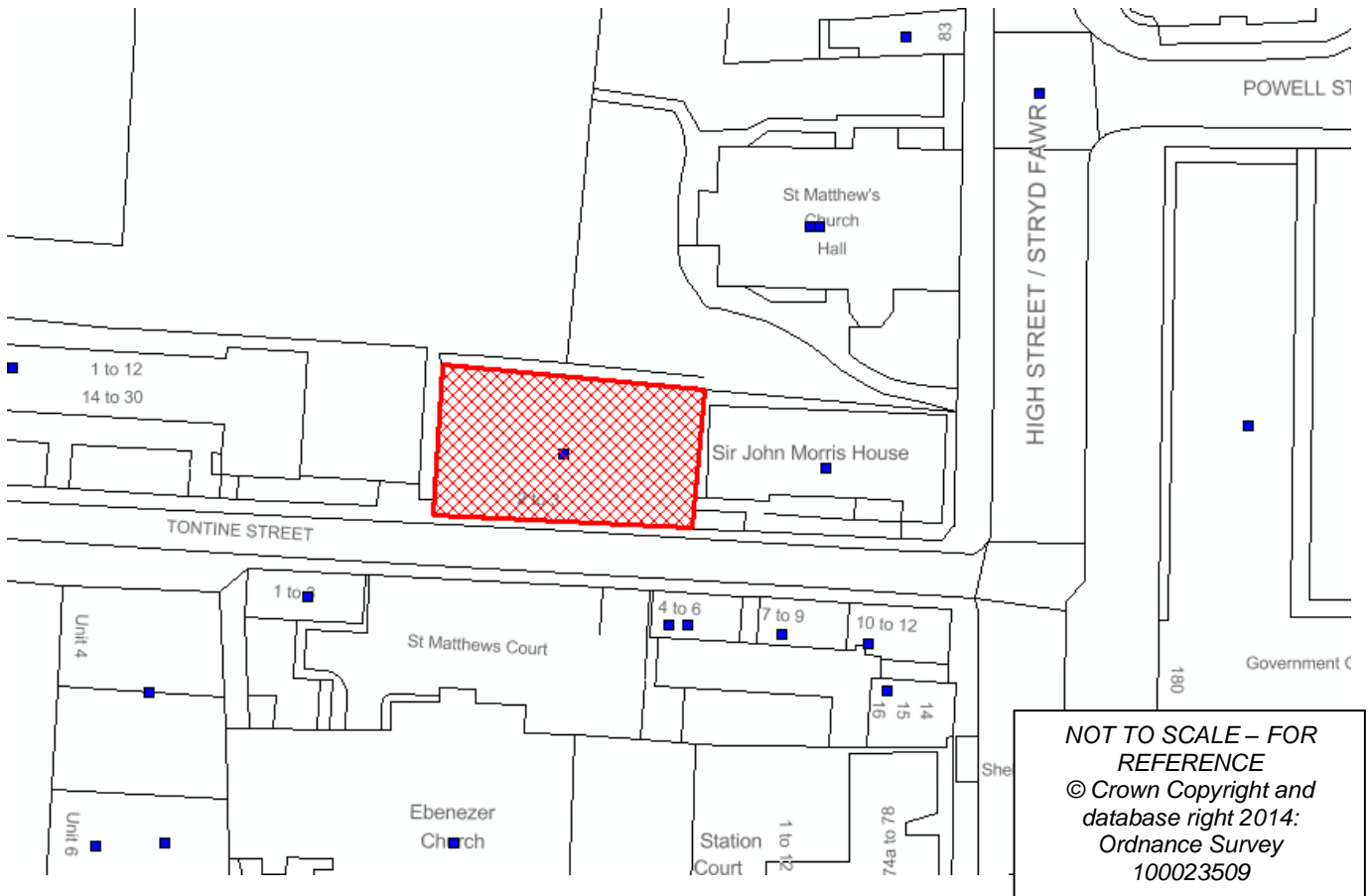


Planning Committee – 1<sup>st</sup> December 2020

**Item 1**                                      **Application Number:**                                      2020/0059/FUL  
**Location:**                                      **Ward:**                                      Castle - Bay Area  
**Proposal:**                                      **2-3 Tontine Street, Swansea, SA1 5BP**  
**Applicant:**                                      **Redevelopment of site to provide 21 no. self contained flats in one 4 storey block with associated works**  
**Mr Wayne Harris**



**Background Information**

**Policies**

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.

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)**

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**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 - 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.

**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.

**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 - RC1 - Swansea Central Area Regeneration**

Swansea Central Area Regeneration - In order to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must comply with appropriate development requirements and proposals set out in adopted Supplementary Planning Guidance.

**LDP - RC4 - Swansea Central Area**

Swansea Central Area - Complementary Areas - Within the Swansea Central Area Complementary Areas, development that delivers an appropriate mix of uses will be permitted in accordance with the particular functions and opportunities for regeneration and renewal at each location. Development must make positive use of the defining attributes of the respective Complementary Areas, enhance connections to the Retail Centre, and complement rather than compete with the role and function of the Retail Centre and other Complementary Areas.

## Planning Committee – 1<sup>st</sup> December 2020

### Item 1 (Cont'd)

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#### LDP - SI1 - Health and Wellbeing

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

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

#### LDP - T2 - Active Travel

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

#### LDP - T6 - Parking

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

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

#### LDP - 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.

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### Item 1 (Cont'd)

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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 - PS3 -Sustainable Housing Strategy

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

### Site History

App Number	Proposal	Status	Decision Date
2019/1658/PRE	PRE-APP Detached four storey block of flats	MIXPR E	26.09.2019
2020/0059/FUL	Redevelopment of site to provide 21 no. self contained flats in one 4 storey block with associated works	PDE	

### 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 proposed development involves the demolition of the existing commercial warehouse on the site and the redevelopment of the site to provide 21 no. self contained flats in one 4 storey block with associated works.

This scheme has been submitted following pre-application negotiations and the developer has taken on board and addressed the initial concerns raised during the course of this application.

### Application Site and Surroundings

The site is located off High Street, on the northern side of Tontine Street and a substantial warehouse building occupies the whole site. Adjoining the application site to both sides are three storey blocks of residential buildings and the southern side of Tontine Street comprises a mixture of residential use, the rear of the listed Ebenezer Church and a number of substantial industrial units. The site is located within approx. 100m of Swansea train station, there are numerous bus routes operating along High Street, which Tontine Street branches off, and the city centre is within a walkable distance.

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.

The site has no allocation within the LDP and is located adjoining the SCARF area (boundary runs along the opposite side of Tontine Street). This edge of centre location provides an opportunity to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality housing in a highly sustainable location. Much of Tontine Street and the immediate surrounding area is run-down and in need of investment and regeneration and this site is subject to a grant funding application. The proposal to replace the existing building with a new residential block is supported insofar as it provides a use, which complements and assists in supporting the regeneration of the area.

The site has two listed Church buildings (Ebenezer Church and St Matthews Church) within close proximity. St Matthew Church fronts onto High Street and the rear boundary wall of the grave yard adjoins the application site. Ebenezer Baptist Church has the main elevation and entrance from Ebenezer Street. The rear elevation is separated from Tontine Street by a high rendered wall enclosing a car parking area.

### **Response to Consultations**

Public Response - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through a press notice for a major application and the display of a notice at the site dated 4th February 2020. ONE LETTER OF COMMENT was received which is summarised as follows:

1. Query about the intentions for the wall that connects with the Church at the rear.

### **PAC**

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

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**Comments from consultees were as follows:**

**Glamorgan Gwent Archaeological Trust (GGAT):-**

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.

Information in the Historic Environment Record, curated by this Trust, shows that the proposed application area is located to the north of the medieval town walls of Swansea and immediately adjacent to the church of St Matthews and the graveyard of St Mary's. The church of St Matthews as a site has a long history, the land on which it stands being granted to the Order of St. John of Jerusalem in the latter part of the 12th century. The church built then was dedicated to St. John until the present St. John's church was built in the Hafod. In the 19th century, the church building was re-built twice, in the 1820s and 1880s. It is possible for medieval remains and human burials to be present within the proposed development area. Furthermore, an archaeological watching brief was undertaken to the immediate east of the application area in 2010 during which remains and features of industrial and modern date were encountered. These were comprised of pits, linear features, an in-filled cellar and part of the churchyard's boundary wall.

The application is for the redevelopment of the site to provide 21 no. self-contained flats in one 2 storey block. Given that archaeological remains were encountered immediately adjacent to the site it would be prudent to recommend that the proposal will require archaeological mitigation.

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

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

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

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

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.

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We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or a MCIfA level accredited Member.

**CADW:-**

GM012 Swansea Castle

GM441 Original Swansea Castle

GM482 Foxhole River Staithes

This advice is given in response to a planning application for the redevelopment of site to provide 21 no. self-contained flats in one 4 storey block with associated works at 2-3 Tontine Street Swansea SA1 5BP

The above scheduled monuments are located inside 1km of the proposed development but intervening topography, buildings and vegetation block all views between them. Consequently the proposed development will have no impact on the setting of these scheduled monument. We therefore have no comments to make.

**Head of Environmental Management (Pollution Control):-** - informatives are recommended in respect of construction noise, smoke/burning of materials, dust control, lighting. I would like the following informatives to be added:-

**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.

**Council's Planning Ecologist:-** The bat building inspection found the building to have a negligible potential to support roosting bats. However, the desk study found a number of records were present in the vicinity of the development. Conditions and informatives recommended.

**Dwr Cymru/Welsh Water:-**

Condition No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

**Highway Authority:-**

The current application has clearly changed since the pre-application consultation, resulting in fewer flats. However, the above consultation response still remains valid as do the concerns with this application. The planning application has been supported and informed with a Planning Statement and Design and Access Statement. These have been reviewed in consideration and formulation of this consultation response.

**Item 1 (Cont'd)**

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It is advised that the current or recent use of the site is as Johnstone Paint Centre. The planning application seeks to demolish the current property and replace this with a residential block. The end use of the residential flats is suggested as young professionals and students, although they appear to be similar to standard residential flats.

**Access:**

The existing site is located on Tontine Street, a narrow two way street where there is little room for cars to pass. Single yellow line traffic regulation orders are in place which prohibit parking during parts of the day. Tontine Street provides access to commercial units and therefore commercial vehicles are expected to travel this route. The proposed access fronting onto Tontine Street is for pedestrian use, access for cyclists is proposed along a side lane to the west of the building.

Refuse collections are assumed to take place from Tontine Street, the proposed collection point is required to be confirmed within the recommended walking distances for refuse collection operatives.

**Parking:**

Parking, specifically the lack of, was previously raised as a concern in the pre-consultation stage. It was acknowledged that the site had sustainable travel benefits and that it was outside of the central core. Therefore policy requires that parking is provided as part of residential developments. Proposed parking provision has been confirmed to be inadequate at the pre-application stage. It was confirmed that, when considering the CCS Parking Standards Supplementary Planning Guidance, a minimum of one parking space per flat was provided. Cycle parking has been provided and this appears to be in excess of the parking standards. This could be reviewed and some of the parking reallocated for motorcycle parking.

**Transport Statement:**

It was set out that a Transport Statement would be required to be submitted with any planning application. The Planning Statement and Design and Access Statement documents both confirm that one has been commissioned and that this will follow with the planning application. It is unclear whether this has been completed and there does not appear to be a Transport Statement submitted for audit.

**Section 106 Highway Contributions:**

It was advised that financial contributions would need to be made under a Section 106 Agreement, these would work to fund road safety measures. There may also be a requirement to review and revise the parking restrictions along the route, this would be at the developer's expense. The exact scale and cost of the measures required have not been determined given that there is no Transport Statement which confirms the multi modal trip generation of the site and the likely travel habits of any future residents.

**Highway Authority View**

It was advised in the pre-application stage that the Highway Authority had concerns over parking and that it was not able to support the proposals. The planning application does not provide parking, which is not in accordance with policy requirements.

A Transport Statement does not appear to have been submitted with the planning submission. Therefore the Highway Authority recommends this scheme is refused.



## Planning Committee – 1<sup>st</sup> December 2020

**Item 1 (Cont'd)**

**Application Number:**

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Whilst the Highway Authority does object to the proposals, it would set out necessary conditions should any planning permission be granted.

The recommended conditions are set out below:

i. Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team under a Section 278 Agreement.

All access works, relating to the highway at the rear access lane to Tontine Street, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority

Note: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

ii. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

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

iii Prior to occupation a Travel Plan will be required to be prepared, submitted to and approved by the Local Planning Authority. The Travel Plan will identify the measures and a monitoring programme required to ensure that sustainable travel is promoted and easily accessible.

Note 1: 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 contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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Application Number:

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**Placemaking and Heritage Team:-**

This application is submitted following pre-application advice provided (ref:2019/1658/PRE).

Planning permission is sought for the demolition of the existing industrial building and construction of a four storey block of flat comprising 21 no. residential flats (16 x 1 bed and 5 x 2 bed).

The site is located on the northern side of Tontine Street and occupies the former Johnstone Paint Centre. Adjoining the application site to both sides are residential buildings and the southern side of Tontine Street comprises a mixture of residential use. To the rear of the site is the Grade II listed St Matthews Church. Ebenezer Church and Church Hall, Grade II\* listed, are located on the opposite side of Tontine Street set back behind a car parking area.

**Comments**

The site adjoins the SCARF area, and hereby is located in a highly sustainable location with access to the train station and numerous bus routes, along with easy walking distance to the city centre. This edge of centre location provides an excellent opportunity to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality housing in a highly sustainable location. The proposal to replace the existing building with a new residential block is supported insofar as it provides a use which complements and assists in supporting the regeneration of the area.

In terms of the sites proximity to two listed churches, it was stated at pre-app that the impact on the setting of these heritage assets should be fully considered and addressed in supporting documents. The submitted Planning Statement makes a brief assessment of the impact on these buildings. Given the existing situation on site presenting a dilapidated industrial style building, it is considered that there would be no additional material impact on the setting based on the proposed development. However, Cadw should be consulted given the context.

It is noted that GGAT have highlighted that the proposal will require archaeological mitigation on the basis that archaeological remains were encountered immediately adjacent to the site. This should be conditioned.

The scale and massing is considered acceptable, subject to detailing, with the overall height being at a lower level than the adjoining building line. The elevations now comprise a degree of verticality and include a central recessed entrance/stairwell, which assists in breaking up the expansive façade. It was suggested to further recess the central entrance to provide greater depth to the building frontage and break up the massing. This suggestion has not been incorporated into the design. Alternatively, the central recessed area could be fully glazed as there is no necessity for windows, cill details etc to this element. Fully glazing this central area would provide a strong vertical feature to break up the massing.

The material palette was discussed at pre-app and it was suggested that contemporary materials should be explored. For example an element of raised vertical cladding between windows, to add visual interest and texture. This, combined with enhancements to the glazed central link would improve the visual appearance of the proposal.

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It is accepted that the surrounding residential developments are of no architectural merit. This site however offers a prime development plot to raise the quality of the local built environment through good design. As raised at pre-app, this approach is also referenced in the SCARF whereby innovative design is encouraged. A full contextual analysis should form part of the DAS.

The top floor is sufficiently set back and broadly reads as subordinate to the floors below. However, the parapet height should be raised marginally in order for the roof top extension to fully read as a subordinate addition. A section through the building should also be provided to demonstrate this.

A green roof has been included, which is welcomed, but no specific details have been provided, i.e. substrate depth etc? It is not clear whether other SuDs measures have been incorporated?

The front building line has been sufficiently set back from the pavement to provide a degree of defensible space. No front boundary treatments have been provided?

In terms of the internal configuration of the proposed units, whilst a number are single aspect which is not desirable, the minimum space standards are met and on balance the flats are considered acceptable.

Concern remains in terms of the outlook to the ground floor rear flats. Flat 5 in particular has window/door openings in very close proximity (approx. 1m) to the rear boundary wall and side flank wall of the adjoining building - outlook for future occupiers of this flat will be very poor. To rectify this, the obvious resolution would be to combine flats 4 and 5 to make one larger, dual aspect flat. What is the housing need for this area (1, 2 bed)?

Have details of the proposed rear boundary treatment been provided? The proposed site context plan shows an existing 2 metre wall to the graveyard boundary and 1.5m railings to the remainder of the rear boundary. Is it proposed to retain these structures? These details will be required up front and will not be considered appropriate to condition. A section through the site including boundary treatments should be submitted.

#### **Final Placemaking and Heritage Team comments:-**

- Balconies have now been added to the rear elevation at first and second floor;
- The roof plan has been annotated to show a 'sedum roof'. Specification of the sedum roof has been provided and is acceptable.
- The ground floorplan has been flipped so that the cycle/refuse store is situated to the east and flat 5 moves to the west allowing improved outlook;
- The building footprint has also been shifted marginally to the west in order to provide a side path to the east with access to the relocated cycle/refuse store.

On the basis of the above amendments, and subject to conditions, there is no further comment from a Placemaking perspective.

Relevant conditions should stipulate that samples of all external finishes including windows and doors are provided. Additionally a condition is required to state that prior to the commencement of external works, details at an appropriate scale are provided of the typical window/door units within their opening, details of location/design of all visible external ventilation, rainwater goods.

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## APPRAISAL

### Main Issues

The main issues for consideration with regard to this application relate to:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- The impact of the proposal on the character and appearance of the street scene and the wider area;
- Impact on residential amenity and the Well-being of Future Generations (Wales) Act 2015
- Impact on the setting of nearby listed buildings and preservation of buildings and features
- Highway Safety
- Ecology
- Drainage

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.

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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.

### Swansea Local Development Plan ('LDP')

In the case of this particular proposal, the following LDP policies are relevant:

PS 1: Sustainable Places  
PS 2: Placemaking and Place Management  
PS 3: Sustainable Housing Strategy  
RP 2: Noise Pollution  
RP 3 :Air and Light Pollution  
RP 4: Water Pollution and the Protection of Water Resources  
RP10: Sustainable Waste Management for New Development  
SD J: Swansea Central Area  
RC 1: Swansea Central Area Regeneration  
RC 4: Swansea Central Area - Complementary Areas  
SI 1 : Health and Wellbeing  
SI 8 : Community Safety  
IO 1 : Supporting Infrastructure  
ER 1: Climate Change  
ER 2: Strategic Green Infrastructure Network  
ER 9: Ecological Networks and Features of Importance for Biodiversity  
T2 : Active Travel  
T6: : Parking  
EU4 : Public Utilities and New Development

### Conservation of Built and Natural Environment

HC 1: Historic and Cultural Environment  
HC 2: Preservation or enhancement of buildings and features

### Supplementary Planning Guidance (SPG):

- Places to Live - Residential Design Guide (Adopted January 2014)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)
- Swansea Central Area: Regeneration Framework (February 2016)
- Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy - Draft

The above SPG's provide further information and guidance to support and clarify the policies described in the Appraisal below.

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## Planning Policy Considerations

### City Centre Impact

Tontine Street is situated directly adjacent to High Street and the boundaries of the City Centre Action Area where the objective is to reinforce and improve the City Centre as a vibrant regional focus for business and administration, shopping, culture and leisure. The application site is located adjoining Site J, 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. Development proposals should accord with the Placemaking Principles and Development Requirements.

### Swansea Central Area Regeneration Framework (SCARF)

The application site at Tontine Street also lies adjacent to the Swansea Central Area Regeneration Framework (SCARF) designation (February 2016). The Regeneration Framework presents a Masterplan, which focuses on development opportunities in a Retail and Leisure Led Mixed Use area and identifies a future role and function for a range of Complementary Areas set within the context of a Vision for the 4 following broad areas:

- Creating a Living, Working and Learning Area;
- Developing a Retail Leisure Led Mixed Use Centre;
- Connecting to the City Waterfront;
- Creating a Green Artery.

Within the SCARF High Street is identified as High Street: Complementary Area. The Key Vision Theme for this Area is Living, Working and Learning. High Street is actively developing as a mixed use area of distinctive character incorporating retail, café, restaurants and professional services and residential uses in a tight urban context. High Street has the capacity to build a resident community which supports a thriving economy in the Central area and play a significant role in complementing the Retail Leisure Led Mixed Use Core. The Urban Village development has set a positive benchmark for quality of design and unique local businesses but a critical mass is required to generate the revitalisation necessary to make it a busy vibrant street.

New mixed use development with active frontages at street level will be encouraged. The proposed development would therefore conform to Development Plan Policy and Supplementary Planning Guidance for the area.

### Townscape and visual impact

The proposal for the introduction of residential use into this edge of city centre site would comply with the overall regeneration objectives to create a vibrant mix of leisure, culture, retail, office and residential uses.

This location forms a prime opportunity to revitalise the site, and provide much needed sustainable, good quality residential accommodation on this edge of city centre site.

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Following on from officer advice provided at pre-application stage, the scheme has been further amended during the course of the application to ensure that good quality residential units are provided with high quality design. In consultation with the Placemaking and Heritage Team, the final plans submitted for consideration now include Balconies to the rear elevation at first and second floor level. The roof plan has been annotated to show a 'sedum roof'. The ground floor layout has been revised so that the cycle/refuse store is situated to the east and flat 5 moves to the west to improve the outlook at the rear. In addition, the building footprint has been marginally shifted to the west in order to provide a side path to the east with direct access for all residents to the cycle/refuse store.

Pedestrian entrance to the flats is provided directly off Tontine Street, which is, legible and generally well overlooked as set out in the Residential Design Guide SPG. The front elevation has been set back to provide some defensible space between the ground floor flats fronting onto Tontine Street.

There is no strong local vernacular at this location and the scale and massing of the proposed building is considered acceptable, with the overall height being at a lower level than the adjoining building line. The elevations now comprise a degree of verticality and include a central recessed entrance/stairwell, which assists in breaking up the expansive façade.

The siting relationship with the adjoining buildings would ensure that there are no overshadowing or overbearing impacts from the new build.

The green roof would provide biodiversity and SuDS benefits which are key objectives of the new sustainability driven Placemaking agenda of national planning policy.

The proposal would not compromise the setting of the listed church to the rear (St Matthews Church) or the church opposite the site (Ebenezer Church).

The proposal would remove an existing underused industrial warehouse and provide a contemporary modern building providing much needed residential units on this edge of city centre site, in a sustainable location close to all local amenities. Subject to conditions to require samples of external finishes including windows and doors, and details of typical window/door units within their opening, together with details of location/design of all visible external ventilation and rainwater goods, the proposal accords with Policies PS1, PS2 and HC1 and HC2 of the Swansea Local Development Plan.

### **Residential Amenity**

In the first instance, the principle of residential development at this location is supported by development plan policy. Whilst the application site is not directly located within the designated SCARF Swansea Central Area, the application site is immediately opposite the SCARF boundary. Within the SCARF area, the key vision for High Street is City Living, Working and Learning. Residents therefore should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location.

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Turning to the impact of the proposal on the amenity of future residents and the occupiers of existing residential uses within the immediate vicinity, Tontine Street is located on the edge of the city centre and residents living within a city centre location will be exposed to relatively high levels of ambient noise, predominantly from traffic but also from late night pedestrian activity due to the application site being located off High Street and being near one of the main routes in/out of the city centre, and the location near existing nightclubs, public houses and the train station. With this in mind, residents who live in close proximity to commercial premises cannot reasonably expect the same level of peace and quiet as people living in a wholly residential area.

Therefore, it is not considered that the proposal would give rise to any harmful impact of the living conditions of future residents or any neighbouring residents through noise and disturbance that would be considered so harmful to warrant a recommendation of refusal on these issues alone.

Well-being of Future Generations Act (2015)

7 Well Being goals:

"A healthier Wales - A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood."

Cramped living conditions are detrimental to mental well-being and as such the duty of the LPA/LA to meet this goal which is a requirement of the Act.

Having regard to the proposed layout of the apartments, the aim of the LDP Policies and the adopted Residential Design Guide, are to create a quality public realm and building design combined with quality internal living environments to create homes that are good to look at and live in.

In terms of space standards, the residential design guide sets out tried and tested space standards that are a valid reference for all developments, including conversions. A one bedroom self-contained flat requires a floor space of 46m<sup>2</sup> and a two bedroom self-contained flat requires a floor space of 59m<sup>2</sup>. In this proposal, the one bedroom flats each have a separate bedroom and a living room/kitchen with a minimum floor area of 46m<sup>2</sup>. The proposed two bedroom units all exceed the minimum floorspace of 59m<sup>2</sup>. Each flat has natural light for every habitable room and built in storage space. The rear flats overlook the churchyard and St Matthew's Church. The front elevation faces onto Tontine Street. In this respect, the habitable room windows do not give rise to any overlooking or loss of privacy impacts, to either the future residents or the occupiers of the adjoining residential uses. A centrally located communal access is directly from Tontine Street which leads to all floors. As well as stairs leading from the central entrance a platform lift is also provided.

It is considered that the proposed residential units provide adequate space standards for both the one bedroom and the two bedroom flats, achieving the minimum standards and above. that the council is seeking to achieve for all residential conversions considered under Policy PS 2 of the LDP.

In conclusion, the proposal is considered to provide satisfactory living conditions for future occupants in respect of internal space and privacy, and will not cause any undue impact upon the residential amenity of existing neighbours, in accordance with development plan policy.



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### **Refuse/Recycling and Cycle 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. and a separate integral refuse store with direct external access for all residents to the side of the building off Tontine Street. Refuse vehicles would be able to pick up from Tontine Street. It has therefore been demonstrated that sufficient provision is made for refuse and recycling storage.

Sufficient cycle storage is indicated in a dedicated ground floor storage room with access for all residents to cater for alternative sustainable modes of transport.

### **Highway Safety and car parking**

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

The application site is not located within the core city centre area but is within the central area where 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. Additionally, the parking guidelines allow for a relaxation of the parking standards which satisfy the sustainability within the guidelines. Moreover, as stated within the Swansea Central Area:

Regeneration Framework (SCARF) under Section 5: Framework for Regeneration and Movement which seeks to promote sustainable transport by reducing car dependency and with regard to the central area car parking standards provide the following advice: To facilitate new land uses and regeneration initiatives in the Central Area which align with the aims, objectives and proposals of the Regeneration Framework, such as the re-use of vacant upper floors and vacant underused buildings for residential use, a limited relaxation of car parking standards will be considered where appropriate and where there are no adverse effects on highway conditions.

Each site will be treated on its merit, however there will be instances where assessed parking demand cannot be met onsite and for such circumstances there is provision within adopted parking standards to require developer contributions towards Transportation initiatives to enhance alternative modes of transport or off-site parking provision. This approach would require the applicant to enter into a Section 106 Agreement.

No car parking can be provided on this re-development site to accord with the Parking Standards required for residential development outside of the central core, which requires a minimum of one parking space per residential unit. As such, a Highway Authority objection has been raised due to lack of onsite car parking to serve the proposed development.

Whilst the concerns of the Highway Authority have been noted, Tontine Street is located in a highly sustainable location within walking distance of the train station, bus station and is accessible to all main bus routes. The facilities of the City Centre are all within easy walking distance.

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There are numerous multi storey car parking facilities within walking distance of the application site. Sufficient, secure cycle parking accessible to all future residents will be provided on site to cater for sustainable, alternative means of transport, to reduce the dependency on car travel.

In addition, the proposal will remove a substantial commercial warehouse which had a significant parking demand associated with the previous retail/warehouse use.

Consideration has been given to the requirements of LDP Policy T2 including the fact that this scheme is grant funded and the scale of development. Following consultation with the Highways Department, a request of a S106 highway contribution of £8k is considered reasonable and necessary, as this is directly related to the development and reasonably related to the scale of the residential development proposed and the impacts arising from it.

This is made up of £8k to fund safety enhancement at the junction with High Street, in the immediate vicinity of the site and will include physical construction works to build out the junction bellmouth replacing kerbs and footway sections, this will prohibit parking or stopping near the junction and increase pedestrian crossing ability and vehicular/pedestrian intervisibility. In addition to this TROs such as parking prohibitions and potentially bus stops will be required to be adjusted legally and physically to account for the construction works.

In light of the above analysis and subject to a S106 agreement to secure the highway improvements, it is considered that the scheme complies with the aims and requirements of policies T6 and T2 in regard to the impact of the development upon highway safety in the area.

### **Ecology**

The application was supported with a Building Inspection Report in respect of bats (dated May 2019). The outcome of the report was that within the context of the site it was considered unlikely that the building is used by bats for flight or roosting purposes and there was no adverse impact on bats identified as a result of the proposed development. The Council's Planning Ecologist has raised no objection following consultation. Planning conditions have been considered and it is considered necessary, in this instance, to impose a condition to require for a scheme for ecological enhancement. This is on the basis of the scale of the development and the thrust of support for enhancement provided in Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006. The legislation encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally. In addition a condition to require a scheme of lighting is appropriate and necessary.

### **Drainage**

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 there is sufficient capacity in the network to accommodate the new development. Dwr Cymru Welsh Water raise no objections.

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The Council's Drainage Engineer raises no objections to the submitted Drainage Strategy and has noted that the proposal would require SuDS Approval Body consent.

### **Response to public consultation**

The comments in relation to the rear boundary treatment to the Church have been noted. An appropriate condition will secure the details of the boundary treatment to both the rear boundary and the boundary with Tontine Street.

### **Conclusion**

The principle of re-developing this brownfield site for residential development is supported by both Planning Policy Wales and Local Development Plan policies at both the national and local level. The site is ideally located within a sustainable and accessible location with proximity to a wide range of services and public transport facilities. The provision of the residential flats at this sustainable location on the edge of the City Centre, would make a contribution of delivering additional housing and accord with the aspiration of the SCARF SPG document and contribute to the regeneration of upper High Street, by supporting sustainable transport and shifting modes of transport from the private car as advocated within Planning Policy Wales, along with supporting the Council's regeneration aspirations for the City as a whole.

Overall, it is considered that the proposal is an acceptable form of development that will have no detrimental impact on visual amenities of the street scene, the wider area, and will preserve and enhance the setting of the nearby listed buildings. The proposal would have no adverse impacts on residential amenity. Subject to a S106 agreement for local highway improvement works, the proposal is considered in accordance with local development plan policy. Approval is therefore recommended.

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

### **RECOMMENDATION**

**APPROVE**, subject to the applicant entering into a Section 106 Planning Obligation in respect of;

- 1. Contribution of £8,000 to fund highway safety enhancement at the junction with High Street, in the immediate vicinity of the site, to include physical construction works to build out the junction bellmouth, replacing kerbs and footway sections, this will prohibit parking or stopping near the junction and increase pedestrian crossing ability and vehicular/pedestrian indivisibility (prior to the development being brought into use).**

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- 2. Management/Monitoring Fee of £160, based on 2% of the value of the obligations (to be paid when the S106 agreement is signed).**
- 3. The Council's Legal fees relating to the preparation of the S106 Agreement (to be paid when the S106 agreement is signed).**

**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 PS2, PS3, I01, T1, T2 and T6 of the Swansea Local Development Plan (2010-2025).**

**and 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: 03.19.TS.D7 Rev E: Site location and block plan, 03.19.TS.D2 Rev H: Proposed Site context, 03.19.TS.D3 Rev H: Proposed Ground Floor Plan, 03.19.TS.D4 Rev I: Proposed First Floor Plan, 03.19.TS.D5 Rev I: Proposed Second Floor Plan, 03.19.TS.D6 Rev J: Proposed Third Floor Plan, 03.19.TS.D9 Rev H: Site context Roof Plan, 03.19.TS.D10 Rev H: Proposed Street Scene, Received on 21st September 2020, 03.19.TS.D8 Rev K: Proposed Elevations, 03.19.TS.D11 Rev B: Proposed Green Roof Plan, received on 19th October 2020. Green roof specification, dated 24th September 20. received on 14th October 2020, Sedum Plug Composition, received on 6th November 2020, Drainage Layer specification, received on 6th November 2020.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The green roof of the proposed building hereby approved shall be completed in accordance with the Green roof specification, dated 24th September 2020, received on 14th October 2020, Sedum Plug Composition, received on 6th November 2020, Drainage Layer specification, received on 6th November 2020.  
Reason: In the interests of ecology and visual amenity.
- 4 Prior to the commencement of the green roof, details of the Green Roof Maintenance Strategy, shall be submitted to and approved in writing by the local planning authority. The proposed green roof of the proposed building hereby approved shall be maintained in accordance with the agreed details specified in the Green Roof Maintenance Strategy, at all times during the lifespan of the proposed building.  
Reason: In the interests of ecology and visual amenity.
- 5 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 within its opening;

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- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- Roof edges and corners to any cladding systems
- Details of the rear boundary wall and details of the front boundary wall treatment to Tontine Street, including details of any railings.
- Details of the location/design of all visible external ventilation and rainwater goods

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

Reason: In the interests of visual amenity.

- 6 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. Development shall thereafter take place in accordance with the approved samples.

Reason: In the interests of visual amenity.

- 7 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.

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.

- 8 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.

- 9 Prior to the commencement of development a sensitive lighting strategy, designed to ensure that the protected species habitats adjacent to the site are not lit during the construction, or operation phases of the development must be submitted to and approved in writing by the local planning authority. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. Development shall thereafter take place in accordance with the approved lighting strategy.

Reason: In the interests of ecology and protected species habitat.

- 10 Prior to the commencement of development a scheme to provide for Ecological Enhancement Measures (which may take the form of bird and bat boxes) shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall be provided on site prior to the first beneficial occupation of the development and retained as such for the lifetime of the development.

Reason: In the interests of biodiversity and to provide Ecological Enhancement Measures on site.

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- 11 No part of the building shall be occupied until the foul drainage for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 12 The development shall not be occupied until the bicycle storage and refuse storage areas have been provided in accordance with the details provided on the approved plans. The facilities shall thereafter be retained for the approved purpose for the lifetime of the development.  
Reason: In the interests of residential amenity and providing facilities for sustainable transport.

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS3, RP2, RP3, RP4, RP10, SDJ, RC1, RC4, SI1, IO1, ER2, ER9, T1, T2, T6, EU4, HC1, HC2.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 **1 Construction Noise**  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.  
  
The Local Authority has the power to impose the specified hours by service of an enforcement notice under  
  
Control of Pollution Act 1974, section 60.  
Any breaches of the conditions attached to such a notice will lead to formal action against the persons named on said notice.
- 2 Smoke/ Burning of materials**  
No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the persons named on said notice.

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### 3 Dust Control:

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

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

Any breaches of the conditions attached to such a notice will lead to formal action against the persons named on said notice.

### 4 Lighting

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

4 Note 1: 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 contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

5 Note: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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

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

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

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

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

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- 8 Hedgehog  
Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.
- All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.
- 9 In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See [www.hedgehogstreet.org/hedgehog-friendly-fencing](http://www.hedgehogstreet.org/hedgehog-friendly-fencing)
- 10 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (ClfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a ClfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or a MCIfA level accredited Member.
- 11 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.



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The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

If you have any queries please Dwr Cymru Developer Services on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

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