

Planning Committee – 7th July 2020

Item 1

Application Number:

2019/2730/FUL

Ward:

Uplands - Bay Area

Location:

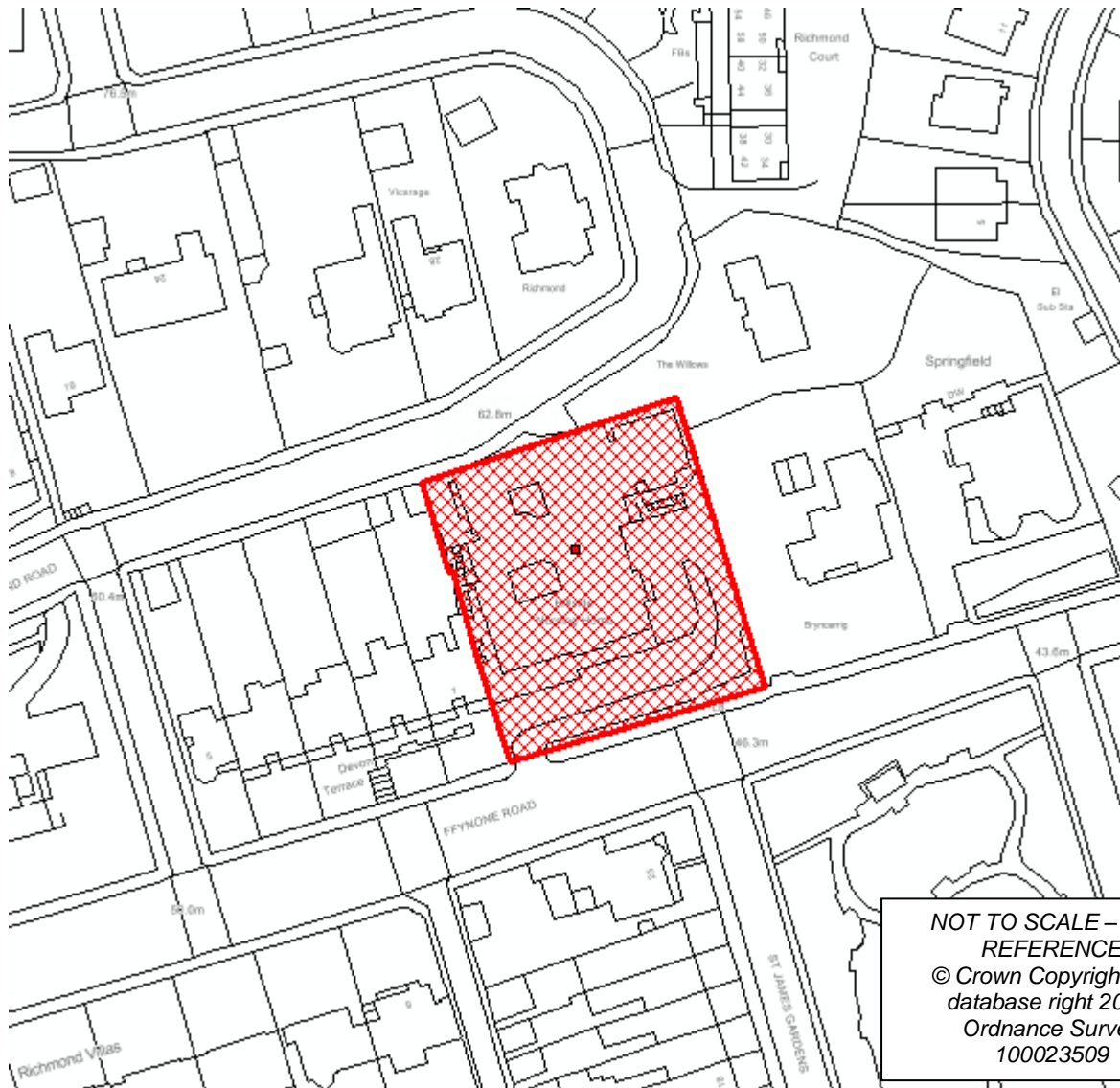
Hillside Nursing & Residential Home, Ffynone Road, Uplands, Swansea, SA1 6DE

Proposal:

Two storey rear extension and internal alterations to existing building to update accommodation

Applicant:

Mr Gareth Bamsey Jupiter Care



Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

Background Information

Site History

App Number	Proposal	Status	Decision Date
2019/2730/FUL	Two storey rear extension and internal alterations to existing building to update accommodation	PDE	
2019/2731/LBC	Extension to rear, replacement of UPVC windows with timber windows and slimlite double glazed units, retention of existing timber windows and alteration of glass to slimlite double glazed units (retaining original stained glass), installation of internal fire sprinkler system, replacement of gutters with larger capacity ogee profile, reroofing in natural slate, lowering of central bay ground floor window cills to form patio doors, removal of modern internal room subdivisions, insertion of new en-suite facilities and installation of swift boxes on external walls (application for Listed Building Consent)	PDE	
2011/1574	Retention of two storey side and rear extensions to building fronting onto Ffynone Road, three storey side and rear extensions to building fronting onto Richmond Road, provision of a central lift area, associated works and proposed improvements to boundaries (application for Listed Building Consent)	APP	28.06.2019

Planning Committee – 7th July 2020

Item 1 (Cont'd)	Application Number:	2019/2730/FUL
2011/1564	Retention of two storey side and rear extensions to building fronting onto Ffynone Road, three storey side and rear extensions to building fronting onto Richmond Road, provision of a central lift area, associated works and proposed improvements to boundaries	APP 31.05.2019
2011/1001	Two non-illuminated pillar mounted signs (one at main entrance and rear entrance) and one non-illuminated free standing sign (application for Listed Building Consent)	APP 15.03.2012
2011/0998	Two non-illuminated pillar mounted signs (one at main entrance and one at rear entrance) and one non-illuminated free standing sign	APP 27.02.2012
2009/1150	Two storey side and rear extensions to building fronting onto Ffynone Road, three storey side and rear extensions to building fronting onto Richmond Road, provision of a central lift area and associated works (amendment to Listed Building Consent 2007/2118 granted on 8th September 2008) (application for Listed Building Consent)	APP 17.02.2010

Planning Committee – 7th July 2020

Item 1 (Cont'd)	Application Number:	2019/2730/FUL
2009/1148	Two storey side and rear extensions to building fronting onto Ffynone Road, three storey side and rear extensions to building fronting onto Richmond Road, provision of a central lift area and associated works (amendment to planning permission 2007/2116 granted on 14th July 2008)	APP 09.09.2009
2007/2118	Two storey side and rear extensions to building fronting onto Ffynone Road, three storey side and rear extensions to building fronting onto Richmond Road, provision of a central lift area, internal alterations and associated works (application for Listed Building Consent)	APP 08.09.2008
2007/2116	Two storey side and rear extensions to building fronting onto Ffynone Road, three storey side and rear extensions to building fronting onto Richmond Road, provision of a central lift area and associated works	APP 14.07.2008

Procedural

This application is to be considered by Planning Committee as it has been subject to a call in request from Councillor Irene Mann and the objection threshold in the Council's Constitution has been met.

Site Description

The application property (Hillside) is a Grade II listed building (LB:262) and the site is subject to various planning applications, the most recent of which were the applications for retrospective consent for the retention of two storey side and rear extensions to the building fronting onto Richmond Road, the provision of a central lift area, associated works and proposed improvements to boundaries and the concurrent application for Listed Building Consent (2011/1564 & 2011/1574 respectively refer), which were approved on 31st May 2019 and 28th June 2019 respectively. In addition, an application for advertisement consent (and Listed Building Consent) 2011/0998 & 2011/1001.

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

The site is also located within the Ffynone and Uplands Conservation Area.

The application premises, a residential care home, occupy an elevated position to Ffynone Road, with additional rear access from Richmond Road, and forms one of a row of seven listed buildings, with No.1 Devon Terrace and Bryncerrig sited either side.

Whilst substantial alterations have occurred both inside and outside the property since its listing in 1994, the notes for the listing appear to focus predominantly on the external features of the main structure fronting Ffynone Road, its inclusion as part of a group of mid Victorian domestic buildings and their contribution as a whole to the townscape and conservation area on important sites at the top of the west side of St James' Gardens and the resultant group value they present.

This application is a concurrent application considered in tandem with an application for works to the listed building itself (2019/2731/LBC) which, as it was not "called in" by any Ward Members during either consultation period, is delegated to officers for recommendation and will be referred to CADW for their consideration. That being said, it would be prudent to reserve determination of the Listed Building Consent application until Committee has determined this planning application for the extension.

Description of Development

Full planning consent is sought for the construction of a rear extension and internal alterations to the existing building to update accommodation at Hillside Residential Care Home, Ffynone Road, Uplands.

The proposals are to provide additional accommodation space above the existing footprint of the rear extensions at the property as well as additional caring facilities (such as an assisted bathroom, two sluice rooms and a new nurse's office) as well as a 13-person passenger lift.

The resultant scheme would upgrade the 25 "basic" bedrooms to the same standard as those within the newer extensions, and would increase the capacity from 60 beds to 63 individual bedrooms, five of which would be for married couples, increasing overall capacity to 68 occupants.

The scheme has undergone substantial pre-application officer negotiations, as well as a public meeting, prior to the application being submitted.

Relevant Planning Policy

Planning Policy Wales

National planning policy in the form of Planning Policy Wales, Edition 10, December 2018 (PPW) is of relevance to the determination of this application.

Chapter 6 of PPW sets out the Welsh Government guidance for preserving and enhancing the Historic Environment and its value in contributing to the Special Characteristics of Places. The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

Technical Advice Notes

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 24 - The Historic Environment (2017)

Other relevant documents

- Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 impose a duty on the Council with respect to granting listed building consent applications to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- BS7913: 2013 - Guide to the Conservation of Historic Buildings
- Heritage Impact Assessment in Wales, CADW, May 2017
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Local Development Plan

- PS 2 - Placemaking and Place Management
- HC 1 - Historic and Cultural Environment
- HC 2 - Preservation or Enhancement of Buildings and Features

In addition, the Council's Supplementary Planning Guidance Document (SPG) entitled "Ffynone and Uplands Conservation Area: Character Appraisal and Management Plan" (Adopted January 2016) is also considered relevant in this instance.

Regard has also 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"). As part of the assessment of this application, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act to ensure that the 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.

Consultations

Neighbour and Ward Member Consults were originally carried out on 9th December 2019. Site notices were also placed outside the site on 23rd December 2019 to coincide with publication of a notice in the local press on the same day.

Amendments were made to the scheme following public comments as well as informal comments from the Placemaking and Heritage Officer. Subsequently, a second round of public consultation was carried out on 12th March 2020 and additional site notices were placed on the same day.

Consultation Responses

30 letters of objection and two petitions containing 53 signatures were received in relation to the original scheme highlighting the following concerns:

- Negative impact on the listed building as a result of the scale and massing of the rear extension. Would particularly impact the important visual feature of the existing belvedere tower, which mirrors that of Sancta Maria Hospital.
- Adverse visual impact on streetscene, particularly to the rear on Richmond Road.
- Fail to preserve or enhance the Conservation Area/conflict with National Policy and Local Development Plan.
- Impact on existing drainage.
- Overdevelopment of the plot.
- Dangerous precedent for further applications within conservation area and to listed buildings.
- Adverse visual impact on neighbouring listed buildings.
- Restrict views from properties at the rear, as well as public vantage points towards Mumbles Head from Richmond Road and the occupiers of Richmond Court.
- Loss of privacy of neighbouring properties.
- Loss of outlook and openness from properties at the rear.
- Increase in overbearing impact and overshadowing on neighbouring properties.
- Increase in parking issues in an already saturated area/no additional on-site parking provision. Site is already below current parking standards.
- Building works would cause lengthy disruptions to residents and disrupt traffic movements.
- No parking assessment/justification has been provided.
- already excessive use of the rear access by visitors and staff, who also park on the corner, creating visual intrusion and traffic concerns.
- Misleading supporting information and viewpoints.
- Increase in commercial usage in a quiet residential area.
- Threat of closure of the business is not valid argument for sustainability.
- Will lead to increase in numbers of residents, further exacerbating on site pressures.
- Increase in noise and disturbance from additional staff and residents, as well as using the upper outside areas proposed.
- Nursing home is already overcrowded with residents with insufficient staffing.
- Would dominate the skyline.
- Would be contrary to the Council's long standing approach of resisting large scale development in the Conservation Area.
- Would reduce greenspace and therefore adversely impact environment.
- Contrary to the Future Generations and Well-Being Wales Act.
- Could negatively impact existing sewer and water services, the property currently uses a shard storm/sewer system.
- The existing extensions have already detracted from the historic importance of the building, its setting and contribution to the local townscape.
- Were informed during previous works that the property would not be extended further.
- None of the concerns raised during a public pre-application consultation appear to have been addressed, nor were the works to the listed building itself fully outlined at this meeting.

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

- Impact on residential amenity of Bryncerrig/loss of privacy/overbearing impact.
- Negative impact on views from Richmond Road.
- Works to raise second floor windows in line with those of the side extension would damage the character of the building at its most prominent façade.
- The viewpoints were taken when trees and bushes were in full leaf and should be taken into account.
- The combined works would erode the cohesion of the row of listed buildings.
- Lesser developments have been refused in the vicinity for their impact on the streetscene and conservation area.
- Adverse impact on the locality of importance given its associations with Dylan Thomas, whose birthplace is around the corner from Hillside and the many visitors that walk the neighbourhood as a result.
- Members site visit deemed especially important from neighbouring properties and surrounding area. Objectors should also be allowed to address committee prior to the application being determined.

CADW

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the registered historic park and garden.

Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

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

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

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Assessment

The application is located some 15m north of PGW (Gm) 55(SWA) St. James's Gardens and Crescent (grade II) historic park and garden. This is a small, well preserved late Victorian urban public park, designed in two separate sections, the gardens and the crescent, as an integral part of the town layout, flanked by substantial villas including Hillside.

The Hillside Residential Home has been extensively extended previously and the proposed extension will be at the rear and most views of it from St. James's Garden will be blocked by the existing structure and the established vegetation in the garden will also provide significant screening to those parts of the proposed extension (principally the top of a lift tower) that will be visible. The proposed development will therefore have a slight visual impact on St. James's Garden but will not alter the way that it is experienced, understood and appreciated. Consequently it is our opinion that the proposed development will not have any impact on the setting of the registered St. James's Gardens and Crescent historic park and garden."

Highway Authority

"The care home currently operates as a 60 bed nursing home with associated parking. The proposals feature additional floors created to the rear of the site and some substandard rooms elsewhere in the home refurbished and reconfigured. The increase in bedrooms is minimal whilst the footprint of the building and the car parking is not affected with 2 extra spaces being created within the site. The premises is in an accessible location.

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

On balance, I have no highway objections to the proposals on condition that In order 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, no development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The statement shall provide for:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during demolition and construction and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . E-mails to networkmanagement@swansea.gov.uk."

Planning Ecologist

Relevant documents reviewed:

Scoping Survey for bats, Bat & Barn Owl Surveying Services, Nicholas Bunn, Aug 2019.

Bats

The bat survey states that there was no bat or bird use of the building. However, the surrounding areas provide excellent bat foraging habitats. During surveys there was very low bat activity recorded with only 1 pipistrelle foraging over the site. In addition there are records of 2 bat species within 100 metres of the site. Therefore see Ecological Enhancements section below.

Please therefore include the standard Bat informative:

Breeding/nesting birds

Records exist of nesting bird species near the site.

Please therefore include the standard Bird 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.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

Hedgehog

Records show that there is the potential for hedgehogs to be present in the area. 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 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/>

Lighting strategy

Condition:

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site are not lit during the operation phases of the development must be submitted to the LPA for approval. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species.

Ecological enhancements

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.

Condition:

As per recommendations in section 5.1 of the report, before development works commence on site, a scheme of Ecological Enhancement Measures as per: 1. in-masonry crevice roost opportunity for bats (eg. Schwegler FR bat tube box) shall be incorporated into the top of the new extension gable end apex (to avoid placement above windows) 2. Swift A. apus nest box (eg. Schwegler 17A) provision shall be fitted/incorporated into the top of the new extension gable end shall be provided within or to the walls of the dwelling and 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."

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

Following amendments to the scheme the application was re-advertised and the following additional responses were received:

Seven further objections and four petitions (totalling 71 signatures) were received to the second round of consultations, largely re-iterating the above comments. Issues not previously raised are as follows:

- Continuous application by a variety of institutions that encroach upon the conservation area question the validity of the regulations.
- They also raise repeated stress and anxiety on local residents, contrary to the Well Being and Future Generations Act.
- Preservation of the Environment is of paramount importance.
- The reflective coating will not offer privacy for those opposite and the neighbouring properties.
- Gardens and rear of properties on Devon Terrace would be dominated by the ugly rear extension.
- Increase in overlooking across rear of Devon Terrace properties.
- Despite reductions in scale, the extension is still considered excessive to the building and its surroundings.
- Discrepancies in the plans of what is proposed, such as the roof shown in the lightning installation.
- Discrepancy in the visualisations included in the HIA, incorrectly showing less of the extension would be visible.
- Viewpoints highlight the parking issues in the vicinity.
- The amended visualisations clearly show the extension would be visible from the front, contrary to the assertions within the HIA stating that it would not be.
- Members would benefit from visiting not only the site, but the neighbouring properties to appreciate the potential impact the proposals would have, not only on residential amenity, but on the neighbouring listed buildings themselves.
- Several requests to address committee publicly.
- Concerns that, should consent be granted, the applicant would utilise the various mechanisms to amend the development or reduce some of the mitigation that has been put forward as part of the amended scheme.
- The full account of objections submitted should be available to Members prior to determining the applications.
- Ambiguity of what is proposed and what has been abandoned on the public website, as all showing as "current documents".
- Disappointed that the period for responding to re-consults was reduced to 14 days.
- Would be detrimental to the reputation of the City.
- Additional noise and disturbance is inevitable and unacceptable.

Highway Authority 2nd Response

"No further comments"

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

CADW 2nd Response

"Additional information including a heritage impact assessment (HIA) has been submitted in support of this application. The information contained in the HIA confirms the assessment given in the advice of 18 December 2019 that whilst there will be a very slight visual impact on PGW (Gm) 55(SWA) St. James's Gardens and Crescent (grade II). This will not constitute an impact on its' setting."

Formal Response of the Placemaking and Heritage Team Lead Officer

"Planning application 2019/2730/FUL"

The supporting information explains that there is a need to enlarge room sizes within the listed building part of the Care Home, which would reinstate them to original proportions and result in a reduction of bedrooms. Therefore they are proposing to construct a new rear one and two storey extension to compensate the 'lost' bedrooms and provide additional bedrooms and facilities.

Hillside is an imposing three storey grade II listed building. It was clearly designed as a focal point with Italianate belvedere tower when St James Gardens was laid out and would have been very visible before the trees in the garden matured.

The topography slopes up steeply from south to north, with Hillside elevated above Ffynone Road and Richmond Road to the rear higher still. The applicant's section drawing demonstrates that the Richmond Road pavement level is at approximately the same level as the front eaves of Hillside. This elevated area to the rear would have originally been gardens but has been developed for care home accommodation over a number of phases.

The current proposal is to add two additional floors to the Richmond Road block and project this south with a further single storey roof extension in the middle of the building. The result is a stepped and layered building due to the underlying topography. The application is supported by a Design and Access Statement including photomontage visualisations showing the proposals in context.

The site lies within the Ffynone and Uplands Conservation Area, is within the setting of a number of other listed buildings and part of the setting of St James' Gardens which is a designated historic park. The conservation area tests are set in National Legislation as is the relationship on the setting of designated heritage assets. These are repeated at the local level in LDP policy HC2: Preservation or Enhancement of Buildings or Features.

The principal planning considerations are:

- Relationship to host listed building
- Effect on setting of listed buildings
- Effect on conservation area
- Effect on St James Gardens - designated historic park
- Residential amenity

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

During the pre-application process, Officers have sought to reduce the scale and limit amenity impact on neighbours.

Relationship to host listed building

Hillside is a grade II listed building so a key planning consideration is the effect of the proposed extension on the character and special interest of the 'host building'.

The proposed extension is two and part one storey on top of existing structures in the elevated rear part of the site. To limit the height, the proposed extension has a shallow hipped roof which picks up on the Italianate character of the host listed building. The applicant's proposed section drawing demonstrates that the single storey element of the extension would be set back 20m from the southern front elevation of Hillside and the two storey element of the extension would be set back 28m from the front of Hillside. This creates a layered and stepped massing to the extension that seeks to mitigate negative impacts on the host building. During the pre-application process officers have sought to reduce the effect of the new massing by reducing the eaves and ridge levels with a shallow pitch slate roof. As a result, the height has been reduced by taking 20cm off the eaves and 1.1m off the ridge of the extension and 40cm off the lift tower roof.

The visual testing (see commentary on views below) demonstrates that the proposed extension will not be a discordant feature in relation to the principle south/ east elevations nor the roofscape. The setback, articulated form and use of recessive materials/ slate roofing means that the extension is not considered to be dominant on the host listed building.

From the north, there are currently no views to the principle south and east elevations of the listed building but the rear roof slope and belvedere tower is visible. The proposed extension will conceal the rear roof slope which is not considered to be a significant feature. The tower will still be visible from the bend on Richmond Road but would be viewed in context of the new lift tower designed in a complimentary style.

Therefore whilst the extension is elevated, the set back and careful design means that it will not dominate the host listed building.

Effect on setting of listed buildings

The consideration of effect on the setting of listed buildings around the site takes two main aspects; views from these listed buildings and townscape views from the public realm with the listed buildings and Hillside in the same view.

Within 250m of the site there are the following listed buildings:

- St James Church, hall and railings
- 7-23 St James Gardens
- Bryn Cerrig
- 1-4 Devon Terrace
- 1-8 Richmond Villas
- 1-7 Belgrave Gardens - unaffected by proposal with no intervisibility so no further assessment

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

- 5&6 Cwmdonkin Drive - unaffected by proposal with no intervisibility so no further assessment
- Springfield - unaffected by proposal with no intervisibility so no further assessment
- Mansion House (not a listed building) - unaffected by proposal with no intervisibility so no further assessment

There is no direct ground level view from St James Church to Hillside or the proposed extension because modern unlisted houses within the church grounds block the view north. The Church Hall is orientated with main aspect to the south and is screened to the north by trees on the church ground perimeter. The railings are individual listed and there is a negligible effect on the setting given the distance of view to Hillside (the railings are behind view 1 in the visual testing).

Numbers 7-10 St James Gardens are orientated to face south so there is no visibility to Hillside or the proposed extension.

Numbers 11-22 St James Gardens face east onto St James Garden and there are no views from these properties to Hillside or the proposed extension. The effect on the streetscene view walking up the footway with this group of listed buildings to the left and Hillside directly ahead has been tested in views 1 and 2. This demonstrates that the roof of the extension is only visible at the furthest point (view 1) and as you get closer walking up the slope past the listed buildings the extension is not visible. Therefore this is not considered to be a harmful or dominant relationship.

Number 23 St James Gardens is a dual aspect listed building with primary frontage facing east towards the parkland and secondary gable frontage facing north onto Ffynone Road. This north elevation has direct views of Hillside but given the proximity and angle of view, the setback extension should not be visible in the outlook from this adjacent listed building.

The group of 1-4 Devon Terrace is viewed from the west as part of a townscape composition with Hillside at the far end. The extension will not be visible in the context of the front elevations onto Ffynone Road (see view 4). Looking from Butts Hill to the west along the rear elevation, the west side of Hillside with past extensions is currently visible and the proposed extension will be apparent to the left of this view (see view 5). The proposed use of articulated forms and recessive materials will ensure that the visible extension is not harmful or dominant on the setting of the rear elevations of these listed buildings.

Number 1 Devon Terrace lies immediately to west alongside Hillside and the extension will be visible from rear rooms and rear garden of this listed building and again the articulated forms and recessive materials will ensure that the visible extension is not harmful or dominant.

Numbers 1-8 Richmond Villas lie to the south west of Hillside on the opposite side of Ffynone Road. Hillside is visible from the front rooms and front gardens of these properties, mainly from numbers 5-8 at the east end of this group and the proximity and lower levels of these listed villas should mean that the proposed set back extension is not visible.

Bryn Cerrig is immediately to the east of Hillside at a lower level. This house at the north end of St James Gardens is less imposing and set back from the road. The south outlook is unaffected by the proposed extension.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

The house also has secondary outlook to the west onto a drive, patio and garden area. This area including ground/ first floor rooms currently has views of the east elevation of Hillside including the past extensions. The proposed extension will also be visible and this has been amended during the pre-application process to cut back the massing. It is considered that the use of articulated forms and recessive materials will ensure that the visible extension is not visually dominant or harmful. The visual testing has assessed the effect of the extension on the townscape composition of Hillside and Bryn Cerrig when viewed from Ffynone Road to the east (see view 3). This shows that the extension will be partly visible including the new lift tower but will be softened by vegetation including evergreen trees within the ground of Hillside and Bryn Cerrig and therefore can be expected to be retained. Furthermore the testing has indicated via a redline the extent of the proposed built form concealed by the year round vegetation - this demonstrates that if the extension/ lift tower were to be fully visible, the setback, use of articulated forms, Italianate references to the lift tower and recessive materials will ensure a non-dominant relationship to the setting of the adjacent listed building.

Therefore the proposed extension is considered to have an acceptable and non-harmful relationship to the settings of the various listed buildings around the site as explained above.

Effect on Conservation Area

The entire site lies within the Ffynone and Uplands Conservation Area which was reviewed in 2016 and the character appraisal adopted as supplementary planning guidance. This breaks the conservation area up into distinct character areas placing Hillside within area 1 comprising Ffynone Road, St James Gardens, and Walter Road. This area forms the basis of the earliest phase of the original Ffynone estate formalising Walter Road, creation of St James Gardens which is noted as being surrounded by well detained mid to late 19c houses, the majority of which are listed. The current mixture of uses in this area is notable including Hillside as a care home. Architecturally Hillside is noted as a key building within the Conservation Area and is described as a "large detached Italianate house of c1870, faced in pennant stone with Bathstone dressings and slate roofs. The Italianate belvedere tower is a feature of visual significance. It is now used as a Care Home"

To the rear of Hillside, Richmond Road is identified by the Conservation Area review as part of a separate character area number 2 comprising Cwmdonkin Drive, Cwmdonkin Terrace, Hillside Crescent and Richmond Road. This area is noted as being hilly with many properties later than Hillside. This area has development along the north side of Richmond Road, with properties often elevated above street level with prominent retaining walls and service elevations to the properties at lower level (fronting onto Ffynone Road) along the south side. Within this area Richmond House with red painted timber gables on the eastern bend of Richmond Road is noted as being a key unlisted building.

The conservation area designation is covered by LDP policy HC2 requiring preservation or enhancement of character or appearance with particular attention paid to views, roofscape, gaps, scale, height massing, architectural designs of new elements, etc.

The assessment of the relationship to host listed building picks up the main conservation area aspect from the south. Hillside is a large imposing Italianate former house with focal belvedere tower designed as a focal point in the townscape.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

The proposed extension does not alter this prominence or character/ quality of the principle south/ east elevations. The partial visibility of the extension in longer views is mitigated by the use of recessive forms and materials.

From the north, north-east and north-west the propose extension is visible as new frontage onto Richmond Road. Currently this part of the building is single storey under pitched roof with no active frontage. The extension has been designed to strike a balance between a positive addition to the street scene and the subservient service character of the south side of the street (see views 6 and 7). The proposed rooms facing Richmond Road are partly within the roof space with contemporary dormers breaking the eaves line. It is considered that the extension strikes the balance between reflecting the functional character of the south side of Richmond Road and of being a positive 'active frontage' providing natural surveillance of the street. The visual testing shows that this new mews type block onto Richmond Road will be visible and has been sympathetically designed to match the existing extension materials to avoid being visually discordant.

The rear extension will be visible from the unlisted Richmond House which is of local interest and elevated above street level. The use of articulated forms and recessive materials means that the effect on this undesignated heritage asset is minimised and Richmond House will continue to be a focal building in this part of the conservation area.

Therefore the proposed extension is considered to be acceptable in the context of the Ffynone and Uplands Conservation Area.

Relationship to St James Gardens Historic Park

St James Garden is on the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, designated grade II by Cadw. The register entry indicates the reasons for listing include a well preserved late Victorian urban public park designed as an integral part of the townscape layout flanked by substantial villas. The Cadw register entry notes that the park is dominated by dense planting Victorian conifers and the park is fringed by belts of evergreen shrubs. There is a central lawn area which has an inward facing character due to the mature vegetation on the perimeter.

As previously indicated Hillside was clearly built as a focal point at north end of the gardens with feature belvedere tower which would have been prominent before the planting matured. The visual testing demonstrates that the proposed extension and new lift tower will be partly visible from the top (north) end of the park following recent clearance of evergreen shrubs within the park (see update view 9). This demonstrates that views to the extension is softened by mature planting outside the park including evergreen trees within the grounds of Hillside and Bryn Cerrig. If the extension/ lift tower were to be fully visible then the set back, use of articulated forms, Italianate references to the lift tower and recessive materials will ensure a non-dominant relationship to the setting of the designated park.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

Visual testing

The flat 2 dimensional proposed plans show the relative heights of the extension behind the listed parts of the building. This shows that the proposed extension is higher than the ridge level of the main listed building and the proposed eaves and ridge are no higher than the eaves and ridge/top of the feature Italianate tower. However, this is not how the extension, which is set back over 20m from the ridge of the listed building, is actually viewed in the streetscene of the conservation area. Therefore the applicant has prepared perspective views from public locations demonstrate the actual visual effect of the extension. These views have been updated with winter views to show the visibility of the new structure when trees are not in leaf. The commentary in relation to the effect on these views brings together the assessment of the relationship to the host listed building, setting of adjacent listed buildings, the Ffynone and Uplands Conservation area and St James' Gardens designated park.

View 1 is taken from the southern end of St James' Gardens standing on the footway close to the grade II listed church railings, which demonstrates that the roof of the proposed extension element is partly visible above the existing roof of Hillside. Behind the proposed extension, existing houses on the north side of Richmond Road are visible with the treed backdrop visible further behind. Whilst the extension roofs will be partly visible they are not considered to be dominant and the form and slate colouring will blend with the existing roof scape of the nursing home.

View 2 is from a closer vantage point on St James' Gardens western footway where the angle of view means that the extension is not visible. This view shows that there is no effect on the setting of the properties along the west side of St James Gardens which are all grade II listed.

View 3 is from Ffynone Road showing the effect on the setting of Bryn Cerrig which is also a grade II listed building. This view shows that the east side of the extension will be visible. It will be partly screened by the front part of Hillside and partly screened by seasonal vegetation, much of which appears to be evergreen. The proposed lift tower will be the main new feature in this view. This is detailed to be sympathetic and subservient to the main Italianate tower. In this view it is considered that the extension will not dominate the visual setting of Hillside or Bryn Cerrig.

View 4 is from the west on Ffynone Road showing the immediate relationship to Devon Terrace comprising four grade II listed buildings and Ffynone Villas behind the camera also grade II listed. This view demonstrates by virtue of the topography and intervening buildings the proposed extension will not be visible and therefore has no effect on this view.

View 5 is taken from the hill linking Ffynone Road and Richmond Road. This tests the effect on the setting of the rear of Devon Terrace (group of four grade II listed building) as well as the incidental view to the Italianate tower. During the consideration of this application, this view was updated to show the full visibility when the trees/ shrubs are not in leaf. This view shows that the west side of the extension is visible as an articulated addition but that it will not obscure views to the Italianate tower nor will it dominate the rear elevations of the adjacent listed building. The use of consistent materials including render as per the previous extension and slate roofing means that the extension would be a positive addition in this view.

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

View 6 is taken from the west on Richmond Road. During the consideration of this application, this view was updated to show the full visibility when the trees/ shrubs are not in leaf. The south side of this view is currently characterised by walls, planting and garages whilst the north side is elevated houses on the left. Therefore the south side has a subservient mews type character. The proposal is to add a second storey onto the existing nursing home extension making the building much more visible on Richmond Road. Following pre-application negotiations this block has been lowered to be more subservient and has been lowered further still in response to planning consultee comments. Whilst the building is three stories in this location, the lower floor is partly below street level and the top floor is partly within the roof space. The end result appears to be a subservient mews type two storey building which is considered acceptable in this context.

View 7 is from the rising eastern bend on Richmond Road close to the entrance to Richmond Court. During the consideration of this application, this view was updated to show the full visibility when the trees/ shrubs are not in leaf. Currently this vantage point offers long range views over the site to Swansea Bay with Mumbles beyond. This section of street has a brick wall on the south side and elevated houses on the right. The proposal will fill much of this view with the new building with the upper (fourth) floor set within the roofspace and behind a planting area. When the trees are not in leaf the new lift tower will be visible. The eaves and ridge of the rear block have been reduced in response to public comments. This reduces the dominance but does not remove the obstruction of the view. This relationship is considered acceptable on the basis that the new build sets up a mews type character that enhances this part of the conservation area. Whilst the loss of the view is noted this is not a key or designed view rather an incidental view from a street. This view would be replaced by a new high quality building within the conservation area which is considered acceptable. In this view the existing view to the Italianate tower with the existing side annex extension in front is not altered.

View 8 and 8.1 are from the west patio/garden of Bryn Cerrig (within private curtilage), shown during winter months with the past extension visible and annex just visible to the right of the view. These views show that the proposed extension will be visible as an addition to the past extensions. The set back some 15m from the boundary and recessive forms/ materials will ensure that this relationship is not dominant. This view also shows that the proposed windows facing east towards Bryn Cerrig are obscure glazed to ensure no overlooking.

View 9 from north end of St James Gardens where views are recently possible with vegetation removal within the park. This also shows the townscape composition of Hillside and Bryn Cerrig. This demonstrates that views to the extension from the designated historic park are currently screened by evergreen planting outside the park. If the extension were visible, the articulated form and use of recessive materials will ensure a positive addition with the lift tower picking up on the reference of the Belvedere tower.

Therefore it is considered that the visual testing demonstrates that although the extension is raised up behind the listed building it is not dominant due to the setback, articulated design and use of recessive materials.

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

Residential Amenity

There are normally no issues with the relationships across streets such as the relationship north across Richmond Road as this view is across the public realm and the separation is some 13m. However as the existing houses are at higher level they can look down into the three proposed care home bedrooms onto Richmond Road. To address this issue the scheme has been amended during the consultation period to add permanent obscure blinds to stop any intervisibility.

To the east lies Bryn Cerrig (Listed Building setting considered elsewhere). In terms of residential amenity of this property;

Overshadowing of the west elevation and side garden in the evenings is potentially not significantly worse than the existing extension. The front (south) and rear (north) gardens and elevations are not affected by shading.

Overlooking - the proposed extension includes 3 windows serving the residents lounge area and roof terrace for residents. These have been amended during the consultation period in response to consultation comments to permanently obscure glaze all new windows and add a privacy screen along the east side of the terrace. Additionally the balcony to the closet room at fourth floor has been omitted during the consultation period to remove any issues of additional overlooking.

Overbearing - the proposed extension is not a significant increase in scale from the existing extension and the form of the extension was amended during the pre-application stage to be under a pitched roof in order to be recessive when viewed from Bryn Cerrig.

To the west lies 1 Devon Terrace (listed building setting considered elsewhere). In terms of residential amenity the proposed extension originally included new west facing windows within 5m of the boundary which was not acceptable. This has been amended during the consultation period to permanently obscure glaze office and secondary bedroom windows and to amend primary bedroom windows to controlled aspect oriel windows to direct the outlook north towards Richmond Road. This ensures there is no additional overlooking to the west resulting from the proposals. Furthermore the fourth floor balcony has been amended to incorporate a side privacy screen to direct views south, not over adjacent gardens. Additionally the new elements are set sufficiently far away to ensure no overbearing or adverse overshadowing from morning sun from the east on this property.

Summary

It is acknowledged that this application is a significant addition within the Ffynone and Uplands Conservation Area. However the application information demonstrates amendments have been made to address issues highlighted through the public consultation and that the final proposal would not have a harmful effect. Therefore approval is recommended with the following planning conditions:

- Samples of all new materials.
- Requirement to retain obscure glazing in perpetuity"

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

No further comments have been received to this application to date.

Issues

The main issues for consideration in this application relate to the visual impact of the works on the listed building, the neighbouring properties, which are also listed, and the Ffynone and Uplands Conservation Area having regard to statutory requirements set out to preserve listed buildings in the Planning (Listed Buildings and Conservation Areas) Act 1990 alongside regard to Policies PS 2, HC 1 and HC 2 of the Swansea Local Development Plan 2010-2025. Due regard should also be made to the impact of the proposal on residential amenity, Access and Highway Safety and ecology. There are in this instance no additional issues to consider under the provisions of the Human Rights act.

Paragraph 6.1.10 of the Planning Policy Wales "Chapter 6 Distinctive and Natural Places" guidance document states that there "should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses."

Visual Amenity, Impact on Setting of Listed Building and Character of Conservation Area

A Heritage Impact Assessment (HIA) has been provided with this application as per the requirements of Section 2 of the Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment No 2) Regulations 2017. The HIA sets out the relevant legislative and policy context, an analysis of the significance of the architecture, history and character of Hillside and the wider context of the conservation area, a schedule of the proposed works and justification for them, the constraints encountered and how the works would impact the listed building and its setting, along with the relevant conclusions and appendices, including several viewpoints requested by officers in advance of an application being received.

The Placemaking and Heritage Officer has provided a detailed assessment of the application in response to consultations, applying the tests in relation to the importance of the building, its particular physical features; its setting; the impact of the proposed works on the significance for the building, the neighbouring listed buildings, the setting of the adjacent historic garden and the wider conservation area as set out by Section 16 of the Planning (Conservation Areas and Listed Buildings) Act 1990 and paragraph 5.13 of TAN 24: The Historic Environment.

Whilst many of the objections relate to the overall scale of the proposal in general and its impact on the listed building, neighbouring listed buildings and the wider conservation area, a thorough and detailed assessment has been provided by the Placemaking and Heritage Officer in his consultation response to the amended scheme. In that response (set out in full above), the officer has made his formal assessment of each element to be considered individually, before concluding that the proposal, subject to various conditions, would not impact the character and setting of the listed building, nor would it negatively impact the adjacent listed buildings or their setting.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

In addition, the proposal is considered acceptable in terms of the impact on the nearby historic park and gardens of St James, as confirmed by CADW in both of their responses to consultations. In addition, the proposal is assessed to be of a design and appearance that would preserve the character of the wider conservation area.

It is appreciated that there is a large level of local objection to this scheme and when looking at the 2D plans in isolation, that is understandable, given that the building has been significantly extended since its listing and the proposals would increase floorspace by an additional 34%. However, Hillside is a unique building within the streetscene and the scheme has undergone extensive pre-application negotiation and officer scrutiny to ensure that the historic asset would be preserved and in some areas, offer much needed repair, reinstatement or enhancement of the historic fabric of the building (as set out in the concurrent listed building application) and consequent longevity of Hillside.

The HIA accompanying the application, along with the agreed key viewpoints, provide context, analysis and rationalisation for the works whilst showing that the proposals would be largely shielded from the public domain to the front, set back and stepped in when viewed from the sides and would provide a semi-active frontage to the rear with sympathetic design features and an architectural link to the frontage of Hillside, such as the window proportions and pallet of materials.

In light of the supporting detail contained within the Heritage Impact Assessment and the assessment and recommendation of the Placemaking and Heritage Officer of approval, it is considered that the works would, on balance, have an acceptable visual impact that would preserve the character and setting of the listed building and the wider Conservation Area and would not adversely impact the character and setting of the neighbouring listed buildings and nearby historic park and garden. The proposal is therefore considered to be in accordance with the Planning (Conservation Areas and Listed Buildings) Act 1990, TAN24: The Historic Environment and LDP Policies PS 2, HC 1 and HC 2.

Residential Amenity

Objections have been raised in relation to the impact on both neighbouring properties, as well as properties to the rear on Richmond Road. The concerns were duly noted and amendments have been made in an attempt to address these concerns. In terms of the impact on the neighbouring property to the west (No.1 Devon Terrace), the siting of the extension and topography of the site, as well as the existing structures on site, are such that the rear extension would not give rise to an adverse overbearing impact or increase in overshadowing. Similarly, with the provision of obscure glazing, oriel windows and a privacy screen on the western side elevation, it is not considered that an increase in overlooking would occur, particularly given the level of overlooking that presently exists from the rear access into the site, having unobstructed views of the rear garden of No.1 Devon Terrace).

The concerns of the owner/occupier of Bryncerrig are duly noted, particularly in relation to the existing extensions at the site, which offer elevated vantage points of the side amenity space of the property, as well as having a large extension in close proximity to the shared boundary between the two.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

However, it is also noted that there were elevated vantage points from the structure pre-dating the last extension works within the side elevation that offered comparable vantage points, as well as those that exist from the belvedere tower. That being said, the proposals would be restricted to the existing footprint of the rear extensions, would be stepped in and have flattened/minimal roofing to limit the additional massing of the building. The separation distance and existing structures on site are such that the proposal is not considered to give rise to an adverse increase in overshadowing on said neighbour and the design and reduced massing is considered to have reduced the perceived overbearing impact to an acceptable degree. In addition, mitigation features such as obscure glazing and privacy screens have been provided within the eastern elevation to ensure additional overlooking concerns are not generated. These mitigation measures should be secured by condition to ensure they protect neighbouring amenity for the lifetime of the development.

The separation distance and topography of the land at the rear is such that the proposed works would not generate any overbearing impact or overshadowing concerns in relation to the neighbouring properties on Richmond Road. Having seen the vantage points from the first floor window within the property directly to the rear first hand, the concerns in relation to overlooking of the three bedroom windows at the rear of the extension are duly noted. Ground floor levels of the property are subjected to closer levels of overlooking from the front amenity spaces of its neighbouring properties, but direct views into the first floor window are not presently possible and the extension would elevate vantage points above street level. Whilst obscure glazing would remove the possibility of overlooking to the rear entirely, this would adversely impact future occupiers of the habitable rooms by removing any outlook, to the detriment of their amenity. The angle of vantage point from the rear windows and nature of the occupancy (largely seated or in bed) is such that the overlooking is not considered mutual, with far greater levels of overlooking presented from the property at the rear towards the extension rather than vice versa. It is noted, however, that there would be a perception of overlooking, if occupants of the room could be regularly seen for large parts of the day from the upper windows of the property at the rear. It is therefore considered that the proposed use of reflective/mirrored glazing for the three bedrooms at the rear would help address the concerns raised whilst still providing occupants of the bedroom with a form of outlook. The use of mirrored glass would need to be conditioned, should consent be granted, to protect the privacy of occupants whilst addressing the perception of overlooking towards the property at the rear.

In light of all of the above, the proposals are, on balance, considered to have an acceptable impact on residential amenity, in accordance with Policy PS 2 of the LDP.

Access and Highway Safety

Notwithstanding the comments raised by objectors in relation to the impact on access and highway safety, occupancy levels would not drastically increase at the site, which is in an accessible location, and two additional parking spaces are proposed within the site. In addition, a comprehensive construction method statement has been requested by the Highway Authority to minimise the impact the construction work would have on the vicinity. Furthermore, no objections have been raised by the Highway Authority. Therefore, subject to the imposition of a suitable condition relating to a construction method statement, it is not considered that an adverse impact on access and highway safety would arise as a result of this development.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

Ecology

The applicant's submitted a Bat Survey as part of the application which concludes that there was no bat or bird use of the building. The Council's Planning Ecologist has indicated that the surrounding areas provide excellent bat foraging habitats with records of bat species within 100 metres of the site. On this basis it is reasonable to impose a planning condition to provide for ecological enhancements in addition to a condition to control the imposition of additional lighting in the interests of protected species.

Other Issues Raised

The majority of the issues raised by objectors have been addressed either by the Placemaking and Heritage Officer in his response, by CADW and by the Highways Authority or within the body of report above. However, other issues have been raised such as noise pollution, nearby refusals of planning permission and precedent being set, as well as loss of viewpoint.

In relation to noise pollution as a result of the works, there are separate powers available to the Council's Pollution Control Division should a statutory noise issue arise.

In relation to nearby refusals of planning permission and the precedent that would be set by an approval in this instance, it is not possible to compare and contrast individual residential developments and extensions to commercial properties, as each application is assessed on its own merits and there are likely to be significant variables between each case and the context in which the development would be assessed. For the same reasons, it is not considered that a precedent for other development would be set should approval be granted in this instance. Each application would need to be assessed against the same criteria, as set out by the Planning (Listed Buildings and Conservation Areas) Act 1990.

In terms of the loss of views from Richmond Road, there is no statutory protection regarding views, and whilst outlook is a material planning consideration (as assessed previously within the report), the protection of a view is not, and as such, is afforded little weight in consideration of the merits of a planning application.

Conclusions

Having regard to all material planning considerations including the Human Rights Act, the proposed development is considered to preserve the character and integrity of the listed building, the row of listed buildings and the wider Conservation Area setting, whilst, on balance, having an acceptable impact on neighbouring amenity, in accordance with Policies PS 2, HC 1 and HC 2 of the Swansea Local Development Plan 2010-2025, the guidance contained within Planning Policy Wales (10th Edition) and the statutory duty identified in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

Planning Committee – 7th July 2020

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|------------------------|----------------------------|---------------|
| Item 1 (Cont'd) | Application Number: | 2019/2730/FUL |
|------------------------|----------------------------|---------------|
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- 2 The development shall be carried out in accordance with the following approved plans and documents: 1819-0360E01 (lighting protection), received 27th November 2019, Heritage Impact Assessment, HG.17.81.P01 REV C (site location plan), HG.17.81.P02 REV C (block plan), HG.17.81.P08 REV K (proposed ground floor plan), HG.17.81.P09 REV H (proposed first floor plan), HG.17.81.P10 REV H (proposed second floor plan), HG.17.81.P11 REV N (proposed third floor plan), HG.17.81.P12 REV L (proposed fourth floor plan), HG.17.81.P13 REV J (proposed roof plan), HG.17.81.P14 REV K (existing and proposed front elevations), HG.17.81.P15 REV J (existing and proposed side elevations), HG.17.81.P16 REV K (existing and proposed side elevations), HG.17.81.P17 REV H (existing and proposed rear elevations), HG.17.81.P18 REV G (existing and proposed section A), HG.17.81.P19 REV F (existing and proposed section B), HG.17.81.P21 REV C (window alterations), HG.17.81.P22 (existing and proposed window to door), received 11th March 2020.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
 - 3 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development which is sympathetic to the historic asset whilst conserving the amenities and architectural character of the area.
 - 4 The two privacy screens along the eastern side of the two balcony areas visible on the eastern elevation facing Bryncerrig (as shown on plan HG.17.81.P16 REV K) and the privacy screen along the western side of the balcony visible on the western elevation facing 1 Devon Terrace, (as indicated on Plan HG.17.81.P15 REV J) shall be erected prior to the first beneficial use of the respective balconies and area and retained as such thereafter.
Reason: In the interests of neighbouring amenity to prevent an unacceptable increase in overlooking.
 - 5 The first floor side facing windows facing towards 1 Devon Terrace (shown as grey shaded window panes on proposed side elevation drawing), as indicated on Plan No: HG.17.81.P15 REV J, received 11th March 2020 (side elevation as proposed) shall be obscure glazed to Pilkington Level 3 and unopenable below a height of 1.7m from internal floor level, and shall be retained as such thereafter.
Reason: To protect neighbouring amenity from an unacceptable reduction in privacy by virtue of overlooking.
 - 6 The proposed fourth floor side facing windows facing towards Bryncerrig (shown as grey shaded window panes on proposed side elevation drawing), as indicated on Plan No: HG.17.81.P16 REV K, received 11th March 2020 (side elevation as proposed) shall be obscure glazed to Pilkington Level 3 and unopenable below a height of 1.7m from internal floor level, and shall be retained as such thereafter.
Reason: To protect neighbouring amenity from an unacceptable reduction in privacy by virtue of overlooking.

Planning Committee – 7th July 2020

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

- 7 The three central windows in the rear elevation of the extension, as indicated shaded grey on Plan No: HG.17.81.P17 REV H, (rear elevation as proposed) shall be fitted with mirrored/reflective glass and unopenable below a height of 1.7m from internal floor level, and shall be retained as such thereafter.

Reason: To protect neighbouring amenity from a perceived increase in overlooking.

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

The statement shall provide for the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate, wheel washing facilities, measures to control the emission of dust and dirt during demolition and construction and a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 9 Prior to the commencement of development, a sensitive lighting strategy, designed to ensure that the habitats adjacent to the site are not lit during the operation phases of the development must be submitted to the Local Planning Authority for approval. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. The development shall then be carried out in accordance with the approved strategy.

Reason: To minimise the impact of the development works on bats and other nocturnal species.

- 10 Prior to the commencement of development, a scheme of Ecological Enhancement Measures (as per the preliminary ecological appraisal recommendations: 1. in-masonry crevice roost opportunity for bats eg. Schwegler FR bat tube box) shall be incorporated into the top of the new extension gable end apex (to avoid placement above windows) 2. Swift A. apus nest box (eg. Schwegler 17A) provision shall be fitted/incorporated into the top of the new extension gable end shall be provided within or to the walls of the dwelling) 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 installed in accordance with the approved details no later than 6 months of the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement.

Item 1 (Cont'd)

Application Number:

2019/2730/FUL

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 PS 2, HC 1 and HC 2 of the Swansea Local Development Plan 2010-2025.

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

3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 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).

4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

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.

5 The Developer has been advised that they must contact the Highway Management Group, The City and County of Swansea, Guildhall, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . E-mails to networkmanagement@swansea.gov.uk.

Planning Committee – 7th July 2020

Item 2

Application Number:

2020/0071/FUL

Ward:

Oystermouth - Bay Area

Location:

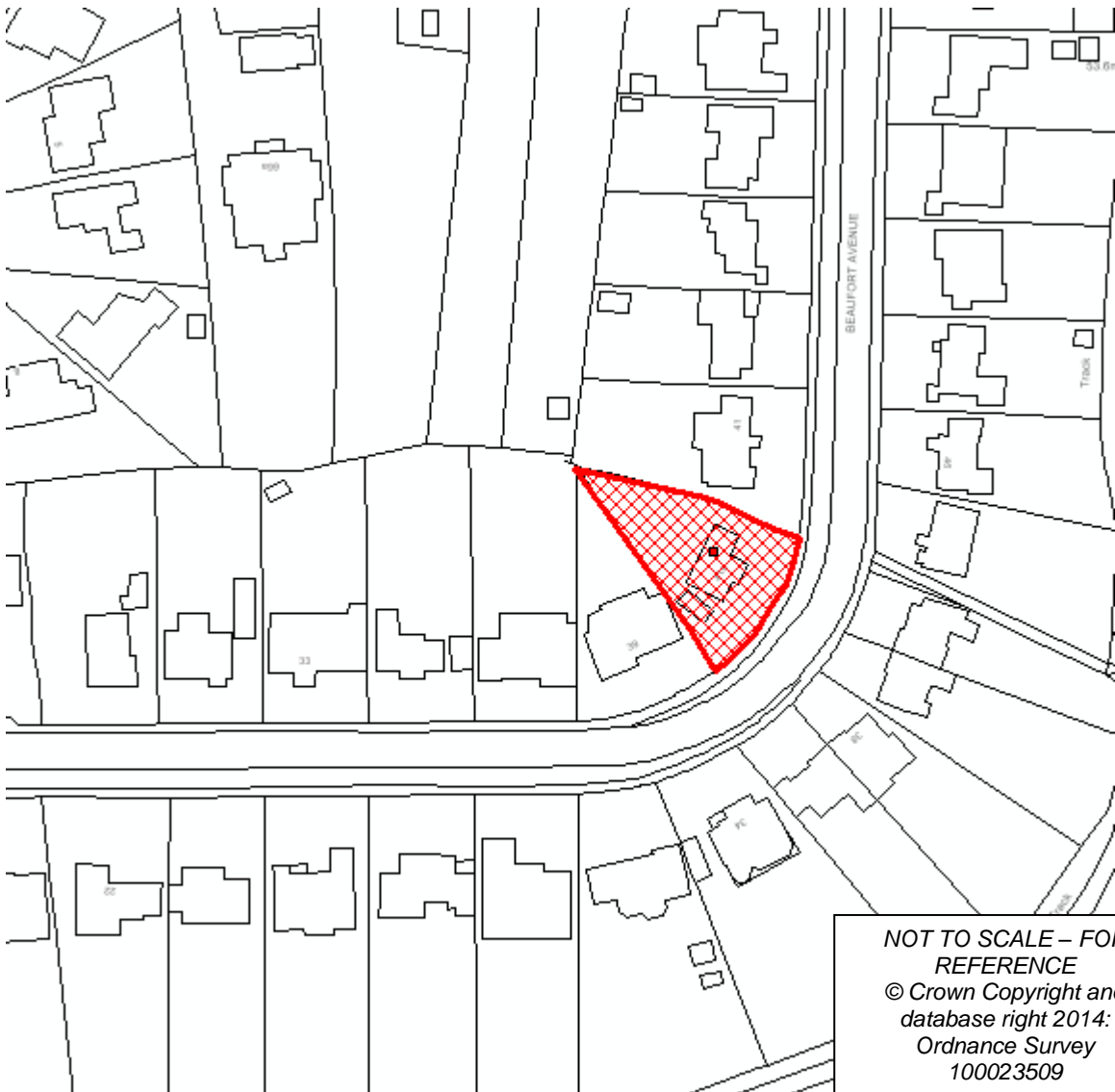
41A Beaufort Avenue, Langland, Swansea, SA3 4PB

Proposal:

Retention of two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence

Applicant:

Mr O'Brien



Item 2 (Cont'd)

Application Number:

2020/0071/FUL

Background Information

Policies

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 - 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
2019/0346/PRE	PRE APP Two storey side extension, two storey rear extension incorporating front and rear balconies and alterations to dormer	MIXPR E	04.03.2019
2019/1158/FUL	Two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof and new vehicular access	APP	13.08.2019
2020/0071/FUL	Retention of two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence	PDE	

Item 2 (Cont'd)

Application Number:

2020/0071/FUL

Procedural

This application was 'called-in' for determination at Planning Committee by Local Ward Councillor Myles Langstone and the objection threshold set out in the Council's Constitution has been met.

Description

Full planning permission is sought for the retention of a two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence at No.41A Beaufort Avenue, Langland.

Plans indicate that the site originally contained a two storey detached dwelling with a flat roof side dormer extension and a detached single storey side garage. Construction is currently underway on site to implement a previously approved consent (Reference : 2019/1158/FUL) which gave permission to erect a new two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof and new vehicular access. As the works at the site are under construction and the two storey element is again included within this scheme for consideration, along with some changes, the scheme is referred to as being part retrospective in nature.

In terms of layout the proposed development contains a single storey pitched roof garage structure linked to the dwelling by way of a flat roof wrap around structure. Within the garage space is a doorway giving access to the ground floor of the dwelling which includes an open plan dining/kitchen area amongst study, utility/WC and living spaces. There are, four bedrooms proposed on the first floor with ensuite/bathrooms along with a further bedroom and bathroom on the second floor (attic space). Parking provision is provided on the driveway and integral garage.

Assessment of the immediate area

The application property is part of a residential street comprised predominantly of two storey detached dwellings of various designs.

Planning History

A pre-application for a two storey side extension, two storey rear extension incorporating front and rear balconies and alterations to dormer, ref; 2019/0346/PRE, was given a mixed response dated 08/03/19.

A full application for a two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof and new vehicular access, ref; 2019/1158/FUL, was approved on 04/09/2019.

Item 2 (Cont'd)

Application Number:

2020/0071/FUL

Policy Issues

The Swansea Local Development Plan ('LDP' 2010 - 2025) was adopted 28th February 2019 and the policies contained within this plan will therefore be used in the determination of this application. Policies PS2 and T6 are material to the determination of this application.

Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) relating to 'A Design Guide for Householder Development' provides further information and guidance to clarify the policy aims of LDP Policy PS 2. This is referenced in the amplification text of Policy PS 2 on page 49 of the LDP. The SPG was formally adopted by the Council in June 2008, which followed a period of public consultation and stakeholder engagement that informed the content of the document. The SPG was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) LDP Policy PS 2; it is consistent with national guidance and overarching principles of Placemaking (Planning Policy Wales, Edition 10, December 2018), it was approved following stakeholder engagement and a comprehensive public consultation process; and ultimately provide useful guidance to confirm how the Council considers the aims and objectives of Policy PS 2 should be interpreted.

The SPG 'Car Parking Standards' adopted March 2012, also provide further information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP.

Responses to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters initially sent to Nos.37, 39 and 41 Beaufort Avenue on 20th January 2020. Following the initial consultation amended plans were submitted and a re-consultation was made, however discrepancies with the plans were noticed leading to several more re-consultations to the original neighbours, with the final consultation letters sent on 27th March 2020.

28 letters of objection were received in total during the consultation process from 22 individual persons and addresses. The reasons for objection can be summarised below:

- Overdevelopment of the plot.
- Overlooking.
- Visual amenity impact.
- Lack of gap between properties.
- Garage may be used as living space.
- Sets a precedent for the area.
- Potential for future extension above garage.
- Increase in light pollution
- Potential damage to neighbouring properties from construction.
- Overbearing on neighbouring property.
- Prevents emergency access and maintenance of neighbouring property.

Item 2 (Cont'd)

Application Number:

2020/0071/FUL

- Construction of previously approved application had a condition regarding screening, that had to be discharged prior to construction, which was not.
- Objection to the submission of a larger proposal given that there is already an approval and the suggestion that the previous application was only made so a larger application could be applied for later.
- Terracing impact
- The plans are inaccurate.
- The developer seeks to regularise work undertaken already which is not transparent.
- Contrary to design guidance.
- Amended plans do not address the concerns.
- Impact on AONB.
- Proposed fence is out-of-keeping with the area.
- Workers on site are not following health and safety rules or coronavirus social distancing requirements.

Analysis and Recommendation

Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

Visual Amenity

The site is of a triangular shape, which narrows to the rear and whilst the plot is on the road bend only the front elevation is presented to the street, and therefore it is not considered to be a corner plot. The existing detached dwelling is of a traditional design with a pitched roof and front gable, however, it also has a large existing incongruous flat roofed side dormer. The street as a whole is made up of predominantly similar detached two storey dwellings of various designs. As mentioned the application site also benefits from planning permission for a two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof and new vehicular access, which is currently under construction albeit with changes now put forward as part of this revised application.

The proposed extensions and alterations would represent a significant increase in the footprint of the original dwelling. It is noted that the street is comprised of relatively large dwellings and the proposed footprint would not be that dissimilar to these. The plot is smaller than that of the majority of neighbours, however, the front garden is on the wider end of the scale compared to others in the street. It is noted that the side extension will be close to the neighbouring property's single storey extension. However given the single storey scale of the extension and neighbouring extension it is considered that there would be a sufficient visual break at first floor level to prevent a terracing impact. On balance it is considered that the proposed dwelling would not represent an overdevelopment of the plot and would be an acceptable scale within the streetscene context.

Item 2 (Cont'd)

Application Number:

2020/0071/FUL

Turning to the detailed design of the proposal the front gable, front balcony and porch are considered to be visually acceptable. They provide for modern features but would not be out of keeping in the residential context and will uplift the form of the property. The single storey side garage extension is not necessarily a typical design for a single storey side extension given the front roof window, flat roof area to the rear and its height being larger than that of a typical single storey extension. However it is not considered to represent a significant or detrimental impact on the visual amenity of the host property. The gable will match that of the main dwelling and the rear flat roof area would be shielded from public vantages. Similarly the two storey rear extension would not have any harmful impacts on the character of the dwelling. Whilst the dormer detracts from the overall design, the works proposed involve aesthetic improvements only to an existing structure as part of the overall design. This is considered to be acceptable as part of the development.

In regard to the window design, whilst the openings do not reflect that of a traditional dwelling they do reflect a more modern approach being applied across the property and on that basis are not considered to have an unacceptable visual impact. The proposed boundary fencing is also considered to be visually acceptable, given that the fencing forward of the property would not exceed 1m. The proposed driveway will have no harmful impact.

The site does lie adjacent to the Gower AONB, however, it is not considered that there would be any unacceptable impact from the extensions within the local context upon the Gower AONB which will remain to be preserved. It is considered that the proposal would have an acceptable impact on the visual amenity of the host property and character of the wider area, and is therefore compliant with policy PS2 of the Local Development Plan (Adopted 2019).

Residential Amenity

Turning to residential amenity it is not considered that the proposal would result in any unacceptable overshadowing impacts. The extensions to the dwelling would not breach a 45 degree angle of light from neighbouring habitable room windows and to that effect would not have a significant impact.

In regard to overlooking the proposed rear first floor windows are of a sufficient distance from the shared boundary. Furthermore given the existing levels of overlooking from existing windows and overlooking from the upper floor windows of No. 39 towards the application property it is not considered that the level of overlooking, despite the extension projecting 4m into the garden, would result in any harmful overlooking impact in this instance. The proposed first floor side elevation window serves a non-habitable bathroom and therefore can be conditioned to be obscurely glazed to prevent any harmful overlooking. Similarly the rear roof window also serves a bathroom and will be obscurely glazed. The balcony and windows to the front elevation will face the street and therefore will not provide views of neighbouring private amenity spaces.

In terms of any potential overbearing impact the two storey extensions are sufficiently placed away from shared boundaries to prevent any unacceptable impacts. The single storey side extension would be placed close to the shared boundary with No.39 Beaufort Avenue, however, for the most part the extension would relate to the neighbouring side extension and only a small part of the rear amenity space.

Item 2 (Cont'd)

Application Number:

2020/0071/FUL

It is not considered that the siting and scale of the side extension would result in an unacceptable overbearing impact. No.39 is at a lower level than the application site, however, the land level changes are not significant enough that the proposed rear boundary fence would result in any harmful impact. It is also noted that the fence is within the limits allowed under permitted development and would not strictly require planning permission.

In all given the above it has been concluded that the application is acceptable in regard to its impact upon residential amenity and complies with the requirements of Policy PS2 of the Swansea Local Development Plan (Adopted February 2019).

Access & Highway Safety

In terms of highway safety the existing dwelling accommodates 6 No. bedrooms whilst the proposed scheme indicates 5. No bedrooms albeit more spacious floor areas. The scheme includes an additional parking area to be created and this, along with the existing parking area, will provide adequate parking facility for the property. Given this it is not considered that a condition removing the right to the convert the garage would be necessary in this instance. The proposal is therefore considered to have an acceptable impact on highway safety.

Response to Objections

The objections in regard to the impacts on visual amenity and residential amenity in terms of overbearing, and overshadowing have been addressed in the above report. In regard to the risk of precedent, future extensions and the supposition that applicants can subvert planning control through incremental applications, it should be noted that all applications are judged on their own merits and consideration is given to local circumstances, planning history and relevant Authority Policy and design guides prevailing at the time of decision. The objections in regard to inaccurate plans, have now been overcome by the submission of accurate plans, which are under consideration. It is considered that the application has been dealt with transparently with letters sent to neighbouring occupiers for every iteration of the plans.

In terms of light pollution from larger window openings, it is not considered that the proposed openings will have a significant impact given that the property will remain as a residential use. In regard to the potential that the garage could be converted to living space, given that there is adequate parking on the driveway this is not considered to be unacceptable. The potential that damage could be caused to neighbours during construction, access through the neighbouring property for maintenance and emergencies are not a material planning considerations but controlled by separate legislation. The boundary treatment condition to the previous application is not material to this application, however the applicant is seeking to regularise this through the current application. Finally any issues in regard to health and safety during construction is not a material planning consideration but controlled by separate legislation including any temporary measures in regard to coronavirus.

Other matters

It has been noted following third party reports that works have been on-going in connection with the development.

Item 2 (Cont'd)

Application Number:

2020/0071/FUL

As part of this officers understand that the current dormer does not fully match the form and appearance of the dormer shown in the proposed plans in so far that it contains an overhang to the roof edges which is not contained in the plans. Furthermore as part of the construction process it has been noted that a first floor opening has been created in the space on the side facing elevation whereas the plans do not show a first floor door opening in that location. Whilst the applicant has informed the case officer that the opening has been created purely for access issues during the construction process the third party concerns relate to the opening being perfectly finished with straight vertical sides, lintel in situ and would appear to be the same size of a standard door opening and extending down to match the level of the first floor.

The applicant has been requested to update the submitted plans in order to address the issues raised in connection with the dormer roof and side first floor opening but wishes to have the application considered upon the plans presented. Given the works to the dormer are minor it can be regarded that these would be an acceptable alteration visually. The opening in the side elevation at first floor raises concerns in so far that it would likely give access onto a first floor area and have implications for neighbouring privacy. The applicant has suggested that this opening is not part of the proposal, however, given it has been created and exists on site at the time of this application whilst proposals are being considered for a flat roof structure alongside a planning condition is necessary in order to ensure that the wall is blocked up as per the submitted plans within a reasonable timescale. Any alteration in that respect would require planning permission.

Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development on the basis of the proposed plans which would have an acceptable impact in regard to visual amenity, residential amenity and highway safety. Therefore it is considered that the development is compliant with the requirements of Policies PS 2 and T 6 of the Swansea Local Development Plan and advice provided within the Design Guide for Householder Development (2008) and Parking Standards SPG (2012).

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 principles through its contribution towards one or more of the public bodies well-being objectives set out as required by Part 2 Section 9 of the WBFG Act.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: 1113A-A(90)101 boundary detail, 1113A-L(90)101 REV C site plan + location plan, 1113A-A(90)102 boundary detail, 1113A-L(99)105 REV C proposed ground floor layout, 1113A-L(99)107 REV A proposed second floor layout received 17th March 2020. 1113A-L(99)106 REV C proposed first floor layout, 1113A-L(99)108 REV E proposed elevations received 25th March 2020.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

Planning Committee – 7th July 2020

Item 2 (Cont'd)

Application Number:

2020/0071/FUL

- 2 The proposed new parking area hereby approved/illustrated on the submitted plan shall be:
- (i) porous or permeable; or
 - (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
 - (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason : In the interests of sustainability.

- 3 Prior to first beneficial occupation of the development the boundary treatments as described on plan nos. 1113A-A(90)101, 1113A-L(90)101 and 1113A-A(90)102 shall be erected in accordance with the approved plans and retained thereafter.

Reason: In the interests of residential amenity.

- 4 Prior to first beneficial occupation of the development, any part of the proposed South side elevation first floor bathroom window, as shown on plan no.1113A-L(99)106 REV C and the proposed West side elevation second floor bathroom window, as shown on plan no.1113A-L(99)107 REV A, that is less than 1.7m above the floor of the room in which it is installed, shall be fitted with obscured glazing to a minimum level 3 and be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of conserving the privacy and amenity of adjoining properties.

- 5 Prior to first beneficial occupation of the development the door opening/access that has been provided in the first floor side (south) facing elevation during the construction of the development shall be blocked up and rendered to match the approved plans (Drawing No. 1113A-L(99)108) and retained in that condition thereafter.

Reason: To preserve the amenity of neighbouring properties.

- 6 The flat roof area above the ground floor garage shall not be used as a storage area, balcony, roof garden or similar amenity area.

Reason: To preserve the amenity of neighbouring properties.

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 PS2 and 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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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 - IO1 - Supporting Infrastructure

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

LDP - H1 - Non-Strategic Housing Sites

Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

LDP - H2 - Affordable Housing Strategy

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

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 - SI1 - Health and Wellbeing

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

LDP - SI5 - Protection of Open Space

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

LDP - SI6 - Provision of New Open Space

Provision of New Open Space - Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

Item 3 (Cont'd)

Application Number:

2019/2903/RES

LDP - SI8 - Community Safety

LDP - ER1 - Climate Change

Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

LDP - ER2 - Strategic Green Infrastructure Network

Strategic Green Infrastructure Network - Green infrastructure will 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 in accordance with the green infrastructure principles set out in the policy.

LDP - ER8 - Habitats and Species

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.

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

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. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

LDP - T1 - Transport Measures and Infrastructure

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.

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.

Item 3 (Cont'd)

Application Number:

2019/2903/RES

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 - T7 - Public Rights of Way and Recreational Routes

Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

LDP - EU4 - Public Utilities and New Development

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.

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 - RP2 - Noise Pollution

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 existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

LDP - RP3 - Air and Light Pollution

Air and 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 existing and future occupants.

Planning Committee – 7th July 2020

Item 3 (Cont'd)

Application Number:

2019/2903/RES

Site History

App Number	Proposal	Status	Decision Date
2018/2698/FUL	Hybrid planning application for the redevelopment of the site to form up to 160 no. residential units and 1 no. retail unit (Class A1) comprising of a Full Planning Permission is sought for the demolition of most buildings, apart from the main part of the 1912 building (partial demolition) which is to be converted and extended to create 62 no. apartments with associated access (from Townhill Road – Pantycelyn Road) surface and under croft parking, landscaping works and site wide access, drainage and engineering works to create development platforms; Outline planning permission is sought for the construction of up to 98 no. residential units and 1 no. retail unit (Class A1) with indicative access / layout, scale parameters (2 to 3 storeys), with associated access, car parking and landscaping works - appearance, layout and scale reserved matters	S106	08.10.2019
93/6083	Erection of internally illuminated box sign	PCO	
2013/0706	Installation of external lift to side elevation	APP	19.06.2013
2010/1460	Creation of 100 space overspill car park and associated access works	REF	06.01.2011

Planning Committee – 7th July 2020

Item 3 (Cont'd)	Application Number:	2019/2903/RES
2007/0063	Facade refurbishments to Cennydd and Dyfed halls of residence	APP 26.03.2007
2019/2903/RES	Construction of 84 dwellings and associated infrastructure (details of the appearance, layout and scale pursuant to hybrid / outline planning permission ref: 2018/2698/FUL granted 8 October, 2019 and discharge of Condition 4 (Reserved Matters), Condition 8 (Levels), Conditions 13 & 14 (Drainage), Condition 23 (Pedestrian Link).	PDE
2005/1863	Part two part three storey extension, incorporating a lift shaft and provision of new corridors and wheelchair access within existing courtyards	APP 17.02.2006
2005/1853	Construction of a four storey extension, incorporating a lift shaft, new entrance on front elevation to provide wheelchair access and link corridors to Block K.	APP 17.02.2006
2002/1687	Installation of three colinear antennae, one GPS antennae, and associated telecommunications equipment on existing plant room at roof level (Application for the Prior Approval of the Local Planning Authority)	WDN 30.09.2002
2002/0771	Construction of canopy and provision of disabled persons' entrance at Block K	APP 18.06.2002

Planning Committee – 7th July 2020

Item 3 (Cont'd)	Application Number:	2019/2903/RES
2002/1507	Installation of three co-linear antennae, one GPS antennae and associated telecommunications equipment on existing plant room at rooflevel (Application for the Prior Approval of the Local Planning Authority)	WDN 23.09.2002
2002/1175	Erection of an 11 metre high monopole with 3 antennas and associated equipment cabin (Application for the prior approval of the Local Planning Authority)	PAREF 08.07.2002

Procedural

This application is reported to Planning Committee as it is a major development that meets the threshold set out in the Council's Constitution.

Introduction

Planning Permission for the redevelopment of the former Townhill Campus for up to 160 no. residential units and 1 no. retail unit (Class A1) was granted 8th October, 2019 (Ref: 2018/2698/FUL). The development involved a Hybrid permission in that Full Planning Permission was granted for the demolition of most buildings, apart from the main part of the 1912 building (partial demolition) which is to be converted and extended to create 62 no. apartments together with associated access (from Townhill Road / Pantycelyn Road) surface and undercroft parking, landscaping works and site wide access, drainage and engineering works to create development platforms. The Hybrid permission also granted Outline planning permission for the construction of up to 98 no. residential units and the retail unit with indicative access / layout, scale parameters (2 to 3 storeys), with associated access, car parking and landscaping works and the appearance, layout and scale were reserved matters for further approval.

The Hybrid / Outline Permission was subject to a Section 106 Planning Obligation which provided for a highway contribution of £140,000 towards the implementation of off-site highway works and active travel requirements to enhance measures towards pedestrian and cycling facilities, and also for a 20% affordable housing requirement.

This current application now seeks Reserved Matters Approval for the details of the appearance, layout and scale for the construction of 84 dwellings and associated infrastructure together with details pursuant to Condition 4 (Reserved Matters), Condition 8 (Levels), Conditions 13 & 14 (Drainage) in relation to this part of the development.

Item 3 (Cont'd)

Application Number:

2019/2903/RES

Application Site Context

The application site is currently vacant following the relocation and consolidation of the University of Wales Trinity Saint David to the SA1 Waterfront Campus and the development has yet to commence. The 5.2 ha site is located within the urban area of Swansea and is largely located in a residential area, and is bounded on three sides with residential development. There is thick woodland protected greenspace located on its eastern boundary, dividing the site between the nearby residential dwellings located on Notts Gardens. The southern part of the site is largely undeveloped, and is dominated with mature woodland. The downwards sloping topography, from north to south, provides a landscape setting/backdrop and open views towards Swansea Bay. Many of these trees are subject to a Tree Preservation Order (TPO).

The northern part of the site is dominated by the existing teaching facilities and associated car parks. The main teaching building, an ornate 20th century building (i.e. 1912 building), is of high visual merit and its retention and renovation is proposed as part of the redevelopment of the site. The other facilities to the north include the Townhill theatre, a library, the refectory, several accommodation blocks, and car parks will be demolished.

Response to Consultations

Statutory Consultation

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. ONE LETTER OF OBJECTION has been received making the following comments:

- Too many units on site, which will adversely affect traffic on Townhill road, with a knock-on effect for Broadway, Cockett road and the Lons. Which are used as shortcut between Glanmor and Townhill road to avoid Broadway.
- We have a lot of trouble with youths school pupils from Bishop Gore scaling existing gates at the end of our front garden, to use the existing Townhill Campus site as a shortcut from the Lons.
- The provision of a Parkland area at the bottom of the site will encourage undesirables to use the area, if there is no on site security.
- The Parkland area should not just be for humans but should ensure that existing and new wild life is supported and encouraged.
- Far too many units on site, so the number of cars on the site will adversely impact air quality.

Dwr Cymru Welsh Water - object to the proposed drainage strategy for surface water, highway or land drainage run-off to connect to the public sewerage system unless surface water flows are disposed of by alternative means.

Council's Drainage Engineer - supports the revised drainage strategy.

Designing Out Crime Officer - previous comments made under the outline application are still relevant.

Item 3 (Cont'd)

Application Number:

2019/2903/RES

Highway Authority-

The application is further to the hybrid / outline consent 2018/2698/FUL, and relates to the construction of 84 dwellings and associated internal layout. Site access and the principle of development being determined under the outline consent.

In line with advice previously given the internal road geometry is acceptable, 5.5m carriageways and 2m footways. These appear suitable for adoption.

The internal layout is made up of a series of loops, no turning heads are required, and the site appears accessible for service and fire vehicles.

Parking levels are adequate for the site, it is likely that if there were any overspill this would be contained within the site. Where properties have garages as allocated parking, permitted development rights should be removed. A condition will be required to enforce this.

A pedestrian link is provided to Penlan Crescent, consideration should be given to how this will be secured, to prevent any anti-social behaviour issues.

Given the topology of the site, a number of retaining walls are required, any wall above 1.5m in retained height, or 1.37m if within 4 yards of the Highway will require checking and approval by the Local Authority, under the West Glamorgan and Highways Act. A condition will be required for this.

There is no Highway objection to the proposals subject to the conditions below:

1. Prior to commencement of development full design drawings and structural calculations for any retaining structure over 1.5m in retained height or 1.37m if within 4 yards of the Highway shall be supplied to and approved in writing by the LPA.
Reason: To ensure compliance with the requirements of the West Glamorgan Act 1987 and Highways Act 1980.
2. All garages shall be made available for the parking of vehicles at all times and shall not be used as or converted to domestic living accommodation.
Reason: To ensure adequate on-site car parking provision in the interests of highway safety.

Placemaking and Heritage Team -

Initial Comments

The current scheme presents a reserved matters following on from a hybrid/outline application submitted under app. ref: 2018/2698/FUL which set out full details for the conversion of the 1912 buildings with an approach that retains the south, east and west stone elevations and set out a new contemporary elevation and undercroft parking to the north elevation. Although the layout appearance and scale of the remainder of the proposals were reserved, a site layout and clear architectural detail were provided and supported. A part of this information included an approach to the amenity space which sought to provide this as elevated terraces and communal spaces.

Item 3 (Cont'd)

Application Number:

2019/2903/RES

The DAS, masterplan and accompanying parameters submitted with this application captured the overall approach and were conditioned as part of the approval, requiring that the scheme be in substantial accordance with these.

The current application applies for 84 new build dwellings, the conversion of the 1912 building with details as approved under the previous outline/hybrid application. There is also an additional part of the scheme for 12 flats above commercial units which are not part of this reserved matters application.

Overall the current scheme broadly follows the layout and details outline/hybrid application and this is to be commended along with a well thought out architectural and placemaking led approach.

Lower Plateau (south of 1912 building)

The contemporary flat roof approach to the dwellings in this location is acceptable as part of the architectural concept as well as to keep the height of these dwellings down in front of the 1912 building from longer views. It is noted that some of the dwellings now include shallow mono pitched roofs which are acceptable to add some interest to the forms whilst also achieving the above aims.

Upper Plateau (north of the 1912 building)

It is noted that the extensive row of front gables to these dwellings have been removed for cost reasons. These were a strong feature and provided visual interest and rhythm to these façades and as such their removal has resulted in a long terrace with of bland and flat façades. Some element of front gables will therefore need to be reintroduced in order to make this element of the scheme acceptable.

The need for corner turning units with meaningful windows to habitable rooms at the end of rows to overlook and provide natural surveillance to the east and west was raised at the outline stage, however the current approach is not considered sufficient and will need to be revisited in order to provide an adequate level of informal guardianship of the streets in this location.

Overall

Page 9 of the submitted DAS addendum (Dec 19) states that "The provision of solar PVs has also been allowed for, which will increase the sustainability of the development and provide lower living costs for future residents."

The proposal for future proofing of the scheme for sustainable microgeneration is understood, however given the prominent, elevated nature of the site as well as the minimalist contemporary approach to the form and detailing of the scheme there are some concerns that the later addition of solar PV panels could detract from the character and appearance of the scheme if these are not carefully considered. As such these should not be considered as later additions but from the outset as was indicated on the original outline layout. Given the potential for a wide scale and poor visual impact for the scheme if panels are retrofitted into this, these should either be integrated now or omitted entirely through the use of a restrictive condition for their future addition.

Planning Committee – 7th July 2020

Item 3 (Cont'd)

Application Number:

2019/2903/RES

In order to ensure the quality of character and appearance which has been tracked through the planning process from the initial stages we will need to ensure that suitable conditions are attached to the grant of any approval. These should include:

Materials - composite sample panel on site as well as additional product specification details (highlighted brochures etc.)

Large scale drawn details for all junctures between different materials and external edges (e.g. eaves, verges, doors, windows, guttering, etc.)

In summary the scheme is broadly supported, however there are some issues as set out in the preceding text which will need to be addressed before the scheme can be fully supported.

Further Comments

The above scheme has been subject to a detailed process of negotiation with the most recent set of placemaking comments provided back in March (11th). These comments provided broad support for the scheme, however concerns were raised as to the loss of the gable features to the upper plateau terraces as well as the need to articulate the ends of these rows with meaningful windows in order to provide 'corner turning' units which provide a visual interest and a level of natural surveillance in these locations.

The latest set of amendments have addressed these concerns and now show a limited number of flush gables interspersed along the rows which provides a simple yet effective level of articulation to break up the monotony of the rows in a manner which is appropriate to the contemporary vernacular architecture of these. Additionally the end of terrace dwellings have been amended to include meaningful windows to their side elevations in a manner which gives good visual interest and balance to these elevations and the blocks overall.

As per the previous set of comments, conditions should be attached to the grant of any planning permission In order to ensure the quality of character and appearance which has been tracked through the planning process from the initial stages. These should include:

- Materials - composite sample panel on site as well as additional product specification details (highlighted brochures etc.)
- Large scale drawn details for all junctures between different materials and external edges (e.g. eaves, verges, doors, windows, guttering, etc.)

In summary the scheme is supported as a well-considered response to this site which successfully incorporates the historic campus building frontage in to anchor the site to its historic legacy, whilst providing a high quality complementary contemporary vernacular approach which responds well to the physical site and wider local context. In addition to this the upper plateau provides for 2 no. courtyard garden type open spaces for the enjoyment of the residents in the heart of each block to help to foster a sense of community around these spaces. As such in order to protect the quality of the scheme this should be subject to the imposition of the above as well as any other suitable conditions to ensure this quality is maintained throughout the delivery process.

APPRAISAL

Application Proposal

The outline planning consent has provided the overarching framework and design vision for the scheme, which has taken into account the retention of the 1912 building, the topography of the site and the significant changes in level across the site.

The upper plateau enjoys views over Swansea Bay from the top of the site, and also the existing street scene along Pant-y-Celyn Road is an important consideration in terms of developing the design of the upper plateau; The frontage along Pant-y-Celyn Road forms a traditional terraced units, which will be denser in volume compared with the lower plateau. This will be compatible to the residential context of Townhill and within the street scene. A shared green space at the centre is surrounded by rows of terraces. The space has a clear axis to the 1912 building and provides flexibility to be inhabited by all residents.

Coloured facades gives a sense of individuality to the dwellings and break up the formal structure of the terrace. External features such as bay windows, porches and doors have all been given a contemporary twist to reference the historic Edwardian Style of the 1912 building. The total number of dwellings consented within the Hybrid application was 160, which includes units within the 1912 building. The layout and volume of dwellings within the upper and lower plateaus remains the same as indicated within the outline consent, which will be 84 units in total, with 64 units within the upper plateau and 22 units on the lower plateau.

The Upper Plateau will comprise a mix of 2,3 and 4-bedroom homes which are framed around and focussed on a new, landscaped urban square; The layout of the proposed development has been design to create a sense of place with the upper plateau split level terrace houses responding to the steep topography of the site, which allows for additional parking at the lower level, reducing the requirement for surface car parking throughout the site.

In terms of the lower plateau, this will form a more contemporary design of development, and will benefit from the aspect overlooking the woodland amenity area, without compromising the privacy and outlook of residents living in the converted 1912 building. The steep levels will be mitigated through the use of split level houses.

Terraces are arranged parallel to the focal point provided by the 1912 building and a pedestrian route is maintained along its axis through the Woodland to the main entrance. The lower plateau will consist of larger dwellings with a modern contemporary appearance, to contrast with the rest of the scheme to provide a different housing option for residents, contributing to the diversity of the site and will consist of larger 4-bedroomed units.

The approved access consists of the construction of a new access off Townhill Road and with the retention existing access off Pant-y-Celyn as a secondary access. Pedestrian access is provided throughout the site, with a main spine route through the centre of the site towards the 1912 building and then continuing on towards the southern end of the site to pick up the existing pedestrian route towards Uplands.

Item 3 (Cont'd)

Application Number:

2019/2903/RES

The commercial unit with residential apartments (14 units) above approved as part of the hybrid application has been specifically excluded from this Reserved Matters application and will need to be subject to a separate detailed application in due course.

Planning Application

This reserved matters planning application has been supported with the following documents:

- Architectural Drawing Package;
- DAS & Compliance Statement; & DAS Addendum;
- Drainage Strategy & Plans;
- Landscaping Plans;
- Visuals.

Material Planning Considerations

The principle of this development has been accepted and is established under the Outline Planning Permission and the main material planning considerations in the determination of this Reserved Matters application are set out as follows:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Townscape and visual impact;
- Highways, traffic, car parking, access and pedestrian movements;
- Drainage Strategy.

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

Development Plan Policy and Supplementary Planning Guidance

This was addressed in some detail under the Outline / Hybrid Planning Permission which considered the context provided by Planning Policy Wales (PPW) Edition 10 (December 2018) which sets out the land use planning policies of the Welsh Government. It is considered to be a sustainable site for residential development and has been allocated in the LDP for residential use under Policy H1: Non-Strategic Housing Sites, with an indicative capacity of 150 units. The site makes an important contribution to delivering the LDP housing requirement identified in Policy PS 3. It is considered that the principle of residential development has been established through the site's allocation in the LDP.

LDP Policy PS2 stress the importance of Placemaking and Place Management and provides the context of consideration of the detailed layout. 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.

Places to Live Residential Design Guide SPG (2014)

The Places to Live: Residential Design Guide SPG (adopted January 2014) provides design guidance for infill developments for more than 10 dwellings. The design guide is underpinned by four themes namely 'Putting people first'; 'Sense of place'; 'Creating sustainable places'; and 'Improving quality'. In this respect, the guidance sets out design considerations which are tailored to work from strategic issues down to detailed issues and include a brief overview of the issue, followed by guidance on how the consideration can be addressed to achieve high quality, sustainable, safe and inclusive places to live. The issues of townscape and visual impact; and impact on residential amenity need to be assessed within the design criteria provided by the SPG.

Townscape and Visual Impact

Within the outline consent, the appearance of the upper terrace is intended to be more traditional in nature, in order to fit in with the surrounding context and nearby street scene. This design choice has been continued within the Reserved Matters application, with the use of pitched roofs and a dense terrace street scene.

In terms of materials, the upper plateau will consist of 50% rendered dwellings and 50% brick, with the brick used in the most exposed locations. A range of brick and render colours will be chosen to provide a variation and visual links to the terraced housing typology seen across Swansea Bay.

The houses along the lower plateau will be either in a render or a brick finish. The mix will be approximately 30% render and 70% brick, with 3 types of brick used. These contemporary themed houses will incorporate mono-pitched roofs with terraces. The proposed material schedule would be consistent with the outline planning consent, however, the final external finishes and architectural details will be controlled and approved through the planning conditions.

The scale of the proposed dwellings remains largely the same as that which was previously outlined within the scale parameters plans submitted and approved with the outline planning consent for the site. The use of split level dwellings within the lower plateau, allows for maximum internal space within the dwellings, without compromising the views of residents further up the site towards the 1912 building. It is also the most efficient way to utilise the topography of the site to the site's advantage. The 1912 building will remain the focal point of the development, with all other dwellings being a maximum of 3 storeys. Overall, the proposed upper and lower terrace accord with the scale parameters plans approved within the outline planning consent.

With regard to the upper plateau, the terrace along Pant-y-Celyn Road as originally submitted, proposed omitting the various projecting gables in favour of a more simplistic and economic build solution. However, this raised concerns that these were a strong feature and provided visual interest and rhythm to these façades and would result in a long terrace with bland and flat façades. Additionally, it was considered that the corner turning units need more meaningful windows to habitable rooms at the end of rows to overlook and provide natural surveillance to the east and west.

Item 3 (Cont'd)

Application Number:

2019/2903/RES

Within the approved Outline Application, the indicative elevations showed extensive gable structures along the north elevations of all of the terraced houses on the "Upper Plateau", the area to the north of the 1912 building. These gables were intended introduced provide visual references to the Edwardian architecture of the original 1912 Building, in the context of the design of a typical Welsh terraced house.

The original reserved matters submission proposed to omit the gable structures in favour of a simpler built-form. It was considered that within the design of the internal layouts, the additional floor area created by the gables at first floor was not required for the house types to work well internally and their complex details, particularly where cantilevers were necessary, would be difficult to build.

The revised scheme has therefore reintroduced some gabled roofs at roof level only, they are the full width of each house and are without any cantilevered structures. They are simple in form, sharing the same ridge height of the main roof of each house and are well proportioned. Gables are positioned at the end of each terrace with other gables introduced mid-way along each terrace to punctuate the elevations. In addition, new roof gables have also been introduced along the south facades, providing further variety to each street and park elevation.

Concerns were also raised regarding the relative blank nature of the end elevations of each terrace. This has been partly addressed through the introduction of the roof gables, whilst in addition, house types have been mirrored to ensure habitable rooms (rather than staircases) are located next to the end elevations and the number of windows has been increased. This further animates the end facades whilst offering passive supervision over the surrounding spaces.

Within the revised proposals, the interface between the facade of the houses along Pant-Y-Celyn Road and the adjacent pavement has also been addressed. Low level walls have been introduced between each property and a wired fence is proposed along the pavement line with opportunities for planting. This defines a small area of private space that belongs to each home, separating the front door of each house from the adjacent public pavement and thereby providing a good private / public separation detail.

As outlined in the Placemaking comments, the revised proposals have addressed the previous concerns as the limited number of flush gables interspersed along the rows will provide a simple yet effective level of articulation to break up the monotony of the rows in a manner which is appropriate to the contemporary vernacular architecture of these. Additionally the incorporation of the windows into the side elevations of the end of terrace dwellings will provide good visual interest and balance to these elevations and the blocks overall.

As outlined, the scheme successfully incorporates the historic campus 1912 building frontage in to anchor the site to its historic legacy, whilst providing a high quality complementary contemporary vernacular approach which responds well to the physical site and wider local context. The incorporation of the 2 no. courtyard gardens into the upper plateau will provide open spaces for the enjoyment of the residents in the heart of each block to help to foster a sense of community around these spaces.

Highways, traffic, car parking, access and pedestrian movements

The transportation issues were considered under the outline permission and the submitted Transport Assessment demonstrated that the car traffic could be accommodated within the existing infrastructure directly outside the proposed access points. However, junction testing showed negligible impact in and around the site access however further afield results showed significant issues and congestion (the three mini roundabouts on Broadway/Tycoch road). The Outline Planning Permission is subject to a Section 106 agreement requiring a highway contribution of £140,000 towards the implementation of off-site highway works and active travel requirements to enhance measures towards pedestrian and cycling facilities.

There is also a planning condition in place requiring the provision of enhanced pedestrian links through to the south to Penlan Crescent.

There is no Highway objection to this reserved matters approval subject to conditions in respect of retained structures and for the garages to be retained for the parking of vehicles.

Drainage Strategy

The submitted Drainage Strategy indicates proposals to discharge foul water flows to the combined public sewer, whereas surface water flows appear to utilise a combination of soakaway systems and the public sewer. However, Dwr Cymru Welsh Water highlighted there was no agreement for surface water, highway or land drainage run-off to the public sewerage system. Therefore, DCWW originally objected to the proposal and requested that an alternative means of surface water disposal be found.

The Drainage Strategy proposes to retain the site's existing connection to the existing DCWW combined sewer to manage the bottom portion of the site's run-off where higher level disposal methods are not available. However, the proposed development offers significant betterment in terms of reducing loadings over existing unrestricted discharge rates. The drainage strategy seeks to maximise opportunities for higher level disposal methods and the solution presented provides the most sustainable approach in this instance and this design philosophy has remained consistent between outline and reserved matter applications. The Council's Drainage Engineer has supported the proposed drainage strategy and is considered to be an acceptable drainage strategy.

Conclusion

The site is a designated housing land allocation in the adopted Local Development Plan and the principle of the residential development is therefore clearly established through the outline / hybrid planning permission. The proposed residential development and associated works have been designed to recognise the location and constraints of the site and through appropriate layout and sensitive mitigation is considered to be in accordance with planning policy and will not result in significant environmental effects.

Planning Committee – 7th July 2020

Item 3 (Cont'd)

Application Number:

2019/2903/RES

Careful consideration has been given to the character of the area, the residential amenities of existing and future occupiers. The proposals will not adversely affect highway safety or other interests of acknowledged importance and on this basis, it is considered that the proposed development accords with relevant national and local planning policy and planning guidance.

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

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:

[Drg. No. 007 - Proposed Gradients & Retaining Walls; 1666-URB-LA-GA-90-01 - Masterplan; 1666-URB-LA-GA-90-02 -Hardworks; 17067_EX(0)000 - Existing Site Location Plan; 17067_L(0)114_D - House Type D - 3 Bedroom House Plans; 17067_L(0)116_C - House Type F - 4 Bedroom House Plans; 17067_L(0)117_D - House Type G1 - 4 Bedroom House Plans; 17067_L(0)118_D -House Type G2 - 4 Bedroom House Plans; 17067_L(0)119_D - House Type G3 - 4 Bedroom House Plans; LA17067_L(0)342_A - House Type C - 3 Bedroom Split Level House Plans; 17067_L(0)347 - House Type G1 - 4 Bedroom House Elevations; 17067_L(0)348_A - House Type G2 - 4 Bedroom House Elevations; 17067_L(0)349_A - House Type G3 - 4 Bedroom House Elevations; 17067_P(0)407_B - View of Parkland from South East; 17067_P(0)412 - View along Lower Plateau Road - plans received 19 Dec. 2019;

17067_P(0)408_B - Aerial View of 1912 Building North Elevation - plan received 20 Dec. 2019.

P(0)001 Rev H - Illustrative Site Masterplan; P(0)020 Rev B - Upper Plateau Proposed Site Plan; P(0)030 Rev B - Lower Plateau Proposed Site Plan; P(0)110 Rev E HT A - 2 Bedroom House Plans; P(0)111 Rev E HT B - 2 Bedroom DQR House Plans; P(0)112 Rev E HT C - 3 Bedroom Split Level House Plans; P(0)115 Rev E HT E - 4 Bedroom House Plans; P(0)220 Rev B - Upper Plateau Site Sections; P(0)230 Rev B - Lower Plateau Site Sections; P(0)320 Rev B - Upper Plateau Site Elevations Page 1; P(0)321 Rev B - Upper Plateau Site Elevations Page 2; P(0)322 Rev B - Upper Plateau Site Elevations Page 3; P(0)323 Rev B - Upper Plateau Site Elevations Page 4; P(0)324 Rev B - Upper Plateau Site Elevations Page 5; P(0)325 Rev B - Upper Plateau Site Elevations Page 6; P(0)330 Rev B - Lower Plateau Site Elevations Page 1; P(0)331 Rev B - Lower Plateau Site Elevations Page 2; P(0)332 Rev B - Lower Plateau Site Elevations Page 3;

Planning Committee – 7th July 2020

Item 3 (Cont'd)

Application Number:

2019/2903/RES

P(0)340 Rev B - HT A - 2 Bedroom House Elevations; P (0)341 Rev B HT B - 2 Bedroom DQR House Elevations; P(0)342 Rev B HT C - 3 Bedroom Split Level House Elevations; P(0)344 Rev B HT D - 3 Bedroom House Elevations; P(0)345 Rev B HT E - 4 Bedroom House Elevations; P(0)346 Rev B HT F - 4 Bedroom House Elevations; P(0)400 Rev D Aerial View from South East, P(0)401 Rev B - View Along Central Spine Road Looking West; P(0)405 Rev B View of Pant Y Celyn Road looking East; P(0)409 Rev C Aerial View from North East; P(0)411 Rev B Aerial View of Northern Plateau Space - plans received 19 June, 2020.eason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation and enabling works) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.
Reason: In the interests of visual amenity.
- 3 Prior to the commencement of any external works to the superstructure details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Typical window and door units within their openings including canopies;
 - Large scale drawn details for all junctures between different materials and external edges (e.g. eaves, verges, doors, windows, guttering;
 - rainwater goods;
 - slatted timber screens / pergodas;
 - Balustrading railing;

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

Reason: In the interests of visual amenity.

- 4 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 detailed scheme for the hard and soft landscaping of the site. The scheme shall include details of all external lighting, and the external surfacing to vehicular and pedestrian circulation and car parking areas within the communal areas and 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 5 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.

Planning Committee – 7th July 2020

Item 3 (Cont'd)

Application Number:

2019/2903/RES

- 5 The garages to be provided shall be kept available for the parking of motor vehicles at all times and shall not be used as or converted to domestic living accommodation.
Reason: To ensure adequate on-site car parking provision in the interests of highway safety.
- 6 Prior to commencement of the residential dwellings hereby approved full design drawings and structural calculations for any retaining structure over 1.5m in retained height or 1.37m if within 4 yards of the Highway shall be supplied to and approved in writing by the Local Planning Authority.
Reason: To ensure compliance with the requirements of the West Glamorgan Act 1987 and Highways Act 1980.
- 7 Notwithstanding the provisions of schedule 2, part 1, Classes A, B, C, D & E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions or buildings shall be erected other than those expressly authorised by this permission.
Reason: In order to control inappropriate extensions/alterations and outbuildings adversely affecting the character and appearance of the residential development.

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: [LDP Policies PS1, PS2, PS3, IO1, H1, H2, H3, S11, S15, S16, S18, ER1, ER2, ER8, ER9, T1, T2, T5, T6, T7, EU4, RP1, RP2 & RP3].
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Planning Committee – 7th July 2020

Item 4

Application Number:

2020/0097/FUL

Ward:

Castle - Bay Area

Location:

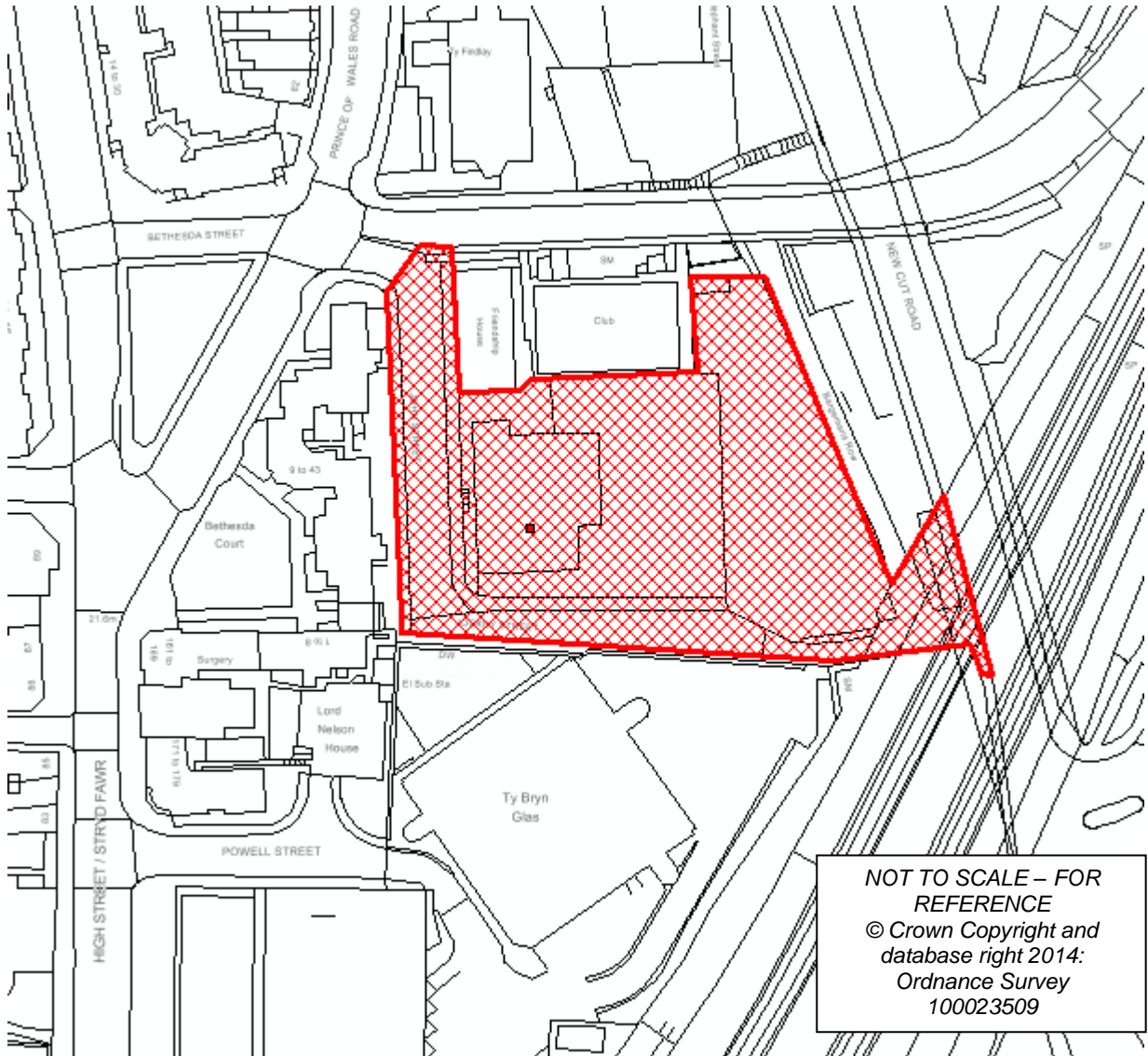
Land North Of Jockey Street, Swansea, SA1 1NS

Proposal:

Construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works

Applicant:

Mr Garip Demirci



Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Background Information

Site History

App Number	Proposal	Status	Decision Date
2017/2606/FUL	Demolition of existing building and construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms - a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces)	REF	13.08.2018
2020/0097/FUL	Construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works	PDE	
2015/2292	Pre Application - high rise student accommodation	MIXPRE	22.12.2016
2015/0624	Pre Application - Demolition of existing building and replacement with two buildings of student accommodation and ancillary space rising from 3 storeys adjacent to Friendship House up to a maximum 7 storeys and incorporating 200+ student rooms with minimum city centre parking including disabled and delivery bays.	WDN	06.04.2016
2005/0367	New pedestrian ramped access to entrance and exit doors (Council Development Regulation 3)	APP	07.04.2005

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Procedural

This application is reported to Planning Committee as it is a Major Development and meets the threshold set out in the Council's Constitution.

Introduction

The planning application is for a purpose built student accommodation (PBSA) development on land at Jockey Street, Swansea. The development would involve the construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works. The new proposed building will range from 4 storeys to 12 storeys (above ground level) and will include student amenities and a commercial unit of 67sqm. with the bedrooms, consisting of a combination of studios and cluster flats, comprising 4, 5, 6, 7 and 8 bedrooms.

Access Arrangement and Parking

Access to the 18 car parking bays and service area will be from John Street. This will create a largely car-free development. In order to ensure that students do not utilise the parking places without prior approval, the applicants confirm that the tenancy agreement will prevent students bringing a car to the site, or parking on the site itself.

Landscaping

The site area will be landscaped with the building itself enclosed with a secure fence line.

Application Site and Surroundings

The application site covers an area of 0.3 hectares and is positioned directly adjacent to the Swansea Railway line and the University of Wales Trinity Saint David Business Campus - Ty Bryn Glas. To the north there are two buildings which bound the site, namely Friendship House and Demarco's Dance School. The Landore park and ride express bus route runs along the northern boundary, whilst the eastern boundary abuts the overgrown area of Bargeman's Row. At the eastern end of Jockey Street there is a short tunnel which runs underneath the railway line and provides a pedestrian access down onto New Cut Road. In close proximity there is the former Bethesda Chapel - 'Ty Findlay' (a Listed Building) and the Palace Theatre (also listed) is located to the north west.

The proximity of Swansea train station provides sustainable transport links for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. A regular bus route served by the First Bus Company also runs along High Street and there are good cycle linkages in the vicinity of the site, with a signed cycle route running from Mariner Street Car Park, along Orchard Street and to the city centre. There are also extensive cycle paths in and around the site that run north along the River Tawe and south / south west to the seafront to the main university campus.

High Street remains a key route from the Railway Station towards the retail core of the central core. The Railway Station has had recent investment and enhancement providing a significant point of arrival for visitors and workers arriving by train. Improvements in the built fabric of the area have been stimulated by the Urban Village scheme frontage to High Street, and new infill developments on derelict sites below along The Strand. This has begun to redefine the character the area based on mixed uses including the arts and creative industries, with live/work opportunities for start-up and artisan businesses. Some ground floor space has also been let to new retail and commercial businesses, but more is required to encourage appropriate upper floor residential uses which to generate a new community as well as ground floor commercial occupation. The Urban Quarter development in High Street will further contribute to the regeneration of the area, and planning permissions have been granted for two substantial PBSA developments in close vicinity, namely Mariner Street (Ref:2016/0556) and the Oldway Centre (Ref: 2016/1320), the latter is now completed and the former well under construction.

Relevant planning history

Planning Application under 2017/2606/FUL for the demolition of the former building on the site and construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms - a mixture of cluster flats & studio apartments) with ancillary ground floor communal facilities, bicycle & bin storage, with ground floor commercial unit (Class A3) and associated infrastructure works, landscaping and car parking (4 spaces) was refused 13 August, 2018 (against officer recommendation) for the following reasons:

1. The proposed development by reason of its design including height, scale and massing on a constrained development site will impact to an unacceptable degree upon the character and appearance of the area and be contrary to the requirements of Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (Adopted 2008).
2. The proposed development will provide 4 car parking spaces to serve 414 students and ground floor uses. The level of proposed parking is considered to be inadequate to serve the Student Accommodation which as a result will place pressure on the surrounding streets, result in indiscriminate parking arising and result in harm to highway safety in the area contrary to the requirements of policies EV1 and AS6 of the City and County of Swansea Unitary Development Plan and Supplementary Planning Guidance 'Parking Standards' (Adopted March 2012).

The decision was appealed and the appeal was dismissed on 18 Feb. 2019 when the appointed Planning Inspector concluded that the proposal would be harmful to the character and appearance of the area and would result in an unacceptable risk to highway safety as a result of the lack of parking provision. It would not be in accord with policies HC11, EV1, EV2 and AS6 of the UDP, it's associated Tall Buildings and Parking Standards SPGs or conform with the primary objectives of PPW when read as a whole. The Appeal Decision forms a material consideration in the determination of this new proposal.

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press. ONE LETTER OF OBJECTION has been received from DeMarco's Dance studio, Bethesda St making the following points:

- The development will have an enormous impact on our daily life and work.
- Firstly, the issue of the high rise building of 12 stories. This building will most definitely block our sunlight and create a very dark environment in an already congested area.
- We have expressed concerns with the issue of building works, piling the ground etc, so close to our premises.
- As the plans show below ground level parking, we have concerns of the retention of our boundary wall being supported. This is extremely concerning for us.
- Secondly, the issue of parking. The whole surrounding area is already extremely congested with parking. There are three local businesses who use the surrounding streets for customer parking. That does not include the students who use the business school and local residents.
- The removal of spaces along John street and Jockey Street.
It is obvious that students will bring cars with them. There are examples of that all over Swansea. It will be almost impossible to police. The lack of parking is already huge problem in this area.
- Lastly there is the issue of right of way across the proposed development. This right of way has been used for over 24 years and is used for disabled and pram access etc.

PAC

Additionally, the proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

Glamorgan Gwent Archaeological Trust -

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal will require archaeological mitigation.

You will recall from our letters of 19th January 2018 and 1st August 2018 in response to an earlier application at the site (Pl.App.No: 2017/2606/FUL, Our ref: SWA1059/JBHD), that the accompanying documents include an archaeological desk based assessment, undertaken by Archaeology Wales (ref: 1551, dated February 2017). This work meets the current professional standard and allows us to make an informed recommendation regarding mitigation.

The application area is located in an area of former post-medieval housing, to the west of the 19th century main railway line, and to the east of High Street, where the road line is Medieval in origin. The area is outside the northern boundary of the Medieval town, and the housing developed as a result of the industrial growth of Swansea from the 18th century onwards. The route of a Roman road potentially passes close to the site to ford the River Tawe 0.22km east of the site.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

The likelihood of encountering archaeological remains is examined in the assessment. The potential for Roman, Medieval, and Post-medieval remains of significance is considered low, and medium for remains of the later housing. In order to mitigate this, an archaeological watching brief is considered appropriate, set within a written scheme to ensure that the archaeological response is measured.

The current application's submitted documents does not change our understanding of the archaeological resource or our earlier response and we therefore again recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief during any ground disturbing work, identifying any elements of the proposals which may also need to be hand-dug by archaeologists, which will also ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

CADW -

There are no scheduled monuments or registered historic parks or gardens that would be affected by the proposed development. We therefore have no comment to make on the proposed development.

Council's Drainage Engineer -

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given under Schedule 3, Flood and Water Management Act 2010. The SAB has received an application under Schedule 3 of the Flood and Water Management Act 2010, reference 2020/0004/SFA.

Dwr Cymru Welsh Water -

Foul flows can be accommodated within the public sewerage system albeit that the site is crossed by a 12" combined sewer. In addition, a hydraulic modelling assessment on the potable water supply network would be required to ensure the site can be served with an adequate water supply.

Recommend conditions for a foul water drainage scheme and a potable water scheme to be submitted to and approved in writing by the local planning authority.

Natural Resources Wales -

European Protected Species

We welcome the submission of the document entitled; 'Proposed New Student Accommodation on land at Jockey Street, Swansea, SA1 2EU - Preliminary Ecological Appraisal (Version 3a - Update' - September 2017 and Updated August 2019, by Gould Ecology.

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

We note that site visits were carried out on the 7 December 2017 and 8 August 2019. We are aware that a previous assessment of the building at the site confirmed that it was not being utilised by bats. The updated report states that the building has now been demolished and that there are currently no features with bat roost suitability, within the red-line site boundary.

Sections 7.13 and 7.14 of the updated Ecological Appraisal make a number of recommendations in relation to possible ecological enhancement of the site. We are supportive of these proposals and advise that you discuss and agree any such measures with your Authority's Planning Ecologist, who may have additional comments to make in relation to habitats and species which lie within their remit.

Other Protected Species

We also note the submission of the document entitled; 'Land Adjacent to Jockey Street, Swansea: Stage 2 Ecology Report - Reptile Surveys', dated 22 October 2019, by Bay Ecology Limited. The report indicates that the refuges were set out on the 16 September 2019, and then checked over a total of seven visits between 23 September 2019 and 20 October 2019. No evidence of reptile or amphibian species were noted during any of the visits, although the visits carried out in October, would be considered to be at a sub-optimal time of year. Nevertheless, the grassland within the red-line boundary is in an urban area with poor connectivity and therefore could be considered to be rather isolated. Therefore, we have no further comments, although we would advise that you discuss the above survey with your Authority's Planning Ecologist, to determine if they are satisfied with the conclusions.

Foul Water Disposal

We note that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water discharge and considered to be the most sustainable. We recommend that the applicant consults Dwr Cymru Welsh Water (DCWW) to obtain confirmation that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution and that they are satisfied with the new connection, which is proposed.

Council's Planning Ecologist - A Japanese Knotweed condition is required.

Head of Environmental Management (Pollution Control)- conditions are recommended in respect of the A 3 ventilation; internal and external; building services noise; potential site contamination and piling.

Designing Out Crime Officer -

The following observations are made, taking into consideration the location of this proposed development, and crime and anti-social behaviour in the area :-

(i). Perimeter security - The whole student accommodation site, except for the front of the property, should be protected by fencing/walls/railings and gates at least 2 metres high meeting Secured by Design (SBD) specifications and standards. They must be robust and designed so they are difficult to climb over in order to prevent unlawful persons getting up to the student accommodation.

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Gates giving access to the site must be the same height as the adjacent perimeter security. Any gates must have access control fitted except for gates that are for use in an emergency, e.g. a fire. I am happy for these gates not to have access control fitted. The devices fitted to open these gates, e.g. push bars, must be protected to prevent them from being opened by persons unlawfully.

It is important to prevent persons, other than residents, getting up to the sides and rear of the building and the windows of rooms/bedrooms occupied by the young people. For this reason any access to community facilities, e.g. to the café, must be via the front main entrance.

Lighting - The student accommodation site, especially public circulation areas, the vehicle parking bays, cycle stores and bin stores must be lit, during the hours of darkness.

Vehicle parking areas - Access into the vehicle parking area must be controlled by gates that meet the standard LPS 1175 SR 1 that have access control fitted, due to the closeness of this development to the city centre and the area the development is in. All vehicle parking bays must be overlooked by rooms in the accommodation.

Bicycle stores - Bicycle stores with individual stands for securing bicycles, must be secure. The stores must be lit when in use during the hours of darkness and must be protected by CCTV.

Landscaping - The planting of trees and shrubs will be supported. Planting must not impede the opportunity of natural surveillance and must avoid the creation of hiding places. All planting must be low level. Shrubs should have a mature growth height of 1 metre and trees should be bare stemmed to a height of 2 metres from the ground. Trees must not be positioned to act as climbing aids. They must not obscure any lighting or CCTV or be adjacent to the building or the perimeter security. Trees must not obscure doors and windows. If perimeter security is not installed, and it should be, the building other than entrances must be protected by defensible planting, e.g. thorny plants.

Bin storage - The bin stores must be secure areas and ideally sited away from the accommodation. If the stores are within the building they should be protected by doors that meet Secured by Design standards and that have access control fitted.

CCTV - CCTV must be installed on site. It must protect the entrances onto site, entrances into the student accommodation, public circulation areas, vehicle parking areas, and bike and bin stores. Consideration must be given to monitoring the CCTV by staff on site.

Advice is also given in respect of drainpipes; door and window security, control of access etc.

Management Plan - A scheme of work must be submitted for approval, in relation to the 24/7 management of the site by security staff, to ensure the safety and security of students at all times of the day and night.

Jockey Street Tunnel - South Wales Police are pleased, having read the proposals for this development, of the intention of the developer to upgrade the security on the Jockey Street Tunnel, by improving the lighting and CCTV coverage of this area. This work is badly needed to improve this area.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Highway Authority-

Background:

This application has been submitted following previous planning activity on the site. The site was previously the subject of pre-planning and planning applications in addition to an appeal.

The summary of the planning history of this site is set out below:

2015/2292:

Pre Application for 374 beds PBSA, the proposals included 74 parking spaces (1 per flat).

Highways indicated that the proposals could be acceptable, subject to assessment of sustainable transport provision and potential s106 contributions. A further request was made to reduce parking levels; this was indicated to be unacceptable.

2017/2606/FUL:

Full application for 470 bed PBSA and ground floor ancillary uses including 4 car parking spaces. Highways recommended refusal due the proposals being detrimental to highway safety:

- Low parking levels
- Poor pedestrian connectivity to New Cut Road, the existing tunnels providing a hostile pedestrian environment.
- No explanation for how the 4 parking spaces would be managed, this would be a particular issue at start and end of term.

Notwithstanding the Highways recommendation, planning reported to committee with recommendation for approval. Committee refused the application due on highway safety (parking) and building massing grounds.

The refusal was upheld on appeal APP/B6855/A/18/3214419, with the Inspector noting:

- That the site is in a sustainable location, with the potential to reduce car borne trips.
- That the measures suggested i.e. Tenancy agreements and parking management could assist, but no details had been provided, also noted was that even if they were provided there would be difficulties at pickup and drop off time.
- Walking routes to New Cut Road are not appropriate.
- Nearby car parks are not close enough to provide a viable alternative at pickup and drop off time.
- The narrow nature of John St and Jockey St, with no dedicated turning, this has the potential to cause safety issues, particularly given the proximity of other properties.
- No allowance has been made for the ancillary ground floor uses, staff and servicing.
- Proposals had the potential to be detrimental to highway safety

2019/1225/PRE:

Pre Application for 334 bed PBSA 68m² of commercial space, including 25 undercroft parking spaces.

The Highway comments indicated that at 25 spaces any subsequent application would be recommended for refusal due to being detrimental to highway safety and placing increased pressure on the surrounding streets.

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Alternative walking routes would not encourage non car modes of travel nor access to public transport contrary to the aims of PPW10 and the Active Travel Act. The proposals also indicated public realm enhancements and an area of public open space which involves work to the existing public highway.

Pre-Application Consultation:

This PAC relates to the construction of 328 beds purpose built student 10 parking spaces (although 8 are stated in the DAS). The application is supported by a Transport Assessment and Travel Plan. The TA sets out the potential travel demand from the site, and its location in terms of other local services, it is established that the site is located in a sustainable location, however the already reduced parking requirement within the parking guidance for PBSA is predicated on this, with good sustainable routes. Pedestrian improvements to the route to New Cut Road are welcomed, however it is not known whether this would become an attractive useable option.

The latest Pre App response concluded that the 25 proposed spaces fell well short of the standards set out in the SPG, the current proposals to provide only 10 spaces is a further reduction, and would likely result in a recommendation of refusal for any forthcoming application, as being detrimental to highway safety for the reasons already established.

The inspector noted that both John Street and Jockey Street are narrow roads culminating in a cul de sac. The absence of available parking would potentially result in cars reversing or attempting to turn in an area that is constrained and in close proximity to the main entrances to the student accommodation itself, some of the parking for the adjacent business school and residences and close to a tight bend where John Street joins Jockey Street. I find this would lead to an unacceptable conflict between highway users.

The proposed public realm enhancement is on the adopted highway, it is unclear how this will be facilitated, this will require a stage 1 road safety audit as a minimum. It is thought however that introducing non-segregated pedestrians and cyclists into an area which has the potential to accommodate cars and other vehicles reversing or turning, particularly given the close proximity of other accesses would certainly be of further detriment to Highway safety, and something which the Highway Authority could not support.

2020/0097/FUL Current Application:

This application comprises a scheme with 328 bedrooms, 18 car parking spaces and 164 cycle parking spaces. The access to vehicular parking is to be taken off John Street resulting in loss of much needed local on street parking.

The Transport Assessment submitted with the application attempts to justify the low provision of car parking through the use of tenancy agreements and travel plans. However, the SPG on parking provision already takes account of these within the low parking requirement require for this land use, it is therefore inherent and not for further discounting purposes.

For the reasons set out clearly throughout the planning history and concluded by Inspector, the proposed scheme does not provide sufficient car parking and will lead to the detriment of the local area. There no significant mitigation measures or improvements proposed in sustainable travel to work to ensure that private car use is not required on a day to day basis. The proposed improvements are limited to localised street lighting upgrades and CCTV installation.

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

There are concerns with the parking layout and provision as to whether they are to standard and fully useable.

The Highway Authority objects to this application and recommends refusal of the proposals for the reasons already established throughout the sites history. The proposals as presented in this application do not work to overcome the risks to highway safety already identified.

Placemaking and Heritage Team -

This planning application site lies to the north of Swansea Rail Station. It is currently a vacant site in an area that suffers from anti-social behaviour. The site was redeveloped in the 1960s and the past use of site relates to worker's housing for Swansea Canal and Cambrian Pottery alongside the Tawe.

Immediately to the north is the three storey friendship house and single storey dance studio. Further to the north on the opposite side of Bethesda Street is the former Bethesda Chapel (grade II* listed) which has now been converted to offices. To the east is a closed street (Bargeman's Row) then an area of scrub land which slopes down to New Cut Road. To the south is the Business faculty of University of Wales Trinity St David's and the Valuation Office and Swansea Rail Station. Further to the south-west is the Mariner Street site where a purpose built student accommodation scheme is under construction comprising a 16 storey tower in part. Finally to the west is three storey residential accommodation (Bethesda Court) with the Palace Theatre (grade II listed) on the opposite side of Prince of Wales Road. Further to the west are a number of Council high rise flats including the Matthew Street blocks (12 storeys) which have been reclad to significantly improve the external appearance.

This site lies within the Upper High Street area as identified in the Swansea Central Area Regeneration Framework (SCARF). The vision theme for this area is 'Living, Working and Learning'. The High Street area to the south of the rail station is regenerating with the Urban Village live/ work catalyst project and subsequent approvals for Purpose Built Student Accommodation that are under construction. This Jockey Street application with over 320 student bedrooms has potential to instigate positive regeneration of the upper high street and help discourage the current antisocial behaviour in the area.

The earlier proposal for 414 bedrooms (ref 2017/2606/ful) including a 16 storey tower was refused by planning committee and dismissed at appeal. The Inspectors concerns were the character and appearance of the area and the highway safety resulting from low levels of car parking as set out below:

The 14 storey block would have an overall width when viewed from the east and west of some 31.5 metres. This considerable span, combined with the height, would not, in my assessment, represent a slender and elegant approach to the design. It would be a significant bulk and appear as a monolithic, slab like structure. Viewpoints 2 and 5 represent the impact of the building to the wider views from the east and west. The building would result in an imposing and dominating feature within the townscape from these locations and other public vantage points to the east and west.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

The impact of the building would be further emphasised when viewed from the east as the tower would break the skyline and sit above the surrounding natural backdrop of the wider landscape. I find this massing and scale would be overly intrusive and harmful in the townscape. (paragraph 17)

In my assessment, the scale and mass of the building when viewed from closer locations, and in particular from New Cut Road close to the railway bridge, from Dyfatty Road from the north (represented by viewpoints 1 and 3) and from John Street would also be overwhelming. Whilst the span of the building on a north-south axis would be less at some 15.4 metres, it would nonetheless dominate and impose on closer views. This would be further emphasised, particularly when viewed from the south, by its position on rising ground and close to the railway bridge. The bridge is a strong horizontal element in the townscape. The rising vertical tower close to this bridge would result in it extending far above this feature, further emphasising its domineering characteristics. (paragraph 19).

The pressure on the restricted and constrained surrounding streets for parking would give rise to the potential for associated risks to highway safety. Whilst the restrictive measures to prohibit parking are able to be enforced, I do not find this in itself to be sufficient to justify a development that provides such a small number of parking spaces with the associated potential for pressure for parking elsewhere. In addition, both John Street and Jockey Street are narrow roads culminating in a cul de sac. The absence of available parking would potentially result in cars reversing or attempting to turn in an area that is constrained and in close proximity to the main entrances to the student accommodation itself, some of the parking for the adjacent business school and residences and close to a tight bend where John Street joins Jockey Street. I find this would lead to an unacceptable conflict between highway users. (paragraph 33).

This new submission reduces the density of accommodation from 414 rooms to 328 rooms in order to reduce the massing in response to the Inspectors comments.

The Jockey Street site is identified as a 'Consider Zone' in the adopted Tall Building Strategy Supplementary Planning Guidance where 'tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals' (4.3). Therefore the proposals have been assessed using the principles set out in adopted Tall Building Strategy Supplementary Planning Guidance as follows:

Land uses

The Upper High Street is a mixed use area and within this context, the proposal is for 328 student bedrooms with an active frontage ground floor communal area. With 328 student residents coming and going during the day and evening, this will significantly increase the footfall in the area, making it feel safer, more vibrant and creating demand for new commercial uses. The ground floor active frontage ensures life and activity on Jockey Street to help make this pedestrian link feel safer. This is in accordance with the Tall Building SPG and SCARF regeneration framework.

Scale form and massing

The main requirement for tall buildings is for the massing to be slender and elegant and not monolithic in appearance.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

The earlier refused and dismissed planning application proposals for this site were considered to be too monolithic and therefore unacceptable; they commented "The 14 storey block would have an overall width when viewed from the east and west of some 31.5 metres. This considerable span, combined with the height, would not, in my assessment, represent a slender and elegant approach to the design. It would be a significant bulk and appear as a monolithic, slab like structure". Following a period of negotiation the number of bedrooms in the new proposal has been reduced (from 414 to 328) which allows the massing to be reduced to create a lower eastern tower stepping from 6 to 10 to 12 stories (was 16 stories in the previous proposal). This reduced massing avoids an overbearing effect on Jockey Street, whilst the stepping form and architectural treatment address the Inspectors concerns about the north south dimension to ensure a slender and elegant form that acts as a marker for the rail station 'gateway'. The linked 6 storey block along Jockey Street has an urban scale. The 7 storey secondary tower at the west end highlights the entrance and has a similar scale to the adjacent UWTSD Business School. This steps down to 4 stories on John Street to link with the scale of the existing Friendship house and residential accommodation opposite. It is considered that this reduced massing which is still a tall building accords with the SPG and overcomes the Inspectors concerns about bulkiness and monolithic form.

This will emphasise the station as a key gateway point in the city and to start to create a cluster of tall buildings around the rail station (also including the existing Oldway House and Mariner Street student accommodation under construction with 16 storey tower).

Heritage

There are a number of listed buildings with 500m of the site as follows:

The derelict grade II listed Palace Theatre lies approx. 55m to the west of the site with the John Street three storey flats visually separating the site. The main focus of this derelict theatre building is the southern 'point' which is unaffected by the proposals. There is very limited intervisibility and the proposal does not detract from the setting of this listed building. The presence of 328 additional students in the area passing the Palace will help the success of this regeneration project.

The former Bethesda Chapel lies approx. 50m to the north of the site and the chapel frontage overlooks the site. The proposed development will be clearly visible from the entrance to the former chapel. Whilst this will change the view from the chapel frontage this is considered acceptable in an urban context plus there are no impacts on key views to this listed building.

The grade II listed former St Matthews Church lies approx. 110m to the south west of the site on High Street. There is no intervisibility between this listed building and the site therefore there are no heritage effects in this instance. Similarly the grade II* listed Ebenezer Chapel lies 200m to the south west with intervening built form and no visual relationship.

It is approx. 400m to the closest point of the Alexandra Road Conservation Area 400m which comprises a significant cluster of Listed Buildings including the Glynn Vivian Art Gallery. The verified visual VP04 demonstrates that there is no indivisibility between this heritage grouping and the site.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

The grade II listed Hafod Bridge lies approx. 400m to north of the site. It is likely that there will be winter views to the proposed development when the trees are not in leaf from the overbridge to the site and there may also be views from Upper Strand from the underbridge. Given the functional transportation nature of this listed structure it is considered that the views from it are neutral and there is no effect on views to this listed structure arising from this proposed development.

There are a number of scheduled ancient monuments within 1km of the site including Foxhall Staithes, White Rock Copperworks, Swansea Castle and Original Swansea Castle Site. The Pre-application Consultation (PAC) response from Cadw in relation to these designated heritage assets notes that due to intervening buildings, topography and vegetation there will be no intervisibility and therefore no impact.

There will be views of the tower from the Vivian's Town Conservation Area which lies approx. 800m to north. It will be viewed in the distance as part of the urban cityscape and is acceptable on this basis.

Visual

Verified visual testing has been undertaken which compares the refused and dismissed scheme with the amended reduce proposals. This confirms that the reduced height tower would still form a highly visible positive addition to Swansea's skyline as follows:

VP01 - the view from the Dyfatty Footbridge to the north which also includes the Matthew Street flats to the right of this view. This shows that the upper part of the 6 storey urban block would be visible as part of the urban roofscape and the east and west taller elements would be visible as a slender and elegant forms.

VP02 - the view from Windmill Terrace to the east includes the east side elevation of the taller block that steps from 6 to 10 to 12 stories from south to north in order not to break the skyline of Mount pleasant beyond. This was a concern of the Planning Inspector that has been addressed by the reduced and amended massing.

VP03 - the view from the south on New Cut Road with the recent St David's purpose built student accommodation on the right (approx. 9 storeys). This shows that the upper part of the 6 storey urban block would be visible as part of the urban roofscape and the east and west taller blocks would be visible highlighting the station gateway.

VP04 - the view from the junction of Orchard Street and Alexandra Road demonstrates that the proposal will not be visible from the Conservation Area on Alexandra Road, furthermore the Mariner Street site is being developed for a separate approved tall building student accommodation scheme

VP05 - the view from Berwick Terrace to the west demonstrated that the two taller blocks would be visible as a cluster within the urban roofscape. Additionally it can be seen that the proposed tower forms part of an existing cluster of taller buildings around the rail station with the existing approval for a tower on the Mariner Street site to the right of this view adjacent to Oldway House.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Transport, Movement/ Active Travel

The site is a 350m walk from the rail station and 300m walk from bus stops on High Street, it is therefore a highly accessible site for walking, cycling and public transport. The development will also create important active frontage on Jockey Street which provides an attractive aspect and natural surveillance of the pedestrian route from New Cut Road/ Morfa Road where a new river front district is developing and linking this area more safely to the High Street and wider city centre. It is important to note that the Police Designing Out Crime Officer has not objected to this development.

Parking

One aspect for the dismissal at appeal was the lack of designated car parking with only 4 operation parking spaces previously proposed and the Inspector was concerned at the consequential highway safety. This has been addressed in the amended scheme by providing 18 undercroft parking spaces on site for use of student residents only. Plus secure storage for 164 within the ground floor of the building.

Given the national emphasis on active travel (walking/ cycling) plus the well-being goals that seek to reduce car dependence and the impacts such as particulates, from a placemaking perspective the proposed low level of car parking is considered on balance to be acceptable. As the applicant points out, the level of parking proposed is comparable to other proposed built student accommodation schemes recently consented and to accommodate the full number of parking spaces on site as required by the parking standards SPG would result in the majority of the active frontage being lost and replaced by a 'dead' frontage of car parking which would most likely encourage additional anti-social behaviour due to the lack of natural surveillance.

To ensure that walking and cycling are supported by this development in the wider city, off-site improvements to walking and cycling are required to be funded through an s106 agreement.

Public realm

The proposal is to create a multi-functional frontage area with turning/ servicing area, informal hard paved space and trees. This would be an open frontage that is informally policed by the active ground floor frontage and overlooking from bedroom windows to ensure a positive interaction with the public realm.

There would be a secure 'garden' area to the rear (north) that is secured by the building and unclimbable fencing where necessary. The ground floor active frontage space has high levels of glazing that allows views through and visually links the south forecourt to the north garden area.

The application red line includes Jockey Street so that this adopted highway can be enhanced via a condition. This is welcomed because the only vehicles using Jockey Street will be those accessing or servicing this student development; it is not a through route for vehicles but it will be very well used walking route by the 328 students resident in the development and the wider emerging population along Morfa Road that also use Jockey Street to access High Street its facilities. Therefore an enhancement as a 'shared surface' would reflect the high levels of pedestrian use and low levels of access only slow speed vehicles.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Green infrastructure

Since the refused and dismissed scheme the requirements for mandatory sustainable urban drainage standards in parallel to the planning process has been introduced and green infrastructure with a city centre green infrastructure strategy being prepared as a key element of city regeneration. The upshot is that surface water must be attenuated on site and additional multi-functional greening is required.

The drawings indicate a rain garden on the Jockey Street frontage which will hold water to irrigate planting with overflow restricted into the sewer system. It is not clear if the four trees indicated within the rain garden are feasible and this needs to be controlled via condition.

To meet the green infrastructure standards this requires biodiverse planting including trees to the ground areas and on building greening. In this instance the on building greening takes the form of planted terraces for the student residents to access and extensive green roofs to the inaccessible areas.

The supporting information indicates that the planting areas and specification only just meets the 0.4 Green Space Factor target for residential accommodation (exceeding this by just 0.02). This calculation doesn't appear to take into the walkway on the roof of the 6 storey block to access PV panels so may fail the Green Space Factor calculation. However additional greening could perhaps been introduced above the basement car park with an extensive green roof. Additionally there is no sectional detail confirming that the extensive green roof areas have sufficient depth to achieve the relevant scoring for substrate of 60-80mm. Therefore this needs to be ensured via condition.

Quality

As well as reducing/ amending the massing since the refusal and dismissal at appeal, the elevations have been were 'simplified' with use of robust brick finishes in two colours plus limited areas of cladding.

The eastern block comprises a stepped tower form that rises from 6 to 10 to 12 stories from south to north. This avoids an overbearing effect on Jockey Street at the south end at street level which was a concern of the Planning Inspector and the height to the north acts as a marker element which is a 'gateway' in relation to Swansea rail station.

The western block is 7 stories reducing to 4 stories on John Street alongside three storey Friendship house. The linking east west block parallel to Jockey Street is 6 stories.

The taller elements are linked by a 6 storey block parallel to Jockey Street.

The proposed elevations of all three blocks is brickwork with large scale 'framing' of full height openings. The ground floor is highly glazed as active frontage. The top is treated as an extension of the brick framing to create a distinctive profile and concealed area for sheltered room top terraces and plant equipment area.

The drawings indicate that panels to side of the full height glazing will be openable for ventilation and the glass fixed.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

This has the effect of making the bedroom opening appear larger and adds positive articulation to the elevation plus allows ventilation to be positively integrated without the need for louvres and this detail can be controlled by condition.

The delivery of the quality of elevations as shown in the CGI images can be ensured by requiring large scale drawings of key details such as selected windows in their openings and by requiring a composite sample panel of all materials on site to see the actual juxtapositions.

Microclimate

There is no wind effect report provided in support of this application. This was an issue with the scheme refused and dismissed at appeal. The wind effects may impact on comfort and use of the public realm and therefore must be conditioned to be carried out and mitigation if required such planting, public realm and building features must be agreed before any work starts on site.

Security

This development seeks to address the antisocial behaviour that has occurred in this area through positive design, natural surveillance and positive footfall. At the ground the active floor frontage comprises a legible and secure main entrance, plus full height windows to the communal spaces for the students. The forecourt area is open and no security shutters are proposed to the ground floor - this is welcomed to make a positive statement about the new development's transformative potential rather than resulting to a defensive and fortified approach. The full height bedroom and lounge windows above maximises overlooking of the streets and public realm whilst ensuring no loss of privacy across John Street to the flats in the Bethesda Court development.

Access for all

The proposal addresses access for all with potential for one or more accessible parking spaces in the forecourt area. There is a legible and level entrance into the building with lifts to all floors. Within the building there are a number of accessible independent studio rooms and accessible rooms within cluster flats.

There needs to be an acknowledgement that Jockey Street itself is a historic sloping alignment and does not meet modern accessible standards and whilst it can be made more attractive and safe through the expanded red line boundary and a condition requiring the improvements to be agreed and triggered, the gradient of this street cannot be altered.

Summary

This amended proposal has been negotiated to an acceptable scheme that meets the requirements of the adopted Tall Building Strategy SPG and the Swansea Central Area Regeneration Framework. It would create a new city landmark at a key gateway related to the rail station. The architecture is a quality approach with a stepped and elegant tower. The high density student development will help tackle the issues of antisocial behaviour through active frontages and positive footfall. It will also contribute to the regeneration of the upper High Street. Therefore the approval is recommended subject to the following conditions:

- Composite sample plane of all materials on site
- Large scale drawn details of:
- Ground floor glazing

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

- Main entrance
- Brick details and interfaces between materials
- Typical bedroom windows in their openings
- Typical lounge windows in their openings
- Roof edges and corners to cladding systems
- Ramp/ steps and associate wall/ handrails
- Scheme for the enhancement of Jockey Street within the red line
- Wind effect study and agreed mitigation before work starts on site
- Compliance with 0.4 green space factor score.

APPRAISAL

Planning Application

The revised planning application has been supported with the following documents:

- Design and Access Statement (DAS);
- Planning Statement;
- Ecological Appraisal including Reptile Survey;
- Transport Statement & Travel Plan;
- Air Quality Assessment;
- Archaeology Desk Based Study Assessment;
- Daylight and Sunlight Amenity Study;
- Ground Investigation Report;
- Noise Impact Assessment;
- Drainage Strategy Report & Plan

Material Planning Considerations

As outlined above Planning Application ref: 2017/2606/FUL for the construction of purpose built student accommodation (PBSA) building between 6-14 storeys (up to 414 bedrooms) was refused on 13 August 2018. The subsequent Appeal was Dismissed on 18 February 2019 when it was concluded that the proposal would be harmful to the character and appearance of the area and would result in an unacceptable risk to highway safety as a result of the lack of parking provision. It would not be in accord with policies HC11, EV1, EV2 and AS6 of the UDP, it's associated Tall Buildings and Parking Standards SPGs or conform with the primary objectives of PPW when read as a whole. The Appeal Decision is a material consideration in the determination of the re-submitted proposal.

The main issues highlighted in consideration of the planning appeal were:

- the effect of the development on the character and appearance of the area; and
- the effect of the development on highway safety with particular regard to parking provision, and these are addressed in turn below.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Additionally, since the Appeal Decision was made, the Swansea Local Development Plan has been adopted (February 2019) and compliance with prevailing Development Plan policy and Supplementary Planning Guidance is also summarised below.

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

Development Plan Policy and Supplementary Planning Guidance

National Planning Guidance

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

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

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

Development should be located having regard towards securing a sustainable settlement pattern, on previously developed land and at locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good. New development should minimise the need to travel and increase accessibility by modes other than the private car. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development should be encouraged near public transport nodes and corridors well served by public transport.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Paragraph 8.7.1 states when determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
- the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

Swansea Local Development Plan ('LDP')

As outlined above, since the Appeal Decision was made, the Swansea Local Development Plan has been adopted (February 2019) and compliance with these policies is outlined below.

Development Plan and Relevant Policies

The Local Development Plan (LDP) has designated 12 Strategic Development Areas (SDAs) to provide new homes and opportunities for job creation and commercial investment at a strategic scale. The development proposal would lie adjacent to the defined Concept Plan for SD J: Swansea Central Area which is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance. Additionally, the site lies adjacent to the defined boundaries of the Swansea Central Area Regeneration Framework (SCARF) area and the Upper High Street area which is identified as an area where the vision theme is 'Living, Working and Learning'. The High Street area to the south of the rail station is regenerating with the Urban Village live / work catalyst project and subsequent approvals for Purpose Built Student Accommodation that are under construction (i.e. Oldway and Mariner Street). This Jockey Street proposal has the potential to instigate positive regeneration of the upper high street and help discourage the current antisocial behaviour in the area.

Development proposals should accord with the following Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent (PS1 & PS2).

Policy H 11 states that proposals for purpose built student accommodation should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

- i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and
- ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and
- iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance

The site is located on the edge of the Swansea Central Area and in this respect the Adopted SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) is of relevance to this proposal. In respect to PBSA, the SPG seeks to promote such developments in appropriate City Centre sustainable locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; with good access to services, facilities and public transport and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for the Central area. The SPG proposes that the LPA will consider PBSA proposals at sustainable locations on the edge of the City Centre where it can be demonstrated:

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

Availability and Suitability

As indicated the application site is on the edge of the City Centre Action Plan Area, however, there appears to be a continuing demand for PBSA in Swansea, and whilst the current Covid19 restrictions may cause a dip in the market in the short term, in the longer term there continues to be a growth in the delivery of the PBSA market. Both Swansea University and University of Wales Trinity St David (UWTSD) have in recent years increased the numbers of students within Swansea and this trend is expected to continue within the coming years. It is noted that the Inspector acknowledged that there is an increasing demand for additional student accommodation in the area. It is considered that the projected increase in the levels of PBSA within the City Centre confirms the significant shortfall of student accommodation and highlights the need for the delivery of further accommodation. Whilst LDP Policy H11 does not specifically exclude new PBSA from areas outside of the City Centre, in land use policy terms, it is argued that the development seeks to make efficient use of an underused brownfield site which is in accordance with both Planning Policy Wales and the UDP.

Accessibility and Connectivity to the City Centre

Criteria 2 of the draft SPG requires that acceptable accessibility and connectivity to the City Centre is achievable by walking, cycling and public transport. The nearest public transport bus stop is located on High Street and within close walking distance of Swansea Railway Station.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Whilst the site is on the edge of the City Centre Core Area, it is located within a sustainable location in terms of access to public transport.

Overall benefit to the vitality and viability of the City Centre

It is noted that the Inspector indicated *I have no reason to disagree that the proposal for student accommodation is acceptable in principle and that it would have the associated benefit of assisting in regenerating this part of the city and additionally, that the site is located in a sustainable location.*

The effect of the development on the character and appearance of the area

Tall Building Strategy SPG

The application site is located within the 'consider zone' for tall buildings. The Tall Building SPG defines a tall building as being twice the height of adjacent buildings and recognises that tall buildings can have a positive role in the City Centre regeneration. A 'consider zone' which is defined as a location where 'well designed tall buildings can have a positive impact, subject to the availability of supporting information'.

The SPG indicates that tall buildings should:

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

Places to Live Residential Design Guide SPG (2014)

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

The relevant requirements of the Residential Design Guide include:

- o Maximise density in accessible location - as indicated above the, site is in a highly accessible location. It is well served by public transport, walkable to the city centre and a cycle ride to the various university areas. The Residential Design Guide sets the objectives of maximising densities in accessible locations and clearly is a high density development and there would be significant regeneration benefits.
- o Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are easy to locate, and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design. The proposed main student entrance will be Jockey Street and there would be a number of communal facilities at ground floor including a café and will be visible and legible.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

The Inspector acknowledged the Tall Building Strategy SPG and stated: *The site lies within an area defined in the Council's adopted Tall Buildings Strategy Supplementary Planning Guidance (the Tall Buildings SPG) as a consider zone where tall buildings may have a positive impact subject to the availability of supporting information to justify the proposals. The Tall Buildings SPG provides a number of design principles, including working with the topography, the relationship to the street, including to the human scale at ground level and adjacent buildings. Tall buildings should be of the highest architectural quality and be of slender proportion and elegant in design with consideration of near, distant and far views and vistas. They should also demonstrate the proximity and accessibility to sustainable transport modes and the quality of links between the same and provide a high quality public realm. Proposals should be accompanied by thorough context analysis including micro-climate assessment and landscape/townscape and visual impact assessment including a stated methodology and verification through recognised methods.*

The proposal under ref: 2017/2606/FUL consisted of a 6 storey block and partly within a 14 storey block accommodating 414 bedrooms in cluster flats and studio apartments. The Inspector stated *the considerable span, combined with the height, would not represent a slender and elegant approach to the design and would be a significant bulk and appear as a monolithic, slab like structure* and found that the massing and scale would be overly intrusive and harmful in the townscape. Concerns were also expressed about the dominating and enclosing element of the development when viewed at street level, and overall the proposed development was concluded to be harmful to the character and appearance of the area which would not accord with the Unitary Development Plan policies and would not accord with the Tall Buildings SPG.

As outlined in the Placemaking and Heritage Team observations, this is a reduced development of 328 bedrooms which allows the massing to be reduced to create a lower eastern tower stepping from 6 to 10 to 12 stories. This reduced massing avoids an overbearing effect on Jockey Street, whilst the stepping form and architectural treatment address the Inspectors concerns about the north south dimension to ensure a slender and elegant form that acts as a marker for the rail station 'gateway'. The linked 6 storey block along Jockey Street has an urban scale. The 7 storey secondary tower at the west end highlights the entrance and has a similar scale to the adjacent UWTSD Business School. This steps down to 4 stories on John Street to link with the scale of the existing Friendship house and residential accommodation opposite. It is considered that this reduced massing which is still a tall building accords with the SPG and overcomes the Inspectors concerns about bulkiness and monolithic form.

Community Safety and Public Realm

As highlighted, the Inspector found the pedestrian links through the tunnels underneath railway bridge onto New Cut Road to be dark, imposing and intimidating and the site is at present a problem area attracting anti-social behaviour. The Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) SPG highlights that PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. The Council's adopted 'Planning for Community Safety' SPG (2012) also provides guidance in increasing community safety and reducing crime and the fear of crime, in order the quality of life for future students.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Whilst the Designing Out Crime Officer (South Wales Police) originally expressed concerns about the proposed development, following discussions with the local police officers, no objections were raised to the planning application, subject to a request for conditions in respect of perimeter security, lighting, vehicular and bicycle parking, landscaping, CCTV, security, access and management. As indicated the site has become a problem for local policing and its redevelopment would help to improve the area in this respect.

The revised scheme will provide an improved active frontage on Jockey Street which provides an attractive aspect and natural surveillance of the pedestrian route from Jockey Street to New Cut Road/ Morfa Road. The ground floor café and entrance / reception area would 'police' together with the overlooking from bedroom windows to ensure a positive interaction with the public realm. The application site boundary (red line) has been increased to include the site frontage along Jockey Street which is part of the adopted highway which allows a planning condition to be imposed requiring the public realm enhancement of this area as a 'shared surface' area reflecting its use with high levels of pedestrians and low levels of vehicular access. This would also facilitate improvements to the 'tunnel' at the end of Jockey Street which provides a pedestrian access down onto New Cut Road. This would help to address the perceptions of anti-social behaviour in the area whilst the site itself would be 'secured' by a security fence around the landscaped area. The Inspector acknowledged these local highway and public realm improvements and give them considerable weight but did not find them to be sufficient to outweigh the harm from the development. However, it is considered that these highway and public realm improvements are acceptable and can be secured through a planning condition.

Impact on residential amenity

The revised application has been supported by a further Daylight and Sunlight Amenity Study and identifies the following properties for inclusion in the study:

- o Ty Gwenllian, a three storey building containing residential flats, probably constructed in the 1990s, situated to the northwest of the development site at the junction between High Street and Bethesda Street.
- o Bethesda Court, a four storey development containing residential flats, probably constructed around 10 years ago, situated to the west of the development site. It's rear elevation overlooks John Street and the development site.

The Study concludes that the levels of daylight and sunlight Amenity received within Ty Gwenllian following the construction of the proposed development will be satisfactory as the results meet the guidelines in every instance. The vast majority of the rooms and windows within Bethesda Court will also continue to receive satisfactory levels of daylight and sunlight amenity following the construction of the proposed development. There are some very occasional areas where the results are regarded as being just below, however, they are close to achieving the guideline levels and in this context overall are acceptable. Overall, the proposed development has been designed to respect the residential amenities of the neighbours occupiers who should continue to receive good levels of daylight and sunlight amenity following its construction.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Effect of the development on highway safety with particular regard to parking provision

As indicated the previous planning application for a development of purpose built student accommodation (under reference 2017/2606/FUL) for the construction of 453 bedroom high rise accommodation was refused and dismissed at appeal. The Inspectors appeal decision is a material consideration in respect of a resubmitted proposal. The appeal contained details of a unilateral undertaking under the provisions of a section 106 with regard to a highway contribution towards measures to improve accessibility of the site. It also included an obligation with regards management of car parking linked to a tenancy agreement.

When assessing the impact on the character and appearance of the area the inspector wrote (para. 20) she considered that the existing pedestrian routes to New Cut Road through the tunnels underneath the railway bridge to be dark, imposing and intimidating. "The proposed development adjacent to these routes would result in an additional dominating and enclosing element. The development of the tower would not relate to the human scale at street level and I find that it would further reduce the attractiveness of these routes to pedestrians".

The Inspector concurred with the view that the site is located in a sustainable location and as would have the potential to reduce the demand for car use. Whilst acknowledging the obligations within the Unilateral Undertaking, it was indicated that details of the car park management plan / tenancy agreement had not been made available (and no implementation cause indicated) and as such was given little weight in her considerations.

However she noted that even if the measures were in place it would be inevitable that management of the car parking site could be difficult due to unforeseen circumstances. At pick up and drop off times the low parking numbers and distance to public car parking facilities means that congestion is likely to arise in the restricted area. Allayed to this, it was considered that the pedestrian link to New Cut Road was poor and providing an intimidating route. As such its desirability would be reduced and as such an increase in private cars or taxis would be likely.

The inspector concluded that despite the sustainable location of the site, and the obligations offered in the UU to control parking, there would still be vehicular movements associated with the proposed development and the provision 4 car parking spaces would fall short of the Council's car parking standards, and would lead to additional pressure on nearby streets to accommodate parking which already have limited capacity. The pressure on the restricted and constrained surrounding streets for parking would give rise to the potential for associated risks to highway safety creating unacceptable conflict. It was concluded that the proposal would lead to an unacceptable risk to highway safety as a result of a lack of parking provision and would not accord with UDP Policies or the Parking Standards SPG.

Revised proposals

In terms of the parking standards, it is indicated that the requirement for this level of PBSA under the Parking Standards SPG is 46 spaces, and within the revised submission only 18 are being proposed which is below the standards to which the Highway Authority would support and has recommended refusal on the grounds that failure to provide adequate parking will result in detriment to highway safety and place increased pressure on the surrounding streets resulting in indiscriminate parking.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

The application site is situated outside the City Centre Core Area under the Parking Guidelines, however, it is located within the 'outer' Central Area in respect of standards for residential development under the Parking Guidelines where the policy indicates that schemes designed to increase the residential provision will be considered on their merits with an appropriate relaxation of the parking standards permitted as judged necessary. The Parking Standards Supplementary Planning Guidance specifies that for purpose built accommodation, within all zones, there is a need for 1 car parking space for every 25 bedrooms for servicing, wardens and drop-off areas. Based on the amended scheme of 328 bed spaces, this amounts to a total of 13 car parking spaces. However, as the site lies outside of the City Centre Core Area the requirement also reflects that, in addition, to the above, parking is needed for students and visitors and that equates to 1 space per 10 bedrooms. Based on the revised scheme this relates to the need for 33 car parking spaces in addition to the 13 resulting in a total need for 46 spaces.

This revised layout indicates a total of 18 spaces (as opposed to 4 previously) located within the development and as the site lies outside the city centre 'core' area, it does not comply with the car parking guidance set out with the SPG. As outlined in the Transport Assessment, the proposed development makes no provision for student parking on a day-to-day basis and that a tenancy agreement will include clauses limiting car ownership but also that the development will be accompanied by a Travel Plan. It is acknowledged that the greatest demand on the 18 on-site parking spaces will occur at the beginning and end of each academic year when students move into and out of their accommodation, however, this would be managed by a controlled booked arrival time slot any by marshals being deployed at the entrance to John Street, the site entrance and within the site's courtyard to manage entry, direct any arriving without a ticket to the public car park and ensure that cars move away from the site promptly once unloaded. This is a common process adopted by similar student developments across the UK.

Whilst the objection of the Highway Authority is noted officers consider that whilst the level of parking does not accord with the Parking Standards SPG, the development is within a highly sustainable location being located with a short walk from Swansea Railway Station and the bus route along High Street / Orchard Street and the facilities of the city centre are also within a walkable distance. Whilst the application site lies outside the city centre 'core' parking area, there is an opportunity to support sustainable transport and shifting modes of transport from private car along with supporting the Council's regeneration aspirations for the City as a whole.

The imposition of a Section 106 agreement to control the management of car parking on site offers a reasonable approach for this form of development. Furthermore planning obligations to provide for enhancements to the transport network, particularly in relation to improving pedestrian connectivity and public transport enhancements near to the site can be utilised to mitigate for the additional activity resulting from this development. This is considered to be a reasonable requirement as part of the development proposal and in the planning balance of material considerations would outweigh the lack of parking cited by the Highway Authority which represents a reason for refusal. Furthermore the applicant has provided justification in the submitted TA which identifies the local facilities and areas of commerce that can be accessed by foot and cycle by potential students residing at the accommodation. Taking into account best practice found in the IHT guidance 'Providing for Journeys on Foot' the applicant notes that the preferred maximum walking distance for town centres is 800m.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Given the close proximity of the site to these uses the applicant considers that the scheme lies within a sustainable location thus to provide justification for the scheme. Officers consider that whilst the scheme does not accord with the SPG in relation to Parking Standards this shall be taken as guidance in assessing individual applications and each application considered upon its individual merits. In this case the scheme provides minimal car parking, however, it has been demonstrated that the site is within a sustainable location and suitable mechanisms can be imposed through a Section 106 to deal with car parking management and improvements to pedestrian and public transport connectivity in the area. Whilst the Highway Authority has cited that the development will lead to pressure to park on the surrounding streets it should be noted that there are existing enforceable parking restrictions on the surrounding streets and there is therefore no supporting evidence to demonstrate that this development will directly harm highway safety in those areas. The mechanisms to control parking would, on balance, result in an acceptable development having regard to highway considerations and the policies contained within the Local Development Plan. The provision of the planning obligations, to improve the current travel network surrounding the site, would be a course of action considered to be necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development having regard to the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.

Impact on archaeology and cultural heritage

Archaeology

The planning application is accompanied by an Archaeological Desk Based Assessment to determine the archaeological potential of the application site, and in particular to assess the impact upon standing and buried remains of potential archaeological interest and to ensure that they are fully investigated and recorded if they are disturbed or revealed as a result of subsequent activities associated with the development.

The Assessment has concluded that no previous identified archaeological sites have been recorded within the proposed development site, although it does contain some areas of potential archaeological interest. These include the potential for Roman archaeology associated with the route of a Roman Road (between Neath and Loughor), although the route of this road in the immediate environs of Swansea has not been proven; and therefore the potential for finding evidence of a Roman Road or associated activity within the proposed development would appear to be Low, nevertheless if found it would be considered to be of Regional (Medium) archaeological importance.

There is some potential for medieval settlement activity within the development site, although generally the potential for finding medieval archaeology is considered to be Low, and as such should remain exist they are likely to be of Local (Low) interest. The scheme area underwent relatively intense urban development throughout the 19th century. This appears to have been largely residential, potentially of a relatively poor standard, with some possible small commercial and warehouse properties. No standing remains from this period have survived as the site was cleared and partially redeveloped between the 1940s and 1960s. There is however a Medium potential for remains of this late post-medieval urban development to exist below ground; such remains would be considered to be of Local (Low) interest.

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Glamorgan Gwent Archaeological Trust have indicated that the previous response to Ref: 2017/2606/FUL remains valid and recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached. The programme of work would be an archaeological watching brief during any ground disturbing work, identifying any elements of the proposals which may also need to be hand-dug by archaeologists

Cultural Heritage

There are six Conservation Areas (CA) which lie within the 1km search area around the proposed development. Dense urban development provides a visual barrier between the proposed development site and most of the Conservation Areas to the south, including Alexandra Road (CA022), Mount Pleasant (CA025), Oxford Street / Nelson Street / Union Street (CA018), Wind Street (CA014) and The Maritime Quarter (CA021). It is approx. 400m to the closest point of the Alexandra Road Conservation Area 400m which comprises a significant cluster of Listed Buildings including the Glynn Vivian Art Gallery. The verified visual VP04 demonstrates that there is no indivisibility between this heritage grouping and the site.

The remaining CA of Vivianstown (CA017) lies to the north, and occupies a topographically more prominent location. There will be views of the tower from the Vivian's Town Conservation Area which lies approx. 800m to north. However, it will be viewed in the distance as part of the urban cityscape and is acceptable on this basis.

There are a number of scheduled ancient monuments within 1km of the site including Foxhall Staithes, White Rock Copperworks, Swansea Castle and Original Swansea Castle Site. The Pre-application Consultation (PAC) response from Cadw in relation to these designated heritage assets notes that due to intervening buildings, topography and vegetation there will be no intervisibility and therefore no impact and it is not considered that any Scheduled Ancient Monument (SAM) will be directly affected by the proposed development.

There are no Listed Buildings that will be directly affected by the proposed development, there are large number within the 1km search area around the proposed development area, however the impact of the development on these individual sites is very limited.

The derelict grade II listed Palace Theatre lies approx. 55m to the west of the site with the John Street three storey flats visually separating the site. The main focus of this derelict theatre building is the southern 'point' which is unaffected by the proposals. There is very limited intervisibility and the proposal does not detract from the setting of this listed building. The presence of 328 additional students in the area passing the Palace will help the success of this regeneration project.

Bethesda Baptist Chapel (Grade II* listed) lies approx. 50m to the north of the proposed development, and is perhaps the one listed building within the area that will have clear unobstructed views of the proposed development. However, the existing views to the south consist of large modern urban development and whilst this will change the view from the chapel frontage this is considered acceptable in an urban context plus there are no impacts on key views to this listed building.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

The grade II listed former St Matthews Church lies approx. 110m to the south west of the site on High Street. There is no intervisibility between this listed building and the site therefore there are no heritage effects in this instance. Similarly the grade II* listed Ebenezer Chapel lies 200m to the south west with intervening built form and no visual relationship. The grade II listed Hafod Bridge lies approx. 400m to north of the site. It is likely that there will be winter views to the proposed development when the trees are not in leaf from the overbridge to the site and there may also be views from Upper Strand from the underbridge. Given the functional transportation nature of this listed structure it is considered that the views from it are neutral and there is no effect on views to this listed structure arising from this proposed development.

Flood risk and Drainage

The application site is located within Zone A (little or no flood risk from rivers or sea). The closest fluvial floodzone source (Zone C2) is the River Tawe some 250m east and which is at a considerably lower elevation than the site. There is therefore minimal risk of flooding to the site.

The submitted Drainage Strategy indicates that foul drainage will be connected to the existing public sewer network in Jockey Street and there is sufficient capacity in the network to accommodate the new development. Dwr Cymru Welsh Water raise no objections. The Council's Drainage Engineer raises no objections to the submitted Drainage Strategy subject to the imposition of a surface water and land drainage planning condition.

Pollution and ground contamination

A Noise Assessment has been undertaken to investigate the noise climate on the proposed site in order to establish the suitability of the proposed development at this location. The site is located in the city centre and the noise climate is characterised by road and rail noise from the A483 and the Swansea Railway Station along the eastern boundary. A 24-hour noise survey of the land was carried out to allow an assessment of the impact of noise on the site as per the general requirements of Technical Advice Note:11 Noise (TAN 11). The assessment indicates that the site is in Noise Exposure Category 'C' and as per the guidance detailed in TAN 11 [1]:

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

Once conditions are known, an appropriate scheme of mitigation can be determined to satisfy any noise criteria. The Assessment indicates that even though the site is impacted by rail noise, due to the intermittent nature of the rail noise compared with the relatively continuous road traffic noise, the site is categorised as a 'road traffic noise' site for the purposes of establishing the appropriate NEC. The residential units within the PBSA will require adequate sound insulation of the building and the windows.

An Air Quality Assessment has been undertaken of the proposed development. The Council has assessed air quality within the area which have indicated that concentrations of NO₂ are above the relevant AQOs at a number of locations of relevant public exposure within the area.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

An Air Quality Management Area (AQMA) has been designed which includes the Hafod district, plus Sketty and Fforestfach and the proposed development site is located within the Swansea AQMA. The assessment results of air quality impacts during the construction phase indicate that dust emissions associated with the construction phase are not predicted to be significant following the implementation of the mitigation measures through dust management / Construction Method Statement. During the operational phase, the magnitude of the effects of changes in traffic flow as a result of the proposed development, with respects to NO₂ and PM₁₀ exposure, including at the surrounding AQMAs are determined to 'negligible'. The predicted annual mean ground level NO₂ and PM₁₀ at proposed receptors are below the AQAL and a detailed assessment will be not required.

A Geo-environmental Site Assessment Report has been submitted, and in respect of contaminated land, it is indicated that the Made Ground contains a number of contaminants at concentrations in excess of generic assessment criteria for the standard residential land use and which consequently have the potential to pose a significant risk to human health and as such will require remedial action to mitigate such risks. It is indicated that the proposed building development will itself serve to mitigate the risk (by isolating the Made Ground beneath permanent hard construction and preventing exposure to potentially contaminated soils), mitigation measures should only be required in external areas where the Made Ground soils may be present at or near the surface (e.g. in areas of soft landscaping, planting beds, etc.). In any such areas the Made Ground could be sealed beneath a simple cover system comprising an adequate thickness of suitable uncontaminated soil. The thickness of such a cover system would need to be agreed in advance with regulators, and may be up to 0.60 m.

With regard to the water pollution risk, the River Tawe has been identified as the most sensitive receptor. It is some 250 m distant from the site, but could theoretically be impacted by contaminants transported in the groundwater. Soil leaching tests have found PAH compounds at concentrations in excess of Level 1 target concentrations in one of three test samples. However, the proposed development is expected to maintain an impermeable cover over most of the site area. As this will preclude the infiltration of surface water it will serve to prevent the leaching of any PAH compounds from the Made Ground and will in itself mitigate the risk of pollution to the River Tawe. Furthermore, because the River Tawe lies some 250 m to the east of the site there will be opportunity for significant attenuation and dilution of contaminant concentrations along the groundwater flowpath between the site and the river. As the initial risk assessment presented here takes no account of such attenuation and dilution mechanisms it consequently provides a conservative estimate of pollution risk. In view of the above factors, it is considered that remedial action in respect of pollution risk to the River Tawe from on-site contamination is not warranted.

A desk-based assessment has concluded that old coal mine workings are highly unlikely in the vicinity of the site and that further consideration of mining subsidence risk is not warranted. It is anticipated that the loads imposed by the proposed building will be such that piled foundations will be necessary. Supplementary investigation will be required to inform the design of the piled foundations, which will require the involvement of a specialist piling contractor to ensure that an adequate level of information is obtained for pile design and that any piling related risks are identified at an early stage and adequately addressed. This can be controlled through a planning condition.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

There is Japanese Knotweed located around the north and east boundaries with further stands on the sloping ground to the east. All instances of Japanese Knotweed should be eradicated prior to development commencing and a planning condition is imposed accordingly.

Waste Storage

The building accommodates residential and commercial refuse facilities at ground floor at the rear of the building which allows refuse vehicles to pick up along John Street. It has therefore been demonstrated that sufficient provision is made for refuse and recycling waste that will be generated by the student accommodation and commercial units.

Impact on Ecology

The previously submitted Preliminary Ecological Appraisal confirmed that the former building (now demolished) was not being utilised by bats and that there are currently no features with bat roost suitability, within the red-line site boundary. The submitted reptile survey found no evidence of reptile or amphibian species.

Conclusion

The proposed development would represent a significant regeneration of a brownfield site and aims to make a contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the brownfield site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area. The site lies on the edge of the City Centre Core Action Area and LDP Policy H 11 in particular, favours the development of PBSA within appropriate City Centre sites and recognises the contribution this type of development can make towards achieving the wider regeneration aims for the area. The proposal should therefore be considered in the context of LDP Policy H11 and the aims of the SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA), and it is considered that student accommodation is acceptable in principle and that it would have the associated benefit of assisting in regenerating this part of the city and additionally, that the site is located in a sustainable location.

It is acknowledged that this revised application which has followed extensive pre-application discussions has sought to address the concerns of the Inspector in respect of the impact upon the character and appearance of the area and as set out in detail in the report above it has been concluded that the revised scheme has addressed these concerns. The former appeal was also partly dismissed on the basis that it was deemed to result in an unacceptable risk to highway safety as a result of the lack of parking provision would not accord with UDP Policy at the time and the Parking Standards SPG. The parking provision at that time was 4 operational parking spaces to serve the development of 414 bedrooms whereas the revised scheme puts forward 18 undercroft parking spaces plus secure storage for 164 bicycles within the ground floor of the building for 328 bedrooms.

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Whilst the concerns of the Highway Authority are duly noted there remains a need to balance the benefits of this development which include regeneration of this area, retaining an active frontage at ground floor level within the development and further seeking to discourage antisocial behaviour in the area against the lack of physical parking spaces on site. The fact that the scheme is in a highly sustainable location and is to offer off-site improvements to walking and cycling in the area shifts the material planning balance in favour of support for this application. The development will meet the requirements of the Adopted Tall Buildings Strategy SPG and the Swansea Central Area Regeneration Framework by creating a new city landmark at a key gateway to the railway station. It will contribute to helping tackle issues of antisocial behaviour, contribute to the regeneration of the upper High Street and provide opportunity to support sustainable transport and shifting modes of transport from private car along as advocated within Planning Policy Wales along with supporting the Council's regeneration aspirations for the City as a whole. On this basis, on balance, it is concluded that the application is acceptable and accords with the policy framework set out in the Swansea Local Development Plan, Supplementary Planning Guidance and National Policy and Guidance.

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 decision, 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 decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

RECOMMENDATION:

APPROVE subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the following clauses:

1. Car Parking Management in accordance with Management Plan
The provision of a mechanism to deal with the control of 'on-site' parking through the production and agreement of a Tenancy Agreement.
2. Highway / Public Realm Infrastructure (outside the application site)
A contribution of £142,000.00 in order to fund improvements to the highway network to improve travel and connectivity in connection with the development.
3. Section 106 Management and Monitoring Fee
Costs incurred against the management of the obligation based on 2% of the value of the obligations = £2,840.00

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies T1, PS2 and IO1 of the Swansea Local Development Plan 2010 - 2025

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

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

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

- 2 The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan; 004-01 Landscape Plan; 010102 Rev E Proposed Lower Ground Floor Plan; 010103 Rev E Proposed Ground Floor Plan; 010104 Proposed First Floor Plan; 010105 Proposed Second-Third Floor Plan; 010106 Proposed Fourth Floor Plan; 010107 Proposed Fifth Floor Plan; 010108 Proposed Sixth Floor Plan; 010109 Proposed Seventh—Eighth Floor Plan; 010110 Proposed Ninth Floor Plan; 010111 Proposed Tenth Floor Plan; 010112 Proposed Roof Plan; 010113 - Proposed Security Line Plan; 020101 - Proposed North Elevation, 020102 Rev C - Proposed South Elevation; 020103 - Proposed West Elevation; 020104 - Proposed East Elevation; 90-002 - External Works Plan Zoning - plans received 17 January, 2020.

Reason: To define the extent of the permission granted.

- 3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works.

Reason: In the interests of visual amenity.

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

- Typical bedroom and lounge window opening units;
- Main entrance door (including any canopy detail) within its opening;
- Ground floor glazing including Shopfront;
- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- Roof edges and corners to cladding systems
- Ramp/ steps and associate wall/ handrails

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

Reason: In the interests of visual amenity.

- 5 Prior to the commencement of any superstructure works, a Wind Microclimate Assessment of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall be constructed in accordance with any wind mitigation measures referenced in the assessment and retained thereafter to serve the approved development.

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

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

- 6 Notwithstanding the details shown on any approved plan, precise details of the location, extent, design and finish of all visible external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works. Development shall take place in accordance with the approved details.
Reason: In the interests of visual amenity.
- 7 Prior to the beneficial occupation of the Class A3 unit, a method of ventilation and fume extraction 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 prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises.
- 8 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.
- 9 Notwithstanding the details shown on any approved plan, no superstructure works shall commence until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority and shall include details of the Green Infrastructure which must ensure compliance with 0.4 green space factor score. The landscaping scheme shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 10 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and a detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 11 Prior to the commencement of any superstructure works, and notwithstanding the details indicated, a scheme shall be submitted to and approved in writing by the Local Planning Authority setting out public realm improvements along the site frontage to John Street and Jockey Street and including enhancements to the pedestrian access to the site from New Cut Road. The approved scheme shall be completed prior to the beneficial use of the development.
Reason: In order to enhance the character and appearance of the area and in the interests of pedestrian safety.

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

- 12 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 prior to any beneficial use of the development commencing.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoardings;
- e) wheel washing facilities;
- f) measures to control the emissions of dust, dirt and noise during demolition and construction;
- g) a scheme for recycling / and disposal of waste resulting from demolition and construction works;
- h) the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

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

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

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

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

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

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

- 16 No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.
Reason: To ensure the site is served by a suitable potable water supply.
- 17 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and by verified by the appropriate testing methodology upon completion.
Reason: To protect the proposed residential use against noise emanating from the commercial activity on the ground floor.
- 18 Prior to occupation of any part of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.
- 19 Prior to beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.
Reason: To protect the existing and proposed residential uses against noise from building services plant.
- 20 Prior to the commencement of development a Phase 2: Detailed Investigation shall be submitted which shall: Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater. Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in the Patrick Parsons Phase 1 Report, mariner Street, Swansea (N16053)

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required. In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz: Phase 3: Remediation Strategy Options Appraisal this shall: Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

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

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

22 Prior to the commencement of any works on the site a Piling Assessment report shall be submitted to and approved by the Local Planning Authority. The report shall set out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.

Reason: To protect the residential and commercial land uses from noise and vibration within the surrounding area.

23 Prior to the occupation of the development, a Refuse and Recycling Strategy (including the provision of storage facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Refuse and Recycling Strategy for the lifetime of the development.

Reason: To enable the developer to present a coherent plan for the provision of waste management and collection from the site.

24 Prior to the first beneficial occupation of the development, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall specify:

- a) The arrangements for the general maintenance and management of the site, including external amenity/ landscape space;
- b) The arrangements for servicing deliveries;
- c) The parking and traffic management incentives and arrangements, with particular reference to the beginning and end of term pick-up and drop-off arrangements;

Planning Committee – 7th July 2020

Item 4 (Cont'd)

Application Number:

2020/0097/FUL

- d) Measures proposed in relation to site safety and security; and
- e) The Procedures in place for minimising and managing community complaints, a point of contact for each academic year and full details of the community complaint procedures.

The development hereby permitted shall thereafter be implemented in accordance with the approved Operational Management Plan for the lifetime of the development.

Reason: To ensure the management and movement of vehicles related to the development in the interests of the public safety and amenities of the area, and to protect future resident's amenity.

Planning Committee – 7th July 2020

Item 5 (Cont'd)

Application Number:

2020/0853/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2020/0853/S73	Retention and completion of development for 107 residential dwellings and associated infrastructure (Variation of condition 1 of planning permission 2018/2692/FUL granted 27th March 2020) to allow Plots 206-210 and 213-217 to reflect the site levels	PDE	
2016/3040/DOC	Discharge of conditions 5 (access road) & 8 (flood risk mitigation scheme) of planning permission 2016/1089 granted 16th September 2016	APP	30.03.2017
2016/3121/RES	Reserved Matters application (Details of access, appearance, landscaping, layout and scale pursuant to outline permission 2006/1902 granted 6th July 2012)	APP	03.03.2017
2016/3405/NMA	Non Material Amendment to reserved matters application 2016/1089 granted 16th September 2016 to allow for the relocation of footpaths/drives, the replacement of bollards with landscaping adjacent to plots 60/61 and the formation of a parking area for plot 57	APP	13.12.2016
2016/3527/FUL	Diversion of existing culvert and associated infrastructure	APP	07.04.2017
2017/0026/FUL	Construction of new highway and infrastructure works at Nantong Way	APP	20.07.2018

Planning Committee – 7th July 2020

Item 5 (Cont'd)	Application Number:	2020/0853/S73
2017/0546/RES	Residential development for 19 dwellings, pumping station, open space/play area and associated works (details of access, appearance, landscaping, layout and scale pursuant to outline permission 2006/1902 granted 6th July 2012)	APP 27.10.2017
2017/0935/DOC	Discharge of condition 3 (structural calculations) of planning permission 2016/3527/FUL granted 7th April 2017	APP 10.05.2017
2017/1144/S73	Variation of conditions 1 and 9 of planning permission 2016/3121/RES granted 3rd March 2017 to allow for the substitution of an engineered bank with a railway sleeper retaining wall and removal of condition 5 (Access)	INV
2017/1291/FUL	Construction of a new pumping station and associated works	APP 22.06.2018
2017/1881/PRE	Pre-Application - Residential Development	MIXPR E 15.09.2017
2017/2441/RES	Residential development of 45 dwellings (details of access, appearance, landscaping, layout and scale pursuant of planning permission 2006/1902 granted 6th July 2012 as varied by Section 73 application 2014/1189)	APP 05.04.2018
2018/0148/NMA	Non Material Amendment to reserved matters approval 2017/0546/RES granted 27th October 2017 to amend the turning head area outside plots 87-91	APP 13.02.2018

Planning Committee – 7th July 2020

Item 5 (Cont'd)		Application Number:	2020/0853/S73
2018/0395/DOC	Discharge of condition 4 of 2015/1798 (External finishes of retaining wall) of reserved matters application 2015/1798 granted 7th March 2016 (as amended to condition 3 by non-material amendment application 2016/0649 granted 19th May 2016)	APP	26.06.2018
2018/1172/DOC	Discharge of conditions 9 (play area phasing plan), 10 (play park bin, bench and floor covering), and 12 (temporary vehicle turning facilities) of planning permission 2017/0546/RES granted 27th October 2017	PDE	
2018/1370/NMA	Non Material Amendment to planning permission 2017/2441/RES granted 5th April 2018 to relocate the dwellings on plots 108/109 and 138/139	APP	12.07.2018
2018/2254/DOC	Discharge of conditions 2 (land contamination) and 6 (retaining wall details) of planning permission 2017/2441/RES granted 5th April 2018	APP	19.06.2019
2018/2551/SCR	SCREENING OPINION for 106 residential dwellings	EIANR Q	14.01.2019
2018/2692/FUL	Retention and completion of development for 107 residential dwellings and associated infrastructure	S106	27.03.2020
2019/0411/DOC	Discharge of conditions 3 (land contamination), 4 (surface water drainage), 7 (SSSI method statement), 8 (public sewer) and 9 (construction method statement) of planning permission 2017/0026/ful granted 20th July 2018	PDE	

Planning Committee – 7th July 2020

Item 5 (Cont'd)	Application Number:	2020/0853/S73
2019/0877/DOC	Discharge of condition 3 (land contamination) of planning permission 2017/1291/FUL approved 22nd June 2018	APP 10.05.2019
2020/0641/DOC	Discharge of Conditions 2 (future management and maintenance of the proposed streets), 3 (engineering details of the highways and footpaths), 5 (surface water and land drainage), 9 (contamination risks scheme), 12 (Piling), 13 (Construction Environmental Management Plan) and 18 (historic environment mitigation) of planning permission 2018/2692/FUL granted 27th March 2020	PCO
2020/0853/S73	Retention and completion of development for 107 residential dwellings and associated infrastructure (Variation of condition 1 of planning permission 2018/2692/FUL granted 27th March 2020) to allow Plots 206-210 and 213-217 to reflect the site levels	PDE
2016/1089	Construction of 19 dwellings (details of access, appearance, landscaping, layout and scale pursuant to planning permission 2006/1902 granted 6th July 2012)	APP 16.09.2016
2016/1085	Discharge of condition 3 of planning permission 2015/1798 granted 18th April 2016 and condition 2 of non-material amendment 2016/0649 granted 19th May 2016 (Retaining Wall Construction Method Statement)	NOBJ 19.07.2016

Planning Committee – 7th July 2020

Item 5 (Cont'd)	Application Number:	2020/0853/S73
2016/0649	Non Material Amendment to Planning Permission 2015/1798 granted 7th March 2016 in respect of the residential development (amended retaining wall design)	APP 19.05.2016

Background

This application is reported to Planning Committee as the original planning permission 2018/2692/FUL, which this application seeks to vary, exceeds the Planning Committee threshold of 20 dwellings.

The description of development for the original planning permission reads as follows:

'Retention and completion of development for 107 residential dwellings and associated infrastructure'

The site is currently being developed by Hygrove Homes.

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

Site Location

The application site comprises an irregular shaped parcel of land measuring some 1.78 hectares in area that forms part of Hygrove Home's Brunel Wood site. To the north west is the Morfa Retail Park with Pluck Lake to the north. To the north west and west are areas of woodland with the A2117 beyond. The application site is located entirely within the urban area and forms part of a non-strategic housing allocation site under LDP Policy H1.

Description of Development

This is a S73 application to vary the approved plans condition attached to planning permission 2018/2692/FUL. The changes are sought to enable an alteration to the approved levels of two rows of terraced properties within the development (Plots 206-210 and 213-217), with the effect that the levels of the terraces will be stepped.

The reason given by the applicant for the proposed change is to allow plots 206-210 and 213-217 to reflect the site levels.

Item 5 (Cont'd)

Application Number:

2020/0853/S73

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

The Swansea Local Development Plan is the extant development plan for the area. The following LDP Policies are considered to be relevant to the determination of this application:

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

IO 1 Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

H 1 Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

H 2 Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

H 3 Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

SI 1 Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 3 Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 6 Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

SI 8 Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime in accordance with specified policy principles.

ER 1 Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

Item 5 (Cont'd)

Application Number:

2020/0853/S73

ER 2 Strategic Green Infrastructure Network - Green infrastructure will 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 multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation. Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER 8 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.

ER 9 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. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

T 1 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.

T 2 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.

T 5 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.

T 6 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.

Planning Committee – 7th July 2020

Item 5 (Cont'd)

Application Number:

2020/0853/S73

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.

RP 1 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.

RP 4 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.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

The following supplementary planning guidance documents are also relevant to the determination of this application:

- Places to Live - Residential Design Guide (adopted 2014)
- Planning Obligations (adopted 2010)
- City and County of Swansea Parking Standards (adopted 2012)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process.

Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Planning Policy Wales (10th Edition) 2018

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

Promoting Healthier Places

3.19 The built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal. The way places work and operate can have an impact on the choices people make in their everyday lives, including their travel and recreational choices and how easy it may be to socialise with others.

3.21 Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Biodiversity and Ecological Networks

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and

- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.

Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

Capacity of Water Supply and Sewerage/ Drainage Infrastructure

6.6.9 The planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development. The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer.

Item 5 (Cont'd)

Application Number:

2020/0853/S73

To ensure consistency of design and facilitate long-term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

Development and Flood Risk

6.6.22 Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

Land Contamination

6.9.18 Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use. In doing so, development management decisions need to take into account:

- o the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- o the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

Physical Ground Conditions and Land Instability

6.9.26 Any planning application in coal mining consultation areas may need to be accompanied by a coal mining risk assessment report, or equivalent. Any works which may intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse and liaison with the Coal Authority must take place. 6.9.27 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

Consultations:

Highways:

Highways has no objection to the amended proposals

Item 5 (Cont'd)

Application Number:

2020/0853/S73

Neighbour comments:

The application was advertised by site notices and 17 no. letters were sent to neighbouring properties. No responses were received to the public consultation.

APPRAISAL

Main Issues

Section 73 of the 1990 Act provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

Given that the principle of the development has previously been established and approved under the adopted Swansea Local Development Plan Policies, the main issue for consideration is whether the proposed amendments to the plans (the alterations to levels) are acceptable having regards to their impact and consideration of the planning policy. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Design and Visual Impact

The proposed alterations will affect two terraces, each with five properties, located centrally within the site. Two properties within each terrace will be stepped above or below the adjoining properties. Two end properties on plots 206-210 would be stepped up 450mm, whereas two end properties on plots 213-217 would be stepped down 300mm.

The visual impact of the proposed change will not be significant. The affected properties are end of terrace dwellings located within a run of 12 properties. The proposed changes in levels will result in the plots stepping to follow the gradient of the street. This is not an unusual feature in the street scene in many parts of Swansea. The overall visual impact upon the street scene would be minimal and would be viewed in the context of the stepped levels of other properties within the street scene on the opposite side of the road that follow the fall in road levels to the south west.

On this basis the proposed amendment would be minor in nature and would not result in any harmful visual impacts upon the character or appearance of the development.

Item 5 (Cont'd)

Application Number:

2020/0853/S73

The proposed amendment would not, therefore, conflict with LDP Policy PS2 which, amongst other things, 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.

Residential Amenity

The modest changes proposed to the slab level would not result in any significant impacts upon the living conditions of the future occupiers of the dwellings that surround the affected plots.

In this respect the development would not conflict with LDP Policy PS2 which seeks, amongst other matters, to ensure that development would not result in significant adverse impacts to people's amenity.

Access and Highway Safety

The proposed amendments would not affect the highway layout or parking layout within the development. Highways have confirmed no objection to the proposed amendment, as such the proposal would not conflict with LDP Policies T5 or T6, which broadly seek to ensure proposals would not have an adverse impact upon highway safety.

Other Matters

Whilst there is a discharge of condition application that is currently being considered by the local planning authority, to date, no conditions of the original permission have been discharged. Therefore, aside from the condition to specify the approved plans (condition 1), all other conditions shall remain as specified in the original decision.

The original permission included a Section 106 agreement in respect of the following matters:

- A minimum of 10% on-site affordable housing provision to include a range of DQR compliant house types/sizes, tenure to be agreed and the dwellings to be transferred to a Registered Social Landlord/Council.
- A developer contribution of £128,836 towards improvements to Cefn Hengoed Comprehensive School.
- A developer contribution of £5,300 towards ecological mitigation/compensation within the Pluck Lake SINC.

The Section 106 agreement attached to the original permission included a provision that effectively ties in any subsequent Section 73 planning permission with the original Section 106 agreement and its associated planning obligations. It is not therefore necessary for the Section 106 to be modified as any planning permission approved under the provisions of Section 73 is still bound by the Section 106 agreement.

Conclusion

The proposed amendments would amount to minor amendments to original scheme and would not result in any harmful impacts in terms of visual impacts, residential amenity impact or highway safety impacts. Accordingly, the development would not conflict with 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 WCFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. For the above reasons the application is accordingly recommended for approval.

Recommendation

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:

444-9204 C (TYPE A2 SCOTT X3 TERRACED GA PLANS)
444-9205 C (TYPE A2 SCOTT X3 TERRACED GA ELEVATIONS)
444-9208 D (TYPE A4 GEORGE X2 V2 GA PLANS)
444-9209 C (TYPE A4 GEORGE X2 SEMI-DETACHED V2 GA ELEVATIONS)
444-9210 E (TYPE A5 SCOTT X2 & VALE X1 V2 GA PLANS)
444-9211 C (TYPE A5 SCOTT X2 & VALE X1 TYPE B TERRACED GA ELEVATIONS)
444-9214 D (TYPE A7 CHARLES X2 SEMI-DETACHED GA PLANS)
444-9215 D (TYPE A7 CHARLES X2 SEMI-DETACHED GA ELEVATIONS)
444-9216 D (TYPE A8 VALE X2 GA PLANS)
444-9216 V2 D (TYPE A8 VALE X2 GA PLANS)
444-9217 C (TYPE A8 VALE X2 SEMI-DETACHED GA ELEVATIONS)
444-9218 B (TYPE A9 SCOTT X3 TERRACED GA PLANS)
444-9219 B (TYPE A9 SCOTT X3 TERRACED GA ELEVATIONS)
444-9222 A (TYPE A16 MORRIS X2 & VALE X1 GA PLANS)
444-9223 A (TYPE A16 MORRIS X2 & VALE X1 GA ELEVATIONS)
444-9228 A (TYPE A24 SCOTT X3 & VALE X1 GA PLANS)
444-9229 A (TYPE A24 SCOTT X3 & VALE X1 GA ELEVATIONS)
444-9230 A (TYPE A15 MORRIS X2 GA PLANS)
444-9231 A (TYPE A15 MORRIS X2 ELEVATIONS)
444-9244 A (TYPE A22 MORRIS X4 GA PLANS)
444-9252 A (TYPE A26 SCOTT X1 & VALE X1 GA PLANS)
444-9253 A (TYPE A26 SCOTT X1 & VALE X1 GA ELEVATIONS), received 19th December 2019.

444-1003 D (LOCATION PLAN - WHOLE SITE), received 9th January 2019

1006-2 (EXISTING SHAFT PLAN AND SECTION TREATMENT)
1007-2 (PROPOSED SHAFT WORKS PLAN & SECTION)
444-9256 A (TYPE A28 - GEORGE X1 & VALE X1 GA PLANS)
444-9257 A (TYPE A28 - GEORGE X1 & VALE X1 GA ELEVATIONS), received 19th August 2019

Planning Committee – 7th July 2020

Item 5 (Cont'd)

Application Number:

2020/0853/S73

444-9258 A (TYPE 29 - SCOTT AND VALE GA PLANS)

444-9259 A (TYPE 29 - SCOTT AND VALE ELEVATIONS), received 5th September 2019

15001 PROPOSED SECTIONS PHASE 7 AND 8 (REV A)

15001-1 PROPOSED SECTIONS PHASE 7 AND 8 (REV A)

15001-2 PROPOSED SECTIONS PHASE 7 AND 8 (REV A), received 11th September 2019

2014_0013-TYPE _C (PROPOSED FRONT, END, REAR AND SIDE ELEVATION)

2014_0013-TYPE _C (PROPOSED GROUND FLOOR PLAN, FIRST FLOOR PLAN AND ROOF PLAN)

444-1106 R (PLANNING ISSUE PHASE 7 AND 8)

444-1300 D (PHASE 7 & 8 LANDSCAPE PROPOSALS), received 7th October 2019.

444-105 A (PLANNING DRAWING - ARCHAEOLOGICAL AREA), received 3rd March 2020

444-9264 REV A TYPE A32 MORRIS X4 & VALE X1 GA PLAN

444-9265 REV A TYPE A32 MORRIS X4 & VALE X1 GA ELEVATION, received 13th May 2020

SK01 REV P9 - PROPOSED SURFACE LEVELS AND GRADIENTS, received 21st May 2020

444-9278 REV A TYPE A39 MORRIS X4 & VALE X1 GA PLAN

444-9279 REV A TYPE A39 MORRIS X4 & VALE X1 GA ELEVATION, received 18th June 2020

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

- 2 No further development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highway safety in accordance with adopted Swansea Local Development (2010-2025) Policies T1 and T5.

- 3 No further development shall take place until full engineering details of the highways and footpaths within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the phasing of the highways and footpath construction. The highways and footpaths shall be provided in accordance with the approved details and timescales.

Reason: In the interest of highway safety in accordance with LDP Policies PS2, T1 and T5.

Planning Committee – 7th July 2020

Item 5 (Cont'd)

Application Number:

2020/0853/S73

- 4 No dwellings hereby approved shall be occupied until such time that the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use.
Reason: In the interests of highway safety and permeability through the site in accordance with adopted Swansea Local Development (2010-2025) Policies PS2, T1 and T5.
- 5 No further development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off in accordance with adopted Swansea Local Development (2010-2025) Policies EU4, RP4 and RP5.
- 6 The site shall not discharge surface water at any rate greater than 5l/s/developed hectare as stated in Section 7.3.2.1 of the Drainage Strategy entitled "Phase 7 & 8 Areas Drainage Strategy Report dated December 2018".
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off in accordance with adopted Swansea Local Development (2010-2025) Policies EU4, RP4 and RP5.
- 7 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 and E of Schedule 2, part 1 shall not apply.
Reason To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate in accordance with adopted Swansea Local Development (2010-2025) Policies RP4 and RP5.
- 8 Notwithstanding the details indicated within the submitted drainage strategy, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with adopted Swansea Local Development (2010-2025) Policy RP4.

Planning Committee – 7th July 2020

Item 5 (Cont'd)

Application Number:

2020/0853/S73

9 Prior to the commencement of any further development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, where necessary.

4. A verification plan, where necessary, providing details of the data that will be collected in order to demonstrate that the works set out in (3), where necessary, are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: Potential contamination at the site presents a human health risk and controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous industrial uses in accordance with adopted Swansea Local Development (2010-2025) Policies RP1 and RP6.

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

Reasons: To demonstrate that the remediation criteria relating to human health and controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with adopted Swansea Local Development (2010-2025) Policies RP1 and RP6.

Planning Committee – 7th July 2020

Item 5 (Cont'd)

Application Number:

2020/0853/S73

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated in accordance with adopted Swansea Local Development (2010-2025) Policies RP1 and RP6.
- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling in accordance with adopted Swansea Local Development (2010-2025) Policy RP4.
- 13 No further development approved by this permission shall take place until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: Prevention of pollution to controlled waters and the wider environment in accordance with adopted Swansea Local Development (2010-2025) Policies RP4, ER6, ER8 and ER9.
- 14 Prior to the occupation of any dwelling hereby approved, the means of enclosure at the site shall be constructed in accordance with the details indicated on drawing no. 444-1106 Rev R and shall be retained as such for the lifetime of the development.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area in accordance with adopted Swansea Local Development (2010-2025) Policy PS2.
- 15 The external facing materials for the dwellings hereby approved shall be in accordance with the details indicated on drawing no. 444-1106 Rev R.
Reason: To ensure the external facing materials are appropriate to the local context in accordance with adopted Swansea Local Development (2010-2025) Policy PS2.
- 16 The development shall be constructed in accordance with the mitigation measures set out within Section 5 of the Preliminary Ecological Assessment produced by Wildwood Ecology.
Reason: To ensure the development provides satisfactory ecological mitigation in accordance with adopted Swansea Local Development (2010-2025) Policies ER6, ER8 and ER9.

Planning Committee – 7th July 2020

Item 5 (Cont'd)

Application Number:

2020/0853/S73

- 17 Prior to any excavations or construction works within the influencing distance of the on-site mine shaft details of a scheme for the remediation of the mine shaft or mitigation measures to deal with the risks posed to the development from the mine shaft shall be submitted to and approved in writing by the local planning authority together with a scheme for the phasing and implementation of the works. The development shall be completed in accordance with the approved details and timescales.
Reasons: To ensure the land is safe and stable to accommodate the proposed development in accordance with adopted Swansea Local Development (2010-2025) Policy RP7.
- 18 No further development shall take place within the area outlined green on plan ref. 444-105 A (Planning Drawing - Archaeological Area), until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with adopted Swansea Local Development (2010-2025) Policy HC2.
- 19 Should any Japanese Knotweed be found on site during clearance or construction works a detailed scheme for the eradication of Japanese Knotweed, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timescales.
Reason: In the interests of the ecology and amenity of the area in accordance with adopted Swansea Local Development (2010-2025) Policies ER8 and ER9.
- 20 The landscaping of the site shall be provided in accordance with the details indicated on plan no. 444-1300 (Phase 7 and 8 - Landscape Proposals). 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 occupation of the buildings 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 providing a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the 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 in accordance with adopted Swansea Local Development (2010-2025) Policy PS2.
- 21 If during development archaeological deposits/artefacts are found to be present within the site but outside the area outlined green on plan ref. 444-105 Rev A (Planning Drawing - Archaeological Area) and outside of the outline planning permission area under reference 2006/1206, then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for a written scheme of historic environment investigation. This written scheme of investigation must detail how these archaeological deposits/artefacts shall be dealt with. The development shall thereafter be carried out in accordance with the requirements and standards of the written scheme.

Item 5 (Cont'd)

Application Number:

2020/0853/S73

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with adopted Swansea Local Development (2010-2025) Policy HC2.

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, HC2, H1, H2, H3, SI1, SI3, SI6, SI8, ER1, ER2, ER6, ER8, ER9, T1, T2, T5, T6, EU4, RP1, RP4, RP5, RP6, RP7.
- 2 All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

The developer is reminded of the requirement for traffic calming features as outlined in the Section 106 Agreement (section 4). These features must be agreed with the Highways Authority and be completed as a matter of urgency.

Note: The Developer must contact the Highway Management Group, The City and County of Swansea , Guildhall, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please email networkmanagement@swansea.gov.uk.
