

Planning Committee – 3rd September 2019

Item 1

Application Number:

2019/1557/FUL

Ward:

Cwmbwrla - Area 1

Location: 90 Eaton Road, Brynhyfryd, Swansea, SA5 9JH

Proposal: Conversion of dwelling into 2 flats with external alterations

Applicant: Mr Mark Evans



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

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LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Site History

App Number	Proposal	Status	Decision Date
2019/1557/FUL	Conversion of dwelling into 2 flats with external alterations	PDE	

Procedural Issues

This application has been called to Planning Committee for decision at the request of Councillor Peter Black and has been supported with a petition of OBJECTION which meets the criteria specified in the Council Constitution.

Site Location /Description of Development

This application seeks full planning permission for the conversion of the existing dwelling at No. 90 Eaton Road into 2 no. 2 bedroom flats with associated external alterations. The existing property provides 4no bedrooms. The alternations proposed include: a relocated front doorway (to provide internal staircase to serve first floor flat; insertion of additional ground floor window in the side elevation (to serve a shower room) and the insertion of additional first floor window in the side elevation to serve a dining area.

The ground floor flat would be accessed via an existing side doorway and provide a lounge, separate kitchen/dining room, showroom and 2 bedrooms. Upstairs, the second floor flat would gain access via the relocated front door entrance and would provide an open plan lounge/kitchen diner, shower room and 2 bedrooms. One off street parking would be provided on the yard area to the rear. The applicant has indicated that there are currently 2 no. resident parking permits allocated to the property.

No. 90 Eaton Road is an end of terrace dwelling, located in a predominately residential area comprising two storey traditional terraced dwellings. There are on-street resident parking bays in the immediate vicinity. The site is located on a bus route (nearest bus stops approx. 120m away), with local shops accessible a short distance away at Brynhfryd Square and other environs.

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RESPONSE TO CONSULTATIONS

The application was advertised on site and ONE neighbouring property was consulted. A PETITION OF OBJECTION was received (34 signatures) on the following grounds:

- There is already a proliferation of rented accommodation within the area;
- Parking in the area is extremely difficult. Overspill from Cross St, Llangyfelach Road and also Penfilia Road, and customers frequenting the numerous businesses within the area has saturated the parking spaces. On match days parking for existing residents is impossible;
- Changing the usage of 90 Eaton Rd to rented accommodation would have negative impact on the value of my property;
- A change of tenure would make dealing with any issues that could arise e.g. waste management, anti-social behaviour or noise nuisance more difficult to address as the responsibility would lie with the landlord;
- The neighbours at No's 92,93,94,95 Eaton Rd are also extremely disappointed that No. 90 is going to be converted into flats.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the use at this location, the impact upon residential amenity, the amenity of adjoining occupiers and highway safety, having regard to Policies PS1, PS2 and T6 of the Local Development Plan. There are in this case considered to be no additional overriding issues for consideration having regard to the provisions of the Human Rights Act.

Planning Guidance

The following Supplementary Planning Guidance (SPG) are also relevant to the proposed development:

- o Places to Live - Residential Design Guide (Adopted January 2014)
- o Parking Standards (Adopted March 2012)
- o Planning for Community Safety (Adopted December 2012)

Visual Amenity

The proposed external alterations are minor in nature and it is not considered that the proposed alterations to the front and side elevation would give rise to any unacceptable visual impacts having regard to the existing established street scene. In light of the above it is not considered that the proposal would detract from the visual amenities of the host property or the wider street scene.

Residential Amenity

The existing dwelling has four bedrooms. The proposed conversion to two x two bedroom flats would not therefore result in an increase in number of bedrooms at the property. It is not considered that the proposed use of the property as two separate flats providing a total of 4 bedrooms would result in any demonstrable significant additional noise, nuisance and/or other disturbance over and above that of the existing use as a single residential unit. It is acknowledged that the proposed use as 2 separate units of accommodation may result in a marginal increase in the comings and goings associated with its use, but levels are unlikely to result in an unacceptable impact upon the levels of amenity currently enjoyed by neighbouring occupiers that would be considered so harmful to warrant a recommendation of refusal.

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The alterations to the windows to the side elevation (Ewart Place) would not give rise to any additional overlooking or loss of privacy impacts over and above that currently experienced.

The proposed accommodation provides adequate living accommodation and there is no overall increase in the number of bedrooms proposed from the 4 bedrooms that could be accommodated in the existing house and the overall number of 4 bedrooms proposed in this current scheme. The existing outdoor rear amenity space is relatively small and is being further eroded by the creation of a parking space. However, as set out in the Places to Live Residential Design Guide SPG (January 2014) flats can be afforded lower levels of onsite amenity space than dwellinghouses. It is also noted that both flats would have access to external spaces for bike and bin store. It is therefore considered that the accommodation provides for adequate living/amenity space for future occupiers.

Objections have been raised that a change of tenure would cause issues with dealing with issues that arise. This application is for a change of use from a single dwelling to two flats. There is no indication in the application whether the units would be rented or owner/occupied. However, the key issue is not the tenure of the property but whether the proposed residential use of two flats is acceptable. As indicated above, it is not considered that unacceptable impacts on residential amenity would arise and the proposal is in compliance with Policy PS2 of the Swansea LDP.

Refuse & Cycle Storage

There is adequate space to the rear of the property to provide for the storage of refuse and recycling. Space is also available for cycle storage. Such provision can be secured through an appropriately worded condition to ensure that the bin storage and cycle storage is provided prior to occupation and retained as such in perpetuity.

Access & Highway Safety

In terms of parking, the Parking Standards Supplementary Planning Guidance sets out a requirement for the existing use as a single dwellinghouse of 1 space per bedroom up to a maximum of three spaces. No spaces are currently provided off street so this parking demand is currently met on street. Each of the proposed flats would require a provision of 1 space per bedroom up to a maximum of 3 spaces for residents. The application site therefore attracts a requirement for 4 parking spaces, i.e. two spaces per flat.

The applicant has indicated the provision of a single parking space within the courtyard to the rear of the property. The remaining three spaces would be provided on street, as per the existing situation. There is therefore no net increase in on-street parking demand. There are parking restrictions in place in neighbouring streets and the application property is located within a sustainable location within easy walking distance of local bus stops, local shops at Brynhyfryd Square and other local shopping facilities. On this basis it is not considered that the scheme will introduce harm such that refusal could be recommended on parking and highways grounds.

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Neighbours & Petition

The grounds of objection are noted and issues with regard to parking and residential amenity impacts has been addressed above. Devaluation of property is not a material planning consideration and is given little weight in the determination of this application. Issues of anti-social behaviour, refuse etc would be covered by separate environmental legislation and other statutory bodies, as opposed to planning legislation.

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.

Having regard to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered to represent an acceptable form of development, in accordance with Policies PS1, PS2 and T6 of the Local Development Plan. Approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location & Block Plan Proposed Ground Floor Plan; Proposed First Floor Plan; Proposed Front & Rear Elevations; Proposed Side Elevation received on 5th July 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial occupation of any of the flats hereby approved, secure cycle storage for a minimum of 3 cycles and a bin storage area shall be provided to the rear of the property in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The cycle store and bin storage area shall thereafter be retained in perpetuity.
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.

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Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, T6.
 - 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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Item 2

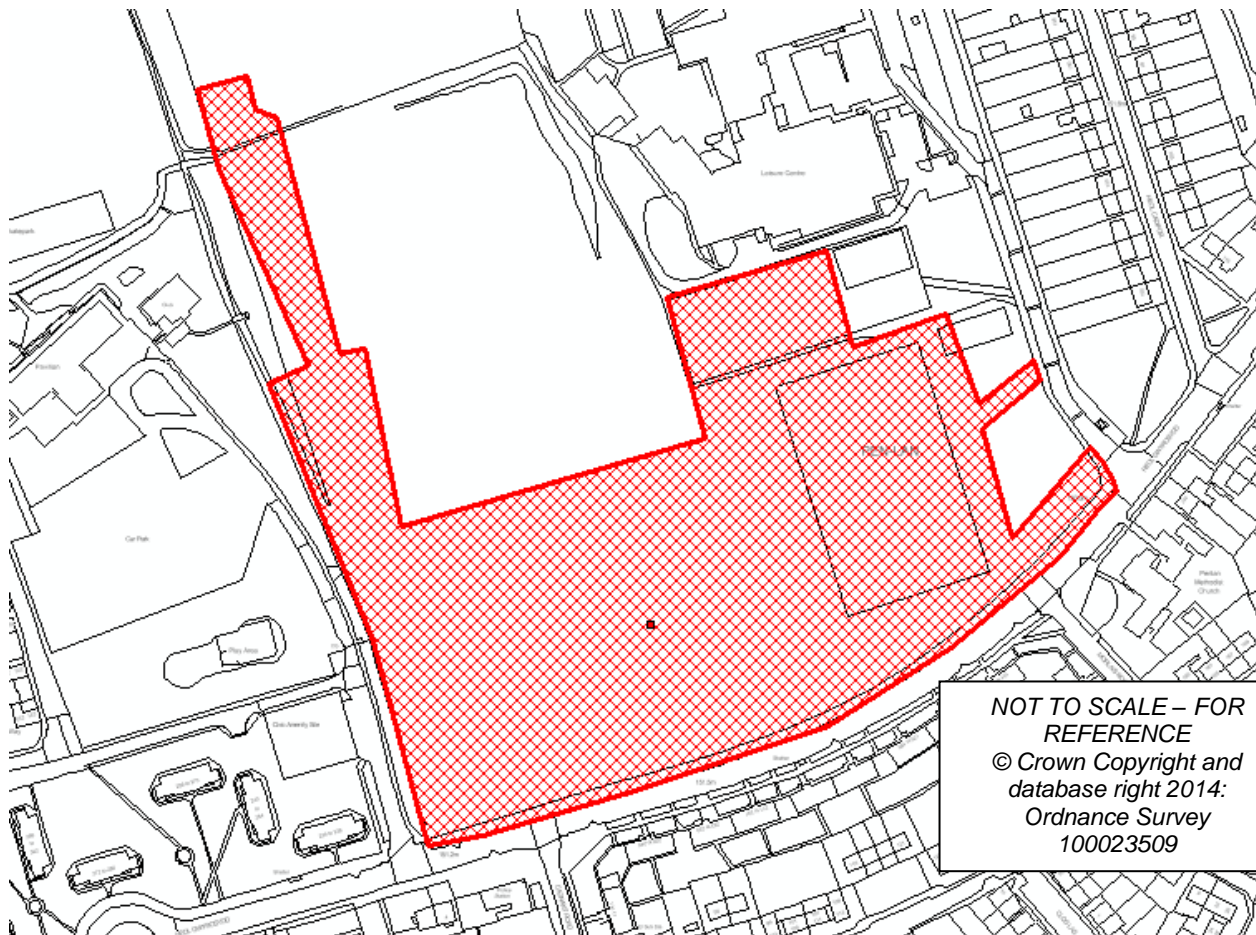
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Ward: Penderry - Area 1

Location: Land Adjacent To Ysgol Gyfun Gymraeg Bryn Tawe, Heol Gwyrosydd, Penlan, Swansea, SA5 7BU

Proposal: Construction of new 2.5 form entry Welsh medium primary school incorporating Flying Start facility including playing fields, MUGA, car parking/drop-off facilities, and alterations to the existing traffic arrangements and circulation at the wider Ysgol Gyfun Gymraeg Bryn Tawe School and Community Leisure site, Penlan, Swansea, SA5 7BU

Applicant: City And County Of Swansea Director of Education (Swansea Council)



Background Information

Site History

App Numbe

None

Proposal

Status

Decision Date

Background

This application is being reported to Planning Committee as the proposed floor area of the building exceeds 2,000m².

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YGG Tirdeunaw is currently located on the site of the former Daniel James Comprehensive School on Heol Ddu and utilises the western block of the former school as the existing building is in a poor state of repair and has significant maintenance costs. As part of the proposal, the school would be increased from a 2 Form Entry (FE) to a 2.5 FE school.

The application site has an area of approximately 3.78ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Site Location

The site proposed for the school development forms part of Penlan / YGG Bryn Tawe Playing Fields, located off Heol Gwyrosydd in Penlan. The site is enclosed with a low level block wall with railings on top with sporadic trees along the frontage of Heol Gwyrosydd. The site is set back from the road by a wide pavement. The site sits to the east of the access to Penlan Recycling Centre and the car park for the changing rooms and to the east of the access to YGG Bryn Tawe and Penlan Leisure Centre which are located to the rear of the site. The site is currently used for recreation purposes associated with the playing fields but also incorporates some land used by the school / leisure centre. The site itself is relatively flat (circa 1m slope across the site and front to back) and predominantly grassed although there is a red grass all surface pitch located in the eastern half of the site.

Five no. three storey blocks of flats are located on the opposite side of the road to the site which benefit from grass verges and trees along its length. Penlan Methodist Church is located opposite the south eastern corner of the site. Penlan Police Station is located opposite the south western corner of the site with the playing fields extending to the north.

Description of Development

Full planning permission is sought for the construction of a new 2.5FE Welsh-medium two storey primary school, associated landscaping, playing facilities, MUGA, and parking facilities to the north of Heol Gwyrosydd and alterations to the existing traffic arrangements and circulation at the wider Ysgol Gyfun Gymraeg Bryn Tawe School and Community Leisure site on the eastern part of the site.

The proposed building would accommodate a nursery and a Flying Start unit and would have a gross external floor area of 3,115m². The new school would accommodate up to 625 pupils and contain 66 staff. The front of the buildings would be constructed in a buff coloured brick with the single storey flat roof office section finished in coloured render. Coloured spandrel panels (predominantly green) would be included on the front elevation and fibre cement weather boarding would be installed on the end elevations of the pitched roof buildings. The roof would be a metal standing seam roof incorporating PV panels.

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The proposal places the school building at the centre of the site, allowing the school to have a presence along Heol Gwyrosydd. The proposed building would comprise of two no. two storey elements linked with a flat roofed building with an adjacent singly storey building to the east. The building would measure 94m in width in total with a depth of 31.5m. The front building would measure 10.5m in height with the rear building measuring 12.5m. The building would be set back approximately 14.5m from the pavement with a landscaped entrance plaza in front. The proposed car park for the school would be located on the eastern side of the building with play area and junior football pitches to the rear. The attenuation basin for the development would be located in the northwest corner of the site. A type 1 MUGA would be located in the northeast corner. In terms of boundary features, a 2.4m high weldmesh boundary would secure the site with a 6m high ball stop fence along the rear between the rugby/ football pitch and the school. A 1.8m high timber hit and miss fence would be located around bin storage area and sprinkler compound with a 3m high fence around the MUGA.

Parking provision is indicated for 64 vehicle spaces (including 3 visitor and 2 commercial vehicle spaces) and provision is made for 40 cycle spaces along with 24 bays on the street.

The proposed bus facility would be located to the east of the school and would provide a drop-off and collection parking facility for the new school and also provide local benefit for YGG Bryn Tawe and Penlan Community Leisure Centre (PCLC). The current arrangements for YGG Bryn Tawe and PCLC are a shared access from Heol Gwyrosydd. The parking area would measure 60m in width by 105m in length and provide space for 20 buses along with a turning area so the vehicles can leave the site in a forward gear.

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

PS1: Sustainable Places – the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

PS2: Placemaking and Place Management – development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

PS4: Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 14,700 additional jobs over the Plan period, including within Strategic Development Areas.

IO1: Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

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SI1: Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI3: Education facilities – development should be appropriately located, provide appropriate facilities for parking and drop-off, include provision for other community facilities and be phased appropriately.

SI5: Protection of Open Space – development will not be permitted on areas of open space unless it complies with specific criteria.

SI8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER1: Climate Change – Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

ER2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER9: Ecological Networks and Features of Importance for Biodiversity – development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

ER11: Trees and Development - development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T5: Design Principles for Transport Measures and Infrastructure – provides design criteria that all transport measures/ infrastructure must adhere to.

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T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

EU2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

EU4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP2: Noise Pollution - where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP3: Air or Light Pollution - where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP4: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

RP5: Avoidance of Flood Risk – new development will be expected to be located away from unnecessary risk.

RP6: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP8: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

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Neighbour comments:

The development was advertised on site with five site notices and the application was also advertised in the Press on the 10th June 2019.

One objection has been received although no address is provided. The correspondent has raised the following concerns:

- * Health and environmental impact of the proposed development
- * Increased traffic on already congested roads and bus pick up / drop off would create a health risk to school children
- * Traffic backs up from Caersalem lights/ crossroads along the length of Heol Gwyrosydd
- * Coaches contractors use will often be at the end of their productive economic hire so they are put on school runs. These vehicles will not have modern efficient engines, they will not have DPF filters which capture the carcinogenic soot particles that are responsible for killing our children, they may have adblue to reduce the NOx emissions but this will make little difference to the cancerous gases they pump out both when they are moving also when they are idling in the traffic jam. Polluting vehicles of this type will not be allowed into any Ultra Low Emission zone in the country.
- * Swansea already has one of the most polluted roads in Europe (M4) which you have acted to rectify yet you now want to dangerously increase pollution in the local roads of Penlan increasing both cancer and asthma in our vulnerable children who also use these roads to walk to and from other local schools.
- * These proposals should not be considered until the current congestion is addressed.

Consultations:

Placemaking and Heritage:

Comments provided initially raised concerns about the layout in terms of lack of planting along the frontage to break up on-street parking, concerns over the shallow pitch of the roof on the single storey element and the blank gables on the western end elevation. The application has subsequently been amended to address these concerns.

Further Comments

"The most recent revisions to the scheme address all of the previously raised concerns and therefore the scheme is considered acceptable in design terms."

Highways:

No objections.

1. Background

1.1 This Proposal is for the construction of a 2.5 form entry Welsh medium primary school on land adjacent to Ysgol Gyfun Gymraeg Bryn Tawe, Heol Gwyrosydd and Penlan Leisure Centre, Penlan Swansea. The existing YGG Tirdeunaw is intended to relocate to this site (currently located within the former Daniel James site, 1.6km to the north).

1.2 The school will accommodate up to 600 (expected by 2028) pupils plus 66 members of staff.

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1.3 The school development includes 63 car parking spaces and limited cycle spaces, to cover staff, pupils and visitors.

1.4 The site sits on a section of Heol Gwyrosydd which is currently (and will remain) an adopted highway providing a heavily trafficked part of the highway network. The current access to the community leisure centre and school is to be retained.

1.5 Access is directly off Heol Gwyrosydd. There are two distinct elements to this application, the new school with its parking and associated infrastructure accessed by one point; and a separate school bus facility to serve the existing school, new school and leisure centre accessed off another. Layby facilities along the main road are also included for parents drop off.

1.6 The purpose of the bus drop off facility is to provide enhanced facilities for the existing Ysgol Gyfun Gymraeg Bryn Tawe school and the leisure centre which are currently overstretched. The bus drop off will also be available for the proposed new school. Currently all access is via a shared drive which serves both the school and the leisure centre which is heavily trafficked particularly at school drop off and pick up times. A parking management strategy will be requested by condition to cover access and circulation in the staff car parking and also the coach drop off area including details of how pupil movements are to be managed.

1.7 The Application was accompanied by a full Traffic Assessment and Travel Plan.

1.8 A Road Safety Audit (RSA) was subsequently submitted in August 2019 and this response includes comments made in relation to that document.

1.9 The planning application was supported by a Transport Assessment that CCS Education commissioned AECOM to undertake.

2 Sustainable Travel

2.1 The site is located within the existing residential settlement of Penlan, roads in the vicinity have segregated (wide) footway provision on both sides of the carriageway, with dropped kerbs at crossing points. The site is well served by public transport provision and a number of bus stops are already in place. The existing plans show that the footways are proposed to be set back to allow the installation of elements of layby parking but a preferred option is to maintain a minimum of 4m footway to allow for shared cycle/pedestrian use (this is referenced in the TA (under section 8.4.4)) and instead narrow the carriageway. This will slow speeds which will support the proposed implementation of a 20mph zone outside the school.

2.2 Proposals are indicated for the provision of pedestrian crossing facilities (details tbc) on Heol Gwyrosydd immediately outside the school. There is an existing signalised pedestrian crossing near the junction with Morlais Road and it has been identified that to tie in with the works proposed to maintain adequate footways then amendments will be required to this crossing point. All these works can be undertaken under the same Section 278 Agreement with the Highway Authority. These will further enhance the prioritisation given to the walking/cycling environment.

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2.3 Cycling routes in the area are currently on street, however given the aim to retain wide footways then there is the option to provide shared usage footways across the site frontage.

2.4 There are a number of bus stops in the vicinity of the site, bus frequencies from the surrounding area are approximately 2 per hour.

2.5 The site is thought to be located in a sustainable location and has the ability to maximise the use of sustainable travel options as an alternative to the private car.

3 Trip Generation

3.1 This was based on a first principles analysis of pupils and staff at the existing school site, and assigned based on pupil home postcode as supplied by CCS.

3.2 This results in maximum vehicle trips of 340 for pupils and 66 for staff in 2028 (in the peak hours).

3.3 It is considered that the assumptions and methods employed are valid and results robust.

4 Analysis

4.1 Junction assessments have been carried out at the Mynydd Newydd Road/Heol Gwyrosydd/the crescent crossroads and the Heol Gwyrosydd/Conway Road Roundabout. The extent of the TA was agreed in advance with Highways Officers.

4.2 Following detailed trip distribution analysis Highways Officers also requested capacity testing of the Llangyfelach Road / Heol Gwyrosydd mini roundabout.

4.3 Analysis has been undertaken using TrL junctions 9 software, which is industry standard for analysing roundabouts and priority junctions.

4.4 Scenario modelling has been undertaken for 2018 (base year), 2021 (existing school relocation) and 2028 (new school at full capacity). The existing traffic flows have had growth factors applied based on the National Trip End Model using the Temprow database.

4.5 The analysis has been checked and has been undertaken correctly, this shows that the modelled junctions are predicted to remain well within practical capacity under all modelled scenarios.

4.6 The main area of traffic impact is on the Mynydd Newydd Road/Pentregethin Road/Ravenhill Road junction (where there are existing capacity constraints). The increase in traffic however is in the region of 1%, as such it is not considered that any measures need to be taken with regard to the infrastructure.

4.7 A Road Safety Audit was also submitted in July 2019, the recommendations of which were in line with the DC comments, as such the suggested conditions are considered to cover all possible issues identified

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5 Site Layout

5.1 The main vehicular entrance to the site (staff car park) will accommodate 2 way flow, turning within the car park is also provided area has also been provided. Spaces are indicated to accommodate all staff plus visitor spaces, an area for deliveries and access to the bin stores.

5.2 The secondary access to the coach park is designed to accommodate school buses and thus is wider than the primary access (to allow to coaches to pass). The level of provision is intended to serve the existing YGG Bryn Tawe in addition to the new school. Turning is also available within the site to enable access/egress in a forward gear thus minimizing the impact on Heol Gwyrasydd.

5.3 The main pedestrian access is separate from either of the vehicle accesses. The site is well served by public footways provided pedestrian access. In addition pedestrian footways are shown leading from the coach area, thus segregation of pedestrians from vehicles is maintained at all time. It is unclear how the coach area intends to operate with regard to supervision but this can be covered within the parking management document that is being added as a condition.

5.4 In terms of car parking the provision is considered appropriate to ensure that overspill parking does not impact on the existing residents.

5.5 Cycle parking is shown at a number of locations conveniently located with access to the main building and being overlooked by the premises.

6 General Highway Safety

6.1 The TA has considered the accident records in the area. Detailed analysis of the recorded accidents, locations and causation factors indicate no common factors and no issues with the highway layout.

6.2 However the provision of a 20mph zone, widened footways, layby parking, additional formal crossing facilities and alterations to the existing pedestrian crossing facilities would further protect vulnerable road users, improve accessibility for non-car modes, and improve road safety in the area

7 School Travel Plan

7.1 All new schools are required to produce a travel plan. A framework travel plan has been submitted which covers initial surveys of pupils travel habits at the new location, action to increase sustainable travel and monitoring of achieved results on a regular basis.

7.2 The existing school already supports a healthy level of sustainable travel. The travel plan will seek to increase these proportions which will have a corresponding reduction in car usage.

7.3 A Travel Plan Coordinator will be appointed to oversee the sustainable transport initiatives, and monitor the implementation of the plan. This is a positive approach replicated at a number of schools within the city.

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8 Conclusions

8.1 The relocation of YGG Tirdeunaw will result in some traffic reassignment, however the effect on the main junctions in the area has been demonstrated to be acceptable. The TA produced is robust and assumes a worst case scenario.

8.2 The location and catchment is such that the school is able to maximise the benefit of sustainable travel.

8.3 Local congestion occurs at all school sites at start and finish times, and will likely be the case here, however the identified improvements will help minimise this and accommodate as much of the demand as possible, particularly with regard to the coach/bus drop off area for YYG Bryn Tawe and YGG Tirdeunaw. Proposed safety enhancements will also provide benefit to the wider community.

9 Recommendation

9.1 I recommend no highway objection subject to the following:

i. Prior to any works commencing on the site a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The approved CTMP shall be adhered to at all times unless agreed by the LPA.

ii. The submission of a parking management plan to cover all parking areas (staff car park and coach parking area). This needs to ensure that only authorised vehicles park (in the absence of any physical barriers preventing access)

iii. The coach park boundaries need to be such that the segregation of pedestrians is maintained and pupils are prevented from entering into area where the coaches access/egress.

iv. Prior to any works commencing on site, full details of all local highway access works and improvements to Heol Gwysydd. Such improvements shall be implemented prior to the site being brought into beneficial use. Including:

- a) Heol Gwysydd access works.(x2)
- b) Heol Gwysydd alternations to speed limits
- c) New Heol Gwysydd Pedestrian crossing (the tree location is not appropriate)
- d) Amendments to Heol Gwysydd Pedestrian crossing (to assist with the works to narrow the carriageway and act as a traffic calming feature)
- e) The implementation of parking laybys on Heol Gwysydd for parent drop-off/pick-ups.
- f) Formation of a 4m wide shared use path along the site frontage together with associated carriageway narrowing (in line with Active Travel recommendations)
- g) TRO'S to the existing on street parking bays to restrict them to limited waiting /permit holders exempt

Note: The Applicant must contact the Highway Management Group , Swansea Council , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

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Pollution Control:

No objection subject to conditions.

The Geo-Environmental Report submitted with the application includes a desk-top study and site investigation. Given the outcome of the submitted report, no works should commence on site until a remediation strategy has been submitted and approved.

Phase 3: Remediation Options Appraisal

this shall:

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

Phase 3: Validation/verification Report

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

In addition, a condition requiring that green screening is installed along the south boundary line (Heol Gwyrosydd) in order to enhance mitigation of air pollutants from the main road on the hard social (playground) areas of the school should be attached.

Ecology:

“Bats

There is potential for commuting and foraging bats around the site.

Therefore, please include the standard Bat informative.

Condition:

Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition or trees destined for felling must be undertaken by a suitably qualified ecologist/Ecological Clerk or Works.

Breeding/nesting birds

As there are records for nesting birds such as house sparrow, swallow, dunnock and starling within 150m of the site, and the potential for breeding birds on-site, please include the standard Birds informative.

Condition:

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to September inclusive.

Reptiles

The survey established that suitable habitat exists for reptile species eg common lizard and slow worm on the development site.

Please include the following informative: Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended.

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It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

Conditions with regards to reptiles:

- Pre-construction checks for any species are required.
- Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).
- To mitigate for loss of reptile habitats, new habitats should be created within buffer strips. These linear features can provide corridors to link other patches of reptile habitat together.

Hedgehog

Records show that there is the potential for hedgehogs to be present in the area with several records from within 150 metres of the site. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.

Condition:

All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

Condition:

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Fencing

I note that Page 34 of the Design and Access Statement states that 'Fences are to be screened by hedges in key areas'. However, there is no further detail of this regarding location of the key areas or methodology for planting hedges, species, ongoing monitoring and management of hedgerows. This information is required to be submitted to the LPA for approval, prior to determination.

Landscaping

It is advised that as many trees as possible should be retained, in particular the western boundary trees to maintain a dark corridor and habitat connectivity, and dry ditch area, as per the PEA.

Native trees, shrubs and wildflowers should be planted as part of the landscape scheme. There are opportunities for planting trees within the proposed car park and around the attenuation basin.

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Condition:

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, prior to determination, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and aftercare. The use of native species or species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for to enhance the habitat for local birds and invertebrates.

Invasive Non-native species (INNS)

Condition:

A method statement for removal of any INNS pre-construction is required to be submitted, together with an updated pre-construction INNS survey, for approval by the LPA.

SUDS

The submitted drainage strategy is noted. However, this should also incorporate biodiversity gains as per:

SUDS Standard S5 Biodiversity

Standard S5 addresses the design of SuDS to ensure that, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by lining networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Therefore, details of proposals regarding the above are required to be submitted to the LPA for approval, prior to determination.

Lighting strategy

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be submitted to the LPA and agreed with the LPA Planning Ecologist.

Condition:

The lighting strategy must be placed as a condition on any planning permission granted.

Green Infrastructure

LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The LDP policy requires that compensatory measures should maintain and enhance the green infrastructure network.

No comprehensive survey of the sites' green infrastructure provision has been provided. In order to effectively implement draft LDP Policy ER 2, a green infrastructure assessment is required.

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CEMP

A detailed Construction Environmental Management Plan (CEMP) is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding any nearby water bodies) with due regard to the nearby Mynydd Cadle SINC and Penlan Slopes SINC, for the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

Reason

Prevent pollution of controlled waters and the wider environment.

Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable, together with hedgehog friendly fencing.

Condition:

Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement.”

Drainage:

No comments other than to advise SAB approval would be required for the proposal.

Landscaping Officer (Trees):

“None of the trees present on the site are protected by TPO or conservation area status. 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.

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A tree survey has been provided and identifies the trees and categorises them in accordance with BS5837:2012. There are a few category B trees on and adjacent to the site; those outside of the red line can be retained whilst those inside the red line are close to the entrance / car parking. It may be possible to retain these although mitigation of their loss, if required can be easily achieved. The retained trees will require protection during construction, this can be secured by a suitable tree protection condition. The redevelopment of the site is an opportunity to increase tree numbers in an area that has a low canopy cover. Integration within and around the attenuation basin is one area that can be utilised. The plans show indicative tree planting, ideally the numbers should be increased. Tree species should be suitable for school grounds.

The proposed car park would benefit from tree planting and there appears to be space available to achieve this. Planting in hard surfaced areas will need suitable tree pits. Ideally, the carpark should be redesigned to accommodate tree planting. In the event of approval please could you condition a tree protection plan / arboricultural methods statement and a landscape plan to be submitted.”

Parks Officer:

No comments.

Waste Services:

“To access the wheel bin storage area would necessitate a collection vehicle entering the car park which is contrary to the recommended operating method. Swansea Council operate a kerbside collection to minimise vehicle movements off the highway. The preferred plan would be to locate the wheel bin store in the area marked as car park spaces 23-25. A facility to allow the collection vehicle to stop safely and legally as close to the school car park area to minimise the distance from wheel bin store to the rear of the collection vehicle is preferred.”

Natural Resources Wales (NRW):

No comments.

Dwy Cymru Welsh Water (DCWW):

“In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) 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.

By response to consultation, we advised that foul flows from this proposed development can be accommodated within the public sewerage system and recommended a point of connection at manhole reference SS64964102 which has been confirmed as part of the foul drainage proposals within the submitted ‘Drainage Strategy’ (Ref: TIR-HYD-XX-XX-RP-C-0001). Alternatively, as proposed within this report, we offer no objection in principle to a proposed point of connection to the east of the site at manhole reference SS64966303 albeit would request a condition to confirm the identified point of connection.

As part of this application, we also acknowledge receipt of a ‘Sustainable Drainage Concept Plan’ (Drawing No. TIR-HYD-XX-XX-DR-C-2101 Rev. P02) which indicates proposals to dispose of surface water flows via SuDS, including attenuation basin, into an off-site watercourse and in principle offer no objection.

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However, as per our pre-application consultation response, we would advise that the proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore strongly recommended that the developer engage in pre-application consultation with the determining SuDS Approval Body (SAB). The SAB is responsible for any forthcoming applications which seeks approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, whereas DCWW is a statutory consultee to this application process.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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.

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.

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WATER SUPPLY

The proposed development is crossed by a trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site."

Sport Wales:

Sport Wales originally objected to the application on the basis that the proposal involves the development of a large area of playing field. PPW and Policy SI 5 of the LDP seek to protect open space unless specific criteria is met and Sport Wales did not consider that the criteria had been met. Their concerns relate to the assessment on an electoral ward basis in terms of causing / exacerbating a deficiency. Secondly, a large part of the playing field would be developed for the school itself, playgrounds and car and bus parks. They also questioned whether the pitches would be shared with the community and whether there is space of alternate community benefit. The applicant has provided further information and clarification on pitch usage.

Further Comments

"Sport Wales was concerned that although the application site is underused and of poor quality this did not indicate an absence of need and development would have reduced the potential to upgrade the site and increase usage.

However, the local authority's Leisure Department clearly has no objection and appears satisfied the remaining facilities are sufficient to cater for needs. As stated, Sport Wales would prefer to see details of a playing pitch strategy which shows that provision is sufficient to meet demand but it is apparent they do not feel the application site is needed and also, as there are only six pitches marked out at the adjacent Mynydd Newydd site when there is room for eight would indicate there are sufficient pitches. It is of course desirable to have room for pitch rotation to maintain quality but it is expected that additional pitches would be marked out if demand was such.

It is acknowledged that the new 3G pitch has yet to receive planning permission but it is likely to take place and this will of course add greatly to the site's sporting capacity helping in particular to meet the training needs of local clubs which will relieve pressure on the existing grass pitches.

Sport Wales remains concerned about the ability of the two new pitches to accommodate community use but the intention to allow such use is noted and YGG Bryn Tawe and the new school at least will have access to new pitches. The new MUGA for the school and community is also noted.

In light of the above, particularly with regard to sufficiency of provision, although we would prefer to have clear evidence rather than anecdotal statements, Sport Wales removes its objection."

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Glamorgan Gwent Archaeological Trust (GGAT):

“Information in the Historic Environment Record shows no recorded designated historic assets, and no non-designated historic assets in the area of the proposed development. There are no indications from historic mapping that any archaeological features are within the development boundary.

Given our current information, it is unlikely that previously unknown archaeological remains of significance would be encountered during the development. We therefore do not make any recommendation for mitigation in this case, and have no objection to the determination of the application.

However the HER is not definitive, and should previously unknown archaeological material be encountered during the development, please contact us as archaeological mitigation may be necessary.”

Police Designing Out Crime Officer:

“The whole of the school site must be protected by a security fence (as per drawings) that meets the standards and specifications of Secured by Design (SBD).

The fence must be at least 2.4 metres high, weld mesh, expanded metal or similar and be of a design that is difficult to climb over. Fencing should be ground on a hard surface or embedded in the ground. There must be nothing adjacent to the fencing to assist criminals in climbing over it and therefore gaining access into the school grounds.

Gates must be of the same height and specification as the fencing and must be kept locked when the school is unoccupied. Gates, other than the main entrance, must also be kept locked during school time. The gap under the school gates must be minimal to prevent persons from crawling under.

If padlocks and chains are used to secure the gates they must meet appropriate security standards e.g. Sold Secure.

The main vehicle entrance onto the school site must have a barrier fitted, with a voice entry system linked to the reception area, to control vehicle access onto site.”

Additional design advice made regarding the following: CCTV; lighting; landscaping; signage; vehicle access and parking; bike stores; refuse and recycling centres; external furniture; access to drainage and service areas; building shell security; access control; school entrances and visitor control; drainpipes; windows; doors; computers; secure areas; and intruder alarm system. See full comments on application page.

APPRAISAL

Full planning permission is sought for the construction of a new 2.5FE Welsh-medium two storey primary school, associated landscaping, playing facilities, MUGA, and parking facilities to the north of Heol Gwyrosydd and alterations to the existing traffic arrangements and circulation at the wider Ysgol Gyfun Gymraeg Bryn Tawe School and Community Leisure site on the eastern part of the site. The proposed building would accommodate a nursery and a Flying Start unit and would have a gross external floor area of 3,115m².

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The new school would accommodate up to 625 pupils and contain 66 staff. The site is white land in the Adopted Swansea Local Development Plan.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the use, the design/ visual impact, drainage and impact on highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The site is white land in the Adopted Local Development Plan and the principle of development is therefore considered acceptable subject to meeting the criteria of the relevant planning policies.

Policy SI 2 states that new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria. Policy SI 3 relates to new education facilities and states that new school developments should be appropriately located, provide appropriate drop-off and parking facilities, include provision for other community uses and phase school provision. Policies PS 1 requires that development should be directed to the most sustainable locations. Policy SI 5 seeks to protect open space subject to certain criteria.

At the current time, the site comprises playing fields for the school and has previously been used for community use in association with the adjacent playing fields although the Parks department indicate this is not currently the case. Planning Policy Wales (4.5.4) states that “All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:

- * facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- * alternative provision of equivalent community benefit is made available locally, avoiding any temporary loss of provision; or
- * there is an excess of such provision in the area.

Similarly, Policy SI 5 of the Local Development Plan states that “Development will not be permitted on areas of open space unless:

- i. It would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or
- ii. The substantive majority of existing open space provision on the site is to be retained and enhanced as part of the development of a small part of the site and the functional use of the facility would be unaffected; or
- iii. The development can provide appropriate alternative open space provision, of equivalent that delivers a wider community benefit and is provided in a suitable alternative location is made available; or

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iv. A satisfactory financial contribution to the developers make satisfactory compensatory provision is provided towards an acceptable alternative facility.”

Sport Wales originally raised concerns at PAC stage and reiterated these concerns when objecting to the application. Whilst Sport Wales raised concerns about the use of electoral wards in the assessment, the LDP refers to the most up-to-date Open Space Assessment which is calculated on a ward by ward basis as this is considered an appropriate starting point and also looks at deficiencies within a ward.

The site is located in the ward of Penderry and forms part of the Outdoor Sports Facilities for the ward. There is a total of 2.8 ha per 1000 head of population of FIT provision within the Ward which equates to 0.4 ha over the recommended target. With a population of 12,000 residents, this equates to 4.8Ha. The site area equates to 3.78Ha so in terms of overall provision, the Ward would still exceed FIT standards for outdoor sport and recreation. It is acknowledged that the majority of provision is provided on education sites as is the case of the application site so the loss of this area of land would not significantly impact on this as it is used for education purposes. The proposals would therefore comply with PPW in that there is an excess of such provision in the area.

However, there would be a marginal increased deficiency of access (300m from nearest entrance) for two areas to the south of the site as the majority of the site would be lost for recreational use resulting in increased distance to the nearest sports facility (criterion I of LDP policy SI 5). It should be noted that the proposals would not retain the substantive majority of pitches on site (criterion ii) nor seek to provide a financial contribution to provide compensatory provision elsewhere (criterion iv).

The applicant has advised that the existing playing field on the site, being within the grounds of YGG Bryntawe, is of a poor quality and underused and does not significantly contribute towards the school's usage. Indeed, the Sport and Health Manager has confirmed that the Parks Manager for this part of the city has confirmed with him that the pitch in question is not used by their lettings service and thus there is no community club or league use at all (no organised sport). This has been the case for the last 3 seasons, the only organised usage of any sort is by Bryntawe School and this is very limited. They have also confirmed that the area has not been involved in pitch rotation as the size of the adjacent fields at Mynydd Newydd (Local Authority owned non-Education playing pitches) means this is not required by the Parks Operations service. Mynydd Newydd has 6 football pitches available for booking between September and April (there is room for 8, but they rotate to protect the area generally) and 3 cricket pitches May to August. There are 18 changing rooms, 2 are leased to Penlan RFC, who also have a licence to use one of the 2 rugby pitches on the school side of the lane leading to Mynydd Newydd.

In this instance an under-used full sized playing field and red gras pitch would be replaced by two junior size pitches, built to modern standards in terms of surfacing and improved drainage, and which would encourage regular and active use by junior users. These facilities are proposed to be made available for wider community use outside of school hours, during weekends and daylight hours, subject to demand.

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When this is considered alongside the overprovision of outdoor recreational space provision within the Ward, even after considering the loss of the whole site from the calculation, it is considered that the development could provide appropriate equivalent alternative open space provision that provides a wider community benefit to residents of the area and would comply with Criterion iii of policy SI 5, provided a condition is attached to any grant of consent requiring the pitches to be available for community use.

It should also be noted that the Parks department has not objected to the application and Sport Wales no longer object following the clarification provided by the applicant and noting that the Parks department has no objected to the application and appear satisfied the remaining facilities are sufficient to cater for needs.

The applicant has indicated that a new 3G pitch is also proposed at YGG Bryntawe. This would be subject of a separate application (no application has been submitted at the present time) and as a result, no weight has been given to this issue in the determination of this application as the proposal may never come to fruition.

The proposals are therefore considered acceptable in terms of the loss of open space and comply with Policy SI 5 and Planning Policy Wales. The principle of the development in this location is therefore considered acceptable.

Design/ Visual Impact/ Layout

Policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this.

Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

The school has been subject to discussions regarding the proposed layout, form, character and appearance at pre-application stage. The proposed layout is considered to have a good relationship with the frontage along Heol Gwyrosydd as it faces onto it with only the pedestrian area in front and provides a presence and welcoming environment for pedestrians. The proposals are considered acceptable to meet the needs of the new purpose built use as well as providing a building with a clear and bold architectural identity. The proposed character and appearance of the proposals overall present simple and appropriately scaled forms as well as a suitably cohesive and appropriate materiality. Further to this, the proposed pattern of fenestration introduces colour and visual interest and helps break up the overall mass of most of the façades. The two storey nature of the building is considered acceptable given that there are three storey flats located on the opposite side of the road, YGG Bryn Tawe to the rear of the site is three storey and there are other four storey flats nearby. PV panels are proposed on the roof which are considered acceptable.

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The car parking area is located at the side of the school where there would be natural surveillance from the road/ frontage but in a location that does not detract from the overall aesthetic of the building or its relationship to Heol Gwysydd, given that there is landscaping along the site frontage.

The Police Designing Out Crime Officer has provided general advice with regards to site security and the site would be fenced with weldmesh fencing and gates as suggested to a height of 2.4m. The applicant is recommended to review the more specific advice in full as this goes beyond the scope of any planning permission granted.

With regards to the bus parking area, the layout is largely functional in nature as provision would be made for 20 buses to park and turn within the site and enable safe disembarkation of passengers. Landscaping is proposed along the frontage in terms of the provision of new trees and there are also further options for additional landscaping to further screen the area given its prominence on the frontage. Similarly, the additional parking bays along the frontage can be broken up with more planting to break up the expanse of concrete.

The proposed layout and design is therefore considered acceptable.

Neighbouring/ Residential Amenity

Policy PS2 seeks to avoid conflict due to unacceptable juxtaposition of residential and non-residential uses. RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively.

A Noise Assessment was undertaken which indicated that road traffic along Heol Gwysydd was found to be the dominant noise source with some additional noise contribution from Plant at Penlan Community Leisure Centre. Noise mapping has shown that the majority of spaces would be suitable for natural ventilation with openable windows, depending on the internal layout. Plant noise limits have been set at 5dB below the existing background noise levels, meaning plant noise contributions should not exceed 39dB and 20dB LAeq,T at daytime and night time respectively at the nearest noise sensitive receiver. A condition to this effect would be attached to any grant of consent.

In general terms, it is considered that a school in a residential area is acceptable in principle subject to ensuring sufficient buffers are provided from the building and outdoor amenity areas. It must also be acknowledged that the existing site is used for recreational purposes and it is not considered that the proposed educational use would have a detrimental impact on neighbouring amenity. The building has been set back approximately 14.5 metres from the pavement edge and the properties opposite would be located approximately 40m away on the opposite side of the road which is indicated to be the main noise source in the area. The play facilities are located at the rear of the site with no floodlights proposed, and within this context, it is not considered that the proposals would have a detrimental impact on neighbouring amenity.

A Phase 1 and Phase 2 Ground Investigation Report has been submitted along with the planning application. This indicates elevated arsenic and lead recorded within the sub-base which would be an unacceptable risk without remediation.

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Various mitigation options have been recommended within the report and the Pollution Control Officer has advised that the proposals are acceptable subject to a condition regarding a remediation options appraisal and a subsequent validation report to indicate that the appropriate measures have been undertaken and are acceptable.

One letter has raised a concern about the environmental and health implications of the proposal, given that it would result in increased traffic flow and buses attending the site on an already congested road network. The resident has stated that coaches coming to the school would be at the end of their life and would not have modern, efficient engines fitted with appropriate filters. The resident has also commented that Swansea already has one of the most polluted roads in Europe (the M4) but this isn't directly relevant to the application.

It should be noted that this application could not control the vehicles used to transport children to school in terms of their age/ fuel type etc. However, in terms of the bus park itself, this would be used to reduce congestion at the entrance to the existing school and would reduce conflict and any unnecessary idling. Additional vehicles would be inevitable with a new school use on site (including buses) but the application site is not located within a designated Air Quality Management Zone. The Pollution Control Officer has requested that a condition is attached to any grant of consent requiring a green screen along the frontage of Heol Gwyrosydd in order to enhance mitigation of air pollutants on the playground areas of the school specifically. It should be noted that the site layout originally included landscaping along the school frontage element and amendments submitted have also provide further planting both within the school car park and along the road frontage itself to further soften the environment and provide other benefits. As such, a condition would be attached to any grant of consent requiring landscaping details to be submitted with air quality being included in the reason to ensure Pollution Control Officer have the opportunity to comment once submitted. Given the proximity to dwellings and the existing school, it is also considered appropriate to require a CEMP to be provided for the construction phase of the development.

In light of the above, the proposals are considered acceptable in terms of their impact on the amenity of the environment, residents and future school children.

Highway Safety/ Parking/ Active Travel

Policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking. Concerns have been raised about parking provision, increased traffic (including construction traffic and buses) on a narrow street and the resultant impact this would have on safety, especially for children.

The application has been supported by a Transport Assessment which has considered the existing traffic situation at Mynydd Newydd Road/ Heol Gwyrosydd/ The Crescent crossroads; and Heol Gwyrosydd/ Conway Road roundabout (survey on a Tuesday in November) at 8-9am (school drop off/ am peak), 3-4pm (school pick up) and 4.15-5.15pm (pm peak). 15 Personal Injury Collisions noted over a 5 year period, 13 of which were slight and 2 were serious (no fatal accidents) indicating no existing highway safety issues.

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The proposed level of car and cycle parking shows some deviation from the adopted parking standards in terms of total provision but has been reduced (7 spaces removed) following concerns raised by Officers that over provision would result in reliance on private transport and would not encourage more sustainable modes of transport. The applicant considers the overprovision of car parking (compared with standards) to be reasonable so as to avoid the potential for staff parking either on the public highway or within the YGG Tirdeunaw/PCLC car park. It should be noted that the Car Parking Standards SPG make allowance for ancillary staff within secondary schools but does not make a similar allowance for primary schools despite there being a similar need. The LDP (T6) refers to maximum parking standards, which is reiterated in Planning Policy Wales to encourage other modes of transport. The applicant has also submitted an indicative School Travel Plan to encourage alternate modes of transport going forward which is an additional reason why car parking provision needed to be reduced.

Notwithstanding this, it is considered reasonable to include an allowance for ancillary staff (over and above teachers) in line with secondary school provision standards included within the SPG i.e. 52 (1 per teaching staff + 7 (for 14 ancillary staff) + 3 (visitor) + 1 (commercial) = 63 parking spaces in total. This provides for 7 additional parking spaces but a commercial vehicle area is also indicated. The removal of parking spaces within the site has allowed additional landscaping/ planting to be installed to soften the appearance of the development and provide additional screening within the car park as requested by the Placemaking and Heritage Officer and Tree Officer. It should also be noted that space for 16 vehicles has also been provided along the school frontage to cater for pick up/drop offs on an area that is already hard surfaced and would not impact on the pedestrian footpath or the adjacent carriageway.

The applicant has also indicated that 40 cycle parking spaces would be provided on site which is a shortfall of 10 spaces over and above that which should be provided for a school of this scale. There appears to be sufficient room within the site to cater for parking for an additional 10 spaces and a condition requiring these would also be attached to any grant of consent to encourage sustainable modes of transportation.

Planning Policy Wales (4.1.39) seeks to encourage the use of Ultra Low Emission Vehicles and where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. A condition requiring details of ULEV charging would be attached to any grant of consent.

The third party comments on the proposals has stated that there is significant congestion within the area already but the concerns appear to relate more to the resultant health and environmental impacts of the congestion which are addressed above rather than its impact on highway safety and traffic movements.

The Highways Authority has not objected to the proposals subject to conditions. It is not considered necessary to require a parking management scheme for the development as this would be left to the management of the school and is not necessary in planning terms. Important elements of a construction traffic plan could also be incorporated into the CEMP and some of the details requested are already indicated on the plans (in terms of boundary enclosures and accesses etc) and the ones adjoining the highway would also be subject to a separate S278 agreement. Some local highway improvements would be required, such as a crossing point and speed reduction measures and these would be included as conditions of any consent.

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WG Highways raised no issues at PAC stage but this is to be expected given the proposal is unlikely to impact on the trunk road network (being further away than the existing school).

Traffic associated with YGG Bryn Tawe passes through the PCLC area and car park both on arrival and departure. This current situation is not ideal with long delays and internal congestion of pupils, visitors and staff of both facilities. The constrained layout and multi-function creates potential implications for driver delay, frustration, poor operational performance and driver and pupil safety. It is proposed to remove school bus traffic from this route and provide a higher quality facility at the new bus facility. The proposed bus facility would have a separate access onto Heol Gwyrosydd and would provide a purposefully designed facility for buses to drop-off, park and collect pupils for both the primary and secondary school facilities. This would improve local highway conditions, reducing the potential for collisions or impact upon operation. The bus facility would also provide suitable waiting areas and safe access to each school, improving the safeguarding of pupil travel to school.

The Highways Authority has not objected to the proposals and the proposals are therefore considered acceptable in terms of access, highway safety and parking provision in relation to LDP policy subject to conditions which would address the concerns raised.

Ecology/ Trees/ Landscape

Policy PS 2 references the strategic green infrastructure network which is supplemented by Policy ER 2 which seeks to protect and enhance green infrastructure. Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site.

An Arboricultural Survey has been submitted with the application which indicates that there are no category A trees located within the site. 8 individual B category trees are located on site along with 2 groups of trees, there are 21 individual Category C trees, 15 groups of trees and 2 areas of trees. The survey concludes that the site has potential to accommodate development whilst retaining the trees of value. 3 individual trees and 2 groups of trees are proposed to be felled (C and U categories) along with other works to improve the health of the trees.

The Council's Tree Officer has advised that none of the trees present on the site are protected by TPO or conservation area status. There are a few category B trees on and adjacent to the site. It may be possible to retain these although mitigation of their loss, if required, can be easily achieved. The retained trees would require protection during construction which could be secured by condition. In addition, the redevelopment of the site provides an opportunity to increase tree numbers in an area that has a low canopy cover. Integration within and around the attenuation basin is one area that can be utilised. The Tree Officer has stated that whilst indicative tree planting is shown on the plans, ideally the numbers should be increased with tree species which should be suitable for school grounds. Planting in hard surfaced areas would need suitable tree pits. The officer has requested a tree protection plan/ arboricultural method statement and a detailed landscaping plan which would be attached as a condition of any consent.

In terms of ecology, the site does not contain any local/ statutory designations and the application has been supported by a Preliminary Ecological Appraisal/ Extended Phase 1 Habitat Survey which was undertaken in November 2018.

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The Council's Ecologist has advised that there is the potential for commuting and foraging bats around the site. As such, a condition has been requested regarding an external lighting plan to ensure there is no adverse impact on bats which is considered reasonable and necessary. The Ecologist has requested conditions regarding pre-commencement surveys in buildings proposed for demolition but there are none on site. Similarly, a condition regarding site clearance (which is not development) is not considered necessary or reasonable in this instance and would be included as an informative along with a requirement to cover trenches during construction works. Whilst the site could support reptiles, none were found on site and no additional checks are considered to be required in this regard. The addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable, together with hedgehog friendly fencing. A condition requiring the precise details of the ecological enhancements would be attached to any grant of consent.

The Ecologist has also requested a condition requiring an updated Invasive Non Native Species (INNS) survey prior to the commencement of development but no INNS plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 were recorded on Site during the Phase 1 Habitat Survey and this would be controlled by separate legislation in any event were any to be found on site. Whilst the Ecologist has requested details of the biodiversity measures to be incorporated into the SuDS on site, this would be covered by separate legislation and controlled by the SuDS Approval Body.

A detailed Construction Environmental Management Plan (CEMP) is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding any nearby water bodies) with due regard to the nearby Mynydd Cadle SINC and Penlan Slopes SINC, for the construction and operational phase of the development. NRW raised this as an issue in their comments at PAC stage.

The proposals are therefore considered to be acceptable in terms of their impact on ecology, trees and the landscape subject to the conditions referenced above.

Green Infrastructure

Policy ER 2 states that Green Infrastructure should be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall Green Infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional Green Infrastructure network.

It is clear that policy SI 5 allows for the loss of open space but this policy requires consideration of the impact of development on Green Infrastructure. The Council's Ecologist has also requested that a Green Infrastructure Assessment is provided by the applicant. There is no policy requirement for an assessment however, and it is considered that whilst amenity grassland would be lost, there is significant scope to provide and create interconnected areas of green infrastructure and fill gaps in the existing infrastructure.

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The inclusion of features within the landscape strategy would provide various benefits that could include improving grassland diversity, a sensory garden to encourage pollinators and a kitchen garden. Added to this, the proposals would introduce opportunities for contact with nature by the school children, improve health and wellbeing of children and encourage active and passive recreation which are positive aspects of the development. An attenuation feature would also be included as part of the development within the site. Therefore, it is considered that the loss of green infrastructure on site would be mitigated acceptably with a range of different options to be incorporated into the development.

Climate Change and Renewable/ Low Carbon Technology

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 seeks to avoid flood risk. Policy EU 2 requires consideration of renewable and low carbon technologies.

Whilst there is no fluvial flood risk to the site, there is a small area of between high and low risk of flooding along the southern boundary of the site. This is only a small area with levels approximately 200mm below surrounding ground. This area is proposed to be paved as part of the development, therefore this small area of surface water flooding would be removed. The Drainage Officer has also raised no objections to the proposal in terms of flooding.

A Low and Zero Carbon Study was carried out to assess the feasibility of renewable technology options at the YGG Tirdeunaw site indicating that solar PV was the most viable option and solar PV panels would be installed on the south facing roof. Natural ventilation has been applied where possible throughout the building. The large amount of natural ventilation is achieved with the provision of actuated windows at high and low level. Mechanically ventilated spaces would be provided with supply and extract air from local mechanical heat recovery units (MVHRs) located at high level within the spaces with air intake and exhaust ducted from the building facade. The aim of the proposal is to achieve BREEAM “Excellent” and the design of the building has adopted several initiatives including the above to meet this ambitious target. The proposals are therefore considered acceptable in terms of climate change resilience.

Drainage

Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

The drainage strategy proposes a series of swales/ filter strips to take surface water from the parking area and pitches to an attenuation basin at the rear of the site. In addition, the car parking area for the school would utilise permeable paving. The maximum water depth in the basin during the modelled 1 in 100 storm event with a 40% allowance for climate change is 1.21m but would be dry until after rainfall events. During the average year's rainfall event, the maximum water depth would be 296mm. The basin would be fenced off with 2.4m high fencing. The swale is to be designed to have a 500mm wide bed, be 500-800mm high and have 1 in 2 bankings and a fence is proposed to ensure pupils and the public are kept out of the swale. The basin would discharge flows to a swales which would convey surface water to an outfall at the existing ditch along the western boundary and would require SAB approval. Therefore a surface water drainage condition is not considered necessary for this development and the Council's Drainage Officer has raised no concerns with the proposals.

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DCWW has advised that foul flows from this proposed development can be accommodated within the public sewerage system and recommended a point of connection at manhole reference SS64964102 which has been confirmed as part of the foul drainage proposals within the submitted 'Drainage Strategy'. Alternatively, DCWW offer no objection in principle to a proposed point of connection to the east of the site at manhole reference SS64966303 albeit they have requested a condition to confirm the identified point of connection which would be attached to any grant of consent.

Heritage

GGAT has advised that information in the Historic Environment Record shows that there are no designated or non-designated historic assets within the proposed development area. No features are noted on historic mapping sequences. On this basis, it is unlikely that archaeological remains would be encountered during the development and GGAT has no objections to the proposal. CADW has advised at PAC stage that there are unlikely to be any effect on setting of designated historic assets as proposal would not be inter-visible.

Employment and Training Opportunities

Policy IO 2 seeks to provide training opportunities to maximise added benefits in line with the Council's Beyond Bricks and Mortar (BBM) policy. The Education department has confirmed that part of the terms and conditions for 21 century schools funding with Welsh Government is that certain community benefits are met. The Education department would liaise with BBM to help set the targets for each project and work with them more specifically on the work placements for projects. As this is a Council scheme and the requirements are included as part of the funding for the project, it is not considered necessary in this instance to provide for this in a S106 agreement as it is suitably controlled by other means.

Other Issues

At PAC stage, the Coal Authority stated that the site is outside identified High Risk Area therefore there is no requirement for a Coal Mining Risk Assessment. The Health and Safety executive advised they have no interest in the development. The Canal and River Trust has no comments to make. The Waste department does not object to the proposals and any arrangements for the collection of waste on site would be a separate management issue.

Conclusion

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In conclusion, and having regards to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered an acceptable form of development at this location that would not unduly impact upon the visual amenities of the area, the residential amenities of surrounding properties, ecology or highway safety.

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RECOMMENDATION

APPROVE, subject to the following conditions;

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

2 The development shall be carried out in accordance with the following approved plans and documents:
Proposed Ground Floor Plan (Drawing No. (05) 100 Rev O), Proposed First Floor Plan (Drawing No. (05) 101 Rev M), Proposed Roof Plan (Drawing No. (05) 102 Rev E), Proposed Sections (05) 104 Rev A), Boundary Fence Types (Drawing No. 18047-PDA-(05)-203 Rev A) received on 16th May 2019; Site Location Plan (Drawing No. 18047 (05) 200 Rev. A) received on 22nd May 2019; Proposed Elevations (Drawing No. (05) 103 Rev G) received on 19th July 2019) and Proposed Site Plan (Drawing No. 18047 (05) 202 Rev I).

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 Environment 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;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- viii) outline all necessary pollution prevention measures (including reference to any nearby water bodies) to ensure no detrimental impact to nearby Sites of Importance for Nature Conservation including Mynydd Cadle SINC, Portmead Common SINC and Penyfodau Fawr to Llewitha SINC or other environmental interests.

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.

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- 4 Notwithstanding the details submitted to date, no development shall commence until details of a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

- 5 Notwithstanding the details submitted to date, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) on the land, identify those to be retained and set out measures for their protection throughout the course of development. The approved tree protection measures shall be implemented prior to the commencement of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 6 Prior to the commencement of development, full details of the Ecological Enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancements shall be implemented prior to the first beneficial use of the building hereby permitted and retained for the lifetime of the development.

Reason: To ensure ecological enhancements are incorporated in the development hereby proposed to ensure policy compliance.

- 7 Prior to the first beneficial occupation of the new school hereby approved, the car parking spaces shall be clearly demarcated on the ground as indicated on the Proposed Site Plan (Drawing No. 18047 (05) 200 Rev D), with the exception of Space No. 23 which shall be utilised for additional landscaping, and retained as such thereafter for the lifetime of the development for the parking of vehicles.

Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.

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- 8 Notwithstanding the details submitted to date, a scheme for cycle parking to provide a minimum of 50 cycle spaces shall be implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the school hereby permitted. The approved cycle parking shall be retained as such thereafter for the lifetime of the development for their intended purpose.
Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.
- 9 Prior to the first beneficial occupation of the bus parking area, bus parking spaces shall be clearly demarcated on the ground as indicated on the Proposed Site Plan (Drawing No. 18047 (05) 200 Rev D), and retained as such thereafter for the lifetime of the development for the parking of buses, coaches and minibuses only.
Reason: To ensure that adequate parking provision is provided on site for buses and to ensure the area is not used as a general parking area for cars.
- 10 Prior to any superstructure works on site, details and/ or samples of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details. For the purpose of this condition, superstructure works are defined as any building construction works above ground level.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 11 Prior to the first beneficial use of the school hereby permitted, and notwithstanding the details submitted to date, full details of a School Travel Plan to include measures to reduce reliance on private vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented, monitored and updated as required in accordance with the approved details once approved.
Reason: To promote sustainable means of transport to the school for the lifetime of the development.
- 12 Noise from any plant/ equipment installed on site shall not exceed 39dB and 20dB LAeq,T at daytime and night time respectively, at the nearest noise sensitive receptor and shall not exceed 48 dB LAeq,T at the nearest openable window of a teaching space.
Reason: To ensure the development does not result in noise pollution at nearby sensitive receptors and ensure BB93 indoor ambient noise level targets are not compromised.
- 13 Prior to the first beneficial use of the development hereby permitted, full details of an Ultra Low Emission Vehicle (ULEV) Strategy to cover a minimum of 10% of the car parking provision on site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first beneficial use of the school hereby permitted and retained for the lifetime of the development.
Reason: To ensure Ultra Low Emission Vehicle charging points are provided in accordance with Planning Policy Wales.

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- 14 Prior to the commencement of development on site, a Remediation Options Appraisal shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Options Appraisal shall indicate all measures to be taken to reduce the environmental and human health risks identified in the submitted Combined Phase 1 and Phase 2 Ground Investigation Report to an acceptable level, in a managed and documented manner, to best practice and current technical guidance. The development shall thereafter be undertaken in accordance with the approved Remediation Options Appraisal.

Prior to occupation of the school hereby permitted, a validation/ verification report demonstrating completion of the works set out in the approved Remediation Options Appraisal and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority

Reason: The Ground Investigation has identified potential contamination issues/ pollution linkages that need to be considered further and remediated on site to ensure the site does not pose a health risk to future users.

- 15 Prior to the first beneficial use of the development hereby permitted, full details of a Community Use Agreement for the Junior Football Pitches and the Multi Use Games Area (MUGA) hereby approved indicating full details of how and when they shall be made available for general community use shall be submitted to and approved in writing by the Local Planning Authority. The Junior Football Pitches and MUGA shall thereafter be made available in accordance with the approved details.

Reason: To ensure that the junior pitches and the Multi Use Games Area are available for wider community use outside of school hours.

- 16 Prior to the first beneficial occupation of the school hereby permitted, full details of the off-site local highway improvement works to reduce vehicle speeds, improve pedestrian crossing along Heol Gwyrasydd and improve highway safety shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site works shall be provided in accordance with the approved details prior to the first beneficial use of the school hereby permitted.

Reason: In the interests of highway safety to ensure the highways improvements within the vicinity of the site are provided in a timely manner.

- 17 Prior to the first beneficial occupation of the school hereby permitted, confirmation that a Traffic Regulation Order has been issued/ made to Heol Gwyrasydd to include a reduction in speed limit, limited waiting/ permit holders exempt parking and associated signage shall be submitted in writing to the Local Planning Authority.

Reason: In the interests of highway safety to ensure the necessary highway improvements are undertaken.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS4, IO1 , IO2, HC1, SI1, SI2, SI3, SI5, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, EU2, EU4, RP1, RP2, RP3, RP4, RP5 RP6, RP8.

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- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 3 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

4 **Informative Note**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

- 5 The applicant is advised to consider the detailed advice contained in the Ecologist's comments on this application which are included in full in the Officer's Report.
- 6 Dwy Cymru Welsh Water has advised the following:

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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.

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.

Planning Committee – 3rd September 2019

Item 2 (Cont'd)

Application Number:

2019/1138/FUL

The proposed development is crossed by a trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

- 7 The applicant is advised to review the full comments of the Police Designing Out Crime Officer which are available on the planning application website:
www.swansea.gov.uk/planningsearch
-

Planning Committee – 3rd September 2019

Item 3

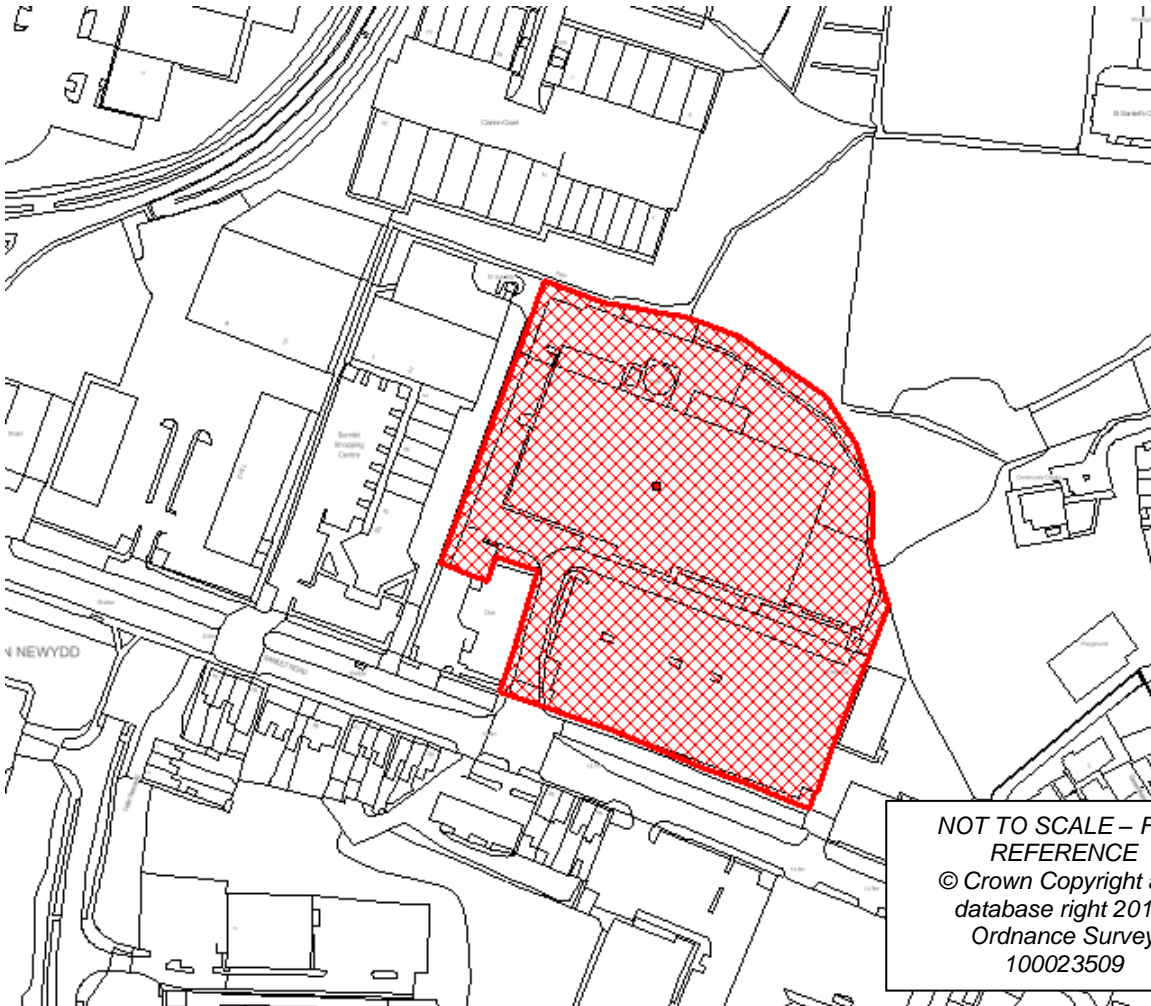
Application Number: 2019/1635/FUL

Ward: Llansamlet - Area 1

Location: Unit 23 Samlet Road, Swansea Enterprise Park, Swansea, SA7 9AG

Proposal: Change of use from A1 (retail) to motor vehicles sales (Sui Generis) with associated external alterations and modification of Section 106 relating to planning permission 92/0865 dated 12th January 1993 to allow for the sale of motor vehicles and ancillary goods.

Applicant: Ms Majit Virk Motorpoint Limited



NOT TO SCALE – FOR
REFERENCE

© Crown Copyright and
database right 2014:
Ordnance Survey
100023509

Site History
App Number
A00/6065

Proposal
ERECTION
INTERNALLY
ILLUMINATED
FREESTANDING
FORE COURT SIGN

OF

Status APP

Decision Date
21.11.2000

Planning Committee – 3rd September 2019

Item 3 (Cont'd)	Application Number:	2019/1635/FUL
A00/6053	4 NO. INTERNALLY ILLUMINATED INDIVIDUAL BOX LETTER SIGNS AND 2 NO. INTERNALLY ILLUMINATED FASCIA SIGNS	APP 28.07.2000
A00/1713	ALTERATIONS TO EXIT FROM CAR PARK AND ERECTION OF A PRE- FABRICATED SUB STATION	APP 03.01.2001
A00/0965	CONSTRUCTION OF NEW SPRINKLER TANKS AND PUMP HOUSE	APP 01.09.2000
A00/0626	EXTENSION TO EXISTING EXTERNAL SALES AREA, NEW OFF LOADING ENCLOSURE AND ALTERATIONS TO FENCING ON SIDE (WESTERN) AND REAR (NORTHERN) BOUNDARIES OF SITE TOGETHER WITH NEW CANOPY OVER PART OF EXISTING EXTERNAL BUILDERS YARD	APP 27.06.2000
2016/0485	Modification of Section 106 agreement relating to planning permission 92/0865 dated 12th January 1993 to allow for the sale of DIY materials and ancillary goods, outdoor leisure goods, toys and stationary, clothing and footwear, pets and equestrian goods.	APP 02.12.2016
2015/0677	Discharge of condition 3 of Planning Permission 2014/0275 granted 27th January 2015	NOBJ 01.05.2015

Planning Committee – 3rd September 2019

Item 3 (Cont'd)	Application Number:	2019/1635/FUL
2014/1860	Modification of the Section 106 agreement attached to planning permission 92/0865 granted 12th January 1993 to allow for the sale of bulky goods, food and drink, clothing and footwear and domestic electrical goods	PCO
2006/1611	Five non illuminated shop signs and one internally illuminated box sign on southern elevation and one freestanding internally illuminated totem sign	APP 07.09.2006
2006/1573	External alterations, including new entrance and exit doorways and 3 metre wide gates on front elevation, new fire exit doors on rear and side elevations and provision of vehicle access to external covered yard	APP 19.12.2006
2005/1132	Modification of the Section 106 Agreement attached to planning permission 92/0865 dated on 29th August 1993 for the temporary non-compliance with paragraph 1 of the 4th Schedule to allow the unrestricted retail use of the store for a period of 12 months to coincide with the closure of the existing Tesco Store at Nantyffin Road	WDN 30.09.2005

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

2003/2263	Modification of Section 106 agreement relating to planning permission 92/0865 signed on the 29th August 1993 to state that the goods sold from the premises shall be restricted to the following: Do it yourself, home improvement products, hardware, plants, garden supplies and garden equipment with or without a garden centre; furniture and furnishings; electrical goods; office supplies; camping and leisure goods; with or without ancillary coffee shop/snack bar and other ancillary uses	PDE	
2001/1700	Siting of mobile catering unit	APP	14.12.2001

Procedural Matters

This application is reported to Planning Committee for decision as the site area exceeds the development threshold set out within the Council's Constitution.

Site Location

The application site is the former B&Q store on Samlet Road, most recently occupied by 'Buyology'. The application building is a large single storey structure located at the rear (north) end of the site with a surface car park at the front (southern) end of the site fronting onto Samlet Road.

To the north and west are commercial premises on Clarion Close and Samlet Road respectively. Also to the north beyond the service yard of the premises is an area of woodland with the graveyard of Samlet Church beyond. To the east are other commercial premises on Samlet Road with part of the eastern boundary also bordering an area of public open space.

Site History

The application premises was constructed as a retail unit under planning application 92/0865. The application was approved subject to a Section 106 Agreement restricting the goods sold from the premises to DIY materials and ancillary goods.

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

Since then there have been various applications to extend the range of goods to be sold, most recently in 2016 to include outdoor leisure goods, toys and stationary, clothing and footwear, pets and equestrian goods (Ref: 2016/0485).

Description of Development

The proposal is to convert and change the use of the building to motor vehicle sales with associated external alterations.

In terms of the external alterations, these comprise of relatively minor alterations to the building frontage to include additional glazing, an open display frontage and part repainting of the elevations. Fencing is proposed to be installed around the perimeter. The car park would remain as existing with additional landscaping.

The estimated number of cars for sale would be circa 4000 per annum with annual customers estimated to be circa 5000. In terms of operating practices, 80% would be sales with the remaining 20% for light valeting and mechanical preparation. A small café is proposed that would be ancillary to the main use of the premises for motor vehicle sales.

Planning Policy

The Swansea Local Development Plan (LDP) is the extant development plan for the area and the following Policies are material to the consideration of this application:

PS2 (Placemaking and Place Management) - Development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

EU4 (Public Utilities and New Development) - Development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

ER8 (Habitats and Species) - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

RC2 (Retail and Leisure Development) - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

RP1 (Safeguarding and Public Health and Natural Resources) - Development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

RP2 (Noise Pollution) - Development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP4 (Avoidance of Flood Risk) - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP3 (Water Pollution and the Protection of Water Resources) - Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

T5 (Design Principles for Transport Measures and Infrastructure) - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T6 (Parking) - Proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Consultations:

The application was advertised in the press and on site in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended). No public responses have been received.

Highway Authority

The Highways Authority have been involved with the development of this scheme from an early stage (and through the PAC) regarding the planning application and documents for submission. It was considered that the traffic was likely to be less with the proposed use than with the current A1 use. As such there was no requirement for any Section 106 contributions.

Access/egress to the site is as existing hence there are no highway safety issues arising from its continued use. The recorded accidents in the vicinity are not related to the use of that access.

The proposed layout shows swept paths for the entry/exit of a car transporter which would be the main mode of transport for deliveries to the site.

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Item 3 (Cont'd)

Application Number:

2019/1635/FUL

The proposed plans indicate that adequate parking for staff, customers, display and servicing/delivery purposes is available.

I recommend that no highway objections are raised to the proposal subject to the site layout (as approved) being laid out and maintained as such thereafter.

Natural Resources Wales (NRW)

The drawing entitled; 'Site Plan as Proposed (No. 1922 - P08)', dated June 2019, by BHA Limited, indicates the presence of a hand wash bay.

As your Authority will be aware, effluent and run-off from vehicle washing and cleaning activities can damage the environment. Therefore, it is important that appropriate drainage arrangements are installed on site.

We advise that any effluent generated from vehicle washing should be directed to the mains sewerage system. No detergents or vehicle washings, including steam cleaning, should be allowed to discharge into any surface water drainage system.

This is to ensure that any effluent generated is directed to the appropriate drainage system, and that the infrastructure of the vehicle washing area is suitably designed.

As the washing of cars will likely generate effluent from a trade, it may require a Trade Effluent Discharge Consent, to discharge to the main sewer. Therefore, the applicant should contact Dwr Cymru/Welsh Water to apply for trade effluent consent, or to received confirmation as to whether one is required.

Protection of the water environment is a material planning consideration and therefore your Authority must be satisfied that the proposed drainage arrangements on site will not cause any detriment to water quality.

Should your Authority be minded to grant planning permission; then your Authority may wish to contact Dwr Cymru/Welsh Water (DCWW), prior to determination, in order to confirm that they are satisfied with the proposals and that a Trade Effluent Discharge Consent and connection to the public foul sewer can be secured, if required.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the development in this location, its impact upon the character and appearance of the area, its impact upon residential amenity, its impact upon access and highway safety and its impact upon drainage, flooding and ecology having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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Item 3 (Cont'd)

Application Number:

2019/1635/FUL

Principle of Development

The proposal is for the conversion of an existing A1 restricted retail premises in an out of centre location to a motor vehicle sales use. Policy RC2 provides guidance on the consideration of proposals for retail and leisure development and requires new developments to demonstrate that they have applied a sequential approach to site selection by following centres of the retail hierarchy.

Policy RC2 criterion c. acknowledges that in exceptional circumstances retail proposals will be permitted at out of centre locations outside "Retail Parks" where developments require a particular type of unit with an extensive floor area, and/or a bespoke designed premises, that are not normally available within Centres or Retail Parks, in order to accommodate the range of goods to be sold. It is clear that the proposed car sales use would fall within this category and the amplification of Policy RC2 specifically states that criterion c. includes vehicle show rooms.

With reference to the requirements under Policy RC2 for a sequential assessment and retail impact assessment, on the basis that the site is currently in retail use, albeit restricted, and the proposal is for motor vehicle sales, which is not the type of use that could be accommodated within the city centre or district centres due to the large area requirement, it was not considered necessary for this planning application to be accompanied by a sequential assessment or retail impact assessment.

In principle, therefore, it is considered the proposed change of use from a restricted A1 retail use to a car sales use would be acceptable and would not conflict with the provisions of RC2 as the proposal is effectively a replacement retail use selling goods that cannot practically or viably be accommodated in a more sequentially preferable location and could not be accommodated within an established retail park. Moreover, it is also relevant that the proposed development, if approved, would effectively reduce the critical mass of A1 comparison retail floorspace outside of the city centres or district centres, which could potentially have a positive impact upon such areas. This also weighs in favour of the proposal which, in principle, is considered to be acceptable and in accordance with Policy RC2.

Visual Amenity

The site and its surrounding, for the most part, are characterised by large commercial units and the busy Samlet Road which provides access to the site. There are residential properties within the area, notably two pairs of semi-detached properties on the opposite side of Samlet Road, however, these properties are already surrounded by established commercial uses.

The proposed alterations to the existing building would be cosmetic in nature and would not result in an increase in covered retail floor area at the site. A glazed curtain wall system would be introduced to the front elevation to provide natural light to the internal sales area. The front walls of the building on the eastern side of the main building are proposed to be removed to create an open, but covered, outside sales area.

The surface car park would broadly be retained as existing with the main alteration being the provision of a 2.4m paladin fence around the southern boundary.

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Item 3 (Cont'd)

Application Number:

2019/1635/FUL

This is considered to be acceptable on the basis that there is a mature landscape strip along the site frontage which will serve to screen and soften the development to the extent that there would be no significant visual impact.

On this basis it is considered that the proposed development would not result in any significant adverse impacts upon the character and appearance of the area. Indeed, it would be reasonable to conclude that a new permanent occupier at the premises may result in an improvement to the site, which appears to have suffered from neglect in recent years. The proposal would not therefore conflict with LDP Policy PS2.

Residential Amenity

The nearest residential properties are located on the opposite side of Samlet Road within a busy commercial area. It is not considered the noise associated with the comings and goings of customers and vehicles would be materially different to those associated with the lawful use of the premises as an A1 retail store. The proposal would not therefore conflict LDP Policies RP1 or RP2.

Access and Highway Safety

The Highway Authority considers the traffic associated with the proposed development is likely to be less than the existing lawful restricted retail use. On this basis the Highway Authority has not requested any Section 106 financial contributions in relation to highway safety in the area.

Access to the site would be as existing off Samlet Road as such the Highway Authority consider there are no highway safety issues arising from its continued use. The recorded accidents in the vicinity are not related to the use of that access.

The application has been supported by swept path drawings for the entry/exit of a car transporter which would be the main mode of transport for deliveries to the site. The drawings indicate that adequate parking for staff, customers, display and servicing/delivery purposes is available. On this basis the Highway Authority have offered no highway safety objection to this planning application subject to the site layout (as indicated) being laid out and maintained as such thereafter. This is considered to be both reasonable and necessary in the interests of highway safety and, subject to a condition to secure this requirement, it is considered that the proposed development would not conflict with LDP Policies T5 or T6.

Flooding and Drainage

Reference to the TAN 15: Development and Flood Risk Development Advice Map (DAM maps) indicates that the site lies outside of the C1 and C2 flood zones as such the proposed development would not conflict with the provisions of RP4.

In relation to drainage at the site, no extensions are proposed, as such it is not considered necessary in this instance to consider surface water drainage details.

In relation to foul water, NRW have noted the proposed use will include a hand car wash area at the rear of the building and have advised that any effluent generated from vehicle washing should be directed to the mains sewerage system.

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Item 3 (Cont'd)

Application Number:

2019/1635/FUL

NRW have further advised that as the washing of cars will likely generate effluent from a trade then a Trade Effluent Discharge Consent to discharge to the mains sewer may be required from Dwr Cymru Welsh Water.

The area is clearly served by mains sewers as such the principle of discharging car wash down water to the mains sewer is considered to be acceptable in principle, however, in the absence of any details to confirm such arrangement a condition is recommended to control the discharge of car wash down water at the site. Subject to such a condition it is not considered that the proposed development would conflict with LDP Policies EU4 or RP6.

Other Matters

On the basis that the proposed development would not result in any significant alterations to the roof of the building, and in view of its age and its modern construction, it is not considered that the proposed development would result in any impacts upon protected species and would not conflict with LDP Policy ER6.

The Council's Legal department have advised that a deed of variation will be required to modify and/or discharge the S106 attached to the original planning permission (REF: 92/0865) which restricts the sale of goods at the site. Therefore, if the resolution to approve the application is accepted by the Planning Committee, it will be necessary for the resolution to require a modification and/or discharge of the existing legal agreement to allow for motor vehicle sales.

The Town and Country Planning (General Permitted Development) Order 1995 permits the change of use from a sui generis motor vehicle sales to an A1 use. As this permitted change could potentially allow for an unrestricted A1 retail use at the premises, which would run counter to the thrust of LDP Policies to tightly restrict new A1 retail uses in out of centre locations, it will be necessary to impose a condition to prevent the change of use of the premises from motor vehicle sales to an A1 retail use.

Conclusion

The proposal would replace a restricted A1 retail use with a motor vehicle sales use. In view of the fall back position afforded by the existing use and that a car sales use of this scale could not be accommodated within a more sequentially preferable location, the proposed development is considered to comply with LDP Policies which seek to protect the established retail hierarchy within Swansea. The proposed development would not result in any significant visual or residential amenity impacts and would not result in any significant impacts upon highway safety. Matters relating to flooding, drainage and ecology have been given full consideration as detailed above. In light of the foregoing it is considered that the proposed development would accord with the above referenced LDP Policies.

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").

Planning Committee – 3rd September 2019

Item 3 (Cont'd)

Application Number:

2019/1635/FUL

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

That the application be approved, subject to the modification and/or discharge of the legal agreement attached to planning permission 92/0865 to allow for motor vehicle sales:

- 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 received 2nd August 2019:
 - 1922 P06 Rev B (Proposed Floor Plans)
 - 1922 P07 Rev A (Proposed Elevations)
 - 1922 P08 Rev B (Site Plan as Proposed)
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of the use hereby approved, details of the disposal of the effluent from the car wash shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be retained as approved for the lifetime of the development.
Reason: To ensure foul water is disposed of in a sustainable manner in accordance with Policies RP3 and EU4 of the Swansea Local Development Plan (2019)
- 4 The materials for the external surfaces of the development shall be in accordance with the details indicated on drawing no. 1922 P07 Rev A.
Reason: In the interests of ensuring the design and materials of the development are satisfactory in accordance with Policy PS2 of the Swansea Local Development Plan (2019).
- 5 The parking areas as indicated on drawing no. 1922 P08 Rev B shall be retained for parking purposes only in association with the development hereby approved and shall be used for no other purpose.
Reason: In the interests of ensuring satisfactory parking provision for the development in the interests of highway safety in accordance with Policies T5 and T6 of the Swansea Local Development Plan (2019).

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Item 3 (Cont'd)

Application Number:

2019/1635/FUL

- 6 Notwithstanding the provisions of Schedule 2 Part 3 Class A Paragraph A of the Town and Country Planning General Permitted Development Order (1995), this planning permission hereby approved prohibits the change of use of the premises from a motor vehicle sales use to any use falling within Part A Class A1 (shops) within the Schedule attached to the Town and Country Planning (Use Classes Order) 1987.
Reason: To prevent an unrestricted A1 retail use at the site that would be contrary to Policy RC2 of the Swansea Local Development Plan (2019)

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, EU4, ER8, RC2, R13, RP1, RP2, RP4, RP3, T5 and T6.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.
- If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).
- 3 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
- No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
- 4 The developer is advised that as the washing of cars will likely generate effluent from a trade then a Trade Effluent Discharge Consent to discharge to the mains sewer may be required from Dwr Cymru Welsh Water.
-

Planning Committee – 3rd September 2019

Item 4

Application Number:

2019/0069/FUL

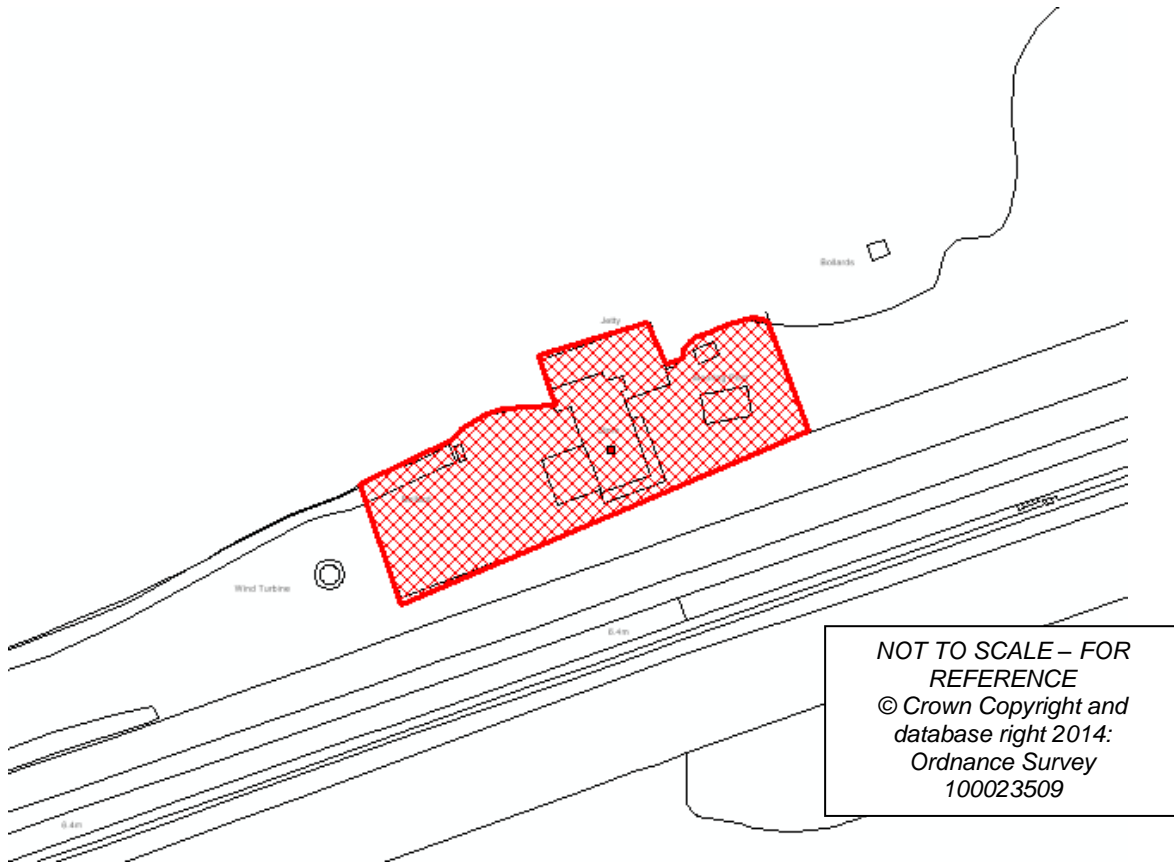
Ward:

St. Thomas - Bay Area

Location: Plot On, Queens Dock, Swansea, SA1 8SB

Proposal: Retention and completion of detached building for aquaculture uses with associated portacabin and enclosure to house generator

Applicant: Fowey Shellfish Co



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

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Item 4 (Cont'd)

Application Number:

2019/0069/FUL

LDP - RP1 - Safeguarding and Public Health and Natural Resources

Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

LDP - RP5 - Avoidance of Flood Risk

Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

LDP - T9 - Port and Docks

Port and Docks - Development and transport proposals that enhance the viability of the port and docks, and increase appropriate employment and business opportunities, will be permitted provided that such proposals are compatible and/or complementary with surrounding uses and have no significant adverse impact on seascape and natural heritage.

LDP - RP8 - Sustainable Waste Management

Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

Site History

App Number

Proposal

Status

Decision Date

None

Planning Committee – 3rd September 2019

Item 4 (Cont'd)

Application Number:

2019/0069/FUL

Procedural Matters

This application is reported to Planning Committee for decision as it meets the 'Major' threshold set out in the Council's Constitution, by virtue of its floor area.

Description

Full planning permission is sought for the retention and completion of a purpose-designed building to house an aquaculture/fishery unit at Jetty No 3, Queens Dock, Swansea. Any former buildings/plant/equipment on the site have historically been removed and the previous slab was broken up as hard-core for the new extended slab and new drainage facilities have been constructed. The building is designed to provide a facility to 'grow' fish on two stages at the site, from hatched eggs to small fry, then on to larger young fish; before being sold-on to commercial salmon fish farms in Scotland to be matured for food markets. It is envisaged that the facility will process/yield some 15-16 tonnes of fish per year.

The building comprises a 60m long x 19m wide steel frame building, clad in grey metal sheets and insulation panels, with a metal clad pitched roof to a height of 7.2m incorporating translucent panels for provision of natural light. Roller shutter doors in anthracite grey provide vehicular access at the eastern and western ends, while pedestrian traffic will be serviced by anthracite grey metal doors on all elevations.

Internally, the facility provides an enclosed 'nursery' facility building, which is separately insulated and roofed inside the main building, including Pit #2 indicated on the site plan; with the necessary pumping equipment and larger holding tanks located separately within the main building. Pit #1 is a larger concrete enclosure within the main part of the facility, with the larger tanks to the east within the facility for this purpose.

The facility is located adjacent to the Queens Dock waters, to allow for water to be pumped in to the facility and utilised in the fish holding tanks, before being filtered and returned to the dock waters. The applicant company also operates a separate mussel line enterprise within these dock waters, by virtue of planning permission 2011/0810; and an additional two-storey 'Portacabin'-type block is to be situated to the west of the main building to provide welfare and office facilities to be utilised by both enterprises. A further compound within the site area (to the north of the main building and between it and the dock waters) will be given over to house a generator to provide power to the facility.

The entire site is to be encompassed by chain lock fencing, reusing/repositioning the previous fencing where possible, with main vehicular access being provided towards the western end of the site for deliveries/collections and staff/visitor parking.

Planning Policy

Adopted Swansea Local Development Plan (2010 - 2025)

The most relevant policies contained within the Adopted Local Development Plan are as follows:

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PS1: Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which: directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS3) and Sustainable Employment Strategy (PS4); safeguards Green Wedges; and resists development in the open Countryside.

PS2: Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP5: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

T1: Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

T 9 Ports and Docks - Development and transport proposals that enhance the viability of the port and docks, and increase appropriate employment and business opportunities, will be permitted provided that such proposals are compatible and/or complementary with surrounding uses and have no significant adverse impact on seascape and natural heritage.

Planning Policy Wales (10th Edition) 2018 - "Development should not normally be proposed in coastal locations unless it needs to be on the coast. In particular, undeveloped coastal areas will rarely be the most appropriate location for development. Where new development requires a coastal location, developed coastal areas will normally provide the best option, provided that issues associated with coastal change have been taken into account. Such issues include the risks of erosion, flooding, land instability, and the preferred approaches to address such risks, and impacts on biodiversity and ecological resilience".

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Also of relevance to the current proposal is **Technical Advice Note (Wales) 15, Development and Flood Risk, Welsh Assembly Government, July 2004** - paragraph 5.3 of the document acknowledges that certain developments, by their nature, require to be sited in areas which are at risk of flooding and states that "*... There are uses which are considered to be exceptions to the general rule, and have not been classified above, because they are required in a fluvial, tidal or coastal location by virtue of their nature. These include boatyards, marinas, essential works required at mooring basins, and development associated with canals. They will not be subject to the first part of the justification test in section 6 but will be subject to the acceptability of consequences part of the test as outlined in section 7 and the requirements of appendix 1*" (of TAN15).

"The susceptibility of land to flooding will be a material consideration in deciding a planning application. For proposals located in zone C developers will need to demonstrate, to the satisfaction of the planning authority, that the development can be justified in that location and that the consequences associated with flooding are acceptable" (TAN15, p 11.1).

Consultations

Council's Drainage Officer

Initial comments received - 24th June 2019

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approving Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m² will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers. The SAB is established to:

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Evaluate and approve drainage applications for new developments where construction work has drainage implications, and

Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).

The SAB also has powers of inspection and enforcement

And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m² or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

Further comments received 19th July 2019

Following receipt of an additional Drainage plan on 17th July 2019, the Drainage Officer commented thus:

"Following internal discussions and the detailed descriptions of the works and previous site conditions and taking a risk-based approach, we can confirm that, in this instance, SAB consent will not be required for this proposal".

Associated British Ports (ABP) - ABP is the owner of the land subject to the application and is supportive of the proposal in principle as it is considered to be an appropriate use for this location within the Port of Swansea and we have granted a lease of the land to the applicant for the intended development. We therefore do not wish to raise any objections on the application but thank you for giving us the opportunity to comment.

Natural Resources Wales ('NRW') Initial Response dated 4th July 2019 - NRW does not object to this application, however we have the following comments to make.

We note that a Pre-Application Consultation (PAC), dated May 2019, by ateb Consult Ltd, has been submitted in support of the above proposal. While the document includes responses from a number of different consultees (including NRW), it does not acknowledge or directly address several of the matters raised by NRW in our pre-application consultation response, dated 25 April 2019. However, a separate Flood Risk Consequences Assessment (FCA), has been carried out and submitted as part of this application, which we will comment on below:

Flood Risk

We note the submission of the document entitled; 'Proposed Fin Fish Aquaculture Development at Queens Dock, Swansea: Flood Consequences Assessment', dated June 2019, by ateb Consult Ltd.

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Whilst there are a number of technical inaccuracies within the FCA, these do not materially affect the accepted flood risk to the site based on current and future predicted sea levels. The commercial nature of the proposed development would generally be classed as less vulnerable development according to the definitions in TAN15. However, your Authority may wish to consider that the proposal could be regarded as a use, that by its nature, needs to be in a marine location, as described in Section 5.3 of TAN15.

The FCA states that the site is located in Zone C2 on the Development Advice Map (DAM), but a detailed appraisal of the current flood map indicates that the site is primarily located within Zone A, with only a small area adjoining Queen's Dock in Zone C2.

The FCA confirms existing site levels range between approximately: 5.45m & 6.35m AOD and that the finished floor level of the new building will be set at 6.4m AOD. The current 0.5% & 0.1% tide levels are: 6.16 & 6.41m AOD. These will increase by approximately: 770mm over a recommended lifetime of development of 75-years resulting in approximate future levels of 6.93m & 7.18m AOD.

Based on the predicted sea level figures over a 75-year lifetime of development, the proposed development will not comply with the flood free threshold outlined in Table A1.14, or the tolerable limit of flood depth in Table A1.15 of TAN15. However, we note the FCA suggests that a more realistic design life for the proposed development is 20-30 years, which would result in a reduced predicted sea level over its lifetime.

In conclusion, the FCA confirms that the proposed development cannot fully comply with the requirements and guidance in TAN15. Therefore, we recommend that if your Authority are minded to grant permission for the proposed development, then the information within the FCA should be refined and used to inform a Flood Risk Management Plan (FMP), which ensures the safety of people on the site, resilient design on the site and measures to minimise any harmful effects to the environment as a result of flooding. It would be for your Authority to determine, in liaison with other risk management partners, that the Flood Management Plan (FMP) is appropriate and that the safety of people on the site can be assured during a flood event.

Please note that we would not comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals and would therefore suggest that you consult other professional advisors with expertise in this area.

Environmental Permit

We note from the application form that foul water from the proposed development are to be dealt with via a package treatment plant (PTP), due the absence of a mains sewer, in the vicinity of the site. However, as far as we are aware, NRW have not yet received an application for a permit for the package plant discharge, or an exemption registration.

Nevertheless, members of our Natural Resources Management (NRM) Team, have spoken to the applicants with regards to the package plant and the need for a suitable drainage field, because at the moment the land does not appear to be suitable.

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The applicants may not wish, or be able to discharge directly to the docks, as it is a Shellfish Water and the applicants will have a vested interest in protecting these waters from bacteriological contamination. Should the land not be suitable for a drainage field, then it may be necessary to construct a drainage mound or install a cesspit as a last resort. Further advice is available on our website at: <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/?lang=en>

Therefore, prior to determination of the application, your Authority may wish to request further clarification in terms of the method of foul water disposal, along with confirmation that a permit for the package plant discharge, or an exemption registration, has been approved. The applicant should be aware that the granting of planning permission does not guarantee the granting of an environmental permit or an exemption. NRW is unable to pre-empt any decision in relation to this matter.

Geoscience

Given the location of the site, it is likely that there is historic contamination linked to past site use. Despite this matter being highlighted in our pre-application response, no consideration or further information appears to have been submitted in relation to this, as part of the planning application. However, with respect to groundwater the site has low environmental sensitivity, and as such we would make the following comments:

Natural Resources Wales considers that the groundwaters at this site are not of the highest environmental sensitivity. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. However, we do have reason to strongly suspect that contamination is present, and a preliminary risk assessment has not been submitted.

Therefore, in line with the advice given in Planning Policy Wales, the Local Authority must decide whether to obtain such information prior to determining the application, or as a condition of the permission. Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice on www.gov.uk

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Main Issues

The main issues in the determination of this application relate to the acceptability of the proposed use at this location, while considering the principle of development, visual impact, residential amenity, ecology, flood risk and highway safety impacts and having regard to Policies PS1, PS2, RP1, RP5, T1, T6 and T9 of the Swansea Local Development Plan (2010-2025) (Adopted February 2019). There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

In terms of the principle of development, the application site itself has historically been used for industrial/commercial dock-type uses, and the previous structures/building at the site have been removed and the hardstanding incorporated into the slab for the current building. The emphasis of Policy within the LDP is to direct uses to appropriate locations and to re-use previously developed sites and, given the context of the site adjacent to the dock waters and on land previously used for industrial type uses, the application site is considered to be appropriate in principle subject to consideration of other potential impacts.

Visual Amenity

It is proposed to retain and complete the metal clad building (as described above) to provide a facility to 'grow' fish for eventual sale to Scottish fisheries on a commercial basis; and includes ancillary office/welfare facilities in the form of an additional two storey 'Portacabin' building. Given the nature of surrounding land uses and the commercial dock nature of this part of the overall dock area, it is not considered that the siting of such facilities results in an unacceptable visual impact either upon the application site or on the wider dockland area. In fact, the proposal is of a scale and design that sits comfortably within the surrounding environment and is considered acceptable in terms of its visual impact.

Residential Amenity

The proposal is situated within the long-established industrial and working area of the Docks and, specifically, lies a minimum of 900m to the nearest residential properties at Langdon Road to the north and over 1000m to those properties in the Marina to the north-west. Given this siting and due to the nature of the proposal, it will not have an adverse impact upon the residents of those nearby properties/dwellings by virtue of noise and disturbance or air or other pollution, nor in terms of any residential amenity impact.

The site also lies adjacent to the consultation zone for the Notified Hazard of the BP Chemicals site within the Queens Dock area. Notwithstanding its proximity, however, it is not considered that the current proposal would result in significant risk to life or health when combined with that Notified Hazard, so that its siting in the area proposed does not exacerbate such hazards. It is not considered that the use of this site for the purposes indicated would have any impact upon the residential amenity of any nearby properties over and above that associated with the previous use of the site

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Ecology

As discussed in the NRW response, the proposed facility is to be utilised by the Fowey Shellfish organisation, who have a vested interest in maintaining water quality within the Queens Dock waters, due to the existence of their mussel lines within that water. In addition, based on the information before us, and no protected species having been identified, the proposal is not considered likely to give rise to any adverse impact upon the ecology of the immediate or wider surrounding area.

Drainage, Flooding and Environmental Management

With regard to foul water drainage, the application form proposes that this be by means of Package Treatment plant, although no details have been provided in this respect. As such, a condition is required to ensure that a suitable scheme of foul water drainage can be provided for the facility. Such details will also, of course, be subject to licencing (or exemption) by NRW.

With regard to surface water drainage, the Drainage plan submitted on 17th July 2019 has been sufficient for our Drainage and Coastal Management Team to confirm that SAB consent will not be required for this proposal.

In respect of flooding, the nature of the development is such that it is not considered to increase risks of flooding within the Docklands area, as it comprises a previously developed area of the former docklands. The specification of the building and its internal components are such that they do not increase the risks of flooding in the immediate environs. In addition, the submitted Flood Consequences Assessment report explains the actual AOD's of the building and the components within it. Based on these figures, NRW confirmed that the proposed development could not fully comply with the requirements and guidance in TAN15. Notwithstanding this, and despite the site being located within a Zone A/C2 area (as identified on the Development Advice Map (DAM)) where tide levels could rise and impact upon any developments at the AOD's indicated, the anticipated development lifetime of only 20-30 years results in far less likelihood that predicted sea levels would adversely impact upon the development. NRW did not, therefore, object to the proposal on those grounds, subject to the submission and agreement of a suitable Flood Risk Management Plan (FRMP). Such a document was received on 22nd July 2019 and "which ensures the safety of people on the site, resilient design on the site and measures to minimise any harmful effects to the environment as a result of flooding". The contents thereof are considered acceptable in terms of mitigation measures relating to the reduction of impact resulting from flooding occurrences.

Highway Safety

The modest scale of the development and its siting within the existing Dock lands (controlled entry/exit procedures in place) is considered unlikely to adversely impact upon highway safety within the area. A metalled roadway provides direct access to the site from the main entrance to the Docks from Fabian Way (A483) and deliveries/collections along that route, controlled by the operators, would likely be limited in number based upon the nature of the proposal. In addition, car parking for staff and visitors is being made available within the compound and this is considered sufficient to ensure that no adverse impact would result to the free flow of any other, already restricted commercial traffic within the controlled Docks area.

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Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development. The proposal will not have an adverse impact upon the visual amenity of the area or upon the amenities of the occupiers of any nearby residential properties, nor will it impact upon highway safety, flood risk, drainage or the availability/quality or character of natural resources in the area. The proposal therefore accords with Policies PS1, PS2, RP1, RP5, T1, T6 and T9 of the Swansea Local 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 shall be completed in accordance with the following approved plans and documents: 100 - Site Location Plan, 101 - Existing Site Plan, 102 Rev B - Proposed Site Plan, received 28th March 2019; 201 - Steel Frame Plan, 202 Rev A - Steel Portal Frame Elevation, 301 - Proposed Floor Plans, 302-1 Rev C - Proposed Elevations, 303 - Proposed Roof Plan, received 29th March 2019; Link For Generator Details, received 12th April 2019; Flood Consequence Assessment, Pre-Application Consultation Report, 313 A - Proposed Section A-A & B-B, 701 - External Works Porta Cabin/Slab Detail, received 10th June 2019; 601 Rev H - Drainage Plan, received 17th July 2019; Flood Risk Management Plan, received 22nd July 2019 and in accordance with any other details required by the conditions below, to be approved prior to the beneficial occupation of the development.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Within 2 months of the date of this decision, details of a scheme for the disposal of foul water shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and shall be retained thereafter for the lifetime of the development.
Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.
- 3 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.

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Reason: Given the history 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.

- 4 Deliveries shall not be taken at or dispatched from the site outside the hours of 0700 to 1800 Monday to Friday, 0800 to 1700 on Saturdays, Sundays and Bank Holidays, subject also to the operating hours of ABP/Swansea Dock.

Reason: To protect the amenities of nearby users and residents.

- 5 The development shall be carried out in accordance with the approved Flood Management and Evacuation Plan ('FRMP') (Received on 22 July 2019) and full details of the approved FRMP shall be prominently displayed at a suitable location at the site for the lifetime of the approved development.

Reason: To ensure the safety of employees and visitors to the site, in the event of a flooding event.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS1, PS2, RP1, RP5, T1, T6 and T9 of the Swansea Local Development Plan.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development, including (but not exclusively):

Building Regulations approvals for the structure/construction works

Natural Resources Wales approval or exemption of foul water drainage details

Natural Resources Wales approval or exemption of Bio-security measures and Geo-science information

Drainage Section approval of foul water drainage details

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Item 5

Application Number:

2019/1543/S73

Ward:

St. Thomas - Bay Area

Location:

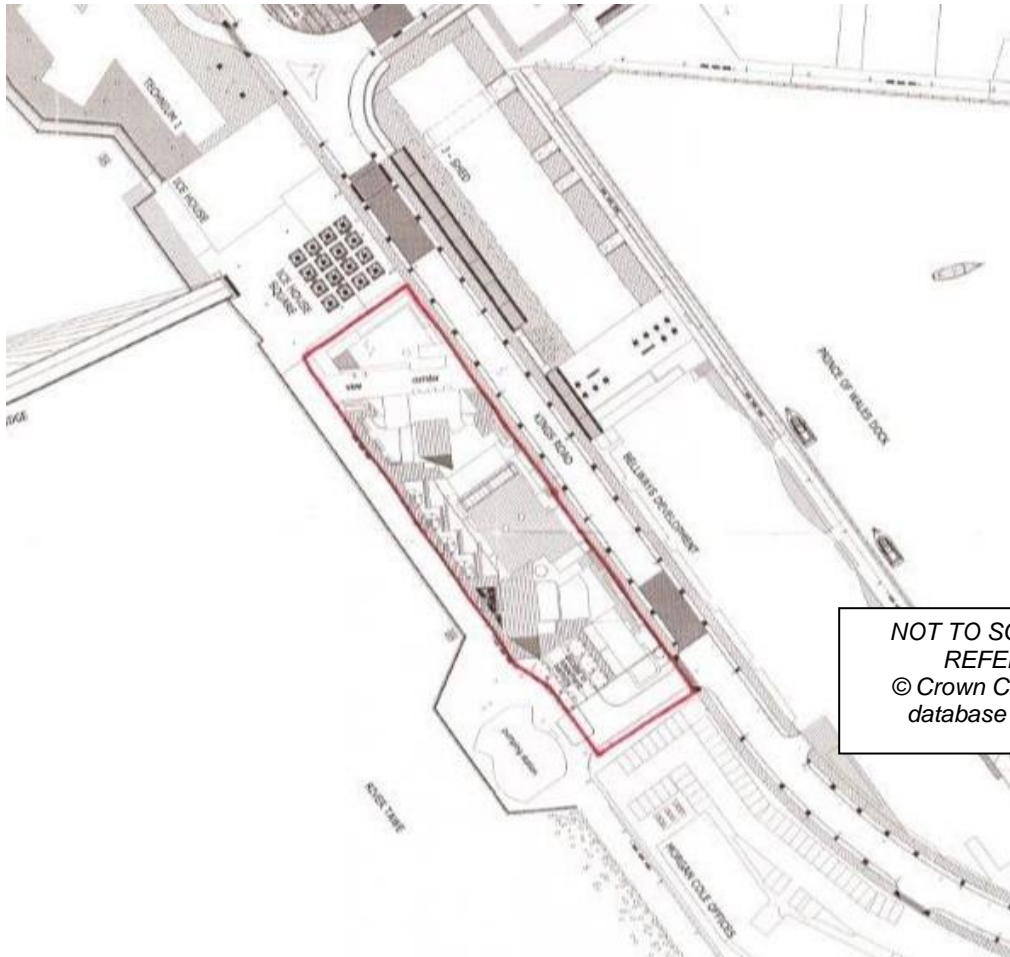
Plot B3 Riverside Wharf, Swansea Waterfront, Swansea, SA1 8PP

Proposal:

Residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements - Section 73 application to vary condition 1 of planning permission 2006/0499 granted 10th September 2006 in relation to the construction of an additional basement (2 levels), revised parking layout and provision of battery storage units (including access area).

Applicant:

Mr Darren Broadbent Acquirex Ltd



NOT TO SCALE – FOR
REFERENCE

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Item 5 (Cont'd)

Application Number:

2019/1543/S73

Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - PS3 -Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

LDP - SD1 - Strategic Development Areas

Strategic Development Areas - the Plan allocates 12 locations to provide new homes and opportunities for job creation and commercial investment at a strategic scale. Residential led SDA's are capable of accommodating a minimum of 400 homes. Mixed use SDA's will provide new homes as part of wider mixed-use proposals to also deliver significant investment and economic benefit from commercial, community and/or cultural regeneration projects. The SDA's are capable of delivering a greater number of homes beyond the Plan period.

LDP - SD2 - Masterplanning Principles

Masterplanning Principles - On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that must comply with relevant masterplanning principles. Strategic Development Areas must also accord with additional relevant masterplanning principles. Design and Access statements are required to support the strategic placemaking approach.

LDP - SDK - Site specific policy Fabian Way Corridor

Site specific policy for Strategic Development site Fabian Way Corridor setting out placemaking principles and development requirements.

LDP - IO1 - Supporting Infrastructure

Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

LDP - H2 - Affordable Housing Strategy

Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

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LDP - H3 - Affordable Housing

Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

LDP - T2 - Active Travel

Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

LDP - T5 - Design Principles for Transport Measures and Infrastructure

Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

LDP - T6 - Parking

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

Site History

App Number	Proposal	Status	Decision Date
2018/0415/FUL	Retention of external cellar & refuse store	APP	16.04.2018
A00/0020	CONVERSION OF DISUSED WAREHOUSE (CLASS B8) TO A CENTRE OF EXCELLENCE AND INNOVATION FOR CHILDREN, YOUNG PEOPLE AND ADULTS (CLASS D1), ERECTION OF A SINGLE STOREY CONSERVATORY AND PAVILION AND PROVISION OF CAR PARK AND	APP	22.02.2000

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Item 5 (Cont'd)	Application Number:	2019/1543/S73
2006/2079	Use of premises to mixed use coffee shop (Class A3) and newsagent (Class A1)	APP 07.11.2006
2006/0499	Residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements	APP 21.09.2006
2004/1209	Variation of condition 09 of planning permission 2003/2413 to read :- Prior to the beneficial use of either the coffee shop or cafe bar, details of any hot food takeaway element must be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the above, this consent does not allow for general Class A3 'hot food' use of either of the units	APP 02.07.2004
2003/2413	Construction of part 4 storey, part 5 storey, part 6 storey, part 7 storey, part 9 storey flat development with lower ground floor car parking and associated cafe/bars and ancillary areas	APP 05.02.2004

Procedural Matters

This application is reported to Planning Committee for decision as the development subject of the proposed amendment meets the 'Major' threshold set out in the Council's Constitution.

Application Site and Surroundings

The application site is known as plot B3 within the SA1 Swansea Waterfront development and is a prominent site overlooking the River Tawe.

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Item 5 (Cont'd)

Application Number:

2019/1543/S73

It comprises of a roughly rectangular parcel of land to the West of Kings Road and bounded by the River Tawe and the promenade riverside walkway.

Background

Planning permission for the construction of a residential development comprising 91 units in 1 no. freestanding 4 storey block with Class A3 (food and drink) unit at ground floor and 1 no. part 5 storey, part 6 storey, part 7 storey, part 8 storey, part 9 storey, part 11 storey block, with basement car parking, landscaping and infrastructure requirements was granted planning permission on 10th September, 2006 (Ref: 2006/0499). This permission was implemented in 2008 with the installation of the metal sheet piling works to the basement area but work ceased and therefore the development has never been completed, but as such benefits from the extant permission. The approved scheme would have accommodated a single basement area accommodating 93 car parking spaces.

Current Section 73 Proposal

This current application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 of planning permission 2006/0499 granted 10th September 2006 in relation to the construction of an additional basement (2 levels), revised parking layout (still accommodating 93 spaces) and provision of a national grid battery installation (battery storage units (including access area)). The proposed changes relate to alterations below ground level and there would be no changes to the external appearance of the approved building. The battery storage units would store electricity generated through the grid with the capacity to store renewable energy which would be released back into the grid when demand requires it.

The Local Planning Authority is currently in pre-application discussions with the applicant with a view to submitting a revised proposal (which would accommodate the two basement levels / battery storage units) and which would be reported to the Planning Committee in due course.

Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of site notices on 15 July, 2019. No public responses were received.

Natural Resources Wales -

Flood Risk

Part of the site within the red-line boundary is located in Zone C2 on the Development Advice Map (DAM) published in support of TAN15, and Flood Risk (July 2004), as well as being partially within Flood Zones 2 & 3 of the NRW Flood Map. We note that the site benefits from an extant planning permission for 91 residential units (2006/0499), which was granted on 10th September 2006 and that although some minor groundworks were carried out, these ceased in 2008, meaning that the building works were never completed.

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In light of the additional information provided by your Authority, that a pre-application enquiry has been submitted by the applicants/developers for a revised and enlarged development on this site, we would advise that a new Flood Consequences Assessment (FCA), based on the latest information, will be required in support of any application.

Council's Drainage Engineer - do not wish to comment on this application.

Glamorgan Gwent Archaeological Trust Ltd - The application area has no recorded designated or non-designated historic assets. We have made no recommendation for archaeological mitigation concerning the original application; the area is within the raised and made ground created when the docks were formed at Fabian's Bay. As noted from the supporting documentation, the development has commenced and it is therefore our opinion that it is unlikely that archaeological deposits would be encountered.

As the archaeological advisors to your Members, we have no objection to this application and do not make any recommendation for mitigation. The Record is not definitive, however, and should archaeological deposits be encountered, please contact us.

Highway Authority - We are not in support of an additional layer of car parking being proposed with no increase in residential units. We are not supportive of over provision in principle and as the scheme has been supported with 91 car parking spaces for 91 units then there is no justification for the substantial increase in car parking provision which would result in an over-reliance of car travel and a reduction in pedestrian cycle and public transport movements.

Amended Plans Received 5 August 2019 - Following the concerns raised by the Highway Authority the applicant has amended the two basement level plans to remove the additional parking spaces that were contained on the initial scheme. The revised plans indicate a total of 93 car parking spaces which is consistent with the original scheme.

Material Planning Considerations

As a Section 73 application, the only matter which can be considered are the conditions which the application relates to and the permission itself is not a matter for consideration. The approval of a Section 73 effectively grants a new permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission.

Compliance with prevailing Development Plan policy and Supplementary Planning Guidance including established planning history

As detailed above, planning permission was originally granted in August 2003 for a mixed-use development of SA1 Swansea Waterfront, including residential Class C3 use (Planning application 2002/1000 refers). The general land use principle within SA1 has therefore been established and further support is given to the principle of a major redevelopment area at SA1 for mixed employment and residential development through the Strategic Development Policy SD K of the Local Development Plan.

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SD area Site K is allocated for mixed commercial, residential and employment development with 12 hectares of potential development areas that could accommodate appropriate B1, B2 and B8 uses to complement the role of the Swansea Central Area as the City Region economic driver, facilitating an Innovation Corridor to support University expansion and includes the SA1 Swansea Waterfront area which has a masterplan linked to the existing SA1 planning consent that sets out uses for specific plots and capacities for various land uses. Development proposals will be required to accord with the outlined Placemaking Principles and Development Requirements.

An application submitted under Section 73 of the 1990 Act to vary the outline planning permission 2002/1000 was approved on the 11th October 2010 (planning application 2008/0996 refers). The application was made principally to allow changes to the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the outline planning permission as varied requires development to accord with the SA1 Swansea Point Masterplan (April 2010). Within the SA1 Swansea Waterfront Masterplan - Figure A2.1 under ref: 2008/0996, Plot B3 has a ground floor land use allocation for an ancillary retail unit (A1 / A3) at the northern end with a primary residential use with indicative building heights of 3 stories adjacent to Ice House Square extending to a maximum 11 stories.

The SA1 Masterplan was further amended under the recent approved Section 73 application under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred around the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan sought only to change those parts of the 2010 masterplan that have been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996. In this respect, Plot B3 still has an ancillary retail / primary residential use allocation with indicative building heights of 3 stories extending to 11 stories.

This current Section 73 does not seek to amend the approved superstructure of the development application and relates only to the construction of an additional level of basement car parking with a revised parking layout retaining 93 spaces together with the incorporation of the national grid battery installation. The proposed changes relate to alterations below ground level and as such there would be no changes to the external appearance of the approved building.

It should be noted that whilst the Highway Authority raised concerns within the original scheme this has since been amended to reflect the number of parking spaces set out on the approved scheme. Thus there will be no adverse highway safety issue arising from the provision of the additional basement level.

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Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the Development Plan for the purpose 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. The approved scheme remains compliant to the Strategic Development Policy SD:K and the SA1 Design and Development Framework and Masterplan. This Section 73 variation to planning permission 2006/0499 results in an acceptable form of development in this instance that complies with the requirements of policies set out in the City and County of Swansea Unitary Development Plan (Adopted 2008).

As indicated above, the approval of a Section 73 effectively grants a new permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission. In this respect the conditions have been largely re-imposed and amended to reflect the new permission. Approval is therefore 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. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: Proposed Basement Parking Sections - received 4 July, 2019; Proposed Ground Floor Plan Rev 1 & Tesvolt Battery Technical Specification - received 9 July, 2019; 1688 - 1 Basement Plans 1 & 2 Rev 2 - amended plans received 5 August, 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Notwithstanding the details shown on any approved plans, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site. The scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

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- 3 Notwithstanding the details shown on any approved plan, no superstructure works shall commence until the following samples have been erected on site and all materials subsequently approved in writing by the Local Planning Authority.
- Sample panels of render (all colours proposed) of at least 1 metre square showing textures, joints and colours;
 - Sample panels of pre-patinated copper cladding of at least 1 metre square showing joints, textures and colour;
 - Sample details of all roof materials of at least 1 metre square showing textures, joints and colours;
 - Sample of eaves soffits panelling of at least 1 metre square showing textures, joints and colours;
 - Sample panel of underside of balconies of at least 1 metre square showing textures, joints and colours.
- Unless otherwise agreed with the Local Planning Authority, all approved sample panels shall be retained on site until the completion of the works. All works shall accord with approved details.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of super structure works, details at a scale of 1:10 (unless otherwise agreed by the Local Planning Authority) of the following shall be submitted to and agreed in writing by the Local Planning Authority:
- Typical window unit within its opening;
 - Typical external door within its opening;
 - Typical entrance feature;
 - Typical glazed screen;
 - Typical balcony detail including underside, railings/upstand;
 - Typical roof plane and underside and support;
 - Fin Wall;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

- 5 Details of the rainwater system shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The system shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 6 Notwithstanding the details shown on any approved plan, the precise design and finish of the external face of the development podium shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

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- 7 Notwithstanding the details shown on any approved plan, the access ramp enclosure located in the north west corner of the main building shall be in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
- 8 Notwithstanding the details shown on any approved plan, a scheme for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Refuse associated with the Class A3 commercial unit shall not be stored outside the building.
Reason: In the interests of visual amenity.
- 9 The mechanical ventilation of the car park shall be in accordance with full details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual and residential amenity.
- 10 Notwithstanding the details shown on any approved plan, all means of enclosure shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Classes A, B, C, D, E, F, G, H, of Part 1 and Classes A and C of Part 2 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 13 Notwithstanding the details shown on any approved plan, the precise treatment of the south eastern element of the scheme (i.e. that part of the development between the boundary of the site and the proposed townhouses) shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the levels within the site and their relationship with the riverside walkway, Kings Road and the interface with the Plot B7 site.
Reason: In the interests of visual amenity.
- 14 The Class A3 unit shall not be used as a hot food takeaway.
Reason: In the interests of residential amenity.

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- 15 Prior to the beneficial occupation of any apartments, a method of ventilation and fume extraction shall be agreed for the A3 unit. The scheme as approved shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring apartments.
- 16 The food and drink (Class A3) premises shall not be used by customers before 08.00hrs nor after 23.30hrs on any day.
Reason: In the interests of residential amenity.
- 17 All highway works shall be implemented prior to beneficial occupation of the site in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: In the interests of highway safety.
- 18 Motorcycle and cycle parking provision with associated facilities shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority prior to the beneficial occupation of the site.
Reason: To help prevent unacceptable highway congestion.
- 19 The parking shall be allocated and shall remain connected to the residential development. The parking spaces shall not be sublet.
Reason: To ensure adequate on site car parking in the interests of highway safety and residential and visual amenity.
- 20 A management scheme be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the site for traffic flow on the ramp to the undercroft parking area.
Reason: To ensure a safe form of development.
- 21 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority within 12 months of prior to the beneficial use commencing.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion.
- 22 Notwithstanding the details shown on any approved plan, all car park spaces shall be laid out to minimum dimensions of 4.8m long by 2.6m wide.
Reason: To ensure a satisfactory form of development.
- 23 A phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas and vapour related risks, shall be submitted to and approved in writing by the Local Planning Authority.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour, subsequent reports shall indicate the extent of the contamination and the measures to be undertaken in order to remediate the contamination identified.

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The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/remediation is required.

Phase 1 report: Desk Top Study

this should :

Provide information as to site history, setting, current and proposed use.

Include a conceptual model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment. Identify if further investigation or remediation is required. In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this should :

Provide detailed site-specific information on substances in or on the ground, geology and groundwater. Provide for a more detailed investigation of the site in order to confirm the presence or absence of those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1. 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:

Phase 3: Remediation Strategy/Validation Report

this should:

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. Give an undertaking that a validation report will be submitted on completion of the remediation works that will demonstrate that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure the site is thoroughly, properly and safely remediated from the effects of its previous uses to enable the development to proceed.

- 24 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
Reason: To prevent pollution of the water environment.
- 25 During construction work the developer shall operate best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. No burning of wood or any other material shall take place on site.
Reason: To avoid nuisance from dust.
- 26 The applicant shall to conduct, and provide the results of, an air quality assessment of the potential impact of the proposed development on the surrounding local area for the approval of the Local Planning Authority prior to the beneficial occupation of the development.

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i) The assessment shall consider the seven key pollutants within the National Air Quality Strategy and the Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002 and should pay particular attention to the 1 hour NO₂ objective and NO₂ annual mean objective.

ii) In addition the assessment should also pay particular attention to the PM₁₀ objectives set in regulation (24 hour mean objective of 50ug/m³ - 35 exceedences and the annual mean objective of 40ug/m³ to be achieved by the 31/12/2004) and also those objectives that are not as yet set in regulation for PM₁₀ (24 hour mean objective of 50ug/m³ - 7 exceedences and annual mean objective of 20ug/m³). These objectives have a compliance date of 31st Dec 2010.

iii) The assessment should also pay particular attention to the Quay Parade bridges junction and the impact of the development on these junctions and nearby receptor locations i.e. nearest dwelling. Also, the assessment should consider the impact on traffic flows from Quay Parade.

Reason: To prevent unacceptable levels of pollution.

27 All foul drainage shall be connected to the public sewerage system.

Reason: Septic tanks/private sewage disposal works are an unacceptable method of drainage within a sewered area.

28 . Details of measures to reduce the risk of flooding to the basement, including pumping system, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To reduce the impact on the development following an extreme 0.1% flood event.

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [PS1, PS2, PS3, SD1, SD2, SD:K, IO1. H2. H3. T1. T2. T5 & T6].
