior to any construction works commencing on site. A more detailed breakdown will be provided at Planning stage.*

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*In principle I consider that the proposed development can be accommodated at the proposed site subject to detailed design, a Construction Method Statement and the improvement works as outlined above.*

Following on from initial discussions, it became apparent that a one way in and one way out of the site for vehicles, would be the best layout together with the provision of a right turn lane into the site, which would also extended to allow a dedicated right turn into John Street. As the highway design has evolved over the course of the planning application, there is also the introduction of a pedestrian crossing point just south of the junction of Cockett Road with John Street which will allow for safe access to the school, police station and this new PRU unit. The design has progressed on that basis. It has also been agreed that the Section 278 Works will be required in advance of the construction starting on site to ensure that the construction phase runs as smoothly as possible with minimal impact on the freeflow of traffic on the A4216 Cockett Road.

The site is well served in terms of pedestrian access and access to public transport and the local schools. The proposed right run lane and pedestrian crossing facility to be implemented under the Section 278 Agreement will be of benefit to all existing and new visitors to the site. The addition of a third lane to allow dedicated right turn movements into both the PRU Site and into John Street can be carried out without any impact to the existing carriageway/kerbs. This is considered to be of great benefit to users, as the right turn movements will no longer be blocking the through route. The proposed reconfiguration of the 'out' exit onto John street will move it further away from the junction thus reducing the risk of conflict at the junction.

The Transport Statement has been submitted in line with that previously assessed as part of the PAC process. The summary concludes that the proposed development can be accommodated within the existing infrastructure without detriment to highway safety and the increase in potential vehicle movements is negligible compared to the potential use of the existing site and the heavy base levels already using Cockett Road.

I recommend that no highway objections are raised to the proposal subject to conditions relating to the submission of a Construction Method Statement, a 278 agreement for the off-site highway works and the retention of the parking spaces on the site.

### **Council's Tree Officer**

None of the trees present on the application site are protected by TPO or by virtue of being in a Conservation Area. 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.

A tree survey of the site has been produced in accordance with BS5837:2012; it has categorised the trees present into the designated categories. Several trees present would be worthy of protection by tree preservation order and would have been prior to application if the site had not been owned by the Council. The proposals will require the removal of several trees most notably one category A and 6 category B trees. The loss of these trees will need to be compensated if the proposals are approved.



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The supplied landscaping plan does not identify the most suitable areas for compensatory planting where suitable large species can be planted. Construction processes could also impact on the retained trees around the site if not suitably controlled leading to their demise and ultimate removal.

For this reason, in the event of approval, please could you condition a tree protection plan. In addition to the tree protection please could you condition a detailed landscaping scheme.

### Council's Drainage Officer

#### Initial comments

We have reviewed the submitted application and while we have no objection with the principles we do have a few minor queries.

1. The DS seems to suggest two different discharge rates i.e. it states restricting everything to  $Q_{bar}$  while Table 2 has proposed at 8.9l/s?
2. Has any erosion protection measures been considered around and opposite the outfall?
3. Has any site walkover of the receiving watercourse been undertaken to check condition and capacity?
4. Has crossing Education land been discussed with the Education department/Corporate Property? This may affect timing of works depending on their comments?
5. There appears to flooding occurring around S20 which ideally should be resolved/designed out.

#### Final Comments

Further information to address the above queries was received via email on the 14th February 2018. This has now clarified the points and now we recommend no objection subject to conditions relating to discharge rates to the water course and a compressive and integrated drainage strategy.

### Council's Pollution Control Officer

No objection subject to conditions.

### Council's Ecology Officer

Thank you for consulting the Planning Ecologists on the above application.

In support of the application I note the submission of the following documents:

- o Swansea Pupil Referral Unit: Preliminary Ecological Appraisal and BREEAM Ecology Report', dated July 2017, by AECOM Ltd.
- o Cockett House, Swansea: Bat Roost Characterisation Survey Report', dated September 2017, by Keystone Environmental Ltd.
- o Cockett House, Swansea: Reptile Survey', dated September 2017, by Keystone Environmental Ltd.

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I also note NRW comments dated 10th January 2018 that have been made in relation to this application.

#### *Protected Species*

- o Bats - Bat roosts have been identified in buildings 1 and 5.

NRW have asked for a condition to be attached to any consent that the LPA may be minded to grant that prevents the commencement of development works until the applicant has provided the LPA with a licence that has been issued to the applicant by NRW pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead.

Please also attach the following recommended conditions to ensure the mitigation:

#### Mitigation

The hereby permitted works shall be completed in strict accordance with Section 5.8-5.14 and 5.20-5.29 of the submitted Cockett House, Swansea: Bat Roost Characterisation Survey Report', dated September 2017 produced by Keystone Environmental Ltd.

Reason: To ensure regard for species protected under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).

#### Lighting

Prior to development commencing on site, a lighting design strategy shall be submitted to the Local Planning Authority for approval in writing. The strategy shall include a detailed plan and specify; lighting type, specification, direction, height and lighting levels in lux/UV. This strategy and plan shall have regard for the use of the site by foraging / commuting and roosting bats and maintain dark corridors / roosting areas. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and plan, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 40 of Natural Environment and Rural Communities Act 2006.

- o Nesting Birds - These are present on site. I would therefore recommend that the following condition be included:

#### Nesting birds

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No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

Reason: To ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).

- o Reptiles - There were none found on the site during the current suite of surveys and it is considered unlikely that they are present on the site. They will therefore not be impacted by the proposal and are not considered further.

### *Invasive Species*

Japanese Knotweed is present across the site in a number of locations, and Cotoneaster is present in two locations. Japanese Knotweed and Cotoneaster are listed on Schedule 9 Part 2 of the Wildlife and Countryside Act 1981 (as amended) and as such it is an offense to cause the spread of the species into the wild.

A scheme for their eradication from the entire site must be conditioned. The scheme will need to be submitted and approved prior to any groundworks commencing.

### *Habitats*

The submitted Preliminary Ecological Appraisal and BREEAM Ecology Report', dated July 2017 makes recommendations for offsetting some of the habitat loss that will occur as a result of the proposal. However, the recommendations were made prior to the species specific surveys being undertaken and this report should be updated to take account of the additional information as stated in Section 5.5.

We will require an updated mitigation plan for the site that clearly outlines what will be lost and how this will be mitigated. This mitigation must be clearly identified within the landscaping plan. Please ensure this is secured through a suitably worded condition.

## **APPRAISAL**

This application is being reported to the Planning Committee for determination as the site area exceeds two hectares in size.

Full planning permission is sought for the demolition of the existing buildings at the site and the construction of a new Pupil Referral Unit (to be known as Swansea PRU) and associated access, parking and landscaping.

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The proposed PRU would be split into three distinct areas:

PRU A - A nurture provision for young people with significant mental health difficulties encompassing the provision currently available through the 'Step-Ahead Centre'.

PRU B - A provision for young people with social, emotional and behavioural difficulties (SEBD) which would encompass the provision currently available through the Key Stage (KS) 4 Education Centre, Key Stage 2 and 3 Arfryn Education Centre and EOTAS Pathways. Due to the size and nature of this Unit, PRU B has been split into PRU B1 for Key Stage 1-2 and B2 for Key Stage 3-4. PRU B1 will accommodate 21 Foundation Phase and Key Stage 2 pupils (aged 5-11 SEBD). PRU B2 will accommodate 28 Key Stage 3 and 50 Key Stage 4 pupils.

PRU C - A "halfway house" setting to support the rapid reintegration of temporarily excluded pupils back into schools, the Home Tuition Service, the Behaviour Support team and will provide management for Early/Managed Moves.

The proposed building is designed for a maximum of 135 pupils, and in terms of staff there is a mixture of on-site and agile staff, with a total of 57 full time equivalent located at the PRU facility, but there will be 15 full time equivalent of agile staff, totalling 72 staff members.

The hours of operation would be 08.30 - 15.30 Mondays - Fridays.

The site is a broadly rectangular parcel of land measuring approximately 2.6 hectares, located on the western side of Cockett Road. The site is bounded to the south by Cockett Police Station, to the west by open countryside, to the north by residential dwellings and to the east by Cockett Road.

The existing complex contains Cockett House (which is to be retained by the Council's Social Services Department) and a number of existing buildings which are to be demolished which were previously used as residential units accommodating children in the care of the Local Authority (for the avoidance of doubt, the Cockett House building falls outside of the application site, but does form 'blue land'). Other services on site included the 'Adopt Swansea, Child and Family Quality Service Unit' and a youth offending service. Elements of the residential units (Ty Gwaun and Ty Cwm) closed in May 2010 and permission was granted for the change of use of the buildings to a contact centre.

The proposed PRU would measure 115m in length, 66m in width and 5.4m in height, and would include a new 77 space car park, drop off / pick up points, recreation area and landscaping.

A Scheduled Ancient monument dating to the Bronze Age is located within 200m of the site on land to the south-west on land occupied by Dylan Thomas Community School.

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### Main Issues

The main issues for consideration with regard to this application relate to the principle of developing the site for a PRU unit, impacts upon the visual appearance of the site and the wider area, impacts upon the residential amenity of neighbouring occupiers, impacts upon parking and highway safety, and impacts upon trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV38, EV40, HC15, AS1, AS2, AS5 and AS6 of the Unitary Development Plan (2008) and the following Supplementary Planning Guidance Notes (SPG) - Parking Standards and the Protection of Trees on Development Sites. There are no overriding issues for consideration under the provision of the Human Rights Act.

In terms of the policy context, the site is 'white land' within the urban settlement of Swansea, and therefore the re-development of this site for a pupil referral unit is considered to be acceptable in principle.

The educational benefits of the development are considered to be:

- o Support the provision of a broader, more effective curriculum, helping to improve academic outcomes and wellbeing.
- o The proposed new school would have high quality teaching and learning facilities for all pupils. The design would ensure that pupils would benefit from classrooms opening out directly onto outdoor play areas.
- o The classrooms would be of appropriate size and would be able to provide the learning environment expected of a 21st century school.
- o The school would be positioned to take advantage of the increasing use of new ICT opportunities in education.

### Design and Visual Amenity

The site contains a number of existing buildings which the proposal seeks to demolish to facilitate the construction of the new Pupil Referral Unit (PRU). The existing buildings on the site have little architectural merit, and as such there is no objection to their demolition.

The proposed PRU building would be single storey in height and would include a number of 'pop-up' projecting roof windows serving to provide additional light to classrooms. A raised central area would accommodate an assembly/dining area and the central element of the front elevation projects marginally above the main building height.

The proposed building would be well set back from Cockett Road, sited towards the rear portion of the site, in the general location of the existing single and two storey buildings. The bulk of the development would be located away from the existing residential properties to the north.

The proposed building would have a bold, contemporary character including a flat roof and would incorporate a robust and functional material palette, utilising coloured render, which would serve to break up the bulk and massing of the building whilst also aiding legibility through the site. The building would have a contemporary appearance incorporating painted render, facing brickwork and metal standing seam cladding. It is considered that the proposed building would have a 'human scale' and would not appear as 'institutional'.

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The primary view when approaching the new unit will predominately be of the front elevation of the new building which includes the main entrance to the building. The main entrance to the building, including visitor access, is slightly recessed and demarked by increased glazing height, the bold use of colour and a projecting canopy.

There are a number of pupil entrance points provided along the side elevations of the building adjacent to designated drop-off points which are clearly marked / coloured.

In terms of security, fencing and secure gates are proposed to link the building to the new perimeter fence around the secure play area, which would be 2.4m colour coated mesh fencing. There would be one secure entrance gate on entering the site/car park area and further secure access to either side of the proposed PRU building. Screening is proposed in parts, however given the siting of the building and associated fencing, together with the existing screening along Cockett Road, there will be minimal views from the public realm.

A new 77 space car park would be located between the proposed building and the retained car park serving Cockett House.

It is considered that the layout, siting, scale and design of the proposed building is acceptable and would not have a harmful impact upon the visual appearance of the site or the wider area.

In terms of the nearby Scheduled Ancient Monument, given the distance and nature of the development, there is not considered to be any adverse impact upon its setting as a result of the proposed development. Cadw have been consulted and conclude that the proposed development will not cause any damage to the setting of the scheduled monument.

### **Residential Amenity**

The site is partly bound to the north by nine existing residential dwellings in Aldwyn Road, which are located approximately 10m from the site boundary, and are sited approximately 4.4m higher than the application site.

The area adjacent to the mutual boundary with the residential dwellings in Aldwyn Road would contain the new car parking area for the PRU unit.

The proposed PRU unit building itself would be located approximately 35m away from the existing dwellings, at a lower level and to the west, and as such would not cause any overlooking, overshadowing or overbearing impacts.

It is considered that the proposed car park would not cause any harmful impacts upon the residential amenity of the existing residential dwellings by virtue of the lower level of the proposed car park and the distance from the existing residential dwellings. It is also noted that the application proposes additional landscaping and tree planting between the proposed car park and the boundary with the residential dwellings.

As such the application is considered to be acceptable to the living conditions of neighbouring and local residents.

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### Transportation and Highway Safety

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect upon highway conditions in Cockett Road, subject to highway improvements in the form of a dedicated right turn lane into the site and John Street, and a pedestrian crossing point south of the junction with Cockett Road with John Street, as detailed in the 'response to consultation' section of this report.

A Transport Statement was submitted with the application which shows that the additional movements can be incorporated into the existing traffic flows, providing the above mentioned right turn lane is provided. The parking levels and turning areas included within the site are considered to be sufficient for the development.

As such, no highway objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard.

### Trees

None of the trees present on the application site are protected by TPO or by virtue of being in a Conservation Area.

The Arboricultural Officer has raised no objections (subject to conditions) to the application as detailed in the tree officer's observations (above).

### Ecology

NRW has raised no objection to the application (subject to conditions) as detailed in the 'response to consultation' section of this report.

No protected species or habitats would be detrimentally affected by the proposed development

It is considered the development can be adequately provided on the site without causing harm to any protected species or habitats, and as such the application is considered to be acceptable in this regard.

### Land Stability

The submitted Phase 1 Geo-Environmental and Geotechnical Assessment submitted with the application recommended that intrusive ground investigations and a coal mining risk assessment should be undertaken to determine the likely impact on the development from historical coal mining activities in the locality.

However, the Coal Authority have advised that when considering this particular proposal, the specific part of the site where the new development is proposed, actually falls outside the (Coal Authority) defined Development High Risk Area, and therefore, they do not consider that a Coal Mining Risk Assessment is necessary for this proposal.

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On this basis, it is not considered necessary to impose conditions requiring the applicant/developer to carry out intrusive ground investigations or an associated coal mining risk assessment, notwithstanding the recommendations contained within the Phase 1 Geo-Environmental and Geotechnical Assessment. The applicant/developer could however still carry out these works if their advisors deemed it necessary to do so.

### Drainage

The Council's Drainage Officer has raised no objections (subject to conditions) to the application as detailed in the 'response to consultation' section of this report. Therefore there is no drainage related concerns to the proposals.

### Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the application is acceptable in terms of the principle of developing the site for a PRU unit, impacts upon the visual appearance of the site and the wider area, impacts upon the residential amenity of neighbouring occupiers, impacts upon parking and highway safety, and impacts upon trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV38, EV40, HC15, AS1, AS2, AS5 and AS6 of the Unitary Development Plan (2008), and the following Supplementary Planning Guidance Notes (SPG) - Parking Standards and the Protection of Trees on Development Sites.

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:  
  
16131(05)104 - SITE LOCATION PLAN, 16131(05)105 - PROPOSED SITE PLAN , 16131(05)106 REV C - PROPOSED HARD SOFT LANDSCAPING PLAN , 16131(05)107 REV B - PROPOSED DEMOLITION PLAN, A 00 GA (05)100 REV H - PROPOSED GROUND FLOOR PLAN



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GA (05)101 REV C - PROPOSED ROOF PLAN, received 13th December 2017.

GA(05)102 REV D - PROPOSED ELEVATIONS, GA(05)103 REV B - PROPOSED SECTIONS, received 15th December 2017

16131(05)108 REV A - SITE SECTIONS MISCELLANEOUS BUILDINGS, received 10th January 2018.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 3 No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP) has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period, and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. As a minimum the plan should include the following points.
- a) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
  - b) How each of those watercourses and pathways will be protected from site run off during construction.
  - c) How the water quality of the watercourses will be monitored and recorded.
  - d) How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
  - e) Storage facilities for all fuels, oils and chemicals.
  - f) Construction compounds, car parks, offices, etc.
  - g) Details of the nature, type and quantity of materials to be imported on to the site.
  - h) Measures for dealing with any contaminated material (demolition waste or excavated waste).
  - i) Identification of any buried services, such as foul sewers, so that they are protected.
  - j) Details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.
  - k) Demolition/Construction programme and timetable
  - l) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - m) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - n) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - o) Proposed working hours;
  - p) Principal Contractor details, which will include a nominated contact for complaints;
  - q) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM)
  - r) Details of on site dust mitigation measures having regard to BPM;
  - s) Details of on site noise mitigation measures having regard to BPM;

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- t) Details of waste management arrangements (including any proposed crushing/screening operations);
- u) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

Reason: To ensure the protection of the surrounding land and water environment and to ensure that waste materials are managed efficiently.

- 4 No development approved by this permission shall be commenced until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details contained within the Site Waste Management Plan.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

- 5 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority in writing. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

A detailed report on the archaeological work, as required by this condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)).

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

- 6 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan, in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. The recommendations contained within the Tree Protection Plan shall be implemented prior to any site activity commencing and the tree protection measures maintained until the site is to be landscaped. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

- 7 Prior to the development hereby approved being brought into beneficial use, full details of surface treatment/landscaping of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be surfaced/landscaped strictly in accordance with the approved details in the first planting season after the first occupation of the development.

## Planning Committee – 6<sup>th</sup> March 2018

Item 5 (Cont'd)

Application Number:

2017/2665/RG3

Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) underground modular systems
  - d) Sustainable urban drainage integration
  - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments
- 6) updated habitat mitigation plan
- 7) a schedule of landscape maintenance for a minimum period of 5 years

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees (as set out in the Arboricultural Report dated 20th September 2017 by ArbTS).

Any new trees or any new planting which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

The landscaping scheme shall be maintained in accordance with the approved landscape maintenance scheme.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

- 8 Prior to the development hereby approved being brought into beneficial use,, a scheme to ensure that the rating level for plant noise (LAr) does not exceed the background sound pressure levels (LA90) as set out within the Acoustic Assessment Report submitted by AECOM (i.e 35dBA 07:00-23:00 and 26dBA 23:00-07:00) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby approved being brought into beneficial use and shall be retained as such thereafter.

Reason: To protect the residential use against noise emanating from the building plant services.

- 9 Prior to the commencement of development on site, further sampling works shall be carried out (as identified in the Phase 1 Geo-Environmental & Geotechnical Assessment received on the 15th December 2017) and shall be submitted to and approved in writing by the Local Planning Authority.

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Item 5 (Cont'd)

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2017/2665/RG3

The Detailed Investigation shall:

a) Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

b) Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

(Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

In the event that the need for remediation is identified, the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Remediation Strategy Options Appraisal - this shall:

Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Validation/verification Report

On completion of the remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

- 10 If during the course of development, contamination not previously identified is found to be present at the site, no further development works 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. The approved strategy shall thereafter be implemented.

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

- 11 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 unless otherwise agreed in writing by the Local Planning Authority.

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

- 12 The development shall not discharge to the watercourse network at any rate greater than 9.3l/s as detailed in the Flood Consequences Assessment received on 15 December 2017.

Reason: To minimise surface water run-off.

## Planning Committee – 6<sup>th</sup> March 2018

### Item 5 (Cont'd)

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- 13 No development shall commence until full details of the materials to be used in the construction of the external surfaces (including all boundary treatments and other fencing and gates) of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 14 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 15 The car parking/cycle parking/turning facilities and servicing areas shall be laid out in accordance with the approved plans before the development hereby approved is brought into beneficial use and shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 16 Prior to the commencement of any work on site, a 'Bat Licence' shall be obtained from Natural Resources Wales and a copy submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development complies with the Conservation of Habitats and Species Regulations (2010), and to secure the protection of Listed European Protected Species on site.

- 17 The mitigation measures contained within Section 5.8-5.14 and 5.20-5.29 of the submitted 'Cockett House, Swansea: Bat Roost Characterisation Survey Report', dated September 2017, by Keystone Environmental Ltd, shall be adhered to during the construction phase of the development. The new bat boxes (referred to in the report) shall be provided prior to any works commencing on site and the bat access points (referred to in the report) shall be provided as part of the new development.

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Item 5 (Cont'd)

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The bat boxes and the bat access points referred shall be retained as such thereafter.

Reason: To ensure regard for species protected under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 (as amended).

- 18 Prior to development commencing on site, a lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a detailed plan and specify: lighting type, specification, direction, height and lighting levels in lux/UV. This strategy and plan shall have regard for the use of the site by foraging / commuting and roosting bats and maintain dark corridors / roosting areas. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and plan, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 40 of Natural Environment and Rural Communities Act 2006.

- 19 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved in writing by the local planning authority prior to any works taking place.

Reason: To ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).

- 20 No development shall commence until a detailed scheme relating to the eradication of Japanese Knotweed and Cotoneaster has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented thereafter.

Reason: In the interests of the ecology and amenity of the area.

- 21 Prior to works being commenced on site, full details of a scheme of proposed highways improvements works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the introduction of a right turn lane on Cockett Road, the provision of a pedestrian crossing and the realignment of the 'out' exit point from the site onto John Street. The approved scheme shall be implemented prior to the development hereby approved being brought into beneficial use.

Reason: In the interest of highway safety, to minimize the impact of the development of the free-flow of traffic and to provide safe vehicle and pedestrian access to the site.

### Informatives

1. This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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2. The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV38, EV40, HC15, AS1, AS2, AS5 and AS6.

3. Natural Resources Wales - CEMP / PPP / SWMP / Environmental Permits information:

For general guidance in respect of pollution prevention and waste management, we would refer you to our website at: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk).

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) (Amendment) Regulations 2015. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Please contact Natural Resources Wales for advice regarding an Environment Permit application on: 0300 065 3000, or use the link below:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/?lang=en>

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

4. Waste produced during construction}

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of the waste duty of care the applicant/developer must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

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<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>.

5. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority).

6. **Construction Noise**

The following restrictions should be applied to all works of demolition/ construction carried out on the development site.

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

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

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

**Smoke/ Burning of materials**

No burning of any material to be undertaken on site.

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

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

**Dust Control**

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

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

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



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### Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [ [www.ile.org.uk](http://www.ile.org.uk) ] recommendations.

7. Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. You are advised to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. You must not build over any of their plant or enclose our apparatus. Please contact Danielle Thomas on 02920 278912. to discuss.
8. Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues i.e. this includes details of headwalls required for surface water discharges as part of any planning permission granted.
9. The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Guildhall, Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development), e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091.
10. All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.
11. The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
12. Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

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**Item 5 (Cont'd)**

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13. No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

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## Planning Committee – 6<sup>th</sup> March 2018

Item 6 (Cont'd)

Application Number:

2018/0036/FUL

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)

### Site History

#### App Number

2018/0036/FUL

#### Proposal

Change of use from residential (Class C3) to 6 bed HMO (Class C4)

#### Status

PDE

#### Decision Date

### APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann and Councillor Nick Davies.

### RESPONSES TO CONSULTATIONS

**Public Response** - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 5 and 7 Brynymor Road, Brynmill on 23rd January 2018.

A site notice was also posted within the vicinity of the application site on 24th January 2018.

Fifteen individual letters of objection have been received which are summarised below:

- o Negative impact on the character and social cohesion of the local area.
- o Impact on highway safety including demand for parking.
- o Noise disturbance.
- o Concerns over refuse removal.
- o Over concentration of HMO's.
- o Anti-social behaviour.
- o Loss of Council Tax income for the Authority.
- o Lack of up-keep of front gardens causing negative visual impact.
- o Pressure on local services.
- o Health and safety issues caused by inappropriate refuse storage.

One petition of objection has been received containing 37 signatures.

The comments on the petitions are as follows:

*"We the undersigned object to the above application on the grounds that we believe that it will add to an already harmful concentration of HMOs in the area, have a detrimental impact on the environment of the immediate neighbourhood and attract more cars causing parking difficulties on the street. The petition is supported by Councillors Irene Mann and Peter May".*

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Item 6 (Cont'd)

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### Pollution Control

The Authority Pollution Control Officer raised no objection to the proposal.

### Highway Authority

The Authority Highway Officer raised no objection to the proposal subject to any permission being conditioned so no occupant could apply for a residential parking permit due to saturation in the area. A further condition requiring that details relating to the cycle parking layout were submitted to the Authority for approval was also requested.

### Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 6 bedroom HMO (Class C4) at No. 6 Brynymor Road, Brynmill.

The application property is a two storey, mid terraced dwelling currently occupied as a dwellinghouse, with a two storey garage/outbuilding to the rear. Floor Plans submitted indicate the ground floor is laid out with 2 lounges, dining room, kitchen, bathroom and two bedrooms, whilst the first floor contains three bedrooms, a study and a bathroom, and a single bedroom within the attic. Plans indicate the only change being the alteration of the ground floor front lounge into a bedroom.

Plans further indicate cycle storage to be within an existing outbuilding with bin storage provided to the rear garden.

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

### Main Issues

The main issues in the consideration of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of neighbouring occupants and highway safety, having regard to Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

### Principle of Use

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 predominantly 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 two people living in them.

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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.

Policy HC5 of the Swansea Unitary Development Plan supports the conversion of dwellings to HMOs subject to compliance with 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 a 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 criterion 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?

Regard needs to be given to the fact that a 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 six people as a HMO would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwellinghouse. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

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 City and County of Swansea Unitary Development Plan.

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 occupation (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, increased 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.

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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 the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance' (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students 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.

Whilst work commenced on Supplementary Planning Guidance this has not been accepted or adopted by the Council to date. As such no weight can be given to the document in this application process. Notwithstanding this in general principles the purpose of the draft SPG was to manage and limit HMOs in order to protect amenities whilst at the same time meeting the demand for increases in demand. Planning inspectors have determined at appeal stage on similar HMO proposals that where there is no adopted Supplementary Planning Guidance in place assessing impact depends on a planning judgement in each case.

It is evident from visiting the site and viewing the Councils own records that there is a high level of multiple occupation in the street. The HMO Register identifies there are 16 HMO properties along the street (No.s 3, 7, 9, 11, 12, 22, 23, 24, 26, 27, 28, 81a, 89a, 30, 67a and 73 Brynymor Road) which range from 4 to 6 occupiers per HMO. In terms of the general character of the street it can be noted that it is predominantly residential properties to one side with two public houses and two commercial units. The opposite side is comprised of commercial units to the ground floor with some having residential flats above. Taking into account there being 58 properties along the street (this figure does not include those properties that have been converted into 2 or more units) then the overall percentage of HMOs in the street would change from 27.5% to 29.3%. Taking account the mix of properties in the street and its predominantly commercial nature it is not considered that an additional HMO would have a harmful impact on the character of the area.

There would be no adverse effect upon the external appearance of the property and the character of the locality

There are no external alterations proposed to the property and accordingly no adverse effect upon the external appearance or character of the locality.

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

Whilst the objections received from local residents are noted, regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house. The applicant has also provided details of secure cycle storage at the property.

The Authority's Highways Officer has requested a condition that the tenants not be allowed to apply for residential parking permits. However this is not considered appropriate as it would put an unreasonable burden on the land owners to control parking outside of the red line boundary.

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In any event the site would not be permitted more than the two residential parking permits it is currently entitled to and therefore the demand on these facilities is not considered to be impacted.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

### Appropriate refuse storage arrangements can be provided

The refuse storage can be provided within the rear yard.

### **Conclusion**

It is considered that the Local Planning Authority has no evidence to suggest that the use of the property as a HMO would result in a harmful concentration of HMOs within this area. 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 to the provisions of Policies EV1, EV40, HC5 and AS6 of the City and County of Swansea Unitary Development Plan.

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. Approval is recommended.

### **RECOMMENDATION**

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

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Location plan received on 5th January 2018. Block plan, floor plan - ground floor - proposed, floor plan - 1st floor - proposed, floor plan - 2nd floor - proposed, refuse & cycle storage received on 19th January 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.



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- 3 Prior to the beneficial occupation of the HMO commencing, the cycle and refuse storage shall be made available for use, in accordance with the details shown on 'Refuse & Cycle Storage' plan received on 19th January 2018. The cycle and refuse storage shall remain available for their designated use for the lifetime of the use as a HMO.  
Reason: In the interests of highway safety, providing facilities for sustainable transport and residential amenity.

### **Informatives**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV40, AS6 and HC5
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-



## Planning Committee – 6<sup>th</sup> March 2018

Item 7 (Cont'd)

Application Number:

2018/0119/FUL

UDP - HC6 - Flat Conversions

Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

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
2018/0119/FUL	Conversion of existing building and construction of single storey side extension to provide 13 no. student residential units	PDE	
2004/2923	Retention of two non illuminated fascia signs	APP	08.03.2005
2004/0052	Installation of fire exit door on front elevation, replacement of garage door with window and installation of lower ground floor fire escape door	APP	16.03.2004

### APPRAISAL

This application has been called to Committee for decision at the request of Councillors Irene Mann and Nick Davies.

### RESPONSES TO CONSULTATIONS

**Public Response** - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 11, 12, 13, 14, 15, 16, 17 Le Breos Avenue, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 Sarlou Court, Nos. 17, 17A, 19, 21, 23, 25, 27, 29, 31, 33, 35 Hawthorne Avenue, and Nos. 1, 3, 5, 7, 9, 11, 13, 15 Pinewood Road on 26th January 2018.

Four site notices were also posted within the vicinity of the application site on 5th February 2018.

## Planning Committee – 6<sup>th</sup> March 2018

Item 7 (Cont'd)

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2018/0119/FUL

A press notice was advertised in the South Wales Evening Post on 5th February 2018.

Forty two individual letters of objection have been received which are summarised below:

1. Existing over saturation of students in the local area.
2. Lack of onsite parking and the strain put on current on street parking.
3. Loss of social cohesion with families replaced by students.
4. Negative impact on community.
5. Lack of demand for development demonstrated by empty HMOs on the market.
6. Antisocial behaviour, litter and noise disturbance.
7. Inappropriate refuge provision.
8. Application represents an over intensification of the site.
9. Access lanes are inappropriate for emergency service vehicles.
10. Suggestion that tenants would be banned from having cars is unenforceable.
11. Inappropriate to suggest that third party building management can ensure noise disturbance is kept to a minimum.
12. Recent Appeal Court Decisions have shown that S106 agreements are inappropriate for applications control access to parking permits or tenants having cars.
13. The application is tangibly different from the pre-app process, which was for 6 flats.
14. The impact of parking/traffic is not the same as the nursery which would have had use only during certain times of the day.
15. Overlooking.
16. The number of flats does not mean 13 occupants as there could be as many as 26.
17. Concerns over how the building work going to be completed given the poor access.
18. The pre application information from the applicant is misleading and has disadvantaged the local public, especially considering the suggested Section 106 agreement.

Three objection petitions have been received one containing 38 signatures, one containing 30 signatures and one containing 11 signatures.

The comments on the petitions are as follows:

*"We the undersigned object to the above planning application on the grounds that we believe that is an over intensive use of the site, will have a detrimental impact on the environment of the immediate neighbourhood and attract more cars causing parking difficulties on the street."*

*"We wish to object to the proposal to convert the former day nursery Twizzle Lodge, Hawthorne Avenue into a 13-bed student accommodation (Application 2018/0119/FUL). There is insufficient parking provision for a dwelling of this size and type in the neighbourhood, where the Residents Parking Scheme has already been detrimentally affected by the concentration of multi-household dwellings. The high-intensity living this development would bring to the immediate area would have a significant adverse impact on residential amenity for existing residents".*

### Highway Authority

The Authority Highways Officer made the following comment:

## Planning Committee – 6<sup>th</sup> March 2018

**Item 7 (Cont'd)**

**Application Number:**

2018/0119/FUL

A previous planning enquiry for the change of use to six student accommodation units was consulted on by Planning and the Highways recommendation was one of refusal due to the lack of parking (2016/1707 refers).

Highways were also consulted as part of the statutory PAC process by Asbri Planning for the change of use to 13 flats. The Highways response was that they would not support the proposed development for the reasons as previously identified, namely lack of parking and inadequate access.

Building Control also have concerns regarding the suitability of the access points for emergency vehicles, and whilst they are not part of the planning process (they become involved post consent) their concern echoes the Highways issues.

The design and access statement has highlighted the fact that no vehicular access is available to the site but there are two pedestrian points of access, linking to Pinewood Road and Hawthorne Avenue. It has not been demonstrated how plant and machinery/materials would access the site nor the emergency services which would be more important given the 24 hour usage at the site that would be generated by the use as residential.

The current use at the site is as a day nursery. The planning application form refers to 13 units of proposed market housing with no reference being made to the use class for purpose built student accommodation. It is not therefore clear as to what is actually being proposed.

In terms of the parking standards there is a demand associated with the nursery use albeit that no dedicated parking is available within the curtilage, and all parking has to take place in and around the surrounding streets. The parking requirements for a day nursery in a converted unit are 1 space per 2 staff. The use as a nursery would have had some element of parking associated with it; long term for the staff and short term for the pick-ups/drop offs for the parents bring the children to nursery. The vehicular movements would have been largely concentrated during the daytime hours whereas the main demand in the area is for overnight parking.

Taking the proposed residential accommodation as flats then the requirement is one space per flat plus one space per five units for visitors. This equates to 16 car parking spaces. None are being provided. If the purpose built student (PBSA) accommodation category is used then the requirement is for 3 car parking spaces. Again none are being proposed. The use of the PBSA Category relies on the developer and residents entering into Section 106 agreement to restrict car ownership but as the standards are not being met then this is not considered an option.

The surrounding streets are in high demand in terms of requests for the limited supply of 'resident permit holders' only bays. There are more permits issued than there are spaces available currently and it is considered that the proposed development would add to the general over-demand that exists on the streets surrounding the site.

Whilst the design and access statement suggests that the use of tenancy agreements would be sufficient to ensure that no students would bring cars to within a 3 mile radius of the site I have to disagree. If that was the case then student accommodation would be everywhere with no associated parking and there would be serious repercussions both on highway safety grounds with the indiscriminate parking that would arise and due to the detriment that would occur to the existing residents who struggle to get a parking space near to their houses.

## Planning Committee – 6<sup>th</sup> March 2018

Item 7 (Cont'd)

Application Number:

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I recommend that the application be refused on the grounds that:

1. Failure to provide adequate parking to mitigate for the 13 new flats will have a detrimental impact on highway safety for both vehicles and pedestrians due to an increase in indiscriminate parking on the surrounding streets.
2. The additional vehicles that are not catered for within the curtilage would be vying for the unrestricted spaces on street to the detriment of the existing residents.
3. The access to the site for emergency vehicles is below standard and as such there are concerns regarding the safety of the residents due to the inaccessibility of the site to cater for emergency service access.
4. The applicant has not demonstrated that the site could be accessed during the construction phase by plant/machinery/materials without detriment being caused adjacent to the access lanes on Pinewood Road, Le Breos Avenue and Hawthorne Avenue to the detriment of highway safety.

### Drainage Officer

The Authority Drainage Officer made the following comment:

We have no objection to the proposals in drainage terms as there is very little change in impermeable areas. However the small increase will need to be drained to the public sewer at a controlled rate to be agreed with DCWW. We recommend that DCWW are consulted with respect to this application and suggest the following condition is appended to any permission given.

#### Condition 1

Prior to the commencement of development, full details of a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with shall be submitted to and 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 thereafter for the lifetime of the development.

#### 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.

### Pollution Control

The Authority Pollution Control Officer was consulted but made no representation on the application.

### Welsh Water / Dwr Cymru

Welsh Water / Dwr Cymru made the following comment:

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We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

**SEWERAGE** In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We would advise that the content of our consultation response (Ref: PPA0002485) has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning, and our recommendations incorporated in the application. Notwithstanding this, if minded to grant planning consent, we would request that the following Condition and Advisory Notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets: Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment Advisory Notes. 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). 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

### South Wales Police Designing out Crime Officer

No objection subject to conditions

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Item 7 (Cont'd)

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### Description

Full planning permission is sought for the change of use of Twizzle Lodge, Hawthorne Avenue, Uplands from a day nursery to 13 no. student residential units and construction of a single storey side extension.

The proposed building is a non-descript two storey detached building which is situated within the urban area of Uplands, behind the established building line. The proposal will result in the provision of laundry room, cleaner store, communal kitchen with food store and 2 apartments at lower ground floor level, reception, visitor toilet, communal area, plant room and 8 apartments at ground floor level, and 3 apartments at first floor level. Plans indicate that each apartment will have a bathroom and open plan kitchen/bedroom/living room and whilst accessed through internal corridors and have communal facilities would be self contained residential units.

### Issues

The main issues for consideration with regard to this application relate to the acceptability of the use at this location in terms of its principle, visual amenity, residential amenity and highway safety having regard to policies EV1, EV2, EV3, HC6 and AS6 of the City and County of Swansea Unitary Development Plan 2008. There are, in this instance, considered to be no additional overriding considerations arising from the provisions of the Human Rights Act.

### Principle of Development

The site in question is situated in a primarily residential area. The site is allocated as white land under the provision of the Swansea UDP Proposals Map and as such Policy HC6 of the Swansea UDP allows for the conversion of commercial buildings such as this to self-contained units of accommodation subject to compliance with the identified set criteria.

The policy states: *"proposals for the conversion of larger dwellings and vacant or underutilised commercial and industrial buildings to flats or other self-contained units of accommodation will be permitted subject to satisfaction of the following criteria:*

- (i) In the case of buildings with an employment use, it can be demonstrated that the current or previous use is no longer viable,*
- (ii) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance,*
- (iii) The development would not result in an over-intensive use of a dwelling or building,*
- (iv) There would be no significant adverse effect on the external appearance of the property and the character of the locality,*
- (v) There would be no significant adverse effect on local car parking and highway safety, and*
- (vi) Appropriate refuse storage arrangements can be provided.*

In general planning terms it could be considered that the existing use as a nursery is inappropriate in a predominantly residential setting and its conversion to a residential nature would generally be in-keeping with the immediate neighbouring properties. It is noted that an increased number of students in a previously family area can have a negative impact with regard to a potential loss of social cohesion.



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However the proposal will not result in any loss of dwellings but rather the creation of residential accommodation. Therefore the principle of this form of a use at this location is acceptable in principle.

### Visual Amenity

In terms of visual impact the proposal will involve a single storey flat roof side extension to part of an existing extension. Whilst the flat roof design of the proposed extension is not strictly desirable it would be in-keeping with that of the existing extension. Further to this the property overall has limited visibility from wider public vantages. The proposal also includes some fenestration alterations and a re-siting of the front entrance, which are not considered to have any unacceptable visual impacts. As such the development will not result in an unacceptable impact on the visual amenities of the host building or the character and appearance of the area in compliance with the provisions of Policies EV1 and HC6 of the Swansea UDP.

### Residential Amenity

With regard to residential amenity it is not considered that the proposed alterations and extensions are not of a sufficient scale to result in any unacceptable overbearing or overshadowing impacts. In terms of overlooking the proposed windows at site ground level are not considered to allow any unacceptable views of neighbouring private amenity spaces. The proposed first floor windows to the South East elevation serve en-suite bathrooms rather than habitable spaces and therefore would be expected to be obscurely glazed and could be controlled to be obscure and fixed shut by a planning condition. The windows to the North East elevation are separated from the rear gardens of Hawthorne Avenue by a public lane and therefore any overlooking is considered acceptable as it is not direct. The windows and rooflights to the South East similarly look towards an access lane rather than true amenity space. The first floor window serving 'Studio 7' faces the external shared amenity space of the neighbouring flats, as this is not true private amenity space here overlooking is considered acceptable.

Turning to the impact on residential amenities with regard to noise and disturbance it is considered that the proposed change of use would result in the intensification of the property which would result in an unacceptable impact on neighbouring occupiers. It is noted that the proposal would remove a non-conforming use from a primarily residential area. However, whilst the use may be more appropriate in principle, the volume of occupants is considered excessive and would result in undue harm to the rear private amenity spaces of neighbouring properties, which are in close proximity. Consideration is also given to the fact that the property is accessed via two pedestrian tracks which could result in increased disturbance at unsociable times. Whilst the former nursery had the same access the nature of the use would have concentrated any disturbance to mornings and afternoons. It could be argued that any noise, disturbance or antisocial behaviour could be dealt with by the police. However the sheer volume of occupants (13 plus potential for visitors) coupled with the increased comings and goings from the property would result in undue harm to the existing neighbouring properties which would be contrary to Policy HC6 (ii) and EV1 (iii) of the UDP.

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A further consideration is that the internal room size of a number of the proposed flats falls short of that recommended by the Authority's SPG 'Places to Live Residential Design Guide'. It is noted that these measurements are only advisory and the proposed residential block will have a communal area.

The access lane measures approximately 2m wide and therefore access by a fire engine would not be possible, as this requires a lane width of 3.7m. It also appears that any fire engine would fail to get within 60m of the furthest habitable room from the front door, which is short of fire safety standards. It is accepted that the existing lawful use of the building may already fall short of current standards and that fire regulations are controlled by separate regulations to planning. However this adds weight to the concern regarding the over intensive nature of the apartments at this location.

### Highway Safety

The Authority's Highways Officer has raised an objection to the proposal due to the lack of onsite parking provision and inadequate access to the site. It is noted that the applicant has suggested that residents could be restricted from parking their cars nearby by their tenancy agreements and this could be controlled by a Section 106 agreement.

In the objection to this application the Highway Officer sets out that when taking the proposed residential accommodation as flats (given that they are proposed as being self contained) then the requirement which is set out in the Parking Standards SPG is one space per flat plus one space per five units for visitors. This equates to a demand for 16 car parking spaces and it is noted that none are being provided. If the purpose built student (PBSA) accommodation category is used then the requirement is for 3 car parking spaces and again refers to none being proposed. The use of the PBSA Category relies on the developer entering into Section 106 agreement to restrict car ownership by students as part of the development but as the standards are not being met then the Highway Officer considers that this not considered an option.

The Local Planning Authority does use Section 106 to manage parking issues (as advocated for in the Parking Standards SPG) but must give regard to recent appeals and case law where inspectors and the courts have raised concern with such approaches particularly where it relies on placing responsibility upon the landlord to control matters which lie outside of their control such as highways.

In an appeal decision at Plot A1, Kings Road, Swansea on 29 June 2017 (Ref: APP/B6855/A/16/3164052 and 2016/155) the inspector, when considering proposal for a unilateral undertaking to control tenancy agreements under section 106 with the provision that no students shall bring cars to the site stated 'concerns have been raised as to whether such a covenant is reasonable and enforceable and I share those concerns' but also stated 'however, no firm evidence has been provided to demonstrate that such covenants have failed to provide an adequate solution in other cases where they have been used'. The case was in relation to a 500 bedspace new build student scheme and given there was some parking being provided and the sustainable nature of the site the inspector did not consider such an obligation would be necessary in that instance.

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In a slightly different but related circumstances in the Court of Appeal in *R (Khodari) v Royal Borough of Kensington and Chelsea* [2017] EWCA Civ 333 issue was raised relating to a Section 106 agreement. Planning permission had been granted for the conversion of a house into eight units. The conversion required internal alterations only. An agreement was entered into under section 106 of the Town and Country Planning Act 1990 that the development would be 'permit free'. This meant that any owner or occupier of the new residential units would not be entitled to apply for a parking permit. The court considered the validity of the section 106 agreement and set out that giving that section 106 requires that the person making an agreement has an 'interest in land', such an obligation which related to a restriction on the highway could not fall within section 106.

On the basis of the above it is considered that whilst section 106 would provide an appropriate mechanism to deal with on site parking and ensure management of provided for on site spaces through tenancy agreements it would not provide an appropriate mechanism in this instance to deal with the concerns raised in relation to lack of parking and concerns with intensification of vehicular movements and demand for parking in the wider area. Given the nature of the scheme being backland development with no on site parking provision it would be very difficult to monitor or enforce such an obligation at this site. It is relevant to note that the advice provided at pre-application stage to the applicant was on the basis of a scheme for 8 residential units within the building and was prior to the above mentioned cases which do form a new material consideration.

The applicant has pointed in the submitted Design and Access Statement to the site being within a sustainable location, close to essential services, facilities and public transport routes and provision is being made for a bicycle store and this is noted. Furthermore the proposed use must be balanced against the existing D1 use, which currently allows the building to be converted to a health centre, school, museum, etc. It is considered that the potential uses of the site would generate an amount of visitor traffic, if not permanently parked cars, although these would generally likely be concentrated during daytime hours and not result in overnight parking demands that a residential use would create.

On balance, given the number of flats and there being no opportunity for on-site parking, alongside the concerns raised by the Highway Authority and local residents the proposal is considered to significantly increase the demand for parking in an already heavily trafficked area. It is therefore considered that the demand for parking would be unacceptable in this instance resulting in pressure to the existing highway network and lead to highway safety problems contrary to the requirements of policies EV1, EV3 and AS6 of the UDP.

### Neighbours

With regard to the above objections points 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16 have been considered above and the level of objection does add weight to the considerations of the application. With regard to the demand for this type of development in the local area, this is not a material planning consideration and is set by market factors. It is noted that this application is markedly different from the previous pre-application; however this application has been judged on its own merits. The proposed method of construction is not a material planning consideration but controlled by separate legislation.

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Finally it is not considered that any members of the public or consultees have been disadvantaged by any alleged misleading or inaccurate information that was presented during the PAC process. All interested parties have had the opportunity to view and comment on the application.

### Other Material Planning Considerations

The application raises clear concerns in relation to potential impacts upon neighbouring occupiers as well as highway safety in the area and it is relevant to consider whether there are any other material considerations which would outweigh the concerns raised and result in an alternative outcome. Clearly the provision of residential accommodation and bringing vacant buildings into a new use is important but this has to be weighed against its potential impact upon existing neighbouring residents. The applicant has set out in the supporting Design and Access Statement that the student accommodation will bring economic benefits to the City and these benefits would be generated through both the construction and operational phases. Furthermore it is stated that the accommodation will be high quality student accommodation and that the development will also help to release the pressure on traditional family housing elsewhere in the City that is currently occupied by students. Whilst these are relevant material considerations it is not considered that the benefits that would be brought from the development would outweigh the harm identified in the earlier paragraphs of this report.

### Conclusion

Having regard to all material planning considerations including the Human Rights Act, the proposal is therefore considered to represent an unacceptable form of development that fail to accord with the criteria set out in Policies EV1, EV2, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, refusal 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.

### RECOMMENDATION

#### REFUSE for the following reasons:

- 1 The proposed change of use of the building to flats for 13 people would create an over intensive form of development which would result in an unacceptable level of noise and disturbance on neighbouring residential properties, by virtue of its close proximity, contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan (Adopted November 2008) and advice provided within the 'Places to Live Residential Design Guide' SPG (Adopted January 2014).

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Item 7 (Cont'd)

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- 2 The proposed 13 flats fails to provide adequate onsite parking and would result in an unacceptable level of additional on-street parking and associated manoeuvres to the detriment of the safe and free flow of traffic, contrary to Policies EV1, EV3 and AS6 of the City and County of Swansea UDP and the Supplementary Planning Guidance document entitled 'City and County of Swansea Parking Standards' (Adopted 2012).

### 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: Policies EV1, EV2, EV3, HC6 and AS6.
  - 2 **PLANS**  
Location plan, existing front elevation and side elevation, existing lower ground, ground and roof plan, existing rear elevation and existing side elevation, existing site layout plan, proposed front and side elevations, proposed lower ground, ground and roof plan, proposed roof and first floor plan, proposed side and rear extension proposed site layout plan received 24th January 2018.
-



## Planning Committee – 6<sup>th</sup> March 2018

Item 8 (Cont'd)

Application Number:

2018/0161/FUL

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
2018/0161/FUL	Change of use from residential dwelling (Class C3) to six bedroom HMO (Class C4)	PDE	
87/0341/03	CHANGE OF USE FROM DWELLING HOUSE TO REGISTERED RESIDENTIAL CARE HOME FOR SIX MEN.	APP	05.05.1987

### APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

### RESPONSES TO CONSULTATIONS

**Public Response** - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 198, 198A, Flat 1 200, Flat 2 200, Flat 3 200, Flat 4 200, Flat 5 200, Flat 6 200, Flat 7 200 St Helens Avenue on 7th February 2018.

A site notice was also posted within the vicinity of the application site on 9th February 2018.

No letters of objection have been received.

A petition of objection containing 36 signatures has been received.

The comments on the petitions are as follows:

*"We the undersigned object to the above application on the grounds that we believe that it will add to an already harmful concentration of HMOs in the area, have a detrimental impact on the environment of the immediate neighbourhood and attract more cars causing parking difficulties on the street. The petition is supported by Councillors Irene Mann and Peter May".*

### Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 6 bedroom HMO (Class C4) at No. 199 St Helens Avenue, Brynmill.

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**Item 8 (Cont'd)**

**Application Number:**

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The application is a three storey, mid terraced dwelling currently occupied as a dwellinghouse. Floor plans submitted indicate the ground floor is laid out to a communal room, bedroom, kitchen and bathroom whilst the first floor contains three bedrooms and a bathroom, and the top floor contains two bedrooms and a bathroom. Plans indicate the alteration of the existing ground floor communal room into a bedroom, an upstairs bedroom into a common room and the removal of the second floor bathroom.

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

### **Main Issues**

The main issues in the consideration of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of neighbouring occupants and highway safety, having regard to Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

### **Principle of Use**

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 predominantly 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 two 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/

Policy HC5 of the Swansea Unitary Development Plan supports the conversion of dwellings to HMOs subject to compliance with 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 a 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.



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Item 8 (Cont'd)

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The criterion 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?

Regard needs to be given to the fact that a family could occupy the property under the extant lawful use of the premises and there is no proposed increase in the number of bedrooms, and as such it is not considered that the use of the premises for up to six people as a HMO would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwellinghouse. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

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 City and County of Swansea Unitary Development Plan.

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 occupation (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, increased 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 the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance' (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students 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.

Whilst work commenced on Supplementary Planning Guidance this has not been accepted or adopted by the Council. As such no weight can be given to the document in this application process. Notwithstanding this in general principles the purpose of the draft SPG was to manage and limit HMOs in order to protect amenities whilst at the same time meeting the demand for increases in demand. Planning inspectors have determined at appeal stage on similar HMO proposals that where there is no adopted Supplementary Planning Guidance in place assessing impact depends on a planning judgement in each case.

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St Helens Avenue contains 214 residential properties, 88 of which are registered as HMO's alongside two shops and a business use. The corner of St Helen's Road contains an empty Church building which was most recently used as a restaurant and a bar to the other side. Brynymor Road, which backs onto the application site, contains a number of commercial properties. It is noted that No.198, which is on a corner plot, is not a registered HMO property and No.200 is registered. The conversion of the existing dwelling would result in the concentration of HMOs increasing from 41.12% to 41.58%. Taking into account the volume of commercial properties in the local area and the existing high numbers of HMOs in neighbouring streets it is not considered that the proposed conversion would result in an unacceptable harmful concentration relative to the existing circumstances.

There would be no adverse effect upon the external appearance of the property and the character of the locality

There are no external alterations proposed to the property and accordingly no adverse effect upon the external appearance or character of the locality.

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

For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house in the Adopted SPG Parking Standards. The applicant has not demonstrated any provision for cycle storage but an area could be provided to the rear of the property. If approved the application will be conditioned to provide adequate cycle provision prior beneficial occupation of the dwelling.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

Appropriate refuse storage arrangements can be provided

The refuse storage can be provided within the rear yard, details of which will be secured by condition.

### Conclusion

It is considered that the Local Planning Authority has no evidence to suggest that the use of the property as a HMO would result in a harmful concentration of HMOs within this area. 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 to the provisions of Policies EV1, EV40, HC5 and AS6 of the City and County of Swansea Unitary Development Plan.

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").

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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: Location plan received on 22nd January 2018. Proposed ground floor plan, proposed first floor plan, proposed second floor plan received on 26th January 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of six cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.  
Reason: In the interests of providing facilities for sustainable transport and general amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV40, AS6 and HC5.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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### RESPONSE TO CONSULTATIONS

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 487 and 491 Gower Road, Killay.

2 LETTERS OF OBJECTION have been received and a PETITION OF OBJECTION with 45 signatures (from 40 different addresses) has been submitted.

The petition states:

"I oppose this application on the grounds that it is totally out of keeping with the neighbouring properties and should it be allowed to remain will set a precedent for future buildings".

A summary of the relevant points of objection contained within the two letters of objection are as follows:

- o The outbuilding is in a prominent elevated position and takes up most of the garden that is left after the extensive hard-standing at 489 Gower Rd. It is in front of the building line and was erected without planning approval.
- o Part of the application shows there are two existing garages further down the road. These garages have been in existence for over 35 years, are of permanent construction and are accessed by an access lane. They are not in the sight line of the properties above and therefore do not present any eyesore because they are far more inconspicuous. The photographs submitted are taken from flattering angles and do not show a true picture.
- o The land in front of 489 Gower Road has ceased to be a garden. It is all totally hard landscaping which is now occupied by the extremely large outbuilding and it totally not in keeping of the area. Gower Road is a traditional area leading on to our beautiful Gower and we feel concerns that should this be permitted it will set a precedent whereby other large buildings can be erected on a front garden. As far as we are aware no other front garden in the Killay area has an outbuilding this size and in this position in front of other properties.
- o The access shown on the plans is to a narrow driveway and therefore with the doors open could cause a hazard.
- o By changing the usage of the front garden into total hard standing could affect the water table.
- o We have been in our property for over 35 years and although amenable to changes cannot see the benefit to anybody to have this eyesore in a front garden.
- o Mr. Thomas already has 3 existing outbuildings which are if not bigger, are of an equal size. Surely the question should be asked as to what usage these outbuildings are going to be put to.
- o There is a distinct possibility that if this is passed not only will it set a precedent to other developments but the applicant will change the use of the building.

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- o Visually overpowering.

### **Councillor Jeff Jones - OBJECT**

The outbuilding was totally out of keeping with the neighbouring properties and could if allowed, set a precedent for neighbouring properties. There are garages further down Gower Road but these have been there for many years and are off a service road to these properties and are set lower. This outbuilding has been erected in the front garden of this property and I fail to see how it could be used as a garage due to the access lay out and can only assume its purpose is as a large shed. I would oppose its retention and would appreciate that you include my comments when a decision is made.

### **Julie James AM - OBJECT**

Julie has been contacted by Mr and Mrs Hesketh of 487 Gower Road in relation to the above mentioned planning application, which would appear to have been submitted retrospectively as the building has already been erected on the front garden of 489 - please see photographs below provided by Mr Hesketh.

Mr and Mrs Hesketh believe that the building is totally out of character to the neighbourhood and not in keeping with the street scene. This building is in addition to three very large outbuildings at the rear of 489 Gower Road.

Can you please accept this as Julie's support for Mr and Mrs Hesketh's objections to the planning application.

### **APPRAISAL**

This application is reported to Committee for determination at the request of Cllr Jeff Jones and is subject to a petition of objection signed by 40 persons from different addresses.

#### Proposal

Full planning permission is sought for the retention and completion of a detached outbuilding in the front garden of 489 Gower Road, Killay. The application property is a two storey semi-detached property and is elevated to the street on the eastern side of Gower Road.

The garage currently measures 4.083m wide by 6.01m long and currently has a mono-pitched roof with an eaves height of 2.3m to the rear and 2.8m at the front.

The garage is sited in the front curtilage of the property which is elevated above the highway and is presently in an unfinished state with an exposed roof and walls. The submitted plans propose to alter the existing mono pitched roof to a ridged roof with shallow roof planes, finished in green shingle felt that would result in an eaves height of 2.3 and a ridge height of 2.6m. Following Officer concerns in relation to the initial proposed use of timber finish for the walls, amendments were sought for an appropriate finish similar to the rendered outbuildings in close proximity to the site. The applicant has responded and now proposes a painted render finish to the walls of the building.

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### Key Issues

The primary issues in the consideration of this application relate to the impact of the proposal on visual and residential amenity as well as highway safety, having regard to Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan 2008 (UDP). The application is also considered with regard to the Council's Supplementary Planning Guidance (SPG) document entitled "A Design Guide for Householder Development".

### Visual Amenity

Turning firstly to the visual impact of the proposal, Section 7 of 'A Design Guide for Householder Development' (2008) specifically refers to domestic garages and outbuildings and states at paragraph 7.1 that the "... buildings must be used for 'purposes incidental to the enjoyment of your house', and not for commercial purposes or as separate residential accommodation ... As with extensions and alterations to your house the location and design of your garage ... should respect the character and appearance of your property, the relationship of your property with neighbouring houses and the overall streetscene". Paragraphs 7.3 - 7.5 continue by stating that "... A garage ... must be smaller in scale and subservient to the main house ... (and) ... must not adversely affect your neighbour's enjoyment of their garden or house. A garage ... should not cause overshadowing, overlooking or be overbearing to a neighbour's property including their garden ...".

It is recognised that the outbuilding is sited to the front of the host dwelling, within the front part of its curtilage. However, there are several garages and outbuildings forward of the dwellings to which they relate within close proximity of the site. Therefore, given this context, the proposal is not considered to be discordantly sited. As such, the principle of an appropriately designed building, forward of the host dwelling is considered acceptable.

The application building is significantly elevated above the highway, within the front sector of the application site. However the proposal is modest in scale and is well screened by an existing row of leylandii trees and a screen fence. It is accepted that the proposal will inevitably have a degree of impact upon the visual amenity of the area. However, it is not considered that the proposal would have such a significant demonstrable harm upon the visual amenities of the area such that a recommendation of refusal could be justified.

As indicated above, the original choice of finish for the building was considered inappropriate and likely to give rise to a more visually discordant building. However, the proposed building will now be finished in a render finish with is considered in keeping with the character of outbuildings in the area.

This part of Gower Road is characterised by a variety of different outbuildings in the front amenity space/garden areas. Therefore, the proposal is considered comparable to existing garages along this frontage in terms of its scale, design and materials and as such is considered to accord with Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan 2008 (UDP).

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### Residential Amenity

With regard to residential amenity, the outbuilding is not considered to have an unacceptable overbearing or overshadowing impact on any neighbouring properties, particularly as the outbuilding is sited within an upward sloping front garden, and as such the neighbouring properties are sited at an elevated position some 21m away. Furthermore, the garage is not considered to give rise to any overlooking impacts, given the lack of any windows contained within the elevations of the garage.

### Highway Considerations

The proposal has no direct impact on highway or pedestrian safety. Furthermore, whilst it is noted that the garage is not deep enough to allow for a normal sized car to be parked within it, the garage does not affect the ample amount of parking provision already contained within the site.

### Response to Letters of Objection

Notwithstanding the above, four letters of objection have been received together with a petition which raise concerns relating to the impact of the proposal upon visual and residential amenity. These issues have been addressed in the preceding paragraphs of this report.

Concerns relating to the setting of a precedent are not relevant, as each application for planning permission is determined on its own merits. Concerns regarding the effect of the hardstanding on the water table are not material to the consideration of this application.

The application drawings indicate that the outward opening doors of the garage will not encroach onto the driveway serving the site. However, even if the doors did partially open onto the driveway, this would not impact on highway safety and hence would not form a reason for the refusal of the application.

Matters relating to the future use of the garage are noted and can be controlled by means of a suitable condition, which forms part of the recommendation below.

### Conclusion

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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Having regard to all material planning considerations, including the Human Rights Act, the proposal is considered to represent an acceptable form of development, complying with the criteria of Policies EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan (2008) and the guidance contained in the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

### RECOMMENDATION

#### APPROVE subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: 17/741/1 Rev A Location Plan and 17/741/2 Rev A Site Layout Plan, received 31st January 2018. 17/741/3 Rev A Existing & Proposed Layout & Elevations, received 22nd February 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 The building hereby approved shall only be used for purposes incidental to the dwelling known as 489 Gower Road, Killay, Swansea.  
Reason: To clearly define the use of the building in the interests of the residential amenity of neighbouring occupiers.

#### 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: Policies EV1 and HC7
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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