

Planning Committee – 6th July 2021

Item 1

Application Number:

2021/0889/S73

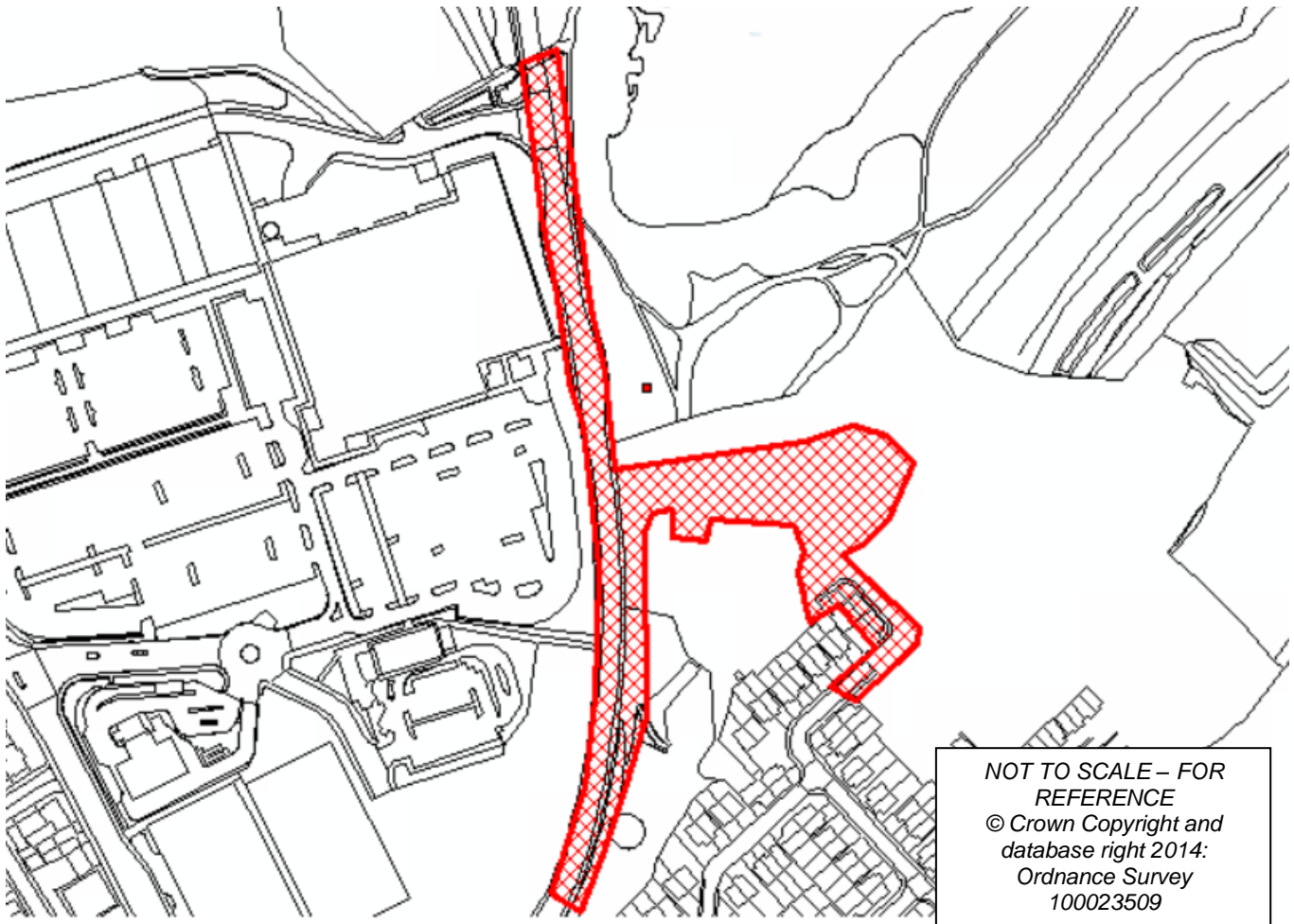
Ward:

Bonymaen - Area 1

Location: Land At Upper Bank, Pentrechwyth, Swansea, SA1 7DB

Proposal: Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73, 2019/0536/S73 and 2019/2523/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2019/2523/S73 granted 4th June 2020 to extend the trigger to construct the permanent Nantong Way access to 30th April 2022

Applicant: Mrs Rebecca Sleaf Hygrove Homes (Swansea) Ltd



Planning Committee – 6th July 2021

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/1204/S73	Residential development with construction of new vehicular access off Nantong Way (outline) without complying with condition 15 (new access off Nantong Way) of Section 73 planning permission 2014/1189 granted 22nd October 2015 (to extend the trigger to construct the Nantong Way access prior to the occupation of the 146th dwelling house)	APP	03.10.2018
2018/1790/FUL	Construction of temporary access road off Nantong Way	TEM	17.09.2018
2019/0536/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189 and 2018/1204/S73. Variation of condition 7 of planning permission 2018/1204/S73 granted 3rd October 2018 to replace the reference to the temporary access road approved under 2018/1790/FUL with the reference to a temporary access along the alignment of the permanent access road approved under 2017/0026/FUL	APP	05.06.2019

Planning Committee – 6th July 2021

Item 1 (Cont'd)	Application Number:	2021/0889/S73
2019/2523/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73 and 2019/0536/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2018/1204/S73 granted 3rd October 2018 (to extend the trigger to construct the permanent Nantong Way access)	APP 04.06.2020
2020/2293/NMA	Construction of a new pumping station and associated works (Non Material Amendment to planning permission 2017/1291/FUL granted 22nd June 2018) to allow for the increase in depth of the wet well	APP 15.02.2021
2020/2295/S73	Construction of new highway and infrastructure works at Nantong Way (variation of condition 2 of planning permission 2017/0026/FUL granted 20th July 2018 to allow for Highway amendments)	APP 11.01.2021
2021/0034/SCR	SCREENING OPINION for proposed phase 9 construction of 30 residential apartments	EIANR Q 26.01.2021
2021/0944/FUL	Construction of 30 residential apartments and associated works	PCO

Background

This application is reported to committee as the site area for the original outline planning permission 2006/1902, which this application seeks to vary, exceeds the committee threshold of 2 hectares.

Planning Committee – 6th July 2021

Item 1 (Cont'd)

Application Number:

2021/0889/S73

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

'Residential development with construction of new vehicular access off Nantong Way'

The site is currently being developed by Hygrove Homes and reserved matters applications have been approved for 149 dwellings on the original outline application site. Full planning permission has also been granted for a further 107 dwellings on land falling partly within and outside of the original outline site area (2018/2692/FUL). An application for 30 apartments near the junction with Nantong Way is also currently under consideration (Ref: 2021/0944/FUL).

The planning permission includes a requirement to construct a new access off Nantong way and this requirement has been amended on two previous occasions under application 2018/1204/S73 and more recently under application 2019/2523/S73. The latter application included a condition (condition 8) which required the permanent access to be constructed by no later than 30th April 2021. The time period to construct has expired, hence why this current application has been submitted in order to extend the trigger to provide the permanent access.

Site Location

The application relates to the Hygrove Home's Brunel Wood housing site at Upper Bank. To the north west is the Morfa Retail Park with Pluck Lake to the north. To the north east and east are areas of woodland with the A2117 beyond. The housing site is located entirely within the urban area and covers an area that is both a housing commitment and a housing allocation under LDP Policy H1.

Description of Development

This application seeks for a further variation to the trigger to provide the permanent access off Nantong Way. The applicant had originally requested a trigger with the effect that the new access would be provided prior to the occupation of the 281st dwelling house. However, as only 149 dwellings have been approved through the reserved matters applications at the site under the original outline planning permission, this would not be an appropriate or an enforceable trigger. Instead, it is now proposed to vary condition 8 of planning permission 2019/2523/S73 with the effect that the trigger to complete the permanent access would be extended to 30th April 2022.

Planning Policy

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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

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

Access and Inclusivity

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

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

Movement

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

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Adopted Swansea Local Development Plan (2010-2025)

ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological networks. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met relating to need and impact mitigation/compensation.

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

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

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

T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

Supplementary Planning Guidance (SPG):

There are no supplementary planning guidance documents that are considered to be relevant to the determination of this planning application.

Consultations:

The application was advertised by a press notice and site notice.

Local Highway Authority:

Further to previous comments provided, which objected to the proposals to extend the trigger for the completion of the permanent access to the 280th dwelling, previous trigger point for completion was the 30th April 2021. Highways objected to this on the grounds of insufficient information, particularly with regard to anticipated vehicular movements.

Further information has been received, most notably a construction programme for the permanent access Received this from David Adams, regarding the completion of the permanent access works. It is accepted that some delay to the previous programme were outside of the control of the applicant, and the revised programme shows a completion date of November 2021.

The applicant has begun the section 278 process and junction design is at the Technical Approval stage.

Planning Committee – 6th July 2021

Item 1 (Cont'd)

Application Number:

2021/0889/S73

The existing outline consent for the site is for 254 dwellings, and as such allowing a trigger point for the access at more dwellings than the applicant currently has consent for is not appropriate. However being pragmatic, a programme has been provided, which although considered a little ambitious the applicant is engaging with the Highway Authority to approve and construct the access.

To allow sufficient time to complete technical approval and construct a timescale based trigger would remain the most appropriate mechanism and this should be achievable to complete by the end of this financial year 30th April 2022.

The Highway Authority would continue to object to the proposals to extend the trigger point to the 280th dwelling, however would have no objections to extending the trigger point for completion of the permanent access to 30th April 2022.

Neighbour comments:

No responses were received to the public consultation.

APPRAISAL

Main Issues

The main issue in this instance is whether the extension of the trigger to provide the new permanent Nantong Way access would result in any significant highway safety impacts that would justify refusing the planning application for this reason 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.

This is a Section 73 application that seeks to vary condition 8 of planning permission 2019/2523/S73 to extent the trigger to provide the new permanent access off Nantong Way.

Condition 8 currently reads as follows:

"By no later than 30th April 2021 the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, shall be constructed in accordance with the approved details and shall be available for use.

Reason: In the interests of active travel, highway and pedestrian safety in accordance with LDP Policies PS2, T1, T2 and T5".

Since the previous application to amend the trigger to provide the permanent access was approved the temporary access which connects the site to Nantong Way has been upgraded to provide a signalised pedestrian crossing and a dedicated pedestrian footway. These enhancements have allowed the temporary access to operate safely, as a temporary solution, pending the construction of the permanent access. However, the provision of a permanent access, which includes a right turn bay, is considered to be critical in ensuring the safety of users as vehicular use intensifies, particularly given the nature of the existing highway in terms of vehicle speeds and alignment.

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Following a request from the LHA, the applicant has provided information in relation to construction timings for the permanent access. While the completion date provided by the applicant is intended to be November 2021, the LHA consider an extended trigger until April 30th 2022 would be a more appropriate to allow sufficient time to complete technical approval.

Having regards to the comments received from the LHA, therefore, it is considered that the proposed extension of time to provide the permanent Nantong Way access would be acceptable and would not result in any detrimental highway safety impacts. The proposal would therefore accord with LDP Policies PS2, T1, T2 and T5 which, amongst other things, seek to ensure that developments take the opportunity to enhance active travel and provide for safe pedestrian and vehicular movements.

Other Matters

The Section 106 attached to the original permission includes a requirement for the permanent Nantong Way access to be provided by the timescales specified within original trigger i.e. no more than 80 dwellings to be occupied until the Nantong Way access is in place. In order to ensure the requirements of the S106 are consistent with the planning permission, as varied, it will be necessary for the highways requirements within the S106 relating to the provision of the permanent access and the provision of a pedestrian crossing to be updated to reflect the trigger now proposed.

As this is a Section 73 application in respect of the extension to the trigger to provide the Nantong way access, due to the specific nature of the development, it is not considered necessary in this instance for the development to provide any ecological enhancements.

Conclusion

It is considered that the extension to the trigger to provide the permanent Nantong Way access, as proposed, would be acceptable and would not conflict with LDP Policies ER9, PS2, T1, T2 and T5. 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 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. For the above reasons the development is accordingly recommended for approval.

RECOMMENDATION

APPROVE, subject to the modification of the Highways requirements within the original S106 agreement in respect of the timescales to provide the permanent access of Nantong Way and associated pedestrian crossing, and subject to the following conditions:

- 1 Approval of the details of the siting, means of access, design and external appearance of the dwellings/buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development on each phase is commenced. This permission specifically excludes the road layout shown on the indicative masterplan.

Planning Committee – 6th July 2021

Item 1 (Cont'd)

Application Number:

2021/0889/S73

These reserved matters applications shall be in accordance with a full reserved matters design and development framework document for all of the site to be submitted to and approved by the Local Planning Authority prior to or contemporaneously with the first reserved matters application. The design and development framework will address the key design issues of:

- Creating local distinctiveness.
- Integrating the development into the adjacent development site.
- Linkages with surrounding communities and facilities.
- Accessibility.
- Permeability.
- Legibility.
- Scale and massing.
- Creating people friendly streets.
- Public open space, landscaping and biodiversity.
- Designing out crime.
- Reducing car dependence and use.
- Encouraging cycling and walking.
- Sustainable water use and drainage.
- Reducing building energy consumption.
- Building design and materials.
- The frontage to Nantong Way and Brunel Way.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner

- 2 Detailed plans and drawings with respect to the matters reserved in condition 1 shall be submitted for approval by the Local Planning Authority in accordance with the approved Design Development Framework pursuant to condition 1.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design and to ensure that the development is carried out in an orderly and satisfactory manner.

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

- 3485.SL03 (Proposed Development Site) (approved under application ref: 2006/1902)
- 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link) (approved under application ref: 2019/2523/S73)

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

- 4 The landscaping scheme for the site submitted as part of the reserved matters shall incorporate an area of public open space, not less than 0.2h in area to include an equipped play area and the scheme as approved shall be carried out in accordance with the approved programme of phasing.

Planning Committee – 6th July 2021

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site as a whole.

- 5 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 6 The use of any retaining walls to support the internal road network will need to be supplemented by full structural calculations and drawings to be submitted to and approved in writing by the Local Planning Authority prior to the construction of any such works commencing on site. The development shall be implemented in accordance with the approved details.

Reason: To allow the proper consideration of all details in the interests of highway safety.

- 7 The additional safety measures for the temporary access off Nantong Way as set out in green, red, and blue on drawing no. 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link) shall be implemented in accordance with the details indicated on the approved plans and shall thereafter remain in place as approved until the permanent access off Nantong Way has been completed.

Reason: In the interests of active travel, highway and pedestrian safety.

- 8 By no later than 30th April 2022 the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL (and varied under 2020/2295/S73), or any subsequent variation of those permissions, shall be constructed in accordance with the approved details and shall be available for use.

Reason: In the interests of active travel, highway and pedestrian safety.

- 9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for a Method Statement to detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development complies with the approved details in the interests of the protection of controlled waters

- 10 Prior to the occupation of the housing phases a report shall be submitted to and approved in writing by the Local Planning Authority that provides verification that the necessary land contamination remediation and mitigation works for the site have been carried out in accordance with best practice.

Planning Committee – 6th July 2021

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Post remediation sampling and monitoring results, where necessary, shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals, where necessary, shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 11 The housing phases shall not be occupied until a scheme for the foul water, surface water and land drainage has been implemented in accordance with details to be approved with the reserved matters for each phase.

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

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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: ER9, PS2, T1, T2 and T5.

Planning Committee – 6th July 2021

Item 2

Application Number:

2021/0978/FUL

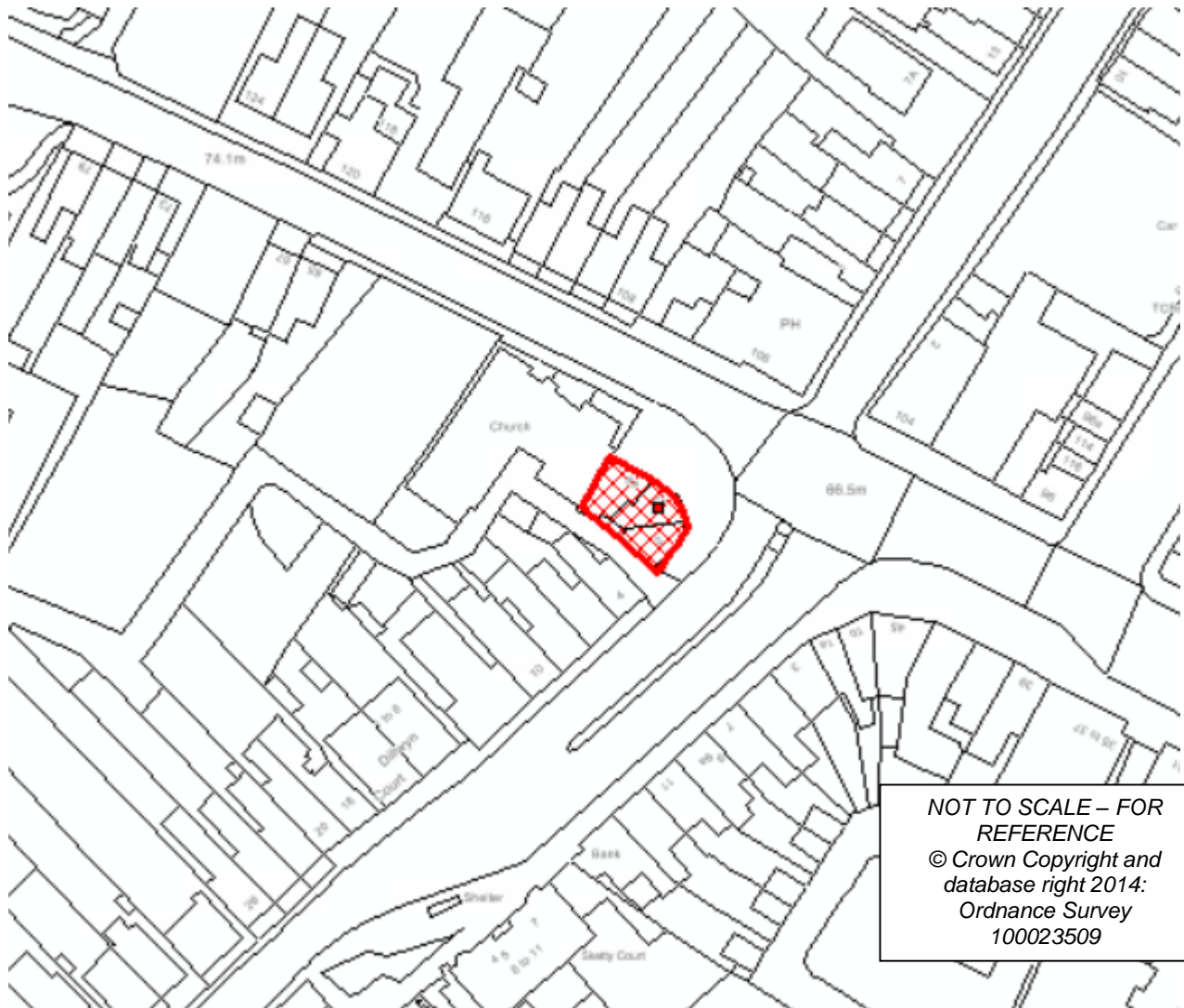
Ward:

Sketty - Bay Area

Location: 47 Gower Road, Sketty, Swansea, SA2 9BH

Proposal: Change of use of ground floor from retail (Class A1) to a wine bar (Class A3)

Applicant: Mr Keith Lewis



Background Information

Policies

LDP - PS2 - Placemaking and Place Management

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

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

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 - ER2 - Strategic Green Infrastructure Network

Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

LDP - ER8 - Habitats and Species

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

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

Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

LDP - RC5 - District Centres

District Centres - There are 9 designated District Centres. Proposals will be required to maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities and be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre

LDP - RC9 - Ground Floor Non-Retail Uses within Centres

Ground Floor Non-Retail Uses within Centres - Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to the specified policy principles. Business (Class B1) and residential (C3) uses will not generally be supported at ground floor level.

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.

Planning Committee – 6th July 2021

Item 2 (Cont'd)

Application Number:

2021/0978/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.

Site History

App Number	Proposal	Status	Decision Date
75/0285/03	ALTERATIONS AND ADDITIONS	APP	24.04.1975

Procedural

The application is being presented to the Planning Committee for determination as it is a departure from LDP Policy. The application will now be advertised as such on the 5th July 2021 in the South Wales Evening Post, and the 21 day public consultation period will expire on 26th July 2021. The Committee is asked to make a resolution on this application for approval subject to no further objections being received within the consultation period. If a resolution is made and subsequent objections are received after Committee, then the application will be re-submitted for consideration at a future Committee.

Description

Full planning permission is sought for the change of use of retail (Class A1) to a wine bar (Class A3) at no.47 Gower Road, Sketty.

There is not currently any parking provided and none is proposed as a part of this application.

Assessment of the immediate area

The application site forms part of the Local Ward of Sketty and a busy district centre.

Planning History

There is no relevant planning history for the site.

Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

Policy 1 - Where Wales will grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 6 - Town Centre First

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy Issues

The Swansea Local Development Plan ('LDP' 2010 - 2025) was adopted 28th February 2019, the policies contained within this will therefore be used in the determination of this application. Policies PS2, RP2, ER2, ER8, ER9, RC5, RC9, T5 and T6 are material to the determination of this proposal.

Policy RC5 designates the Swansea district centres and states:

Within designated District Centres proposals will be required to:

- i. Maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities;*
- ii. Be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre;*
- iii. Ensure that ground floor uses contribute to an attractive and vibrant street scene throughout the day;*
- iv. Retain the predominant shopping role and function of the Centre;*
- v. Be consistent with the aims of maintaining and improving the quality of the physical environment, the provision of short term parking, and accessibility by public transport and Active Travel.*

Policy RC9 sets out the considerations for non-retail uses within district centres at ground floor level:

Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to:

- i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre, with a presumption against proposals that result in a continuous run of 3 or more non-retail uses;*
- ii. The effect upon the shopping function of the centre, either individually or in combination with other non A1 retail uses;*
- iii. The nature and design of the shop front and window display that is to be provided;*
- iv. The location and character of the unit and/or site, including its relative proximity to the most primary frontage and its relative importance for retention as a retail use by virtue of its: design; orientation; size; or siting;*
- v. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses;*
- vi. Whether the development allows for, or retains the effective use of, upper floors; and*

Planning Committee – 6th July 2021

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

vii. The likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier.

Business (B1) and residential (C3) uses will not generally be supported at ground floor level.

Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) relating to 'District Centres, Local Centres and Community Facilities' provides further information and guidance to clarify the policy aims of LDP Policies PS 2 and RC 9. This is referenced in the amplification text of Policy PS 2 on page 49 and RC 9 on page 179 of the LDP. The SPG was formally adopted by the Council in October 2010, which followed a period of public consultation and stakeholder engagement that informed the content of the document. The SPG was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) LDP Policies PS 2 and RC 9; it is consistent with national guidance and overarching principles of Placemaking (Planning Policy Wales, Edition 11, February 2021), it was approved following stakeholder engagement and a comprehensive public consultation process; and ultimately provide useful guidance to confirm how the Council considers the aims and objectives of Policies PS 2 and RC 9 should be interpreted.

The SPG 'Car Parking Standards' adopted March 2012, also provide further information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP. Finally the SPG 'Development and Biodiversity' was adopted by the Council more recently in February 2021, and expands upon Policies ER 2, ER 8 and ER 9.

Responses to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos.49, 51, 53 and 55 Gower Road, and, 2A and 2B Cross Buildings, Dillwyn Road on 12th May 2021. A site notice was also posted within the vicinity of the application site on 14th May 2021.

One letter of objection has been received, which can be summarised:

- o Over-competition between A3 uses.
- o Impact on parking and traffic
- o Anti-social and noise disturbance
- o Increased litter

Pollution Control Team

I would like the following conditions to be placed on the application. In 2018 we received a complaint from one of the flats above the retail unit about loud music coming from the premises. The applicant needs to consider the sound insulation between the proposed wine bar and residential units above.

Planning Committee – 6th July 2021

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

Noise:

Prior to the beneficial use commencing 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 $D_{nT,w} + (Ctr)$ 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 existing residential use above against noise emanating from the commercial activity.

No external loudspeakers shall be used on or around the premises.

Reason: to protect the existing residential use above and surrounding from music emanating from the commercial activity.

Plant/ Machinery:

No beneficial use of the premises shall commence until a BS4142:2014 + A1:2019 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014 + A1:2019.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the conversion of a ground floor retail (Class A1) unit to a café bar/restaurant (Class A3), impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers along with parking and highway safety impacts.

Principle of Use

There are currently approximately 74 shopping units within the recognised District Centre and there is a mix of differing commercial uses which complement one another. As set out above Policy RC9 states non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre. The SPG acknowledges that whilst appropriate supporting uses can complement retail shops, the shopping function of District and Local Centres can be eroded by incremental planning consents for non-retail use. Consequently, when considering such proposals it is vital that an assessment is carried out on the impact of the proposed change of use on retail frontages, as well as the overall impact upon the vitality, attractiveness and viability of the Centre.

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

The SPG states that the primary frontage should maintain a high level of retail units in order to safeguard the shopping frontage. National planning policy guidance emphasises the importance of ensuring ground floor use class changes are not permitted where this would create a predominance of non-retail uses that would lead to an unacceptable dilution of the retail frontage or undermine the attractiveness of the Centre. The Policy itself, through criterion vii. requires that regard is given to the 'likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier'.

Sketty is a popular local shopping centre within the City and County of Swansea and in order to maintain its retail function the Local Planning Authority has historically sought to resist uses which can undermine the vitality and viability of shopping centres by creating areas of dead frontage during daytime hours within primary retail areas. The SPG does not preclude A3 uses where it can be demonstrated that it will not isolate retail units, create a deadening effect and will not detrimentally impact upon the vitality and viability of the District Centre.

The property forms part of a 3 storey building on a corner plot, the ground floor is comprised of a single A3 unit. The building forms part of the secondary frontage within the centre as opposed to the primary retail frontage. The secondary frontage is made up of 6 units, of which 4 (67%) are A3 with the remaining 2 (33%) having an A1 use. The approval of this application would reduce the number of A1 units to 17%. The SPG states that as a rule of thumb 35% of secondary frontages such as this should remain as retail, and further changes of use should not isolate units. The proposal would therefore run contrary to the SPG Guidance and would also result in the loss of a good sized retail unit.

It is noted that in exceptional circumstances allowances of additional change of uses from retail, in frontages already lacking may be acceptable. These circumstances may include a demonstration that a retail use in this location is not acceptable and that the proposed use would support and compliment the daytime function and footfall of the centre. The application form advises that the existing retail unit has been vacant since 01/04/2020 and the proposed wine bar would open at 11am. The application is not supported by any information of if or for how long the unit was marketed for retail or if there was any interest nor has any justification been provided to advise how the proposed use would support and compliment the daytime function of the centre. To that effect the proposal fails to comply with criterion vii of Policy RC 9 as referenced above.

Account must be given to the impact of the COVID19 Pandemic, the potential that the unit may remain vacant and the benefit of employment. In this instance it is considered that despite the non-compliance with LDP Policy, in regard to the requirement to carry out marketing for a minimum of 12 months, the proposal would be acceptable. The ongoing pandemic has had a devastating effect on retail, dine in restaurant and bar businesses, and the future recovery of these businesses is uncertain. In the short to medium term, however, it is considered likely that the effects of the pandemic will result in a slow recovery of retail businesses and this will be exacerbated by the move to increased online retail sales. This will therefore likely result in empty units, particularly in local and district centres and a desire for alternative uses to fill them. On balance it is considered the benefits that a new business will bring to the local economy and support this will bring to the viability of the centre will far outweigh the negatives from the loss of the retail unit, which would likely remain vacant.

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

In addition to the above it is relevant to note that the Welsh Government, on 30th April 2021, introduced temporary permitted development rights through amendments to the Town and Country Planning (General Permitted Development) Order 1995 to support the reopening of businesses. Part of the amendments include the allowance of temporary change of uses to existing shops within Town Centres with Town Centres being defined as City Centre, District Centres and other Local Centres and this includes a permitted change from A1 (retail) to A3 (food and drink). It excludes the use of the premises for the sale of hot food for the consumption off the premises (i.e takeaway). All changes of use that take place are permitted for a six month period beginning with the date on which the development began and must end on or before 29 April 2022, unless planning permission is granted for the retention of the use. The use of the building may revert to the original use at any time during the six month period. On this basis the proposed use could be undertaken on a temporary basis for 6 months without the need for planning permission.

On the basis of the above assessment it is considered that the proposal would have an acceptable impact on the vitality and viability of the centre in compliance with Policy PS2 of the Swansea LDP.

Visual Amenity

The application does not include any external alterations, and therefore it is not considered that the proposed change of use along would have any harmful impacts on visual amenity.

Residential Amenity

The proposal will raise no issues relating to being an overbearing form of development, overshadowing or overlooking and the premises is sited within a District Centre Location where you would expect to find such a food and drink use. Whilst there are flats above the unit, the Head of Environmental Management and Protection has offered no objection to the proposal, subject to condition, and therefore in light of its District Centre location the proposal is considered to respect the residential amenities of the neighbouring properties. The proposal would not result in any unacceptable impacts in regard to noise, disturbance or smells, subject to condition, and the opening hours would be acceptable.

As such the proposal is considered to comply with the provisions of Policies PS2, RP2, HC5 and HC9 of the Swansea LDP and the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities'.

Parking and Highway Safety

Sketty is a busy district centre with limited parking facilities, and those that are available are time restricted. It is noted that whilst the proposed bar will cause a demand for both customer and staff parking there is already an existing level of demand for parking from the retail use. It is considered that the nature of the bar use, makes it likely that most customers would likely not arrive by their own car. Furthermore Sketty is well served by a major bus transport route.

Notwithstanding the acceptability of the use it is not considered that a solely hot food takeaway use would be acceptable in this location, as it would likely result in customers making unsafe stops on this busy highway, to the detriment of other road users and highway safety.

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

A condition is therefore recommended to control the nature of the use in order that the premises could not operate as a hot food takeaway.

It is therefore considered that the impact on highway safety and parking is acceptable.

Ecology

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The applicant has not indicated any measures as part of the application, however as the proposal includes no external alterations and only relates to a change of use to the ground floor unit, it is not considered reasonable or necessary in this instance to require enhancement measures.

Response to Consultations

The objections raised in regard to the impact of the application on over-intensification of A3 uses, noise, disturbance and highway safety have been addressed in the above report. It is not considered that the proposed use would result in an unreasonable level of anti-social behaviour and litter for a district centre location.

Conclusion

In conclusion, and having regard to all material considerations including the Human Rights Act, whilst recognising that the application does not demonstrate a minimum 12 months marketing of the property to establish a retail occupier in accordance with criterion vii. of Policy RC 9 the property has remained empty since April 2020 and the proposed use would not have a significant adverse impact upon the vitality, viability or attractiveness of the centre in accordance with Policy RC 9 as a whole. Furthermore the scheme will have an acceptable impact upon visual, residential, highway safety and ecology in compliance with Policies PS 2, RP 2, ER 2, ER 8, ER 9, RC 5, T 5 and T 6 of the Swansea Local Development Plan (2010-2025).

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 no further objections being received by the 26th July 2021 and subject to the following conditions:

Planning Committee – 6th July 2021

Item 2 (Cont'd)

Application Number:

2021/0978/FUL

- 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: Block plan, existing plan, proposed plan, proposed seating plan received 12th April 2021. Site location plan received on 4th May 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The use hereby approved shall not be utilised by customers between 00:00 hours and 07:00 hours on any day.
Reason: To safeguard the amenities of neighbouring residents.
- 4 Prior to the beneficial use commencing 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 existing residential use above against noise emanating from the commercial activity.
- 5 No external loudspeakers shall be used on or around the premises.
Reason: to protect the existing residential use above and surrounding from music emanating from the commercial activity.
- 6 The premises shall be used as a cafe bar/bar/restaurant Class A3 and for no other purpose (including any other purpose in Class A3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The premises shall not operate as a hot food takeaway.
Reason: In the interest of highway safety, residential amenity and to ensure the vitality and viability of the District Centre.

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, RP2, ER2, ER8, ER9, RC5, RC9 and T6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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