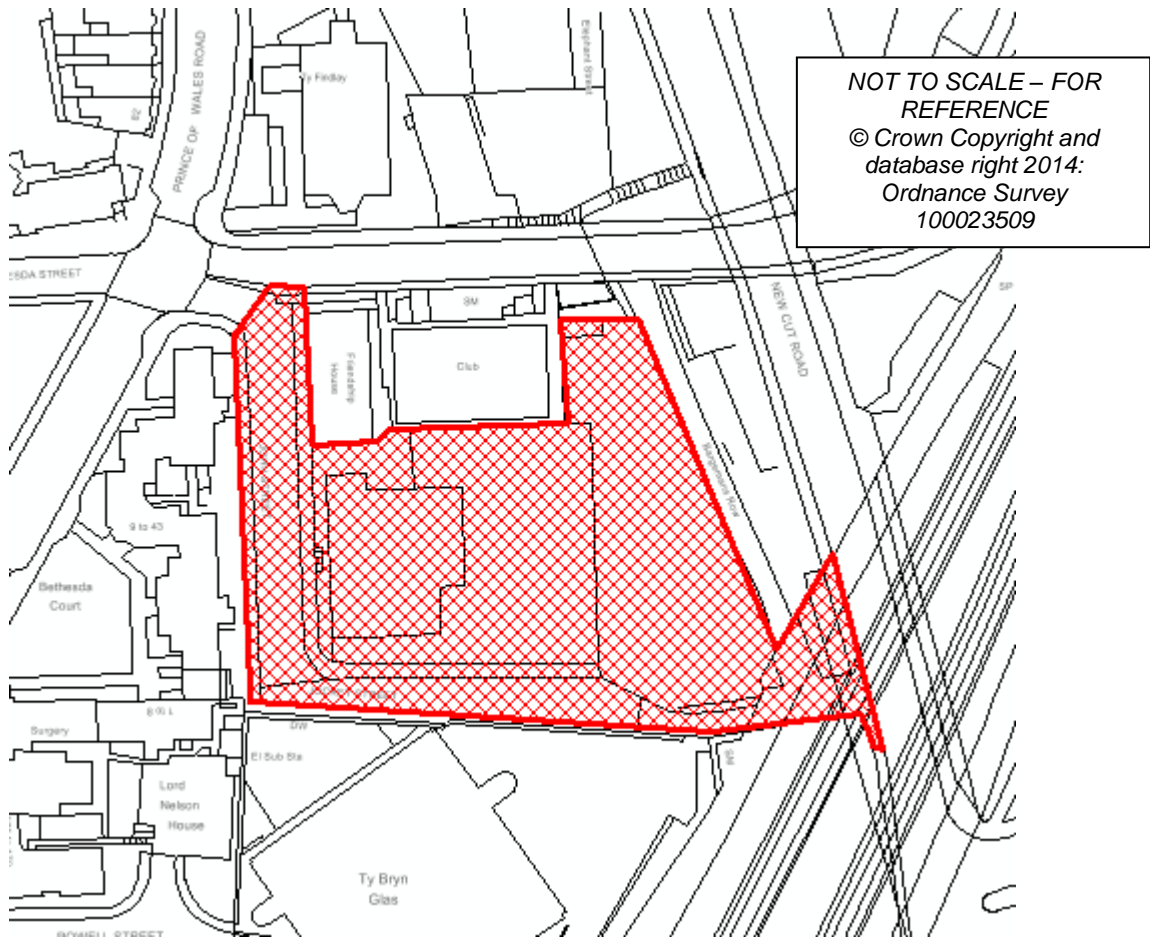


<b>Item 1</b>	<b>Application Number:</b>	2020/0097/FUL
	<b>Ward:</b>	Castle - Bay Area
<b>Location:</b>	<b>Land North Of Jockey Street, Swansea, SA1 1NS</b>	
<b>Proposal:</b>	<b>Construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works</b>	
<b>Applicant:</b>	<b>Mr Garip Demirci</b>	



**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.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

**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 - SD1 - Strategic Development Areas**

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

**LDP - SD2 - Masterplanning Principles**

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

**LDP - SDJ - Site specific policy Swansea Central**

Site specific policy for Strategic Development site Swansea Central Area setting out placemaking principles and development requirements.

**LDP - IO1 - Supporting Infrastructure**

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

**LDP - IO2 - Employment and Training Opportunities**

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

**LDP - H11 - Purpose Built Student Accommodation**

Purpose Built Student Accommodation - 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 they accord with an approved masterplan for a Higher Education Campus, will not give rise to an additional number of residential units at the Swansea University Bay Campus, or the development would benefit the vitality and viability of the Swansea Central Area.

**LDP - HC1 - Historic and Cultural Environment**

Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

**LDP - HC2 - Preservation or Enhancement of Buildings and Features**

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.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

**LDP - SI1 - Health and Wellbeing**

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

**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 - 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 dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

**LDP - T2 - Active Travel**

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

**LDP - T5 - Design Principles for Transport Measures and Infrastructure**

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

**LDP - T6 - Parking**

Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

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 - 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 NAPPA 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.

**LDP - RP4 - Water Pollution and the Protection of Water Resources**

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.

## Planning Committee – 3rd November 2020

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

LDP - RP10 - Sustainable Waste Management for New Development  
Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

### 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
2005/0367	New pedestrian ramped access to entrance and exit doors (Council Development Regulation 3)	APP	07.04.2005

### 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.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

### 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:



**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

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 a 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.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

**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.

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



Item 1 (Cont'd)

Application Number:

2020/0097/FUL

### **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. 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.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

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

**Head of Environmental Management (Pollution Control)**- conditions are recommended in respect of the A3 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:

**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.

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.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

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.

**Highway Authority - Final Report**

This application concerns the construction of a purpose built student accommodation building comprising 328 bedrooms, ancillary facilities, 18 car parking spaces and 164 cycle spaces.

Previous comments have been submitted, and the applicant has subsequently provided a Stage 1 Road Safety Audit amended the design of the external works.

It has also been demonstrated that car park access visibility is acceptable, and there is sufficient space within Jockey Street to allow a refuse vehicle to turn.

The proposals include improvements to the pedestrian environment around the site, together with enhanced CCTV and lighting in the underpass between Jockey Street and New Cut Road, the Road Safety Audit mentions the risk of slips, trips and falls due the gradient and surfacing in the tunnels, this should be addressed also.

There may be the opportunity to stop up the tunnels and create a new path to New Cut Road, this falls outside of the scope of this application, but could provide a better solution should this be progressed in the future.

It is accepted that the site is in a sustainable location, and as such reduced car parking levels are appropriate, there remain concerns regarding pick up and drop off times at the start and end of term. A detailed parking management scheme should be provided. This can be secured by condition.

An outline travel plan has been submitted, this is suitable for a development of this nature. The developer / operator will be required to appoint a Travel Plan Coordinator, set realistic, measurable targets for sustainable travel and provide annual updates, again this should be secured by condition.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

There remain significant gaps in infrastructure for pedestrians and cyclists for routes between Jockey Street and University campuses, cycle and pedestrian routes on Strand, New Cut Road, Second Tawe Crossing and Prince of Wales Road require upgrading to provide safe infrastructure to maximise the potential for non-car borne trips.

In line with LDP policy T6 and the Council SPG on Section 106 contributions there are shortfalls in the existing infrastructure that would need to be improved to mitigate for this level of development at this location. For the numbers of units involved this would be a maximum of £142,000. Areas identified at this preliminary stage include:

1. Improve the existing on road cycle route along the Strand, which runs as far as Kings Lane, and also extend it as far as Quay Parade, where it will tie in with the route on the shared use path.
2. Footways on the second Tawe Crossing to provide another route across the river
3. Convert the crossings on the junction with Parc Tawe Link to Toucan type.
4. Improve the footway connection from John Street to Prince of Wales Road.

I can confirm that Highways has no objections to the proposals subject to:

- i. All external highway works, new accesses and improvements to the existing underpass between Jockey Street and New Cut Road being completed to Highway Authority standards and specification prior to beneficial occupation.

Note: Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out. Please contact the Highway Authority's Network Management Team at [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk), allowing sufficient time for preparation and signing the agreement.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.

- ii. The Section 106 to include details of a parking management scheme for the parking within the basement area. The document should make specific reference to general day to day management as well as the pick-up and drop off arrangements at the beginning and end of term which have the potential to bring more vehicles than can be accommodated at once.
- iii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.

## Planning Committee – 3rd November 2020

**Item 1 (Cont'd)** **Application Number:** 2020/0097/FUL

- iv. The Section 106 to include the financial contributions as outlined above, to provide for off-site pedestrian and cycling enhancements at a value of £142,000.
- v. That the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing. This should be based on the framework Travel Plan submitted with the application and include a 5 period of monitoring at the Developer's expense with the results to be submitted to the LPA.
- vi. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- vii. The development should be occupied by registered students only, in the interests of highway safety.

### **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:



Item 1 (Cont'd)

Application Number:

2020/0097/FUL

*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. 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.



Item 1 (Cont'd)

Application Number:

2020/0097/FUL

### Scale form and massing

The main requirement for tall buildings is for the massing to be slender and elegant and not monolithic in appearance. 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 1 (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 1 (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 1 (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 have 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. 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.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

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
- Main entrance
- Brick details and interfaces between materials
- Typical bedroom windows in their openings

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

- 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.

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.



Item 1 (Cont'd)

Application Number:

2020/0097/FUL

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.

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

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

- 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 forms the development plan for the City and County of Swansea under the provisions of section 38(6) of the Planning Act.

The following LDP policies are relevant to the determination of this planning application:

- Placemaking and Sustainable Development PS 1 & PS 2;
- Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area);
- Infrastructure Requirements and Obligations IO 1 & Supporting Infrastructure IO 2;
- H 11: Purpose Built Student Accommodation;
- Historic and Cultural Environment HC 1 & HC2;
- Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety);
- Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks/Biodiversity);
- T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking;
- Policy EU4: Public Utilities and New Development;
- Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.

Supplementary Planning Guidance (SPG):

The following SPG are relevant to the proposed development:

- Planning Obligations (Adopted March 2010);
- Parking Standards (Adopted March 2012);
- Planning for Community Safety (Adopted December 2012)
- Swansea Central Area Regeneration Framework (SCARF) - Adopted Feb. 2016.
- Swansea Tall Buildings Strategy - Adopted Nov. 2016;

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

- Purpose Built Student Accommodation (PBSA) - Adopted Dec. 2019;
- Swansea Central Area: Regenerating Our City for Wildlife and Wellbeing Green Infrastructure Strategy - Draft.

The above SPG provides further information and guidance to support and clarify the policies described in the Appraisal 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 Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent (PS1 & PS2). Detailed design of the proposal will need to take account of LDP Policy PS 2. This 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. 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.

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:

- 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.

The application site lies directly adjacent to the defined Swansea Central Area.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

### **Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance**

As indicated above, 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. 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.*

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

Within the national and local planning context, there is a clear support for the principle of the development at this City Centre location and the uses proposed, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore considered to accord with development plan policy.

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

This is considered in detail in the Placemaking and Heritage Team observations above, and a summary is provided here together with that of the supplementary planning guidance.

#### 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:

- 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.
- 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 1 (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.

### **Green Infrastructure/ Sustainable Urban Drainage**

The LDP provides specific policies on open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8, 9 &11), social infrastructure (SI 2) provision and mitigation of impacts of development. Green infrastructure and biodiversity - Green Infrastructure (ER2) and biodiversity (ER 9) are a central facet of the Plan and fundamental to good placemaking. It is clear that the applicant has fundamentally embraced the objectives of integrating GI within development. The Councils draft Swansea Central Area: Regenerating Our City for Wildlife and Wellbeing Green Infrastructure Strategy sets out that the Council will apply the Green Space Factor Tool (GSF) in consideration of all development in the Swansea Central Area. This is a simple method for measuring the area and likely effectiveness (in providing various ecosystem services) for various green infrastructure types included in project proposals.



Item 1 (Cont'd)

Application Number:

2020/0097/FUL

As outlined in the Placemaking comments above, the revised scheme has incorporated green infrastructure proposals into the proposed development in the form of a rain garden on the Jockey Street frontage which will hold water to irrigate planting with overflow restricted into the sewer system, and biodiverse planting and these can be secured via condition.

### Community Safety and Public Realm

LDP Policy SI 8 states that development must be designed to promote safe and secure communities and minimise the opportunity for crime. In particular development shall:

- i. Create places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security;
- ii. Provide adequate natural surveillance (overlooking) of adjacent streets and spaces;
- iii. Be designed to make crime difficult to commit by increasing the risk of detection;
- iv. Create a sense of ownership by providing a clear definition between public and private spaces;
- v. Promote activity that is appropriate to the area, providing convenient access and movement routes;
- vi. Provide, where necessary, well-designed security features that integrate sympathetically with the surrounding streetscene, buildings and open spaces;
- vii. Create places that are designed with management and maintenance in mind, to discourage crime in the present and the future; and
- viii. Avoid the creation of gated communities.

'Designing in' Community Safety is key to the delivery of safe and sustainable communities, and should be considered in all developments in all locations. 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. This policy should be read together with Policy PS 2 Placemaking and Place Management. Community Safety requirements should be balanced against the need to create sustainable, attractive and well connected communities.

As highlighted, the Inspector found the pedestrian links through the tunnels underneath the 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.

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.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

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 the public highway (subject to separate Section 278 Highway Agreement) to reflect 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**

As indicated above, detailed design of the proposal will need to take account of LDP Policy PS 2 and all proposals should ensure that no significant adverse impacts would be caused to people's 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:

- 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.
- 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 neighbour's occupiers who should continue to receive good levels of daylight and sunlight amenity following its construction.

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

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

LDP Policies in respect of Highways and Active Travel indicate that the transport requirements for development are set out in LDP Policies T1, T2, T5 and T6. Policy T 5 requires the accessibility of sites to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes.

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 stating: *"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

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.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

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 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. To this effect the development is largely similar to schemes that have obtained planning permission and are nearing completion both within and on the periphery of the City Centre, for example, at Mariners Street, The Kingsway, Morfa Road and Plot A1 in SA1.

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. 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.

Therefore, in respect of car parking, it is accepted that the site is in a sustainable location, and as such reduced car parking levels are appropriate, and 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.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

It should be noted that case law has established, following *R (Khodari) v Royal Borough of Kensington and Chelsea [2017]*, that the Appeal Court judge in this case noted that section 106 requires restrictions placed "on land" to be used in a specific way, and this means that the Section 106 can only control land which the individual making the agreement has an interest (i.e. the application site which in this case would be the car park, and it would not include land beyond the application site where there is a direct relationship, and would not extend to restricting parking on the public highway.)

Highway Officers have previously expressed concerns in relation to the movement of vehicular traffic within John Street / Jockey Street associated with the proposed development, and the applicant has subsequently provided a Stage 1 Road Safety Audit which has amended the design of the external works. This has also demonstrated that car park access visibility on John Street is acceptable, and there is sufficient space within Jockey Street to allow a refuse vehicle to turn (in addition to delivery vehicles). The proposals also include improvements to the pedestrian environment around the site, together with enhanced CCTV and lighting in the underpass between Jockey Street and New Cut Road.

Separate to this development, Police / Community Safety and Highway Officers have expressed a desire to stop up the pedestrian tunnels which run underneath the railway line in order to address issues of crime and anti-social behaviour within the area. If the tunnel at the end of Jockey Street is stopped up, preliminary discussions have taken place with the developer to create a new path down the embankment to New Cut Road, however, this proposal is not currently part of the this planning application, but could provide a better solution in terms of community safety should this be progressed in the future. The commitment to a Section 106 Planning Obligation could contribute to this proposal.

As highlighted in the highway report, there are significant gaps in infrastructure for pedestrians and cyclists for routes between Jockey Street and University campuses, cycle and pedestrian routes on Strand, New Cut Road, Second Tawe Crossing and Prince of Wales Road require upgrading to provide safe infrastructure to maximise the potential for non-car borne trips. In line with LDP policy T6 and the Council SPG on Section 106 contributions there are shortfalls in the existing infrastructure that would need to be improved to mitigate for this level of development at this location. For the numbers of units involved this would be a maximum of £142,000 (the applicant has indicated a willingness to enter into a Section 106 Planning Obligation for this agreed amount). Areas identified at this preliminary stage include (but not exclusively):

- Improve the existing on road cycle route along the Strand, which runs as far as Kings Lane, and also extend it as far as Quay Parade, where it will tie in with the route on the shared use path;
- Footways on the second Tawe Crossing to provide another route across the river;
- Convert the crossings on the junction with Parc Tawe Link to Toucan type;
- Improve the footway connection from John Street to Prince of Wales Road.

The completion of a Section 106 Planning Obligation 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 and would also be justified having regard to the reduced car parking provision.



**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

In this case the scheme provides a reduced amount of 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. 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

HC 2 seeks to ensure that any new development accords with the special architectural and historic interest of historic assets and in respect of archaeology, development should be sensitive to the preservation of archaeological remains, and National Planning Policy and Guidance stresses the need to evaluate sites, record them and preserve those that are most important. Developers should therefore identify the likely archaeological resource within the proposed development area and may be required to introduce appropriate mitigation measures into the proposal to protect the identified resource.

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.

**Item 1 (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**

Strategic Policy HC1 seeks to secure the sustainable management, preservation and enhancement of the character and appearance of the historic and cultural environment, whilst supporting appropriate heritage led regeneration proposals to realise the social and economic potential of these assets. HC 2 seeks to ensure that any new development accords with the special architectural and historic interest of designated conservation areas and their settings.

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.

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

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.

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**

LDP Policy RP 5 seeks to prevent development within flood risk areas unless it can be demonstrated that the development can be justified in-line with national guidance and is supported by a technical assessment that verifies that the new development is designed to alleviate the threat and consequences of flooding. The application site is located within Zone A (little or no flood risk from rivers or sea). The closest fluvial flood zone 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.

Policy EU4 highlights the need for the development to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure. 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]:

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

"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 NO<sub>2</sub> are above the relevant AQOs at a number of locations of relevant public exposure within the area. 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 NO<sub>2</sub> and PM<sub>10</sub> exposure, including at the surrounding AQMAs are determined to 'negligible'. The predicted annual mean ground level NO<sub>2</sub> and PM<sub>10</sub> 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.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

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.

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**

LDP Policy RP 10 requires new development to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. 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**

LDP Policy ER 8 seeks to manage and mitigate development where it may have a significant adverse effect on the resilience of protected habitats and species. 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.



Item 1 (Cont'd)

Application Number:

2020/0097/FUL

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.

The benefits of this development which include regeneration of this area, retaining an active frontage at ground floor level within the development and would further seek to discourage antisocial behaviour in the area. 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:**

## Planning Committee – 3rd November 2020

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

1. Car Parking Management in accordance with a Management Plan to include details of a parking management scheme for the parking within the basement area. The document should make specific reference to general day to day management as well as the pick up and drop off arrangements at the beginning and end of term which have the potential to bring more vehicles than can be accommodated at once.
2. The provision of a mechanism to deal with the control of 'on-site' parking through the production and agreement of a Tenancy Agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
3. The development shall be occupied by registered students only, in the interests of highway safety.
4. 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, and to possibly include:
  - Improve the existing on road cycle route along the Strand, which runs as far as Kings Lane, and also extend it as far as Quay Parade, where it will tie in with the route on the shared use path;
  - Footways on the second Tawe Crossing to provide another route across the river;
  - Convert the crossings on the junction with Parc Tawe Link to Toucan type;
  - Improve the footway connection from John Street to Prince of Wales Road.
5. 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, T6, PS2 and IO1 of the Swansea Local Development Plan 2010 - 2025**

### And subject to the following Planning Conditions:

- 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.

**Planning Committee – 3rd November 2020**

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

- 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 and 010114 Rev A Proposed Visibility Splay received 29 September 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 – 3rd November 2020

### Item 1 (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.

**Item 1 (Cont'd)**

**Application Number:**

2020/0097/FUL

- 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.

- 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.



## Planning Committee – 3rd November 2020

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|------------------------|----------------------------|---------------|
| <b>Item 1 (Cont'd)</b> | <b>Application Number:</b> | 2020/0097/FUL |
|------------------------|----------------------------|---------------|
- 
- 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.
- 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 be verified by the appropriate testing methodology upon completion.
- Reason: To protect the proposed residential use against noise emanating from the commercial activity on the ground floor.
- 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:

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

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) 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.

**Item 1 (Cont'd)** **Application Number:** 2020/0097/FUL

- 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;
- 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.

## 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: [The following LDP policies are relevant to the determination of this planning application:

Placemaking and Sustainable Development PS 1 & PS 2; Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area); Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2; Housing H11; Historic and Cultural Environment HC 1; Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety); Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks / Biodiversity); T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking; Policy EU4: Public Utilities and New Development; Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development].

## Planning Committee – 3rd November 2020

Item 1 (Cont'd)

Application Number:

2020/0097/FUL

- 2 Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out. Please contact the Highway Authority's Network Management Team at [networkmanagment@swansea.gov.uk](mailto:networkmanagment@swansea.gov.uk), allowing sufficient time for preparation and signing the agreement.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.

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**Planning Committee – 3rd November 2020**

**Item 2**

**Application Number:**

2019/2882/S73

**Ward:**

Clydach - Area 1

**Location:**

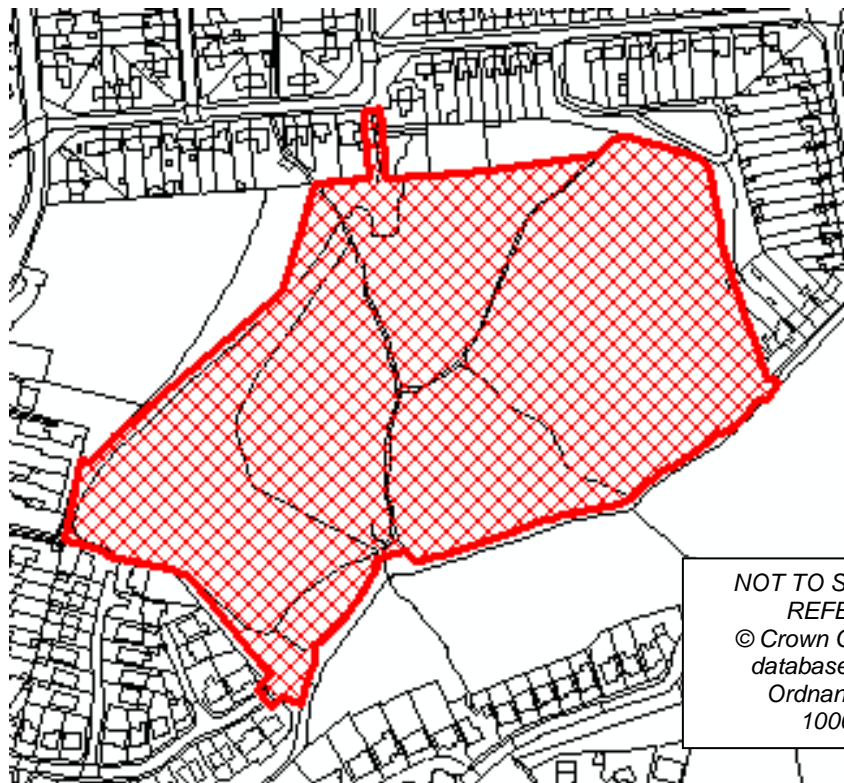
Land At Bryn Hawddgar, Clydach, Swansea, SA6 5LA

**Proposal:**

Residential development comprising 70 dwelling houses with associated roads and open space (details of the appearance, landscaping, layout and scale of the development including proposed levels of each dwelling of planning permission 2006/0650 as varied by 2011/0329 and 2013/0425) (Variation of conditions 1 of planning permission 2018/1279/RES granted 6th December 2018 to amend the approved plans.

**Applicant:**

Pobl Group



**Background Information**

**Policies**



## Planning Committee – 3rd November 2020

Item 2 (Cont'd)

Application Number:

2019/2882/S73

### Site History

App Number	Proposal	Status	Decision Date
2018/1279/RES	Residential development comprising 70 dwellings houses with associated roads and open space (details of the appearance, landscaping, layout and scale of the development including proposed levels of each dwelling of planning permission 2006/0650 as varied by 2011/0329 and 2013/0425)	APP	06.12.2018
2019/2882/S73	Residential development comprising 70 dwelling houses with associated roads and open space (details of the appearance, landscaping, layout and scale of the development including proposed levels of each dwelling of planning permission 2006/0650 as varied by 2011/0329 and 2013/0425)(Variation of conditions 1 of planning permission 2018/1279/RES granted 6th December 2018 to amend the approved plans.	PDE	
2019/2885/DOC	Discharge of condition 13 (drainage) of planning permission 2006/0650 granted 6th March 2008	PCO	
2020/0179/NMA	Residential development comprising 70 dwelling houses with associated roads and open space (as varied by 2011/0329 and 2013/0425) Non Material Amendment to planning permission 2006/0650 granted 6th March 2008 to include minor alterations to road alignment and include a pedestrian link to east of site	APP	26.02.2020

## Planning Committee – 3rd November 2020

Item 2 (Cont'd)		Application Number:	2019/2882/S73
2013/0425	Variation of conditions 2 and 15 of planning permission 2006/0650 as varied by 2011/0329 to extend the time period for the submission of the reserved matters and the submission of a travel plan (outline planning permission granted 6th March 2008 for 'Residential development comprising 70 dwelling houses with associated roads and open space').	S106	09.06.2015
2011/0329	Variation of conditions 2 and 15 of planning permission 2006/0650 granted 6th March 2008 to extend the time period of the submission of the reserved matters by a further 2 years and the submission of the travel plan by a further 2 years	S106	15.04.2011
2006/0650	Residential development, comprising 70 dwelling houses with associated roads and open space (outline)	S106	19.03.2008
2002/2190	Construction of attached garage on side elevation	APP	14.02.2003

### Background

The application is being reported to Planning Committee as it exceeds the development threshold.

By way of background, outline planning permission 2006/0650 was granted on the site for 70 dwellings with associated roads and open space in March 2008. This planning permission was renewed twice on the site in 2011 (2011/0329 refers) and 2015 (2013/0425 refers).

This planning permission was subject to a Section 106 agreement relating to:

- 8 Affordable housing units on site
- Education contribution of £62,375 for improvements to YGG Gellionnen.
- Highways improvements to Gellionnen Road/Vadre Road/Lone Road of £87,500
- Highways improvements to provide traffic calming measures in the vicinity of the development of £36,033.50.

Planning permission for the approval of reserved matters was granted in December 2018 – 2018/1279/RES refers and that layout indicated the mixture of dwellings as 38 x 4 bedroomed houses, 26 x 3 bedroomed houses, 6 x 2 bedroomed dwellings.

**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

Eight of the dwellings were allocated as affordable housing as specified in the Section 106 agreement and were pepper potted throughout the site. The site also included an area of Local Area of Play (LAP) located centrally within the site.

This application is a S73 application to vary the reserved matters previously approved as part of the 2018 permission. It should be noted that the reserved matter “access” was considered and approved as part of the outline permission.

The S73 application site has an area of approximately 5ha. Therefore, the original proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as the application site area exceeds 1ha. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

**Site Location**

The application site is 5.48 hectares in area and is currently undeveloped, containing woodland, scrub, and grassland as well as two streams which converge and run as a single stream to the woodland to the south. The northern boundary of the site abuts housing on Tanycoed Road, the western boundary abuts Y.G.G. Gellionen, the south-western boundary housing on Bryn Hawddgar and Ffordd Abiah and the eastern boundary housing on Brynamlwg and Heol y Fagwr. Woodland exists to the south with housing development on Woodlands Avenue beyond.

Access to the site would be obtained from Bryn Hawddgar to the south west and Tanycoed Road to the north with this road extended to form the main spine road within the site with pedestrian routes through to allow access to Tan y Coed Road and Fagwr Road. Approximately one third of the site area will be retained as open space.

**Description of Development**

This application is a S73 application submitted to vary condition 1 of reserved matters consent 2018/1279/RES in so far as the approved plans are concerned. The development as part of this submission comprises of 70 dwellings in a mixture of 2, 3 and 4 bedroomed dwellings as below:

- 8 x 4 bedroomed houses (4 to DQR standard)
- 36 x 3 bedroomed dwellings (12 to DQR standard)
- 26 x 2 bedroomed dwellings (8 to DQR standard)

The dwellings would be 2 storey in nature, constructed in brick with tiled roofs and comprise a mixture of semi-detached and detached properties. A Local Area of Play (LAP) would be provided on the main street into the development on the corner of Roads 1 and 2.

**Planning Policy**

**Adopted Swansea Local Development Plan (2010-2025)**

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

**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

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

HC 3 Development in the Welsh Language Sensitive Area – Proposals within the Language Sensitive Area (defined on the Proposals Map) will safeguard and promote the Welsh language throughout the County by complying with the policy principles.

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.

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 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

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 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.

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.

Item 2 (Cont'd)

Application Number:

2019/2882/S73

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.

**Consultations:**

**Drainage Officer:**

The grant of a Section 73 application in effect creates a new planning permission which brings the requirements of Schedule 3 of the Flood and Water Management Act 2010 into play, as the changes in layout are a material change this site in all probability requires SAB approval before any works can commence. Notwithstanding the comments on the DOC application, under the Statutory SuDS Standards the drainage strategy is not acceptable in principle.

**Tree Officer:**

No objection.

**Dwr Cymru Welsh Water:**

Firstly, we have no comments to make on the application to vary condition 1 of permission 2018/1279/RES; however, we are unaware of condition 13 relating to discharge of drainage details.

Dwr Cymru Welsh Water (DCWW) were consulted on the application for approval of reserved matters and by response (Ref: PLA0035225) offered no objection subject to compliance with the requirements of condition 12 on outline permission 2013/0425 and referred to combined and foul water public sewer crossings within the site. Condition 12 requires the submission of a drainage scheme prior to commencement of development and would appear to replicate the wording of condition 13 on permission 2011/0329 previously. In any event, our most recent comments (Ref: PLA0035225) acknowledged that the development as shown on the 'Proposed Site Plan' (Drawing No. G1341-P01), would be situated within the protection zone of the combined public sewer and therefore recommended the developer undertake a survey to ascertain the location of this sewer.

As part of this latest application, assuming related to discharge of condition 13 on permission 2011/0329, we acknowledge receipt of a 'Drainage General Arrangement' (Drawing No. 001 Rev. A) which indicates proposals to discharge foul and surface water flows to the public sewer and watercourse respectively and we consider acceptable in principle. However, the accompanying 'Drainage Strategy' (Ref: IR18255-DS1) highlights that a CCTV survey has been carried out to accurately plot the position of the sewer, albeit is not available as part of the report.

Therefore, with respect to our previous comments (Ref: PLA0035225), at this time we are unable to recommend discharge condition 13 on permission 2011/0329 and offer a holding objection until such time as the aforementioned CCTV survey is provided and reflected within the 'Drainage General Arrangement' as well as any proposals to divert the sewer, as and where necessary.



Item 2 (Cont'd)

Application Number:

2019/2882/S73

**Natural Resources Wales:**

We have reviewed the planning application submitted to us and note that the conditions to be discharged were not requested by NRW under the original planning application. Therefore, we have no comments to make on this consultation.

**Placemaking and Heritage Officer:**

In terms of the landscape detail, this can be deferred to the Landscape Team for comment. Specifically, in relation to the POS, this will need a substantial boundary from day 1, whilst the perimeter hedgerow grows in order to prevent the possibility of children running out into the street. Details of this should be provided.

The small park itself needs to include some informal paths and benches for people to sit down, rather than just an expanse of grass – these details should be shown on the plans.

The enclosure to the rear of the park (side boundaries to plots 15 & 16) needs to include brick screen walls, not close board fencing. There could be some planting in front of the walls to soften.

Looking throughout the site more widely, the side boundaries to plots 4, 9 & 43 are prominent and therefore also need to be brick (not CBF).

**Highways Officer:**

Background

The layout which has been approved for access to the site has consistently shown a connection to existing highway Bryn Hawddgar with a two-way vehicular access and footway provision on both sides. This application 2019/2882/S73 has also shown this layout since original application in December 2019 and up until January 2020 in Overall Site Layout Revision A A110. In July 2020 an amended layout plan Site Boundary Layout Revision C A105 was submitted, with no noted supporting information, and proposes significant alterations to the access approach (Road One) and the first cul de sac (Road Four) layout.

The layout illustrates the loss of the southern footway on the main access route and also seeks to reduce or remove footway provision outside of the existing end two properties on Bryn Hawddgar (southern extent). The cul de sac is proposed to be narrowed, footways removed and turning head compacted.

The applicant has attempted to enter into Section 278 Agreement using the recent and unconsented layout arrangement. What has also become apparent during the post consent discussion is that where highway works are required on Bryn Hawddgar and its cul de sac junction, the red line application boundary does not contain the required areas.

This update has been prepared following a reconsult of the above. The planning layout 'Site Boundary Layout' A105 Rev E dated 22.01.20 was submitted in September 2020. This appears to show the access into the site, Road One and the cul de sac, Road Four, as per the consented layout.

**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

Highways Position

The previous consultation on this scheme resulted in a recommendation for refusal based on the departure of the access and cul de sac from the consented scheme and a downgrade in design in terms of access, sustainable travel and safety.

It is assumed with the submission of the Site Boundary Layout A105 Rev E that the layout is proposed to remain as per the existing consent.

If this is not the case, the following contains the summary of the comments made previously and which will apply:

Previous comments:

The lengthy planning history shows that Highways were generally accepting of this application site, subject to appropriate and safe access and internal layout. This has not been an issue until the recent amendments were submitted in July.

The proposed removal of footway from the consented access arrangements is not acceptable. Furthermore, the removal or reduction of footway outside of existing residential dwellings is contrary to national and local policy, public benefit and the requirements to facilitate safe active travel.

The access proposals suggest a step change and downgrade in consented provision and will not be supported.

In terms of access road design which is expected to be presented for Section 278 agreement, it is expected that the route is designed to adoptable standards and this will require:

- A carriageway of a minimum of 5.5 metres width;
- Carriageway widening beyond this where necessary and where identified through full swept path assessment;
- Footways on each side of the carriageway at 2.0 metres width each;
- Appropriate treatment in the transition from Bryn Hawddgar to the proposed site, including appropriate forward visibility;
- An appropriate street lighting scheme; and
- Highway works, as necessary, to ensure that Bryn Hawddgar and the new development interface and connect safely.

The issue with the recently discussed proposed Section 278 Highway works being located outside of the current red line application boundary are likely to render the application invalid.

The proposed alterations to cul de sac (Road Four) are also a down grade in provision that result in a narrow carriageway particularly on the bend, no footways and an inadequate turning area that is unlikely to meet day to day requirements in safe and appropriate manner. The consented scheme is considered the more appropriate layout.

**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

Should the layout not be proposed to change, the site does benefit from planning consent and instead attention would be drawn to the comments on the site red line boundary. In the recent contact to attempt engage into the Section 278 process the submitted plans showed the extent of works required which include and go some way beyond the nearby existing junction on Bryn Hawddgar. This appears to be outside of any red line boundary plans which have been received and reviewed to date. If the required works are outside of the application boundary this is likely to cause issues progressing detailed design matters and this application.

### Conclusion

The principal of residential development at this location is subject to safe and satisfactory access and internal circulation being provided. It is also based upon the ability to demonstrate that it can be serviced day to day, safely and effectively whether by vehicle, cycling or walking.

If the layout is proposed to remain as consented, there would be no further objection as this time, although the applicant is requested to review the concern over the red line boundary extent.

Should it instead be the case that the submitted proposals work to detriment the long standing agreed level of provision and the consented layout arrangements, the Highway Authority would strongly object to the proposed changes and recommend that the application is refused on the grounds of highway safety and inadequate access arrangements.

### **Clydach Community Council:**

We note the changes and are glad to see more affordable homes in the area. We would like to ensure that

1. There is no vehicular access from the site onto Tan Y Coed Road unless there is significant widening of the "S" bend at the junction of Tan y Coed road and Penydre Road.
2. The previous Section 106 costs associated with the site remain as part of this application and that the Community Council is involved in its distribution.
3. A major concern is flooding. The developer has shown drainage plans for the site but not how it will affect flooding on Capel Road and Woodland Avenue. We would suggest that the developer contribute to installing a large covered culvert or appropriate drainage to offset this.

### **Rebecca Evans AM:**

I write with regards to the above planning application, following correspondence received from local constituents raising their concerns, which I have outlined below:

- My constituent's feel more information should be made available regarding the flood assessment.
- My constituents are concerned about the potential for more congested roads, particularly around Vardre and Lone Road from Gellionnen Road, and also the potential disruption caused by plant machinery.

**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

- My constituents would like to see a child safety and environmental impact assessment carried out, given the site's proximity to the local school and previous concerns raised regarding the displacement of rodents and poison being used to resolve the problem.
- My constituents are concerned about the potential environmental impact on bats, badgers and other wildlife in the area.
- My constituents raised concerns about the impact on capacity in local services.
- My constituents raised concerns around building on green sites.
- My constituents feel that the allocation of social housing on the site is insufficient to help local people.

I will be grateful if my constituent's points could be considered during the planning process.

**Councillor Bowmer:**

We need to be mindful of the extra traffic this would cause on an already very busy route to school. The extra pressure on the sewerage system needs to be thought about. But my main concern is losing very precious green land. The wildlife, the natural space, It's so sad to think that we will lose even more green space! Please think very carefully about allowing this development!

**Neighbour comments:**

The application was advertised on site and in the press and FIFTEEN individual properties were consulted.

SIXTY-NINE LETTERS OF OBJECTION have been received, which are summarised as follows:

1. The junction of Vardre Road is already congested and this would make parking more difficult.
2. Not enough public consultation on the effect the development will have on local services.
3. Local doctors and dentists already overstretched.
4. No road safety place for children to cross.
5. Climate change.
6. Scandal to cut down more trees.
7. Travesty for local community and wildlife.
8. Sewage system can't cope with more houses.
9. Loss of light, privacy and safe place for children to play.
10. Adverse impact upon property prices.
11. Protecting not destroying our trees should be a priority.
12. Area already at capacity and 100+ more cars will cause severe problems.
13. Affordable houses will be of no benefit to local residents.
14. Schools already overpopulated with large class sizes.
15. Clydach cannot cope with all these new builds.
16. The blind junction with Vardre road will increase the chance of an accident.
17. This green space should be preserved.
18. Bats in the area.
19. I have seen vague suggestions this will be 'some' affordable housing but invariably this is back tracked on once planning is granted. I would like to see guarantee that at least 50% of the proposed homes will be affordable if the project was to go ahead.

Item 2 (Cont'd)

Application Number:

2019/2882/S73

20. Drainage issues.
21. Some woodland being retained is not enough.
22. Clydach also needs affordable housing and social housing rental stock not big private properties.
23. Increase in air pollution.
24. By building on a natural soakaway, flooding will be caused elsewhere.
25. No buses would be able to drive along Brynhawddgar.
26. Concerned over level of traffic in Tanycoed.
27. Quiet area at present.
- 28.28. Concerns over contractor noise, dust, delivery traffic and contractor parking.
- 29.29It's a green belt.
30. Concerns over impact of biodiversity on the site.
31. A lot of houses for such a small area.
32. Concerns over removal of woodland that children have played in for many years.
33. This will turn Clydach into a concrete jungle and lead to an increase in crime.
34. The heritage impact of this application has not been considered.
35. This will impact upon air quality.
36. No recent environmental or health impact assessment has been completed.
37. More litter, less wildlife, more antisocial behaviour

## APPRAISAL

### Main Issues

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

### Principle of Development

Several residents have commented that Clydach cannot cope with more development, the area is greenbelt and tree covered, concern regarding the impact the development would have on local services, increase in local traffic, impact upon air quality, not enough public consultation has been carried out and schools are already overpopulated.

As previously stated above, the site has extant outline planning permission for 70 dwellings. Access (and the internal road layout by association) was approved at outline stage and the previously approved reserved matters application included a layout for 70 dwellings. The application has been advertised in accordance with statute.

The current reserved matters scheme is also for 70 dwellings off the same road layout but the site is to provide predominantly affordable housing now and as such the size and layout of the dwellings themselves have been amended. The principle of residential development for 70 dwellings has therefore already been found to be acceptable and the application seeks consideration of the appearance, layout, scale and landscaping of the development.



**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

### **Placemaking Approach**

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

In visual terms the layout and plot density is appropriate for the area and does not result in an over development of the site. The houses will be built over a smaller area of land than previously approved and this means that a larger proportion of the wooded area will be retained. The proposal includes a mixture of 2, 3 and 4 bedroomed two storey dwellings which would be in keeping with the character and appearance of the surrounding area.

The Council's Placemaking and Heritage Team raised some concerns with some orientation and plot layout issues on the originally submitted plan. Their concerns referred to the road layout and parking provisions at the turning head with plots 5-8 in particular with other concerns relating to additional windows on some corner plots and the Local Area of Play (LAP) area. However, the road layout is as approved at outline stage and as such, their concern to this aspect was withdrawn.

The subsequent amended layout was submitted which included additional windows, a LAP area. Whilst these original concerns have been overcome, some additional changes were suggested i.e. a substantial boundary being in place for the LAP from day 1, whilst the perimeter hedgerow grows in order to prevent the possibility of children running out into the street, the small park itself including some informal paths and benches for people to sit down, rather than just an expanse of grass, the enclosure to the rear of the park (side boundaries to plots 15 & 16) needs to include brick screen walls, not close board fencing and the side boundaries to plots 4, 9 & 43 also needing to be brick instead of close boarded fencing as show. These details can be agreed via condition and it is recommended that these are added to any permission granted.

The houses would have a brick exterior but no specific details of the brick, walls, roof or colours for the windows, doors or rainwater goods have been submitted. Condition 7 of the outline permission requires details to be submitted to and approved in writing by the LPA prior to the commencement of development.

and as such, it is recommended that a condition be imposed for these specific details to be submitted for approval prior to commencement of works.

### **Trees/ Landscape/ Ecology**

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

Residents have raised concern about the loss of trees/ woodland and state that green space and woodland should be preserved. In addition, comments have been received with regards to the impact of the proposals on biodiversity and bats in the area.

**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

The application has been accompanied by an Arboricultural Impact Assessment which states that “to enable the successful retention of existing trees identified as categories A-C by the Pre-Development Tree Survey & Assessment it is essential that the rooting environments of these trees are not damaged. In order to achieve this, Root Protection Areas (RPA) should be plotted around all category A, B and C trees. This is the minimum area, in square metres, which should be left undisturbed around each tree to be retained to ensure their successful retention.

These RPA areas’ have been plotted on the submitted landscaping plan. The proposed residential development will result in the removal of a section of woodland, but it should be noted that only a small section of the wider woodland is being removed and that none of these trees are categorised as high quality. Furthermore, it is considered that, providing a woodland management scheme (including new woodland planting) is implemented as part of the proposals, the development can be constructed without unacceptable impacts upon the arboricultural character of the area.”

The Council’s Tree Officer raised some issues with regards to the original layout and the impact upon the trees. The layout was amended and a further Tree Constraints plan and assessment was submitted to overcome the concerns and as such, the Tree Officer considers the information acceptable. It should also be noted that the development footprint has reduced since the previous approval, therefore this development would have less of an impact on the surrounding woodland / environment.

**Green Infrastructure**

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

In both the approved and current layout, the development of the site is restricted to approximately 2/3<sup>rds</sup> of the site with the northern section of the wooded area being retained as open space. The original scheme was considered to be acceptable in terms of this impact upon ecology and although the dwelling layout has changed, the open area and greenspace has not been reduced. It should be noted that as part of the original outline planning permission, wildlife mitigation measures were conditioned to be undertaken as part of condition 13. These measures would still need to be adhered to prior to commencement of works on site.

The dwellings in the original reserved matters submission followed the same road layout but the houses were larger and only 8 dwellings were to be affordable. The houses are restricted to a smaller area on road 4 and as such the amount of open area will be increased as part of the current submission.

**Residential Amenity**

Policies RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively but it must be remembered that the principle of residential development has already been established on the site for 70 dwellings. Comments have been received about concerns during construction and loss of light and privacy to existing residents.

**Item 2 (Cont'd)**

**Application Number:**

2019/2882/S73

The layout ensures that each dwelling has a sufficient amount of residential amenity space and complies with the minimum distances between dwellings to prevent any overbearing physical impact. The fenestration detailing and window orientation has taken into account the difference in land levels in the site and ensures that the development does not give rise to direct overlooking or loss of privacy for future occupiers.

The dwellings are also a sufficient distance from existing occupiers on Bryn Hawddgar or Ffordd Abiah to ensure that no loss of light or loss of privacy is experienced and landscaping between the site and nearest properties would provide a further buffer to the development. Any issues during construction could be considered under relevant nuisance legislation either by Environmental Health and/ or the Local Highways Authority.

The scheme also provides a Local Area of Play (LAP) and several areas of greenspace which ensures a pleasant overall living environment and avoids an over development of the site or a cramped form of development. The Council's Placemaking Officer had however, requested that further details be submitted in respect of the boundary treatment to the public open space whilst the hedgerows grow, details of some informal paths and benches for people to sit down and details of the side boundaries of plots 15, 16, 4, 9 and 43 being shown as brick not close boarded fence. Conditions to these effects are recommended.

### **Highway Safety/ Parking/ Movement**

Concerns have been raised with regards to highway safety issues within and around the site including comments that Vardre Road is already congested, no safe places for children to cross and concerns around traffic in general. As noted above, the principle of development has already been approved and access to the site and the internal road layout do not form part of this application as they have already been considered and approved.

The Local Highways Authority raises no highway objection to the road layout subject to the applicant entering into both a Section 278 and Section 38 agreement with the Highways Authority. The outline permission already contains conditions regarding the need for full engineering details, a Travel Plan and details of the retaining walls, to be submitted to and approved in writing by the Local Planning Authority. In addition, the applicant would also need to enter into a separate legal agreement under the Highways Act.

### **Drainage**

Comments have been raised that the sewage system can't cope with more houses and raised concerns with drainage across the site. DCWW has also advised it cannot discharge the drainage details at this time and the Drainage Officer has raised concerns. Whilst drainage details were originally submitted as part of this application, they have subsequently been omitted and would be considered as part of a separate discharge of condition application.

### **Education**

A contribution was provided for education as part of the outline application and was secured via S106. This issue is not considered further here but is included for clarity.

Item 2 (Cont'd)

Application Number:

2019/2882/S73

### **Affordable Housing**

Residents have stated that the area needs more affordable housing whilst one has commented that at least 50% should be affordable housing. It should also be noted that the proposal indicates 48 of the 70 units would be affordable which lends further weight to the scheme as a material planning consideration, however the revised scheme is already considered acceptable and the increased provision would not be secured as part of this reserved matters application as there is no policy requirement to do as part of this reserved matters application.

### **Other Issues**

In terms of the comments raised by the objectors as previously indicated, this is a Reserved Matters application and the principle of the development and S106 contributions has already been determined. There is no evidence that the proposals would result in additional crime/ anti-social behaviour or impact on property prices. As the principle has already been accepted, these issues have been given very limited weight. Whilst comments have been raised that heritage issues have not been addressed, the Placemaking and Heritage Officer has raised no issues with regards to heritage on the site.

The issues raised by the objectors in terms of visual and residential amenity and highway safety are addressed above in the main body of the report.

The comments raised with regards to drainage and ecology will be covered by details that need to be submitted to discharge and comply with the original drainage and ecological conditions. Indeed, a current application to agree drainage details is currently in for consideration – 2019/2885/DOC and will be considered separately to this amended scheme.

### **Conclusion**

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

In conclusion and having regard to all material planning considerations, the proposal is considered an acceptable form of development at this location that complies with the overall requirements of the aforementioned Policies of the Swansea Local Development Plan 2010-2025. Approval is therefore recommended.

### **RECOMMENDATION**

#### **APPROVE, subject to the following conditions;**

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

N169.872.T.01 2 bed affordable type A, N169\_1174.T.01 Hampstead, N169\_3BSP.T.01 3 bed affordable, N169\_4B6P.T.01 4 bed affordable, N169\_680.T.01 The Howard, N169\_680.T.01 The Rhiwbina, N169\_851.T.01 The Osborne Type A,

Item 2 (Cont'd)

Application Number:

2019/2882/S73

N169\_851.T.02 Osborne Type B, N169\_855.T.01 Letchworth, N169\_872.T.02 2 bed affordable type B, N169\_A100 site location rev A, N169\_DG.T.01 double garage received 17th December 2019, N169-1307.8P.4B-1307 8P4B The Hyde received 21st July 2020, 2 BED AFFORDABLE TYPE C - PLOT 47, 3 BED AFFORDABLE HOUSE TYPE (PLOT 48 & 51, 3 BED AFFORDABLE HOUSE TYPE - REV B , OSBORNE - PLOT 59 - REV A, 4B & 2B LINKED HOUSE TYPE - ELEVATIONS TYPE A, OVERALL SITE LAYOUT - REV C, PROPOSED SITE LAYOUT - REV L, SINGLE GARAGE, SITE SECTIONS - REV B, STREET ELEVATIONS SHEET 1 - REV B , THE HYDE - PLOT 60, THE RHIWBINA (PLOT 4 ONLY) received 19th September 2020, LANDSCAPING SPECIFICATION AND MANAGEMENT PLAN, TDA.2523.01 DETAILED SOFT LANDSCAPING PROPOSALS SHEETS 1 AND 2 received 2nd October 2020, TREE CONSTRAINTS PLAN received 5th October 2020.

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

- 2 Notwithstanding the details on the plans hereby approved, and prior to the commencement of development, details of an appropriate fencing/ boundary enclosure to the Local Area of Plan to supplement the proposed hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The fencing/ boundary enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the Local Area of Play.

Reason: In the interests of visual amenity and highway safety to ensure an adequate boundary is provided to the play area.

- 3 Notwithstanding the plans hereby approved, and prior to the commencement of development, full details of a path(s) and benches within the Local Area of Play adjacent to plots 15/16 shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved plans and the Local Area of Play shall be completed and made available for use prior to the occupation of the 36th dwelling on site.

Reason: In the interests of visual amenity, to improve the experience of users and provide resting places.

- 4 Notwithstanding the details on the plans hereby approved, the means of enclosure to the Local Area of Play along the entire boundary of plots 15 and 16, and the public facing side elevations of plots 4, 9 and 43 shall be of a brick construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be implemented in accordance with the approved details prior to the first beneficial occupation of the relevant dwellings.

Reason: In the interests of visual amenity and to ensure a suitably robust finish in the public domain.



Item 2 (Cont'd)

Application Number:

2019/2882/S73

### 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, T1, T6, ER8, RP4, RP5, H3, HC3, SI1, SI6, ER11
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The applicant is reminded that there are still conditions to be discharged on planning permission 2013/0425 prior to any commencement of works
- 4 We would advise that foul flows only can be accommodated within the public sewerage system albeit that the proposed development site is crossed by combined and foul water public sewers with their approximate position being marked on the Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. It appears that the proposed development would be situated within the protection zone of the combined public sewer, measured 3 metres either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.
- 5 All off-site highway works are subject to an agreement under Section 278/Section 38 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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## Planning Committee – 3rd November 2020

Item 3 (Cont'd)	Application Number:	2020/1818/FUL
94/0335	SINGLE STOREY REAR APP EXTENSION	22.04.1994
86/1079/03	EXTENSION FOR EXTRA APP SITTING ROOM, BEDROOM AND NEW BATHROOM.	25.09.1986

### Procedural

This application relates to a householder planning application and is reported to Planning Committee for decision as the applicant is an officer of the Local Planning Authority.

### Description

Planning permission is sought for a front dormer, rear gable roof extension, front porch, re-roofing to the main part of the dwelling, insertion of roof lights, additions and alterations to fenestration and extension to driveway at 19 Manselfield Close, Murton. The application also includes a garden shed measuring approx. 4m in length, 2.3m in depth and 3m(max) in height and a bike shed measuring approx. 2.5m in length by 1.2m in depth and 2.5m in height. All proposed materials in the scheme are to match existing. The site is comprised of a detached dwelling with surrounding gardens and a driveway.

### Response to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent on the 17th September 2020. No public responses have been received.

**Bishopston Community Council** - No objection however comments were received regarding apparent application form errors.

### Issues

The main issues for consideration with regard to this application relate to the impact of the proposal upon visual amenity, residential amenity and highway safety in respect of Policy PS2 of the Swansea Local Development Plan and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development. There are in this case considered to be no additional issues arising from the provisions of the Human Rights Act.

### Visual Amenity

The application site is visible from the public realm and the immediate streetscene consists of dwellings of varying forms and styles, many of which have undergone extension / renovation works in recent years. The Householder Design Guide SPG states that additions and extensions to a dwelling should be subordinate and subservient in terms of design and scale. Whilst the front porch could be considered to be a relatively large addition to the front the pitched roof design reflects the existing pitched roof features on the property and is a subordinate feature against the dwelling as a whole. Similarly, the proposed design of the pitched roof front dormer is considered to mirror the design of the existing front gable and the existing dormer window.

**Item 3 (Cont'd)**

**Application Number:**

2020/1818/FUL

The rear roof extension would be largely obscured from view and is considered to be of a design, scale and massing which relates well to the host property. Further proposed additions including the re-roofing, rooflights and driveway and fenestration alterations are considered acceptable in terms of the visual impact. The garden and bike sheds to the rear are modest in scale and are considered to be of an appropriate design and form acting as subservient additions to the property and are acceptable in that respect.

Following assessment, the proposal is therefore deemed to be acceptable in terms of visual amenity with no adverse impact upon the design of the dwelling or character of the wider streetscene and is in accordance with policy PS2 of the Local Development Plan (2019).

**Residential Amenity**

Given the siting and scale of the proposed additions and alterations, and relative location of neighbouring occupiers, there are not considered to be any negative impacts in terms of overlooking, overshadowing or overbearance arising. The scheme is therefore deemed to be acceptable in terms of residential amenity and in compliance with policy PS2 of the Local Development Plan (2019).

**Access & Highway Safety**

The proposed development would not impact on the availability of onsite parking or the demand for spaces and therefore highway safety is considered to be unaffected.

**Response to Comments**

Comments were received from Bishopston Community Council on the 30th September 2020 which highlighted that whilst no objections were raised, there appeared to be errors in the application form. These errors were highlighted as being: the application form stated that the site cannot be seen from the road and there are no trees or hedges on site that would be affected by the proposed development, when (it is claimed), these were removed before the application was made. The response also pointed out that details have not been given to the planning officer.

The submitted comments have been duly noted and considered and whilst it is acknowledged that errors / inaccuracies may have been made in the application form in terms of stating that the site is not visible from a public road, footpath, bridleway or other public land when it is actually visible from a public highway the question on the application form is purely to understand whether an officer would need to make a prior appointment to view the site as opposed to viewing from public land. There are no trees or hedges that would be affected by the development proposals and the issues raised are not considered to be ones which would have an impact on the acceptability of the proposal. The information and documentation received was deemed to be sufficient to meet the planning application validation requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) and adequate to determine the application on its planning merits.

Item 3 (Cont'd)

Application Number:

2020/1818/FUL

## Conclusion

In conclusion, having regard to all material considerations including the Human Rights Act, the proposed development will have an acceptable impact upon the character and appearance of the existing dwelling, streetscene and surrounding area and will have no adverse impact upon the residential amenities of neighbouring occupiers nor upon highway safety. Accordingly, the development complies with the requirements of current development plan Policy PS2 of the Swansea Local Development Plan (2010-2025) and the Supplementary Planning Guidance document entitled A Design Guide for Householder Development.

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

## RECOMMENDATION

### APPROVE subject to the following conditions:

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

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

- 2 The development shall be carried out in accordance with the following approved plans and documents: A.01 Site Location and Block Plan; A.02 Existing Floor Plans; A. 04 Existing Elevations; A.06 Proposed Block Plans; A.08 Proposed Floor Plans; A.09 Proposed Elevations; A.11 Proposed Shed and Bike Store received on 14th September 2020.

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

- 3 The proposed enlarged parking area hereby approved 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

**Item 3 (Cont'd)**

**Application Number:**

2020/1818/FUL

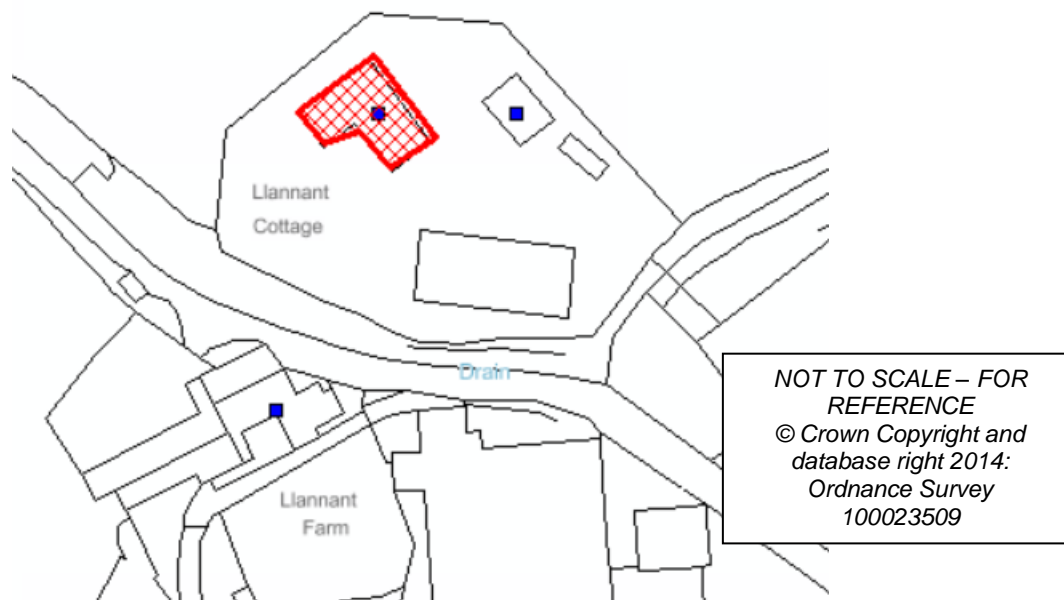
**Informatives**

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 2 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2
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## Planning Committee – 3rd November 2020

Item 4	Application Number:	2020/1169/106
	Ward:	Penyrheol - Area 1
Location:	Parcel 6717 North Side Of Llannant Farmhouse, Llannant Road, Gorseinon, Swansea, SA4 4ND	
Proposal:	Replacement farmhouse (Modification of clause 4 a and b of S52 agreement of planning permission 2/2/88/0046/03 granted 28th April 1989) to replace with a TAN6 rural enterprise dwelling restriction.	
Applicant:	Mr Andrew Stevens	



### **Background Information**

**This application is being reported to Planning Committee for decision as the applicant is Cllr Andrew Stevens.**

### **APPRAISAL**

#### Background

Llannant Farm is a dairy and beef farm located in Penyrheol Swansea with approximately 175 acres of land and stock comprising 180 no. of cattle. The cluster of farm buildings pertaining to Llannant farm are grouped together and straddle both sides of this particular rural stretch of Llannant Road, which lies approx. 450m to the west of the fringes of the urban area of Penyrheol. It is understood the original farmhouse dates back to the 18th century.

**Item 4 (Cont'd)**

**Application Number:**

2020/1169/106

Planning permission for a replacement farmhouse (the bungalow) on the north side of Llannant Road was approved in 1988 (2/2/88/0046/03). The planning permission was subject to a S52 Agreement which contained the following clauses:

- a) *To cease using the existing Llannant farmhouse and cottage within the range of buildings (shown coloured blue on the attached plan) for human habitation on completion or earlier occupation of the development; and*
- b) *After occupation of the development not to use the existing farmhouse cottage and barn (being the range of buildings shown coloured blue on the attached plan) otherwise than for agricultural storage purposes in connection with the said land or to demolish the said range of buildings.*

It should be noted that as part of the permission for the bungalow, the applicant was required to cease the residential use of the farmhouse and cottage (2 residential units). It is unclear why the residential use of both properties was required to be ceased and the report does not clarify this situation.

The bungalow was subsequently built and occupied (circa 1991) and the "original" farmhouse and cottage (located on the southern side of Llannant Road) were meant to revert to either agricultural storage use or be demolished following occupation of the replacement farmhouse. However, the "original" farmhouse/cottage has never been used for agricultural storage (or any other non-residential storage) as they are not considered fit for such purpose. The farmhouse/cottage also continued to be occupied until circa 1999 (last occupied by two agricultural workers). To this day the buildings, which are existing structures in the open countryside, still resemble a dwelling and cottage; they have been reasonably well maintained with windows retained, the roofs are still intact and they are still connected to utilities including electricity.

Llannant farm is a third generation family run farm and the owner (Mansel Stevens), who resides in the replacement farmhouse, has retired and indicates that he wishes to pass on the farm to his two sons; one of whom resides in a caravan on the farm since circa 2006 (the caravan is located on the north side of Llannant Road, adjacent to the replacement farmhouse garage/store) whilst the other son lives off site in Penyrheol.

**Description of Development**

This application is for the modification of provisions within the Section 52 agreement attached to planning permission 2/2/88/0046/03; essentially it seeks to reword the agreement in relation to the occupation of the 'original' farmhouse and cottage, with a new clause that the "original" farmhouse and cottage can be occupied subject to a TAN 6 rural enterprise dwelling restriction, secured via S106. The model wording for this is set as per the TAN 6 policy set out by the Welsh Government as follows:

The occupancy of the dwelling shall be restricted to those:

- a) *solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*

**Item 4 (Cont'd)**

**Application Number:**

2020/1169/106

- b) who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);*
- c) widows, widowers or civil partners of the above and any resident dependants.*

The applicant has provided supporting documentation including a timeline of occupation of the farmhouse and cottage together with photographic evidence of the condition of the fabric of both properties.

Clearly this proposal will require careful consideration having regard to the original reasoning for imposing this restriction and having regard to the supporting information which has now been put forward as a reason to vary the requirements of the restrictions.

## **Planning Policy**

### **Adopted Swansea Local Development Plan (2010-2025)**

CV2 - Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

Proposals to increase residential chalets on 4 existing chalet sites will not be permitted.

CV 4 Conversion of Rural Buildings - The conversion of traditional buildings in the countryside will only be supported where the new use is for business; community facility; affordable housing for local need or rural enterprise dwelling and where specific criteria are met.

### **Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)**

The purpose of this TAN is to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

## **Main Issues**

The main issues to consider are whether the original planning obligation serves a useful purpose. Welsh Office Circular 13/97 clarifies that 'useful purpose' should be understood in land use planning terms. Importantly, regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 set out the tests for when planning obligations can be used. The tests are:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

These tests must be applied to all new planning obligations, however, they also provide an important consideration when assessing the merits of modifying an existing agreement within the context of considering whether an agreement still serves a useful purpose.

**Item 4 (Cont'd)**

**Application Number:**

2020/1169/106

Consideration will also need to be given as to whether the use of the properties has been abandoned and therefore whether planning permission would be required for the residential use of the property.

Consideration should also be given to whether the proposed revised wording of the legal agreement would satisfy local and national policy requirements in relation to restricting the occupation of dwellings in the countryside.

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

**Does the agreement still serve a useful purpose?**

Originally there were two dwellings pertaining to Llannant Farm, the "original" farmhouse and adjoining cottage, dating back to the 18th century. Upon implementation of the planning permission for the replacement farmhouse i.e. the bungalow, and the subsequent signing of the Section 52 Agreement, the residential use of the farmhouse and adjoining cottage should have ceased, and the buildings should have been either used for agricultural storage or the buildings be demolished.

In granting permission for a "replacement farmhouse", as the 1988 permission is described, the permission was granted having regard to the circumstances at the time, and in granting permission, and the subsequent signing of the S52 agreement, it effectively resulted in the loss of two residential units for one residential unit. By not having the signed original agreement in place it would have meant that instead of one dwelling, there would have been three unrestricted dwellings pertaining to the farm holding.

It is considered that whilst the restrictions and requirements within the agreement do currently serve a useful purpose in that they don't allow unrestricted dwellings in the countryside, they effectively prevent the proposed occupation of the farmhouse and cottage, or require their demolition and are somewhat excessive. As noted above, it cannot be clarified with any degree of certainty why the residential use of both units was required to cease. Planning policy aims to strictly control new developments in the countryside to ensure there is no harm to the countryside setting and its intrinsic value. However, the S52 agreement did not require the buildings to be demolished so that the impact of the new dwelling within the countryside would be offset. The either / or option therefore allowed for the buildings to remain in situ and the impact of the buildings is therefore the same as it was. It is not considered that the residential use of the buildings themselves would impact on the countryside which planning policy seeks to preserve.

In these circumstances it is considered that the re-use of the farmhouse and cottage would be vastly preferable to their demolition in sustainability and heritage terms. It is clear that the buildings are in relatively good condition and given there is a demand for housing, it is unclear what useful purpose allowing them to remain and fall into disrepair would serve, especially when they have some historic value to the farm unit. The buildings on the farm are substantial buildings and provide a link to the history of the farm unit as a whole as they clearly have the appearance of dwellings and were used as such until circa 1999.

Item 4 (Cont'd)

Application Number:

2020/1169/106

Moreover, it is considered a modification to the agreement, in effect to tie them to a rural enterprise dwelling, would ensure that the agreement continues to serve a useful planning purpose and the dwellings would be occupied in line with current policy.

Added to this, it would appear that the farmer's son is residing in a caravan on site and has been doing since 2006. Whilst the applicant has not submitted a lawful development certificate to get a formal determination that this unit is lawful, the Authority has no information to dispute this claim. Therefore, in allowing the amendment to the S52 agreement (effectively to not enforce the provisions of the agreement), the Authority would require the cessation of the residential use of the caravan upon occupation of the farmhouse or cottage and its subsequent removal thereby improving the visual impact in this rural locale.

### **Abandonment Considerations**

The rules which have emerged in various court and appeal decisions are that abandonment may occur where a use has ceased a) due to leaving premises vacant for a considerable period or by allowing the building/s on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding b) by the introduction of a different use (whether with or without planning permission) supplanting that which went before.

Case law has laid down the criteria to be considered when determining whether the residential use of an existing building had been abandoned. The four factors relevant to an assessment of abandonment are:

1. The physical condition of the building;
2. The length of time for which the building had not been used;
3. Whether it had been used for any other purposes; and
4. The owner's intentions.

These criteria have been found to be of equal relevance and are to be tested by considering whether a reasonable person with knowledge of all the circumstances would conclude that the building had been abandoned.

In relation to the above criteria, the applicant has provided a timeline of the occupation of the buildings and has supplied photographic evidence of the condition of the internal status of the buildings. The buildings are in good physical and visual condition, with external walls, windows and roof entirely intact. There is furniture associated with human habitation still in situ within the buildings. Given their configuration, i.e. built as residential properties, they are considered unsuitable as general farm buildings and as such have not been used for meaningful agricultural storage. To this day the buildings clearly resemble a farmhouse and cottage. It is noted that both properties were occupied for a considerable period of time (up to 1999), technically in breach of the S52 following post occupation of the new bungalow. Both properties also retain connection to utility services. There have been no other intervening uses of the properties. Furthermore, given their current condition, both properties could be re-occupied with minimal work. Finally, in terms of the intentions of the owner, it is considered the intention was always to retain the ability to occupy the properties for residential purposes, as opposed to being utilised for storage or demolished as the S52 agreement required.

**Item 4 (Cont'd)**

**Application Number:**

2020/1169/106

Whilst it is acknowledged the properties have not been utilised for some 20 years, given their current good physical condition, the fact that minimal work would be required to enable their re-occupation, together with the fact that they were originally built as farm cottages are considered to weigh heavily in favour of demonstrating that the residential use has not been abandoned.

**Would planning permission be required?**

In light of the above it is considered that the residential use has not been abandoned therefore planning permission for the residential use of the properties is not required due to abandonment. It should be noted that this application seeks only to vary the S106 agreement and is not a formal determination that the use has not been abandoned. However, the Authority need to consider this question to ascertain whether a revised legal agreement should be entered into.

**Consideration of revised wording to legal agreement**

As indicated above, the existing buildings are, given their configuration, considered unsuitable as general farm buildings and as such have not been used for meaningful storage, nor have they been demolished. This application therefore proposed the modification of the existing Section 52 Agreement pertaining to the buildings and replace it with a new S106 Agreement to tie the buildings to rural enterprise dwellings or for affordable housing as per the model planning condition advocated in TAN 6, as indicated above. It is also proposed to cease the use of the caravan (which it is understood has been continually occupied since 2006) and require its removal from site. Whilst the passage of time may render the use of the caravan exempt from any enforcement action, it should be noted there is no record of any certificate of lawful use of this caravan.

Planning agreements under the former Town and Country Planning Act 1971 can be varied or discharged only by application under section 84 of the Law of Property Act 1925 or by agreement in the form of a deed between the parties. It is not possible to revoke a Section 52 Agreement because it is a covenant rather than a contractual deed. The Section 52 Agreement will therefore need to remain in place (to discharge it in a single action would mean that any control over matters on the holding would effectively be lost).

From a policy perspective, this alteration would effectively allow for the re-use of two buildings within the countryside for residential purposes which were meant to cease being used for residential purposes.

Policy CV2 of the adopted Swansea Local Development Plan seeks to restrict new dwellings in the countryside to those required to accommodate a full time worker solely or primarily employed in agriculture, forestry or an appropriate use to serve the rural economy who needs to live on the premises; and Policy CV4 states that the conversion of traditional buildings in the countryside will only be supported where the new use is for business; community facility; affordable housing for local need or rural enterprise dwelling and where specific criteria are met.

TAN 6 states (4.4.1) that new permanent dwellings should only be allowed to support established rural enterprises providing:

- a) there is a clearly established existing functional need;
- b) the need relates to a full-time worker, and does not relate to a part-time requirement;



Item 4 (Cont'd)

Application Number:

2020/1169/106

- c) the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so;
- d) the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; and
- e) other normal planning requirements, for example siting and access, are satisfied.

The owner has indicated that he has retired from the family run business and his two sons are to continue to run the farm which covers some 175 acres of land and stock comprising 180 no. of cattle. In this instance, permission is being sought to vary the wording of the legal agreement to enable the original buildings to be occupied. Current national advice set out in TAN 6 is to broaden the traditional agricultural occupancy conditions (or in this case legal agreement) to embrace a wider range of rural enterprises, or in the absence of an appropriate rural enterprise worker being found to extend eligibility to those persons eligible for consideration for affordable housing under the local authority's housing policies. Paragraph 4.13.5 of TAN 6 explains that this ensures that such dwellings are kept available to meet the housing needs of rural workers and local people in need of affordable housing.

In this particular instance whilst no evidence of the properties having been marketed has been provided such evidence is not considered necessary for an application to vary a condition or legal agreement. There are significant material considerations which weigh in favour of the application in that two historic dwellings associated with the farm would be brought back into residential use in association with the farm unit whilst providing either affordable homes or dwellings for rural workers. In addition, the existing caravan on the farm would be removed, thereby improving the visual appearance of the countryside in this location. These weigh heavily in favour of modifying the proposal.

Current advice within TAN 6 encourages the use of standard model conditions that would permit the occupancy of dwellings for those solely or mainly working or last working on a rural enterprise in the locality. As such it is considered that the principle of varying the legal agreement accords with the spirit of national and local policy.

On this basis, and in order to bring the consent and legal agreement in line with current standards, Clause 4 A of the legal agreement is recommended to be worded so as to adopt the standard rural enterprise condition as set out in TAN6.

The wording within the legal agreement shall be re-worded as follows:

*The occupancy of the 'original' farmhouse and cottage shall be restricted to those:*

- a) *solely or mainly working or last working at Llannant Farm or on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*
- b) *who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);*
- c) *widows, widowers or civil partners of the above and any resident dependants.*

**Item 4 (Cont'd)**

**Application Number:**

2020/1169/106

In addition to the above, as the revised Clause 4 A would allow occupation of the 'original' farmhouse and cottage, Clause 4B, which requires them not be used otherwise than for agricultural storage purposes, or be demolished, would cease to have any effect.

Finally, it is considered that a new clause would be required to ensure that the residential use of the existing caravan on site is ceased upon beneficial occupation of either the farmhouse or cottage subject to the S106 agreement and the caravan removed from the land and the land restored within 3 months of this date.

**Conclusion**

In conclusion therefore, it is considered that there would not be any detrimental impact in material planning terms as a result of the occupation of the "original" farmhouse and cottage provided it is restricted with a rural enterprise condition and the caravan on site is removed. This would ensure, the buildings, which date back to the 18th century, and are existing structures within the countryside would be retained and utilised.

It is therefore recommended that the existing S52 Agreement pursuant to planning permission 2/2/88/0046/03 be modified by a new S106 Agreement to allow for a TAN 6 Rural enterprise dwelling restriction to be applied to the original farmhouse and cottage specifically.

In addition, it is also recommended to include an additional clause to require the removal of the existing caravan in situ upon occupation of the 'original' farmhouse and cottage.

**RECOMMENDATION:**

That a S106 agreement be entered into that achieves the following (or words to this effect):

- 1) Agreement not to enforce the provisions of Clause 4A or 4B of the S52 legal agreement dated 28th April 1989, in relation to a replacement farmhouse at Llannant Farm.
- 2) New clause stating the following:

*The occupancy of the 'original' farmhouse and cottage shall be restricted to those:*

- a) *solely or mainly working or last working at Llannant Farm or on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those;*
- b) *who would be eligible for consideration for affordable housing under the local authority's housing policies: or if it can be demonstrated that there are no persons eligible for occupation under either (a) and (b);*
- c) *widows, widowers or civil partners of the above and any resident dependants.*

- 3) New clause stating:

*Following occupation of either the 'original' farmhouse or cottage, the residential use of the caravan in situ on Llannant Farm shall cease its use and shall be removed in its entirety from the site within 3 months and the land restored to its former condition.*

**Item 4 (Cont'd)**

**Application Number:**

2020/1169/106

**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: CV2 & CV4.
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