



**Planning Committee – 2<sup>nd</sup> November 2021**

**Item 1 (Cont'd)**

**Application Number:**

2020/2559/RES

**Background Information**

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	APP	06.12.2018
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases and leachate) of planning permission 2014/0977 granted 11th January 2018	APP	23.05.2019
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	APP	09.04.2019
2019/0219/DOC	Discharge of condition 8 (drainage) of planning permission 2014/0977 granted on appeal 11th January 2018	APP	12.06.2019

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2019/0220/DOC	Discharge of conditions 10 (confirmation from Natural Resources Wales that an application has been submitted for the definitive closure of site) and 11 (Construction Management Statement) of planning permission 2014/0977/FUL granted on appeal 11th January 2018	APP 10.06.2019
2019/0502/RES	Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	APP 12.12.2019
2019/1041/SCO	SCOPING OPINION for a new community hub and gym buildings	REC
2019/1042/SCR	SCREENING OPINION for a new community hub and gym buildings	EIANR Q 05.07.2019
2019/1473/TPO	Removal of trees that are not suitable for retention, treatment of Japanese Knotweed, further survey work, preparation of groundwork and future development (TPO 654)	APP 08.08.2019
2019/1916/TPO	Removal of the areas identified in red on Plan 1 and 2 of self populated whips and trees covered by TPO 654	APP 24.09.2019

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2019/2236/RES	Provision of open space and ancillary infrastructure within former quarry basin (details of access, appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)	APP 04.06.2020
2019/2309/FUL	Construction of community hub in connection with the wider development approved under application ref. 2014/0977 for the cessation of landfill and other operations for development of circa 300 dwellings, public open space, associated highway and ancillary work	APP 04.02.2020
2020/0149/DOC	Discharge of conditions 2 (landscaping), 4 (external works) and 5 (bat and bird boxes) of planning permission 2019/0502/RES granted 12th December 2019 to enable progression of superstructure and occupation of dwellings	APP 26.03.2020
2020/2068/S73	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)	S106 01.09.2021

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2020/2232/TPO	To lop 6 Oak trees and 1 Birch tree covered by TPO 654	APP	22.12.2020
2020/2419/RES	Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)	APP	09.03.2021
2020/2430/FUL	Two tandem parking areas and additional landscaping	APP	23.03.2021
2020/2588/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwelling, public open space, associated highway and ancillary works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 5 (29 dwellings), open space and ancillary infrastructure	PCO	
2021/2490/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (Details of landscaping pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 3 (73 dwellings) and 4 (36 dwellings)	PCO	

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2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	REF	15.06.2016
2003/0394	Siting of two detached portacabins and portable toilet block	WDN	11.11.2003

### Background

This application is being reported to Planning Committee as it is a reserved matters application and the outline application was accompanied by an Environmental Statement. Moreover the number of units proposed exceeds the Committee threshold as set out within the Council's Constitution.

This is a reserved matters application in respect of the development of the former Cwmrhydyceirw quarry for housing. Outline planning permission was granted on appeal by the Welsh Ministers in January 2018 under planning ref: 2014/0977 for the following development:

*"Proposed Cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline)"*

A Section 73 planning permission was granted earlier this year to extend the time period in which to submit the reserved matters by a further two years (2020/2068/S73).

Housing on phases 1 and 2 have already been approved (2018/1873/RES and 2019/0502/RES respectively). A re-plan relating to 13 dwellings within Phase 2 was approved in March of this year. A reserved matters application for the development of the quarry basin as an area of open space was also approved in 2020 (2019/2236/RES).

Phase 1 comprising of 28 dwellings is nearing completion and phase 2 comprising of 121 dwellings is well underway. There is currently one further reserved matters application which is currently being considered for phase 5 (2020/2588/RES). The Phase 5 application comprising of 29 dwellings is currently on hold while the applicant has been focussing on discussions relating to phases 3 & 4, which relate to this application.

A reserved matters application relating to the landscaping for phases 3 and 4 is currently under consideration and will be reported to the Planning Committee for decision in due course (2021/2490/RES).

### Site Location

The application site comprises of two connected parcels of land with phase 3 on the eastern of the quarry basin and phase 4 on the western side.

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To the east of phase 3 are existing properties on Cwmrhydyceirw Road and to the south is Morryston Golf Club and the railway line. Phase 4 is bordered to the south and east by Morryston Golf Club.

Phase 5, which is the subject of a separate application, is located between phases 3 & 4 within the quarry basis on its southern side.

The land within phases 3 & 4 has been cleared for the most part and currently forms part of the wider construction site. There are some small buildings on the site associated with the former uses at the site and these are proposed to be demolished.

### **Description of Development**

The proposal is for the development of phases 3 (73 dwellings) and 4 (36 dwellings) together with associated open space and ancillary infrastructure. The only matter reserved for future consideration is landscaping with all other reserved matters being considered under this application.

There have been several revisions to the design and layout of the scheme following dialogue with officers to address matters relating to the layout and design of the scheme and to address potential highway safety impacts and residential amenity impacts. The application has been considered on the basis of information presented within the revised drawings.

### **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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 7 - Delivering affordable homes

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.

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To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

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

#### Access and Inclusivity

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

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

#### Environmental Sustainability

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

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design.



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In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

**Character**

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

**Community Safety**

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

**Movement**

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

**Car Parking**

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

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

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

Integrating Green Infrastructure and Development

Integrating Green Infrastructure and Development

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

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

Trees, Woodlands and Hedgerows

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

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans

**Sustainable Drainage Systems (SuDS) and Development**

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

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.<sup>140</sup> In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

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

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

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

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

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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.

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

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

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

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

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

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

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

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

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted.

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

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

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

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

#### **Supplementary Planning Guidance (SPG):**

The following supplementary planning guidance (SPG) documents are considered to be relevant to the determination of this application:

- Places to Live - A Residential Design Guide (adopted 2014)
- City and County of Swansea Parking Standards (adopted 2012)
- The Protection of Trees on Development Sites (adopted 2012)
- Biodiversity and Development (adopted 2021)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

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**Consultations:**

**Placemaking and Heritage:**

"The most recent information is submitted to address the requirement to address GI at all scales, most specifically at street level through the inclusion of build-outs and street trees. In addition, there were some outstanding concerns relating the housetypes.

**Green Infrastructure**

As requested, the layout to phase 3 and 4 (phase 5 is being dealt with under a separate application) now incorporates street level GI, accommodated within the existing street widths, through the addition of build outs and street trees. Whilst the GI will not be fully multifunctional insofar as it will not include SuDS features, it will provide both important biodiversity/ecology enhancements as well as aid legibility and provide visual interest to the streetscene.

The build outs are well interspersed throughout the two phases and the number of street trees is acceptable, especially when viewed cumulatively with the other street planting throughout the scheme.

In compliance with advice provided by the landscape officer on other schemes, a heavy standard tree should be 700mm minimum depth (to access permeable ground and 1200x 1200 square). To ensure the tree has the best opportunity to live and flourish it is recommended that the buildouts allow for 1.5m width and length as a minimum. The proposed build outs have been designed to meet these minimum requirements. Wildflower planting should be present at the base of the tree to enhance GI. The street level GI requirement has now been addressed and the redesign is supported.

**Buildings/Parking**

Phase 3 - enhancements have been made to plot 192, and whilst the front door does not front onto the adjoining green space which would be preferable, the addition of projecting bay windows is welcomed. The same approach has been taken to plots 165 and 200. NB. The floorplans for plot 200 have not been updated to show the projecting bays.

Phase 4 - the prominent side elevation to plot 246 has been amended to include a ground floor projecting bay, an approach which is welcomed.

Plots 193-194 have been shifted slightly to allow the addition of a private side driveway to plot 193. This is welcomed to relocate some parking away from the open space opposite. Ideally the visitor space adjoining the POS should be omitted.

Some minor tweaks have been made to the frontage parking serving plots 191-192 in order for the associated parking to better relate to the appropriate dwelling.

In terms of plots 176-178, it was suggested that plots 176-177 could potentially be flipped to front onto the street and incorporate private side gardens and parking alongside. Instead the amended layout shows plots 176-177 and plot 178 have been flipped.

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This in itself creates an alternative issue in terms of the small incidental area of POS opposite plots 176-177 being poorly overlooked due to the parking arrangement serving these dwellings. To overcome this, the parking for plot 176 should be moved to the opposite side as tandem spaces alongside parking for plot 175. The parking for 177-178 is then relocated to the rear (in the place of existing parking for 176). This then results in direct active frontage onto the POS. The visitor spaces fronting the POS should also be omitted as there is sufficient on street visitor parking.

The parking arrangement for plots 201-204 needs modification to ensure no vehicles are parked to the frontage of plots to which they do not relate. The parking for plot 202 should not be to the frontage of plot 203 - this should be relocated in place of the visitor parking opposite, which should be omitted. This would allow one parking space for plot 203 to be to the frontage of the plot and the frontage parking to plots 201-204 be broken up with greening.

In terms of plots 144-146, the same principal as above applies. There appears to be 7 designated spaces for 3 dwellings - is there a surplus provided for plot 144? and if so one space should be omitted to allow additional greening and the parking to relate to the relevant plot (parking for plot 146 should not be directly outside the front door to plot 147). Frontage parking across the site should be broken up with planting i.e. plots 198-200."

### **Updated Comments:**

"...the amendments made are welcomed. Whilst not all suggested revisions have been taken on board, on balance the proposal is considered acceptable from a placemaking perspective and approval is recommended."

### **Local Highway Authority:**

The dialogue which has taken place during the application process and the resultant changes to the layout, have largely addressed the Highway Authority concerns. This has been achieved either through minor adjustments to the layout or through the provision of additional justification and supporting assessments.

The remaining issue is one of visibility splays and ensuring that these are maintained for use within areas dedicated as highways and not reliant on adjacent plots. The specific area in discussion relates to Phase 3 and the private drive junctions with the development access road, these are located in the areas of proposed Plots 212 to 215. The road feature introduced to accommodate tree planting contributes to the difficulty to achieve visibility. There is also likely to be future issues in terms of a lighting strategy with placement of lighting columns unlikely to sufficiently illuminate the accesses. This has been discussed with the applicant and with colleagues in Placemaking and it is understood that it is accepted and agreed by both parties that this short section can be revised prior to implementation. This can be secured and achieved through an appropriately worded condition which requires approval of a plan prior to commencement.

On the basis of the above conclusions, the Highway Authority confirms that it would not raise an objection to this application.

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### **Pollution Control:**

"I refer the applicant to Condition 7 and 18 of application number 2014/0977, which are to be complied with, and if need be should also be added to this application."

### **Landscaping (Tree Officer):**

"The arboricultural impact assessment and tree protection plan refers to a tree survey that has not been supplied. The removal of several tree 411 - 418 are either on adjacent land or perform a screening function. Therefore their removal must be justified.

The other pruning work appears to be relatively minimal, although greater separation from tree T100 would be preferred as it will come under future threat for further work.

No details have been supplied regarding landscaping with only a masterplan contained within the documents."

### **Updated comments:**

(Note: Updated comments received following the submission of further information and confirmation that "landscaping" is reserved for future consideration):

"Yes that addresses my concerns."

### **Ecology:**

"The Ecology Update Note Phase 3 & 4 by EDP addresses the ecological information pertinent to Phases 3 & 4. A report of the same format shall be submitted for future Phases of the development."

"Welcome the substitution of A4 amenity grass mix with the Emorsgate EL1 flowering lawn mixture. I note that this is currently not in stock on their website, but an alternative EM2 standard general purpose meadow is suggested, which contains the same grass species but a more diverse wildflower mix and is also cheaper. The higher species diversity mix would be preferred.

I note that none of the non-native species in the rest of the landscaping have been changed to native species. I would request then that the native hedge can be increased from 4 species to at least 5 species, in order to make it a species-rich hedge. Suggest adding hazel (*Corylus avellana*), blackthorn (*Prunus spinosa*) and honeysuckle (*Lonicera periclymenum*).

Welcome the inclusion of the hedgehog corridors and the demonstration of GI connectivity.

Condition:

Amended Phase 3 and Phase 4 Landscape Plans shall be submitted to the LPA for approval, incorporating species-rich hedgerows to improve ecological connectivity, provide biodiversity net benefit and contribute to ecosystem services."



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**Drainage:**

"We note the proposed diversion works for the concrete channel which appear to be diverting the flows into the SW network, we have yet to see any assessment on the impacts of this (if any) which is required. Furthermore the works will also require the Authority's prior written consent under Section 23 of the Land Drainage Act 1991 (as amended) irrespective of any other permissions given".

**Updated Comments:**

"We're fine with this arrangement as the diverted channel is now separated out and doesn't go through the hydrobrake"

**Dwr Cymru Welsh Water:**

"Dwr Cymru Welsh Water were previously consulted on this reserved matters application and by response (Ref: PLA0053993) offered no objection on the understanding confirmed proposals to discharge foul water to the public sewer and surface water flows to an existing watercourse. As part of this latest consultation, we acknowledge receipt of a 'Drainage Technical Note' for Phase 3 and Phase 4 (20015.TN03 & 20015.TN04) which provides minor updates but would appear to maintain the same drainage strategy as previous, and therefore we offer no further comments.

Notwithstanding this, as previous (Ref: PLA0053993), we remind that our original responses to the outline planning application provided specific reference to the requirement to undertake a Hydraulic Modelling Assessment (HMA) of the potable water supply network and therefore we request the developer contact us to discuss and instruct".

**Natural Resources Wales:**

"We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met. Otherwise, we would object to this planning application.

Requirement: Submission of additional information that demonstrates that the proposed drainage strategy for Phases 3 and 4 shall not increase the risk of surface water percolating into the landfill."

"We wish to reiterate the importance of ensuring that the Phase 3 and Phase 4 drainage plans, surface runoff and foul water must be prevented from entering the landfill. In relation to this matter, we have some concern with the following comments on page 4 of both the Phase 3 and 4 Drainage Statement: 'Exceedance events (return periods >1:30 year) will be conveyed, unrestricted directly to the lagoon by way of an overland flood route into the quarry basin and lagoon.'

The use of the quarry basin and lagoon to contain rainfall from > 1:30 year rainfall events, which are likely to be more frequent in the future due to climate change, must not increase the risk of surface water percolating into the Landfill.

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Leachate levels in the landfill and groundwater beneath the landfill must be monitored and controlled. As the landfill is excavated below the water table the Hydrogeological Risk Assessment for the site includes the requirement to maintain the water level in the sump at a maximum elevation of 32m AOD.

Likewise, landfill gas must also be monitored and controlled.

Therefore, we advise that additional information is submitted by the applicant that provides suitable evidence and assurances that the proposed drainage strategy for Phases 3 and 4 shall not increase the risk of surface water percolating into the landfill and exceed the maximum elevation of 32m AOD.

Finally, we wish to draw your attention to the submission of the report titled; 'Parc Ceirw, Morriston, Swansea: Ecology Update Note: Phases 3-6 (Report Ref: 4664\_r011a)', by EDP (undated).

The report provides the details of the updated baseline investigations which were carried out during October 2020. The Update Extended Phase 1 Habitat Survey map indicates that the Phase boundary appears to consist of areas of hardstanding / made ground and dense scrub.

As the Ecology Update Note has been written to cover multiple phases of development, we suggest that consideration be given to the submission of phase-specific Ecology Update Notes, which provide clear indications of the assessment and any potential impacts which may result from each specific phase of development.

We also note that the Design and Access Statement, which has been submitted in support of the above application states that: 'There are areas of the quarry site that have become overgrown that will be retained as green / ecology areas. The Ecology Management Plan has been agreed and an updated ecological survey prepared.'

We recommend that your Authority should be satisfied that this phase (along with all other phases) will not impact upon any features or protected species. We advise that you discuss this with your Authority's Planning Ecologist".

### **Updated Comments:**

"We welcome the submission of the technical note prepared by Jessops Reynolds, Consulting Civil and Structural Engineers reference: Technical Note 20015.TN08, Parc Ceirw, Edenstone Homes - Confirmation of Proposed Water Levels in the Lagoon. This provides clarification of the details of the management of water levels in the lagoon; we have no further comments with respect to this issue."

### **Network Rail:**

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

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Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk)

No additional rights either temporary or permanent over the bridge are permitted without Network Rail agreement.

### **Police Designing Out Crime Officer:**

"In respect of the above planning application, the comments I made in my report dated 20/01/2021 are still relevant. As long as all the parking bays on this development are overlooked by rooms in the properties preferably that are usually occupied, I would have no further comments to make."

### **Neighbour comments:**

The application was advertised in the press, by site notice and individual properties were consulted by letters.

One response has been received to the public consultation raising the following concerns:

1. Drain running along the boundary of the development site/behind the properties on Cwmrhydyceirw Road - Please confirm there are no plans to remove? I have already been flooded when developers/site workers blocked it. Who will be responsible for the existing drain once the development is completed?
2. Height of new builds behind my property- This is not clear from the plans submitted. I would like confirmation to the height in relation to my actual house?
3. New trees to the rear of my property - I would like to know what trees they are? Will they be within the new build boundaries? Who will be responsible for them? I have concerns over the leaves blocking the drain mentioned in point 1 causing my property to flood.

## **APPRAISAL**

### **Main Issues**

The main issues to consider in the determination of this application relate to the impacts of the development upon the character and appearance of the area, the impacts upon the residential amenity of existing and future occupiers, the impacts upon highway safety, ecology, drainage, and land contamination having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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### Principle of Development

The principle of the development has been established by the appeal decision which granted outline planning permission. This application will therefore consider the acceptability or otherwise of the details submitted for the approval of reserved matters in respect of the access (within the development), appearance, layout and scale for the proposed development of phases 3 and 4.

### Visual Amenity

The proposed layout reflects the broad principles set out within the masterplan at the outline planning stage with both phases 3 and 4 extending from phase 2 within spine streets that extend around the quarry basin, with smaller cul-de-sacs extending from the main streets. The pedestrian link around the basin edge is continued through the phases providing an active travel route with expansive views into and across the quarry basin and beyond.

Following discussions with officers, the scheme has evolved since its original submission. For the most part, these changes have been relatively minor in nature and have included alterations to standard house types to improve the street scene in prominent locations, for example, through the introduction of bay windows within certain areas. The layout has been altered to reduce the dominance of parking areas within the street scene and various amendments have been made to address highway safety requirements. The most significant change to the scheme has been the introduction of a greater number of street trees within the street scene, providing multi-functional benefits and resulting an overall improvement to the street environment for future residents.

### Phase 3:

Phase 3, on the eastern side of the basin, proposes 73 units comprising detached, semi-detached and terraced properties with the following housing mix: 10 x 2 bed; 34 x 3 bed; 29 x 4 bed. There are no flats proposed within this phase.

The site is effectively and irregular wedge shape, narrower to the north and widening to the south. At its northern end, where it connects to phase 2, a small parcel of land between plots 150 and 154 has been omitted from consideration under this application and will be considered under a future application. The reason for this is to address concerns from the LHA in relation to the number of dwellings accessed off a private drive.

The phase 3 levels are illustrated on the engineering drawings. The topography slopes down from north to south with the slab levels within this phase dropping approximately 10m from the northernmost to southernmost dwelling. The levels difference across this phase, in an east/west direction, is not significant with a maximum change in slab levels of approximately 2m, with the lower levels on the eastern side of the site. Very few retaining walls are proposed within this phase.

On the eastern side of the spine street there are rows of terraced and semi-detached properties with side drive parking in tandem arrangements. This has allowed for a strong building line and enclosure to the street on its eastern side.

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These properties adjoin the eastern boundary of the site and adjoin existing properties on Cwmrhydyceirw Road, which generally benefit from extensive rear gardens.

The western side of the street is more diverse with two secondary streets extending from the main spine street. Parking in these areas is mainly within side drive with some single and double car ports. A small tree lined avenue with properties on both sides (plots 155-158 and 159-162) provides a focal green link for pedestrians to access the quarry circular route and provides a semi-circular viewing area and small natural play area with benches. The second cul-de-sac between plots 165 and 172 also provides a legible tree lined footpath link to the circular route.

The masterplan principle of having dwellings fronting directly onto the quarry basin overlooking the circular route has been followed. While the street structure is more fragmented on its western side, the house types in this area have been arranged in perimeter blocks and have been modified, where necessary, to improve their active frontages in prominent locations, for example, through the addition of a double height bay window to plot 165. While a run of 6 frontage parking spaces is provided to the front of plots 163 to 165, this is considered to be acceptable, on balance, given that there are no similar arrangements on the opposite side of the street and there is planting proposed which will soften its impact. On this basis it is not considered the off street parking in this area would dominate the street scene.

In the southern part of phase 3 the spine street shifts in direction in the south eastern corner of the site to head westward towards the future phase 5 within the quarry basin. There is also a steep shift in topography in this area which has resulted in a 'U' shaped arrangement with properties backing onto a steep incline. However, this has not impacted significantly upon the appearance of the spine street, which continues to present active frontages and side drive parking. A small greenspace area is proposed in this location with a natural play feature proposed above an attenuation area (below ground tank). Additional on-street visitor parking is proposed in this area, which would be partially screened by proposed hedges. This area would benefit from excellent views across the basin and would be well overlooked by the adjacent plots at 177 and 178. The road fronting the parking areas for these plots is outside of the red line site area for this application, however, the road has already been approved under the reserved matters application for the open space within the quarry basin (2019/2236/RES).

In the south eastern corner of the site the levels rise and a sizable greenspace area is proposed with a category A Oak (TPO protected) retained as an important local feature adjacent to a natural play area and substation. Pedestrian links are proposed in this area to connect the development to existing neighbourhoods on Vicarage Road and Cwmrhydyceirw Road. This area is well overlooked by plots 192-200 and while extensive parking areas are proposed here, they would be well broken-up with street trees and would be viewed against an extensive green backdrop.

The provision of additional green infrastructure at street level in the form of street trees and build-outs within the carriageway throughout phase 3 would enhance the aesthetic of the street environment and would have multifunctional purposes in terms of providing a drainage function, ecological enhancement, and providing natural traffic calming features.

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The boundary treatments proposed are consistent with previous phases with robust brick screen walls used to define private areas on prominent corner locations. Front boundaries are generally open with hedging indicated to be provided to define front boundaries. Railings of 1.2m in height are proposed around the top of the quarry basin. It is recommended the precise details of the means of enclosure for the site are dealt with by a condition.

In terms of the built form, the scale of the buildings in this phase is 2.5 and 2 storey, with many of the house types consistent with those in phase 2, albeit with some modifications to improve active frontages. The overall aesthetic within this phase follows the contemporary design approach with a mix of materials with mainly brick together with render and weatherboarding in a grey finish. This contemporary approach is welcomed and contrasts with the more traditional design of the properties within phases 1 and 4, thus providing a distinctive contemporary character area within phases 2 and 3. It is recommended the precise details of the external materials for the dwellings, including the proposed render system, are dealt with by a condition.

#### Phase 4

Phase 4, on the western side of the basin, proposes 36 units comprising detached and semi-detached properties with the following mix: 2 x 2 bed; 9 x 3 bed; 25 x 4 bed. There are no terraced properties or flats proposed within this phase. Phase 4 is distinctly different from phases 2 and 3 in terms of a more traditional architectural approach to the design of the dwellings and in terms of the scale of the buildings, with 11 bungalows proposed within this phase and the remainder being 2 storey dwellings. Brick garages are proposed within phase 4 whereas carports with timber boarding are proposed within phase 3. The external facing materials proposed within phase 4 also contrast with those in phase 3, with the majority of dwellings proposed to be faced in brick, with render generally proposed on corner units and feature gables on the Monmouth house type.

Vehicular access to this phase is derived directly from phase 2 with the spine street orientated in a broadly north/south direction with a short 'dog leg' section in the southern part of this phase. On both sides of the spine street the houses are arranged in a logical linear layout with side drives and car ports set behind the buildings. There is a line of TPO protected mature trees on the western side of the site, at a higher level, that define the rear boundaries of the proposed dwellings and border the golf course. These trees are indicated to be retained.

There is one break in the spine street in the form of a 'T' junction that provides access to two private drives serving plots 248-250 and 258-260. These properties front onto the quarry circular route and will benefit from views across the quarry basin towards phase 3 some 260m away to the east. While the blank rear elevations of the garages in these areas will be visible from the circular route, like phase 2, it is indicated that landscaping will be provided adjacent to these walls to soften the appearance and hedges are proposed to define the front boundaries.

The topography in this part of the site is more challenging than phase 3, with a greater cross fall from west to east resulting in the requirement for a retaining wall and embankment centrally within the phase on a north/south alignment and a further north/south wall towards the western boundary that would extend across a number of plots and would reach a maximum height of 2.7m. The slab levels of the dwelling drop approximately 4m from east to west. There will be an element of underbuild with the plots on the western side of the phase approximately 1m above road level.

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It is considered this would not have a detrimental impact on the street scene and would largely be mitigated by the provision of hedges along the plot frontages. The central retaining wall and embankment are also indicated to be landscaped to soften their appearance. It is noted the retaining wall in the northern part of this phase would extend up to 2.8m in height, however, this wall would not be prominent in the street scene other than from the private rear access drive to plots 258-260, as such it would not have a significant visual impact and would not be widely visible from key public views.

There is a service margin indicated at the rear of plots 233-244 that borders the golf course. This area would not form part of the residential plots and the applicant has indicated this land may, in the future, be dedicated to the golf course to provide a safety net. Details of the landscaping in this area can be dealt with under a future reserved matters application.

The northern portion of phase 4 includes a landscaped embankment with trees, play area, benches and a connection from phase 2 to the quarry circular route. Similarly on the southern side of phase 4 the circular route continues with a path connecting to phase 3 which includes further benches and play opportunities. Again, the landscaping for these areas will be agreed at a subsequent reserved matters stage and details of the play equipment can be secured by a condition.

The boundary enclosures for phase 4 are consistent with those in phase 3 and, in principle are considered to be acceptable, subject to the submission of further information, which can be agreed by a condition. Parking areas throughout the development are generally well overlooked and where rear parking areas are proposed the entrances to such areas benefit from natural surveillance.

Like phase 3, the introduction of street trees has improved the levels of green infrastructure from previous phases and this is considered to be a positive evolution within the overall development. One of the principle assets of the site is the retention and re-purposing of the quarry basin for play, active travel and ecology benefits. The provision of enhanced green infrastructure at street level will improve the general street environment and will provide enhanced connections to the dense areas of vegetation within and around the quarry basin.

In summary, the overall layout and design approach for phases 3 and 4 is considered to be acceptable and will result in distinctive character areas within the development. The scheme proposed reflects the principles set out within the masterplan at outline stage and follows on from the design approach adopted within earlier phases. The layout responds positively to the sites constraints and opportunities and accords with the principles of good design. On this basis it is considered that the proposed development would accord with LDP Policy PS2 and would broadly accord with the guidance contained within the SPG document 'Places to Live - A Residential Design Guide'.

### **Residential Amenity**

Phase 3 adjoins the rear boundaries of properties on Cwmrhydyceirw Road. These properties are generally at a lower level than the application site and benefit from extensive rear gardens measuring approximately 40m in length. The dwellings proposed on the eastern side of phase 3 would be arranged in a back-to-back relationship with existing properties.

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For the most part, the layout of the development and the extensive rear gardens of existing properties, would ensure that the minimum separation distance standards set out within the 'Places to Live - A Residential Design Guide' SPG would be observed. Separation distances in excess of the minimum 21m back-to-back separation distance would be achieved as would the requirement to ensure 10m would be maintained where upper floor windows would directly overlook neighbouring private amenity space.

There is one area within phase 3 where further information has been provided by the applicant in order to assess the impact upon the existing property at No. 55 Cwmrhydyceirw Road. The occupier of this property had requested further information on the levels of the proposed development in relation to their property. This information was submitted by the applicant and the neighbour was re-consulted. No further response was received from this neighbour.

The existing property at No. 55 is effectively a two storey backland dwelling located to the rear of No. 53. A cross section has been submitted to assess the relationship of the proposed dwelling with the proposed development, with the closest proposed plots being 217 and 218. The ground level of the existing dwelling is approximately 2m lower than the existing concrete drainage channel that runs along the eastern boundary of part of phase 3. The proposed dwellings would have slab levels of 62.60m and 62.85m respectively and plot 218, being the higher of the two, would have a slab level approaching 3m above No. 55. The SPG states that in such situations where there is a change in levels, the minimum separation distance between the properties should be increase by 2m for every 1m change in levels, thus in this situation a 27m separation would be required in accordance with the guidance, whereas approximately 21m is indicated to be maintained between existing and proposed building faces on the drawings. Notwithstanding this, the SPG states that if the increased distances cannot be met, such as in this situation, then planting or a design solution may be required.

In term of the distance from upper floor windows of plots 217 and 218, a separation distance in excess of 10m would be maintained to the garden area of No. 55 and despite the change in levels, this is considered to be satisfactory to ensure the existing garden area would not be significantly overlooked by the proposed development.

In order to mitigate potential significant overlooking impacts a low retaining wall is proposed towards the rear part of the rear gardens of plots 217 and 218 topped by a 2.4m high fence above. This would largely screen views from the ground floor and upper floor windows of the proposed plots towards the ground floor windows of No. 55. The upper floor windows of the plots would have views looking towards the roof of No. 55.

Additional screening is also proposed in the form of a line of trees along the rear of the proposed plots, which would provide additional screening when in leaf. In addition, it is noteworthy that the proposed plots are not sited directly to the rear of No 55 and are offset to the north and south of the rear elevation of this property. In light of the above, on balance, it is considered that the proposed development would not result in any significant overbearing impacts, overlooking impacts or associated loss of privacy to the occupiers of No. 55. Having regard to the guidance contained within the SPG, the separation distances to all other existing properties are considered to be acceptable and, it is considered, would not result in any significant residential amenity impacts.



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Turning to the relationships between proposed dwellings within the site, satisfactory back to back and back to side separation distances would be maintained throughout the development in accordance with the design guide SPG.

There are a handful of instances through the site where usable private garden areas would be marginally below the minimum standard set out within the design guide SPG, however, a satisfactory usable space would still be provided and the vast majority of plots accord with the minimum standards set out within the SPG, with a number of plots exceeding the minimum space standards. It must also be acknowledged that the development of this site will provide a significant area of open space within the quarry basin that will be an asset to all residents of both the existing community and the future occupiers of this development. This would mitigate the impacts upon the well-being of the occupiers of plots with smaller garden sizes. It is considered the private amenity space provision throughout the site is acceptable.

The retention of the line of mature trees on the western side of the site will result in some overshadowing impacts to the gardens of the adjacent proposed dwellings on plots 225 - 233 in the late afternoon and evenings. Proximity of these mature trees will also, to some extent, limit the outlook of these properties. However, it is considered the impact upon the living conditions of the occupiers would not be so significant as to refuse planning permission for this reason.

Overall, it is considered that the design of the development would not result in any significant impacts upon the living conditions of existing residents adjacent to the site and would not result in any significant impacts upon the living conditions of the future occupiers of the development. The development would not, therefore, conflict with LDP Policy PS2 or the thrust of the advice within the design guide SPG.

### **Access and Highway Safety**

The design of the streets has been the subject of discussions with the LHA in order to demonstrate that the layout would provide satisfactory visibility, pedestrian connections and parking provision. Amended plans have been submitted to address LHA concerns, however, there is one area within phase 3 in front of plots 212 - 215 where an issue remains in relation to visibility and a further potential issue in relation to the future street lighting design. Following further dialogue with the applicant, LHA and Placemaking Officer, it is recommended that a condition is imposed requiring a re-design of the road alignment in this specific location in order to address the residual issues. This will result in a change to the indicative landscaping in this area, whereby two trees are currently indicated within a build out, however, it is considered that the removal or reduction in size/relocation of the tree build out would not result in any significant impacts upon the overall visual quality of the street scene, given the high number of street trees already indicated within this area. On this basis the proposed amendment is considered to be acceptable.

The main spine street measures 5.5m in width with 2m footways either side. The main routes through the site includes localised narrowing resulting from street trees, which adds interest within the street scene and serves to reduce traffic speeds.

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There are several private drives proposed where the street hierarchy changes and a shared surface approach is adopted with no dedicated pedestrian footways. This approach is acceptable on the basis that a limited number of properties are served by such arrangements, being no more than 5 dwellings.

The development is considered to be within a sustainable location being close to schools, shops and Morriston Hospital. On this basis parking provision within the site is considered to be acceptable when considered against adopted parking standards with all dwellings benefiting from two or three parking spaces.

There are also pedestrian links indicated to the existing community in the south eastern portion of the site providing access to Vicarage Road and Cwmrhydyceirw Road. It is recommended the provision of these links is secured by a condition in the interests of encouraging active travel.

In light of the above it is considered that the development would be acceptable in highway safety terms and would comply with LDP Policies T2, T5, T6 and the 'City and County of Swansea Parking Standards' SPG.

**Trees and Ecology**

The original outline application was accompanied by an Environmental Statement in order to address potentially significant ecological impacts and to address the complexities arising from the development of housing in such close proximity to a former landfill site.

An Environmental Management Plan has been approved under condition 9 of the outline planning permission. This provides a site wide strategy for ecological mitigation, compensation and enhancement. The plan includes specific mitigation measures for bats, peregrine falcon, amphibians and reptiles.

Following comments from NRW and the Council's ecologist a phase specific Ecology Update Note has been submitted for phases 3 and 4. The Ecology Update Note presents the findings of an updated Extended Phase 1 survey and further detailed surveys in relation to bats and badgers completed in October 2020. The Ecology Update Note states that, with the exception of those areas subject to construction and pre-enabling works, no significant material changes with respect to the potential of retained habitats within the application site to support protected and notable species were identified. Building B9 on the south western corner of the site continues to offer limited summer roosting opportunities as such pre-commencement inspections are recommended for all buildings prior to their demolition. No further trees with potential roosting features were identified within the site boundary.

In relation to this phase of the development, as with previous phases, specific mitigation, compensation and enhancement measures will be provided through an appropriate landscaping scheme and through the provision of bat and bird boxes within the dwellings and existing trees, where appropriate. The latter can be agreed by a planning condition, the former through a subsequent reserved matters application.

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In accordance with condition 12 of the outline planning permission this application has been accompanied by an arboricultural impact assessment. A tree survey and tree protection plan have also been submitted and this information has been reviewed by the Council's tree officer.

Within phase 3 a total of 14 no. individual trees are proposed to be removed together with 2 no. groups of trees, due to their poor quality (U category). One group of C category trees (low quality) is proposed to be removed to accommodate the proposed development.

Within phase 4 a total of 2 individual trees are proposed to be removed due to poor quality and 3 groups of trees. In order to facilitate the development four groups of trees C category trees are proposed to be removed to facilitate the development.

The important A category oak tree is proposed to be retained, as are the protected trees on the western side of phase 4. Details of the method of protection for these trees has been submitted. The Council's tree officer has offered no objection subject to the provision of a landscaping scheme to provide mitigation for the loss of the trees on the site. The indicative drawings indicate a good level of new tree planting within the development, including the provision of street trees, and this can be secured at the landscaping reserved matters stage. Overall, it is considered that the proposed development would not conflict with LDP Policies ER2, ER6, ER8, ER9 or ER11.

**Drainage**

Condition 8 of the outline planning permission requires the provision of a site wide drainage strategy to be submitted based on sustainable drainage principles. The condition allows for phased drainage operations and a detailed drainage scheme has been submitted with this application.

All surface water from the development will be discharged at an attenuated rate into the existing Cwmrhydyceirw Stream along the southern boundary of the wider site. Land drainage can also be discharged to the proposed surface water system. Foul water will be discharged to the existing DCWW sewer in Maes Y Gwernen Road.

Concerns have been raised regarding whether the existing concrete channel would be retained on the eastern boundary of the site. The applicant has confirmed this would be retained, however, as the site is developed the newly installed drainage infrastructure will capture the rainfall at the site and direct it to the new drainage network and not the concrete channel. Flow to this channel will be reduced but there may still be some residual flow which will be piped direct to the lagoon.

The Council's drainage officer and DCWW are satisfied with the drainage scheme and on this basis the drainage details are considered to be satisfactory to satisfy condition 8 of the outline planning permission in so far as it relates to phases 3 and 4. The development would therefore comply with LDP Policies EU4, RP4 and RP5.

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### **Land Contamination**

The outline planning permission includes conditions in respect of the requirements to address environmental and human health matters associated with the former landfill operations at the quarry, specifically relating to gas protection measures for the dwellings (condition 7), and for the monitoring of landfill gas and leachate (condition 18). The requirements of the condition 18 have been met, however, further information is required in respect of any necessary gas protection measures for phases 3 & 4. This information will need to be submitted by the applicant prior to the commencement of development within these areas.

The developer has previously provided written confirmation to the local planning authority that an application has been submitted to Natural Resources Wales (NRW) for the definite closure of the landfill site and discussions are ongoing between the developer and NRW in this respect.

Correspondence from NRW on this application highlighted a concern in relation to the water levels within the lagoon at the site. This issue has been the subject of extensive discussions dating back to when the outline planning application was being considered and relates to the requirements for leachate levels in the landfill and ground water levels beneath the landfill to be monitored and controlled. NRW's concerns relate to the requirement to demonstrate that the proposed surface water drainage scheme would not increase the risk of surface water percolating into the landfill. The applicant subsequently provided further information in the form of a Technical Note (TN8) in relation to the management of water levels within the lagoon, which has already been agreed via a previous discharge of condition application (2018/0219/DOC).

Both NRW and the Council's Pollution Control division have offered no objection to this reserved matters application and on this basis it is considered the proposed development would not conflict with LDP Policies RP1 and RP6.

### **Affordable Housing**

Phase 2 of the development included all 15 affordable housing units within the Parc Ceirw site as required by the S106 unilateral undertaking. As such there is no requirement for further affordable housing provision within phases 3 and 4 and the development would not conflict with LDP Policy H3.

### **Other Matters**

Matters relating to highway safety, drainage, levels, ecological impacts, impacts upon the visual amenity of the area and the impacts upon the living conditions of existing residents have been addressed in the above report. Concerns have been raised in a letter of objection in relation to the management of the concrete channel at the rear of plots. While this feature is being retained the information submitted with the application indicates that its function would largely be taken over by the new drainage network. Notwithstanding this the applicant's drainage statement indicated that all surface water drainage and attenuation systems and overland flood routes would remain private and would be managed by the Land Trust or a similar competent organisation.

The application site is not located within 500m of a scheduled ancient monument, therefore, it was not considered necessary to consult Cadw on this application.

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It is not considered the development would result in an adverse impact upon any significant heritage assets within the vicinity of the site.

### Conclusion

This is a reserved matters proposal for a total of 109 dwellings comprising phases 3 and 4 of the approved outline development at the former Cwmrhydyceirw quarry. The proposal has been considered in light of the principles established for the development at the outline planning stage, having regard to the Environmental Statement submitted, and is considered to be acceptable in accordance with LDP Policies relating to matters regarding: design/layout; residential amenity; highway safety; drainage; land contamination; and ecology.

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 following conditions:

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

P3-P4 101 (Site Location Plan Phases 3 & 4))  
P3-3100 (Single CarPort Plans and Elevations)  
P3-3101 (Twin Carport Plans and Elevations)  
P3-3200 (House Type Ashford Contemporary Floor Plans)  
P3-3201 (House Type Ashford Contemporary Elevation Brick)  
P3-3204 (House Type Stanton Contemporary Floor Plans)  
P3-3205 (House Type Stanton Contemporary Elevations)  
P3-3207 (House Type Tadlow Contemporary Elevations)  
P3-3210 REV A (House Type Ashmore Contemporary Floor Plans)  
P3-3211 (House Type Ashmore Contemporary Elevations)  
P3-3216 (House Type Ashford Contemporary Floor Plans and Elevations Plots 206-208)  
P3-3218 (House Type Ashmore Contemporary Floor Plans and Elevations Plots 209-211, 218-220)  
P4-4200 (House Type Bournemouth Manor Range Floor Plans)  
P4-4201 (House Type Bournemouth Manor Range Elevations)  
P4-4202 (House Type Boscombe Manor Range Floor Plans)  
P4-4203 (House Type Boscombe Manor Range Elevations Render)  
P4-4203-1 (House Type Boscombe Manor Range Elevations Brick)  
P4-4206 (House Type Stanton Manor Range Floor Plans)  
P4-4207 (House Type Stanton Manor Range Elevations) received 11th December 2020.

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P3-3217 REV A (House Type Ashford Contemporary Floor Plans and Elevations Plots 173-174, 223-224) received 17th December 2020

P4-4100 REV B (Twin Garage Manor Range Floor Plans & Elevations)

P4-4101 REV B (Double Garage Manor Range Floor Plans & Elevations)

P4-4102 REV B (Single Garage Manor Range Floor Plans & Elevations) received 22nd December 2020.

P3-3214 Rev B (House Type Ashford Contemporary Floor Plans and Elevations Plots 190-192)

P3-3214-1 REV B (House Type Ashford Contemporary Floor Plans and Elevations Brick Plots 163-165)

P3-3219 (House Type Andover/Alv Contemporary Elevations Plots 166-168)

P3-3220 (House Type Andover/Alv Contemporary Floor Plans Plots 166-168)

P4-4204 REV A (House Type Budleigh Manor Range Floor Plans)

P4-4205 REV A (House Type Budleigh Manor Range Elevations) received 16th April 2021.

4400 REV C (Phase 3 & 4 Proposed Site Sections)

P3-3009 REV B (Phase 3 Street Scenes)

P3-3202 REV A (House Type Shipston Contemporary Floor Plans)

P3-3203 REV A (House Type Shipston Contemporary Elevations)

P3-3204-1 (House Type Staton V1 Contemporary Floor Plans)

P3-3205-1 (House Type Staton V1 Contemporary Elevations)

P3-3210-1 REV A (House Type Ashmore V2 Contemporary Floor Plans)

P3-3211-1 (House Type Ashmore V2 Contemporary Elevation)

P3-3214 REV C (House Type Ashford Floor Plans and Elevations Plots 190-192)

P4-4208 REV A (House Type Chepstow Manor Range Floor Plans)

P4-4209 REV A (House Type Chepstow Manor Range Elevations)

P4-4210 REV B (House Type Monmouth Manor Range Floor Plans)

P4-4211 REV B (House Type Monmouth Manor Range Elevations)

P4-4212 REV B (House Type Tintern Manor Range Floor Plans)

P4-4213 REV B (House Type Tintern Manor Range Elevations) received 25th June 2021.

P3-3209 (House Type Tetford Contemporary Elevations)

P3-3215 REV D (House Type Ashford Contemporary Floor Plans and Elevations Plots 197-200)

P4 - 4009 REV C (Street Scenes Phase 4) received 16th August 2021.

P3 - 3004 REV D (Phase 3 Storey Heights Layout)

P3 - 3006 REV D (Phase 3 Parking Strategy Layout)

P3 - 3007 REV D (Refuse strategy Layout)

P4 - 4000 REV E (Phase 4 Proposed Site Layout)

P4 - 4003 REV E (Phase 4 Material Layout)

P4 - 4004 REV E (Phase 4 Storey Height Layout)

P4 - 4006 REV E (Phase 4 Parking Strategy Layout)

P4 - 4007 REV E (Phase 4 Refuse Strategy)

P4 - 4010 REV E (Phase 4 Site Layout Coloured) received 16th September 2021.

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Item 1 (Cont'd)

Application Number:

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P3-3000 REV E (Proposed Site Layout Phase 3)  
P3-3002 REV E (External Works Layout Phase 3)  
P3-3003 REV E (Materials Layout Phase 3)  
P3-3206 REV A (House Type Tadlow Contemporary Floor Plans)  
P3-3208 REV B (House Type Tetford Contemporary Floor Plans)  
P3-3212 REV A (House Type Andover and Alveston Contemporary Floor Plans)  
P3-3213 REV A (House Type Andover and Alveston Contemporary Elevations)  
P4-4002 REV E (External Works Layout Phase 4) received 21st September 2021

20015-300 REV P7 (Plot Levels and Drainage Planning Phase 3)  
P3-3010 REV E (Phase 3 Proposed Site Layout Coloured)  
P3-3014 (Proposed Substation Floor Plans and Elevations) received 24th September 2021.

20015-400 REV P8 (Plot Levels and Drainage Planning Phase 4), received 27th September 2021

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

- 2 Prior to the occupation of any dwelling within phase 3 details of the play equipment and benches to be installed within that phase shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details prior to the occupation of the 70th unit within that phase and shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.  
Reason: To ensure the play provision is installed and available for use in a timely manner in accordance with LDP Policy SI6.
- 3 Prior to the occupation of any dwelling within phase 4 details of the play equipment and benches to be installed within that phase shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details prior to the occupation of the 30th unit within that phase and shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.  
Reason: To ensure the play provision is installed and available for use in a timely manner in accordance with LDP Policy SI6
- 4 No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with LDP Policy PS2.
- 5 Notwithstanding the details submitted to date and prior to the occupation of any dwelling within phases 3 or 4 details of the boundary treatments and means of enclosure within and around that phase shall be implemented for that property in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

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The boundary treatments and means of enclosure shall thereafter be retained as approved for the lifetime of the development.

Reason: To ensure the boundaries at the site are satisfactory in the interests of visual amenity and residential amenity in accordance with LDP Policy PS2.

- 6 No above ground works on any dwelling hereby approved shall take place until such time that details of the number, design and location of bat and bird boxes within phases 3 and 4 have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the approved details prior to the occupation of any dwelling hereby approved which includes bat or bird boxes. All bat and bird boxes within each phase shall be installed prior to the occupation of the final dwelling to be constructed within each respective phase and maintained and retained as such thereafter.

Reason: To ensure the development provides satisfactory ecological mitigation, compensation and enhancement in accordance with PPW and LDP Policy ER9.

- 7 The drainage system shall be constructed in accordance with the details indicated on drawing no. 20015 - 300 P7 (Plot Levels and Drainage Planning Phase 3) and 20015 - 400 P8 (Plot Levels and Drainage Planning Phase 4) prior to the formation of any hard surfaces within the development that would drain into the system.

Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage in accordance with LDP Policies EU4, RP4 and RP5.

- 8 The tree protection measures indicated on the following plans and documents:

- Tree Protection Plan Phase III Morriston Quarry
- Arboricultural Impact Assessment and Arboricultural Method Statement for Phase III Parc Ceirw
- Tree Protection Plan Phase IV Morriston Quarry
- Arboricultural Impact Assessment and Arboricultural Method Statement for Phase IV Parc Ceirw

shall be erected before any equipment, machinery or materials (for the purposes of the development) are brought onto phase 3, and shall thereafter be maintained as such until all construction equipment, machinery and surplus materials have been removed from this phase. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area in accordance with LDP Policy ER11.

- 9 The tree protection measures indicated on the following plans and documents:

- Tree Protection Plan Phase III Morriston Quarry



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- Arboricultural Impact Assessment and Arboricultural Method Statement for Phase III Parc Ceirw
- Tree Protection Plan Phase IV Morryston Quarry
- Arboricultural Impact Assessment and Arboricultural Method Statement for Phase IV Parc Ceirw

shall be erected before any equipment, machinery or materials (for the purposes of the development) are brought onto phase 4, and shall thereafter be maintained as such until all construction equipment, machinery and surplus materials have been removed from this phase. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area in accordance with LDP Policy ER11.

- 10 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order), no gate, fence, wall or other means of enclosure shall be constructed/erected forward of the principal elevation of the building line without the express permission of the Local Planning Authority.

Reason: In the interests of visual amenity to ensure landscaping is retained as the development has a soft open interface with the public domain in accordance with LDP Policy PS2.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order), all garages and car ports shall be kept available for the parking of motor vehicles at all times and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity in accordance with LDP Policies PS2 and T6.

- 12 The proposed footpaths in the south eastern corner of phase 3 extending towards existing paths leading to Vicarage Road and Cwmrhydyceirw Road shall be completed in accordance with the details indicated on drawing no. P3-3000 REV E (Proposed Site Layout Phase 3) and 20015-300 Rev P4 (Plot Levels and Drainage Planning Phase 3) prior to the occupation of the 70th dwelling within phase 3.

Reason: In order to encourage active travel in accordance with LDP Policy T2.

- 13 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, D or E or Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), the on plot car parking spaces as indicated on drawing no. P3-3000 Rev E (Proposed Site Layout Phase 3) and P4-4000 Rev E (Proposed Site Layout Phase 4) shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the primary purpose of parking of vehicles and for no other primary purpose.

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Reason: To ensure adequate parking provision is provided and retained for each dwelling and to ensure that the parking spaces are not inhibited by permitted development in accordance with LDP Policies T5 and T6.

- 14 Notwithstanding the details indicated on the approved drawings, and prior to the commencement of development, details of an amended design to improve visibility for the two private drives by straightening the alignment of the street fronting plots 212-215 shall be submitted to and approved in writing by the Local Planning Authority. The approved design shall be implemented prior to the first beneficial occupation of any dwelling deriving access from that part of the street.

Reason: To ensure the street layout within the site is safe for future users in terms of highway safety.

- 15 Notwithstanding the provisions of Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order) no enlargement of a dwellinghouse consisting of an addition or alteration to its roof or any other alteration to the roof of a dwellinghouse shall be permitted to the following:

- Andover house type on plots 150 and 166
- Bournemouth house type on plot 245
- Stanton house type on plots 154, 155, 158, 159, 162, 179, 205, 250 and 255

without the express permission of the Local Planning Authority.

Reason: To protect the residential amenity of neighbouring occupiers in accordance with LDP Policy PS2.

- 16 Prior to any above ground works (existing ground level) on that phase, full details of all retaining walls for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the first beneficial occupation of any dwelling which is located within 15m from any part of the retaining wall.

Reason: In the interests of visual amenity in accordance with LDP Policy PS2.

### Informatives

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

The 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 28 - National Growth Area - Swansea Bay and Llanelli

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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: ER2, ER6, ER8, ER9, ER11, EU4, PS2, H3, T1, T2, T5, T6, RP1, RP4, RP5, RP6 and SI6.

- 2 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit <https://www.swansea.gov.uk/streetnamingnumbering> or contact the Council's Street Naming and Numbering Officer Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

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**Planning Committee – 2<sup>nd</sup> November 2021**

**Item 2**

**Application Number:**

2021/2116/FUL

**Ward:**

Llansamlet - Area 1

**Location:**

Land West Of Heron Drive, Swansea Vale, Swansea

**Proposal:**

Car sales dealership and associated works

**Applicant:**

Sinclair Garages Port Talbot Limited



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Item 2 (Cont'd)

Application Number:

2021/2116/FUL

### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
None			

#### Background

This application is being reported to Planning Committee as it exceeds the threshold for the floor area to be created (3,200m<sup>2</sup>).

There does not appear to be any relevant recent planning history in association with the current application. However, a pre-application in 2020 gave a broadly positive response for the construction of a car sales showroom at this site.

#### Site location

The application site comprises of a vacant parcel of land currently covered in scrub vegetation and measures approximately 1.89 hectares. The site is located within the Swansea Vale Riverside Business Park and benefits from road frontages to Swansea Vale to the north, Heron Drive to the east and Moorhen Close to the south. On the opposite side of Moorhen Close are the former Dawnus offices and on the opposite side of Heron Drive is the office complex at Axis Court. The River Tawe runs along the western side of the site with a shared use pathway in between.

#### Description of development

It is proposed to construct a car sales dealership, to be operated by Jaguar Land Rover, at the application site. This will include the erection of a showroom, a valet/service centre facility, outdoor car display area, customer parking, staff and storage parking, cycle parking and refuse areas. Vehicular and pedestrian access is proposed via both Moorhen Close and Heron Drive. The showroom would measure 38m by 44m to a maximum height of 8m and be constructed in grey cladding, with frameless double glazing to the showroom windows and doors, with its narrow edge facing Heron Drive to provide an active frontage to the main vehicular route. The workshop attached to the show room will measure 42m by 23m to a height of 7.6m and finished in silver composite wall cladding.

It is proposed that the development would result in the creation of 35 additional full time jobs. The 65 members of staff from the existing dealership at the Enterprise Park will be accommodated at the new location with the site therefore employing approximately 100 members of staff. The opening hours of the car sales dealership will be 08.00 - 18.00 every day.

#### Planning Policy

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

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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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 12 - Regional Connectivity

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.

### Environmental Sustainability

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

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

### Character

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

### Community Safety

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

### Movement

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

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### Car Parking

4.1.40 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development. Future Wales sets out the Welsh Government's requirements for the provision of electric vehicle charging points for non-residential development.

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

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

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

### Integrating Green Infrastructure and Development

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

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



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

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

PS 4 Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 13,600 additional jobs over the Plan period, result in a requirement for 19ha of employment land, provided for through the sustainable employment strategy, including areas of employment use incorporated within allocated mixed use Strategic Development Areas (SD's G, H, I, J, K).

SD 1 Strategic Development Areas - the Plan allocates 12 locations to provide new homes and opportunities for job creation and commercial investment at a strategic scale. Residential led SDA's are capable of accommodating a minimum of 400 homes. Mixed use SDA's will provide new homes as part of wider mixed-use proposals to also deliver significant investment and economic benefit from commercial, community and/or cultural regeneration projects. The SDA's are capable of delivering a greater number of homes beyond the Plan period.

SD I Site specific policy for Strategic Development site Swansea Vale setting out placemaking principles and development requirements.

RC 10 Employment and Enterprise Development - Land which is in active, viable employment use is considered part of the County's employment land bank and will be protected for B Class employment generating uses. Proposals outside of these areas will need to demonstrate why the proposal cannot reasonably be located within an existing employment area, or designated Strategic Development Areas having regard to the nature and scale of the scheme.

ER 2 Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

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Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

**T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.**

**T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.**

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

**T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.**

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

**EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.**

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

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

**RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.**

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### Item 2 (Cont'd)

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RP 2 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.

RP 3 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.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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

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

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

RP 10 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.

### Consultations

### Strategic Planning and Placemaking

#### Overview

**Item 2 (Cont'd)**

**Application Number:**

2021/2116/FUL

The proposal is for a new car sales dealership and associated works on a vacant piece of land within the Riverside Business Park, Swansea Vale.

#### Principle of Development

The site is located within Swansea Vale Strategic Development Area as defined by Policies SD 1 and SD I. LDP Policy SD I allocates land at Swansea Vale for a Strategic Development area for a comprehensive, residential led, mixed use development of circa 410 homes during the Plan period, and the completion of the Swansea Vale business park for commercial and employment use with 4 hectares of potential development areas that could accommodate appropriate B1 and B2 uses, with appropriate leisure uses. One of the key placemaking principles set out in the policy is to provide regional employment opportunities within the existing Riverside and Central Business Park areas.

This site is designated as employment land in the Concept Plan for Swansea Vale set out in SD I. The site is bordered along its northern edge by a spine street (Swansea Vale) with a requirement identified on the Concept Plan for active frontages onto this key gateway into the Strategic Development Area. The Concept Plan also highlights the requirement for an outward facing edge westwards onto the key area of protected public access green space running along the river path.

While the proposed car dealership use (Unique Use Class) does not fall within the B1 or B2 use classes identified in Policy SD I, it is a business/commercial regional employment opportunity in the Riverside Business Park which Policy SD I seeks to support, subject to other planning considerations being satisfactory. Subject to the acceptability of the site in relation to flood risk issues there is no objection in principle to the development.

#### Flood Risk

The site is within the C1 floodrisk area (served by significant flood defence infrastructure) as defined by the 2004 TAN15. In line with section 6.2 of that version of TAN15, as the proposal is located in a C1 floodplain and is a less vulnerable development the proposal would need to be assessed in line with the justification tests in Section 6.2 of TAN15. In line with requirements the applicants have submitted a Flood Consequence Assessment to support the application as part of this test. To determine the acceptability of the proposal in line with Policies RP1, RP4 and RP5 consultation should be undertaken with NRW and the Council's drainage engineers on the acceptability of the submitted FCA. The Council's drainage engineers can provide specific guidance on FCA and local drainage strategy requirements.

The new TAN 15 was published for information on 28/9/21 and will come into force for decision making purposes on 1/12/21. The floodmaps indicate the site is within Zone 3 within the defended floodplain. The TAN indicates more flexibility is permitted in the defended zones but development will need to be justified in line with the justification tests in section 10.2.

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate: FW Policy 2 (see Annex A for details) sets out that:

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- o development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives,
- o opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- o all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- o development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- o the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- o development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

In terms of these placemaking requirements, it is noted that the eastern and northern elevations of the proposed showroom would be the most prominent elevations from the core spine street running through SD I. The elevations are generally considered acceptable. The LDP concept plan requires active frontages along the spine street which is a key gateway in to the SD I but in this case there is an existing vegetation belt along the northern boundary of the site which will largely screen the proposed showroom from view. Nevertheless, this contributes to the objective to create a multifunctional east-west green infrastructure network throughout the SD and therefore it is important it is retained.

The site will be prominent from the adjacent river corridor and there is a requirement that the development has an outward facing edge onto the protected open space. The western elevation will be likely prominent from the river corridor and from the Swansea Vale roundabout to the west at the gateway to SD I. Whilst the proposed SUDS attenuation ponds will soften this backdrop this viewpoint will be dominated by blank elevations of the main building and service yard and the rear of the valet building. It is not clear how well screened this would be from the gateway into the SDI nor the adjacent river corridor. Consideration needs to be given as to how these elevations could be improved to present an attractive outward facing edge to the river corridor. The Council's landscape officer should be consulted on the landscaping proposed.

The application submission incorporates a Green Infrastructure Strategy. This is welcomed in terms of meeting the requirements of Policy ER2 in respect of the need for development to demonstrate they have taken opportunities to maintain and enhance the County's GI network. Whilst by the nature of the development, a car sales showroom will have large areas of parking areas, the plan incorporates GI linkages throughout the site, around its perimeter and enhanced landscape and SUDS areas to the north west. Consideration should be given to the use of green roofs on part of the main car building and the valet area to the west to improve GI connectivity across the site. The Council's ecologist should be consulted in terms of the acceptability of the ecological enhancements proposed through the GI strategy to enhance ecological connectivity through the site and to the adjacent river corridor.

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**Biodiversity Enhancement**

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on the importance of development integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

FW Policy 9 and PPW (see Annex A for details) require that:

- o all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- o a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Adopted SPG - Biodiversity and Development (see Annex B for details) provides:

- o guidance on how the requirement for biodiversity can be addressed and assessed.
- o details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

**Other Key Issues**

Given the nature of the use proposed, comments from Transport and Highways officers will need to be sought to determine the acceptability of the proposal from a highways standpoint. Ultimately, the scheme would need to satisfy the requirements set out in Policies T1, T2, T5 and T6 of the LDP.

Future Wales Policy 12 states that where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points. This requirement will need to be incorporated within customer car parking areas.

**Final Comments**

This proposal seeks to develop the site for a car sales dealership for Jaguar/Land Rover. The proposal offers the opportunity to bring into beneficial use a vacant site in the Riverside Business Park, Swansea Vale. The site is designated for employment purposes within the LDP Policy SD I concept plan. One of the key placemaking principles set out in the policy is to provide regional employment opportunities within the existing Riverside and Central Business Park areas. While the proposed car dealership use (Unique Use Class) does not fall within the B1 or B2 use classes identified in Policy SD I, it is considered that the proposals provide a business/commercial regional employment opportunity in the Riverside Business Park.

The site is in a flood risk area and in line with requirements the applicants have submitted a Flood Consequence Assessment to support the application as part of this test. To determine the acceptability of the proposal in line with Policies RP1, RP4 and RP5 consultation with NRW and the Council's drainage engineers on the acceptability of the submitted FCA will be necessary. The Council's drainage engineers can provide specific guidance on FCA and local drainage strategy requirements. Subject to the acceptability of the site in relation to flood risk issues there is no objection in principle to the development.

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The site is bordered along its northern edge by a spine street (Swansea Vale) with a requirement identified on the Concept Plan for active frontages onto this key gateway into the Strategic Development Area. The primary elevations facing the spine street are acceptable however the northern elevation is largely screened by existing vegetation along the boundary of the site. However, this contributes to the GI linkages across the site. The Concept Plan also highlights the requirement for an outward facing edge westwards onto the key area of protected public access green space running along the river path. The design of the western elevations of the buildings facing the open space could be improved to ensure these elements of the scheme provide an attractive outward facing edge to the river corridor. Similarly, the landscaping scheme needs to be carefully considered.

Green Infrastructure (GI) is a central facet of the Plan and the Council's placemaking objectives and policies. The applicant has undertaken a GI Assessment in order to demonstrate the opportunities to maintain and enhance the extent, quality and connectivity of the County GI network in line with Policy ER2. Whilst this is welcomed it is considered that further opportunities could be taken to enhance GI provision across the site through green roofs on the buildings. In addition, the Council's ecologist will need to be satisfied that the proposed GI approach enhances ecological connectivity across the site.

### **The Coal Authority**

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Our records indicate the presence of one recorded mine entry (shaft) within the planning boundary, with a further recorded mine entry (shaft) within very close proximity of it.

The Coal Authority notes both the proposed layout, which does not appear to have been designed around recorded mine entry 267198-011 and the supporting Site Investigation Report (June 2021, prepared by Integral Geotechnique Ltd). The Site Investigation Report confirms the investigation of recorded mine entries 267198-010 and 267198-011, the conjectured position of the latter of which is within the site.

The investigations undertaken appear to be appropriate having regard to the evidential source of the mine entries positioning and we note the commentary within the report, which confirms that those areas of the site where built development is proposed is not considered to be at risk. Consequently, the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated. We therefore have no objection to this planning application.

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### Designing Out Crime Officer

In relation to the above planning application, I would have the following observations to make :-

Ideally the whole site, but especially the vehicle compound, should be protected by security fencing. The fencing should meet the security standard LPS 1175 SR1 or equivalent, be at least 2.4 metres high, manufactured of weld mesh, expanded metal or similar and be of a design that is difficult to climb over. It should ideally be sited on a hard surface or embedded in the ground.

Gates must be of the same height and specification as the fencing and must be kept locked when the site is unoccupied. If padlocks and chains are used to secure the gates they must meet appropriate security standards e.g. Sold Secure Gold.

Vehicle access onto the site should be controlled when the site is unoccupied especially if the site is not protected by perimeter security.

Maximum surveillance must be maintained across the whole development site. Ideally plants and bushes would only grow to a maximum height of 1 metre. The view of the car parking areas from the building must not be obscured by trees or planting.

Trees should be located in areas where they do not obstruct CCTV coverage or lighting or provide an assist to climbing. They should have no branches below 2 metres from the ground. This is to allow clear lines of sight across the whole of the development site.

Additional comments were also raised with regards to CCTV, signage, lighting, vehicle compound and parking areas, bicycle stores, bin stores, building and shell security, drainpipes, intruder alarms, access control, door security, window security

Further more detailed information can be found on the Secured by Design website at [www.securedbydesign.com](http://www.securedbydesign.com).

### Dwr Cymru Welsh Water (DCWW)

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response (Ref: PPA0005743) has been acknowledged and included at Appendix F of the accompanying Pre-Application Consultation (PAC) Report which highlights that domestic foul water flows can be accommodated within the public sewerage system, albeit that the site is crossed by a rising main, whereas surface water flows are subject to SAB consent under Schedule 3 of the Flood and Water Management Act 2010. As part of this latest application (Ref: 2021/2116/FUL), we acknowledge receipt of a 'Proposed Site Plan' (Drawing No. 101) which appears to indicate that the proposed development would be situated outside the protection zone of the public rising main, measured 3 metres either side of the centreline.



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However, whilst we advised there is suitable capacity to accommodate foul flows into the public sewerage system, the accompanying 'Proposed Drainage Layout' (Drawing No. C-004) indicates proposals to communicate onto an "Existing Foul Water Sewer" which does not appear on our records. Therefore, its status and location will need to be confirmed via sewer trace survey prior to any forthcoming Section 104 or 106 applications to DCWW.

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

#### Advisory Notes

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

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

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

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### Local Authority Environment Officer

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant.

### Local Authority Ecologist

#### OUTCOME OF ECOLOGICAL INVESTIGATION

Relevant documents reviewed:

- o Preliminary Ecological Report, Bay Ecology May 2021;
- o Amenity statement & Green Infrastructure Strategy, DP Landscape Architecture April 2021; and
- o Soft Landscape Proposals, DP Landscape Architecture September 2021.

Bats:

Please include the following informative:

All UK bat species are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and 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:

- o Deliberately take, injure or kill a bat;
- o Intentionally or recklessly disturb a bat in its roost;
- o Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- o Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

Breeding/nesting birds:

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

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

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- o Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- o Disturbance to dependent young of such a bird.

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#### Condition:

No clearance/pruning of trees, shrubs or scrub shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

#### Badgers:

Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- o Kill, injure or take a badger;
- o Damage, destroy or obstruct access to a badger sett; and
- o Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

#### Condition:

All trenches and excavations must be fenced off or covered overnight to prevent any animals 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.

#### Hedgehog:

Please include the following informative:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

#### Condition:

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

#### Reptiles & Amphibians:

Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure reptiles. If widespread reptile species are encountered (common lizard, slow worm, adder or grass snake), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles to a suitable habitat.

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**Lighting Strategy**

**Condition:**

A sensitive lighting strategy for the site must be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

**Construction Environmental Management Plan (CEMP)**

**Condition:**

A CEMP for the site must be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of protected sites, watercourses, habitats and species on and adjacent to the site.

**Landscape and Ecological Management Plan (LEMP)**

**Condition:**

A LEMP for the site must be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. This site-specific document must outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site. In particular, the methods regarding the following species shall be detailed: bats, nesting birds, badger, hedgehog, reptiles & amphibians. Toolbox talks should be given to all site operatives prior to commencement of the development, detailing the potential for protected species on site, the mitigation measures in place and the procedures to follow should any be discovered.

**Invasive Non-native species (INNS)**

It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

**Condition:**

As Japanese knotweed, Himalayan balsam and Cotoneaster were recorded, an INNS Management Plan will need to be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed.

**Ecological Enhancements:**

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA prior to the commencement of development on site. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11, Future Wales and Technical Advice Note 5.

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The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

The proposed retention of log piles and installation of bird and bat boxes and insect refugia, as listed in the GI Strategy are welcomed.

Condition:

The proposed specification and location of the enhancements shall we shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Sustainable Drainage (SuDS):

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

The use of wildflower meadow seeds and marginal and aquatic plants as part of the SuDS, as detailed in the Soft Landscaping Proposals, are welcomed.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

### **Natural Resources Wales (NRW)**

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding a construction environment management plan (CEMP) should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

### **Flood Risk**

The planning application proposes less vulnerable development, a car sales dealership and associated works. Our Flood Risk Map confirms the majority of the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a flood consequence assessment that the potential consequences of flooding can be managed to an acceptable level.

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Further to our response, dated 7 June 2021, to the applicant's statutory pre-application, we welcome the submission of the Pre-Application Consultation Report (PAC) dated June 2020 (we presume this should in fact be 2021) and revised Flood Consequence Assessment (FCA) dated August 2021. Our detailed comments are provided below.

The PAC Report refers to our requirement for unfettered access to the adjacent Swansea Vale Flood Alleviation Scheme (FAS) for maintenance and/or improvement works in the future. We require an 8m development free berm measured from the landward toe of the FAS embankment. The PAC Report states that 'We have previously made the designers aware of this requirement and have alerted them again to your requirements.' However, it remains unclear from the submitted information as to whether any of the proposals are to be located within the aforementioned 8m berm. Therefore, we would require confirmation, in the form of a detailed plan showing the existing embankment in relation to any proposed activities within 8m of its landward toe. We would suggest that a site meeting with the designers may also be useful to confirm the extent of the FAS, including any access routes.

We have reviewed the peak flows provided in Table 5.5 Final Results, of Appendix C Flood Estimation Report, of the FCA dated August 2021 and these are considered to be suitable for modelling use. However, we would refer the developer to the attached Technical Appendix which provides further advice regarding hydrology. In addition, the model has been updated to include extra topographic survey of the site and has been run in the latest version of the software available. The model is therefore considered suitable to inform the FCA.

With regard to the revised FCA, Section 5.4.2 confirms that the site remains flood free in a 1% plus climate change (cc) fluvial event, due to the presence of the Swansea Vale FAS. This means that the flood free threshold, required in Table A1.14 of TAN15, is satisfied.

Section 5.4.3 confirms that the site is at risk of flooding in a 0.1% event to a maximum depth of 1.4m and an average depth of circa 1m. This does not meet the indicative guidance for acceptable flood depth in the extreme event within Table A1.15 of TAN15. The other acceptable flooding criteria within Table A1.15 have not been reported on within the FCA. In order to mitigate for the depth of flooding on the site the FCA proposes that site levels be raised by approximately 500mm thereby reducing flood depths below 600mm and therefore considered acceptable.

Section 5.6 refers to third party impacts and states, referring to TAN15 that 'Section 7.3 requires that new development should ensure 'minimal impact of the proposed development on flood risk generally'. It should, however, also be noted that Section 9 of TAN15 specifies that new development must result in 'No increased flooding elsewhere'. The FCA then advises that the proposed raising of site levels to mitigate excessive flood depths will result in increased flood depths elsewhere by up to 6mm which just exceeds the agreed modelling tolerance threshold of 5mm. The FCA refers to this increase as 'negligible' in relation to the predicted 1m plus flooding that will be experienced in the vicinity, we agree with this statement.

As confirmed in the FCA the FAS provides a standard of protection which means the site will be flood free from the Afon Tawe in the 1% plus cc event. However, in the 0.1% event the FAS will be overtopped. The FAS is in the form of an earth embankment and therefore not designed to withstand overtopping scour. As noted in our statutory pre-application response, the FCA should include an assessment of the failure and breach of the FAS.

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This is a matter for your Authority's consideration. We acknowledge that it is already well understood that overtopping of the FAS and potential failure, in the extreme event, will result in significant flooding to the Swansea Vale area and that this can only be managed further by emergency planning measures agreed with your authority.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

In addition, we would also draw the applicant's attention to some discrepancies in the numbering of the figures within the FCA. For example, Section 5.4.2 states "Fig 5.1 shows the predicted 1%CC flood depths" - but Fig 5.1 in the latest FCA shows the fluvial flow input locations. There are several such discrepancies through Sections 5.4 - 5.6 and we would recommend that these should be reviewed and corrected as appropriate.

Notwithstanding the above advice, please be aware that TAN 15 and the Development Advice Map (published in 2004) are being replaced. The new TAN 15 and Flood Map for Planning will be available from 28th September 2021 to allow local planning authorities, developers, planning consultees and the public to prepare for when they come into force. The changes will then come into effect on Wednesday 1 December 2021 and from this date onwards, applications will be determined based on the new TAN 15 and Flood Map for Planning.

We therefore advise you to consider how this change may affect your determination of this application. Should you require further advice from us once the new TAN 15 has been published, please reconsult us.

#### Pollution Prevention

The main River Tawe is 35m away from the proposed development. The biggest risk from a pollution viewpoint occurs during construction.

#### Condition - Construction Environmental Management Plan

No development or phase of development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- o Construction methods: details of materials, how waste generated will be managed.
- o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- o Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- o Soil Management: details of topsoil strip, storage and amelioration for re-use.

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- o Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- o Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- o Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- o The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction.

### European Protected Species

We note that the Preliminary Ecological Survey, Heron Drive, Llansamlet, Document Ref: Doc 01 - 11/05/2021 dated 11 May 2021 by Bay Ecology submitted in support of the above application has identified that trees within the woodland around the site were considered to be of negligible/low bat roosting potential due to their lack of bat roosting features. However, the woodland was considered suitable to be utilised as a foraging and commuting feature along the site boundary for the local bat species.

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

### Advice for Developer

### Flood Risk Activity Permit

The applicant should be advised that a bespoke Flood Risk Activity Permit may be required, under the Environmental Permitting Regulations (2016), for any works or structures located in, under, over or within a 8 metre berm or that affect our access, and this would not be issued if the proposals impinge on our ability to maintain or improve the FAS. Further advice and guidance is available on our website at:



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<http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### Pollution Control

No response received to date.

#### Local Authority Arboricultural Officer

No objection.

The trees that need to be removed are category C and U. The better quality trees along the northern boundary can be protected during construction by using fencing. However the TPP supplied does not include all suitable information, therefore a full TPP will need to be conditioned or submitted prior to determination.

The proposed landscape scheme suggests replacement tree planting that is generally suitable.

#### Updated Comments

The tree protection plan has not been updated to provide dimensioned locations. The Arboricultural Impact Assessment states that protective fencing 'should' be used this must be changed to shall/will/must and be provided as an Arboricultural Method Statement.

#### Local Highway Authority (LHA)

The planning application was supported by a Transport Statement and a Road Safety Audit. The site is not located in a particularly sustainable location in terms of access to public transport with the nearest bus stop being on the other side of the river some 600m away. The nearest train station is 3km away. Crashmap was used to identify the accident history which showed no patterns of concern, this was supported by the interrogation of the CCS Stats which did not identify any areas of concern. The site is located on Riverside business park and the existing estate roads were designed with commercial vehicles in mind.

The site is well connected to footways and the nearby cycle track so access to those sustainable modes is considered to be catered for in view of the secure cycle storage for both staff and customers.

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The southern access is shown to be off Moorhen Close which is currently closed off by boulders. The eastern access proposed on Heron Drive is a new facility and will provide access to the public areas of the proposal and the showroom. No useable vehicular access exists at the site, as such the applicant will need to enter into a Section 278 with the Highways Authority to gain vehicular access to the site before any works commence.

In terms of trips the development is predicted to generate 89 trips in the a.m. peak with 62 in the p.m. peak hour. Given the presence of the site on an existing business park and the fact that the traffic will be split into two directions at the roundabout junction of Blawd Road with Heron Drive then I do not consider that the trips will have any impact on highway safety nor the efficiency of the highway network.

In summary I accept the findings of the RSA, TS and subsequent amended site layout. The trips can be accommodated within the Strategic Highway Network without any alterations being required. The new accesses into the site will be carried out in line with detailed design undertaken through the 278 process. For the avoidance of doubt a CMS will be requested in case the works commence prior to the access works being undertaken.

I recommend that no highway objections are raised to the proposal subject to:

1. 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:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during demolition and construction; and
- vi) 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.

2. The site plan being laid out in accordance with the approved plan 5989\_115\_REV4 prior to beneficial use of the site commencing.

3. The works to the adopted highway as shown on plan C1755-C-005 Proposed Highway Works shall be undertaken under a Section 278 with the Highway Authority. In the absence of a useable site access for vehicles then use of the access off Moorhen Close is likely to require enabling works by the highway Authority, in addition to getting the boulders removed before any works can start on site. The works shall be completed in accordance with the approved plan prior to beneficial use of the building commencing.

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4. Within 12 Months of consent, a Travel Plan shall be submitted for approval and the Travel Plan shall be implemented on beneficial use of the development commencing.
5. The cycle parking being laid out in accordance with the approved plans and maintained as such for cycle parking purposes only thereafter.

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.

The Developer must contact the Highway Management Group , The City and County of Swansea, Penllergaer Offices, c/o The Guildhall Swansea SA1 4PE before carrying out any work . Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

### Public Consultations

The application was advertised on site by site notice on 18th August 2021 and in the press on the 31st August 2021.

No response has been received to date.

### APPRAISAL

#### Main Issues

Having due regard to the provisions of the Swansea Local Development Plan (2010-2025), the main issues for consideration in this application relate the principle of development in this location, visual appearance, any impact upon residential amenity, ecology, drainage, flooding and highways issues.

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

#### Principle of Development

LDP Policy PS4 sets out the Council's strategy for employment areas which includes retaining land for employment that is in active viable employment use and forms part of the employment land bank, including existing employment estates and business parks. This is supported by Policy RC10 which states that land in active, viable employment use is considered part of the County's employment land bank and will be protected for B Class employment generating uses. The site is located within the Swansea Enterprise Park and is allocated within the LDP as part of a of a mixed use strategic site - SD I: Swansea Vale.

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LDP Policy SD I allocates land at Swansea Vale as a Strategic Development area for a comprehensive, residential led, mixed use development of circa 410 homes during the Plan period, and the completion of the Swansea Vale business park for commercial and employment use with 4 hectares of potential development areas that could accommodate appropriate B1 and B2 uses, with appropriate leisure uses. One of the key placemaking principles set out in the policy is to provide regional employment opportunities within the existing Riverside and Central Business Park areas.

The site is designated as employment land in the Concept Plan for LDP Policy SD I. Whilst it is recognised that the proposed car dealership use (Unique Use Class) does not fall within the B1 or B2 use classes identified in Policy SD I, it is a business/commercial regional employment opportunity which Policy SD I seeks to support, creating 35 new jobs and safeguarding 65 jobs. Therefore having regard to the above policies it is considered that the principle of this development in this location is acceptable.

**Visual Amenity / Landscaping**

The application site comprises of a vacant parcel of land currently covered in scrub vegetation and measures approximately 1.89 hectare. The site is located within the Swansea Vale Riverside Business Park and benefits from road frontages to Swansea Vale to the north, Heron Drive to the east and Moorhen Close to the south. On the opposite side of Moorhen Close are the former Dawnus offices and on the opposite side of Heron Drive is the office complex at Axis Court.

It is proposed to construct a car sales dealership, to be operated by Jaguar Land Rover, at the application site. This will include the erection of a showroom, a valet/service centre facility, outdoor car display area, customer parking, staff and storage parking, cycle parking and refuse areas. Vehicular and pedestrian access is proposed via both Moorhen Close and Heron Drive.

Whilst it is recognised that a large number of vehicles will be stored on the site, given its use as a car sales dealership it is considered that this would represent an acceptable level of car storage and expected for its use. Whilst there are extensive areas of hardsurfacing the submitted landscape plan and green infrastructure strategy shows that the existing landscaping along Swansea Vale will be retained and expanded upon and there will be significant landscaping along Heron Drive/Moorhen Close in order to mitigate for the levels of hardsurfacing. It is considered that this landscaping will also assist in screening the development from Heron Drive, however the layout plan indicates two charging points are proposed in this location which would not be acceptable from a visual perspective as they would eat into the narrow landscape margin at this location. A condition would be required to relocate these two vehicle charging points to elsewhere within the site. The proposal will also include landscaping throughout the site which will connect to areas outside the site and accords with the requirements of Policy SDI and ER2 of the LDP.

The proposed showroom building will incorporate its primary frontage to Heron Drive and will comprise of large expanses of glass to the east and north elevations which is considered to represent a traditional car showroom and represents the modern, corporate style of Jaguar Land Rover. The service centre, given its limited size, scale and siting is considered appropriate for the site. The showroom will comprise of cladding in the colours sunshine grey and champagne silver with frameless double glazed windows.

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The workshop and smart repair/valet facility will comprise of insulated profiled composite wall cladding in RAL 9006. It is considered that these materials reflect the commercial nature of the area and are synonymous with car sales dealerships and are therefore considered visually acceptable in this location. Whilst concerns have been raised by Strategic Planning and Placemaking Officer with regards to the rear of the building, it is considered that the rear would not be overly prominent from outside of the site and given the nature of the use, it would be difficult to provide a meaningful active frontage along this side.

Given the nature of the site, 2100mm mesh security fencing will front the vehicle compound to Heron Drive and Moorhen Close. There is to be fixed bollards to the perimeter of the customer car parking area along Heron Drive and retractable bollards to the customer site entrance. A cantilever sliding access gate will be located to the staff, service and delivery vehicular entrance off Moorhen Close. It is considered that these boundary treatments are necessary in terms of security as noted by the Police D.O.C.O but are also considered appropriate from a visual amenity perspective. It is considered that the site will provide for a legible and welcoming entrance for visitors and the landscaping proposed around and through the site will soften the security elements. The size and siting of the proposed bin store is also appropriate for the size of the development and would be adequately screened from public and customer vantage points. Furthermore the surrounding area is characterised by commercial buildings, it is therefore considered that the proposed development would assimilate within the wider surrounding commercial context.

### **Residential Amenity**

Given the location of the development within a primarily industrial area, it is not considered that the proposal would give rise to any residential amenity concerns. The proposed opening hours are considered appropriate and it is not considered necessary to impose a condition with regards to opening hours given the location and nature of the development.

### **Ecology/ Trees**

The Council's Arboricultural Officer has advised that the trees that need to be removed in order to facilitate the development are category C and U. It has also been advised that a revised Tree Protection Plan and Arboricultural Method Statement are required and these can be suitably conditioned. The Council's Arboricultural Officer has also advised that the proposed landscape scheme suggests that the replacement tree planting is suitable, therefore a condition will be imposed to ensure adherence to this scheme.

The applicant has submitted an ecological appraisal of the site undertaken by Bay Ecology. No records of protected species were found on site. Invasive Non-Native Species were found on site, therefore a condition with regards to this will be imposed as requested by the Environment Officer and Ecologist.

In terms of ecological enhancements 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.

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The submitted Green Infrastructure strategy suggests a number of ecological enhancements on the site, however it is considered that precise details of these and a timetable of works is required. Therefore a condition to secure a scheme of ecological enhancement measures to ensure that a net benefit is provided to biodiversity as part of this application is considered reasonable and necessary. It should be highlighted that the proposed retention of log piles and installation of bird and bat boxes and insect refugia, as listed in the GI Strategy are welcomed.

It isn't considered necessary or reasonable to require hedgehog gaps in the fencing or for trenches to be covered at night. It is however considered reasonable to condition a lighting strategy, Construction Environmental Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP). The addition of a CEMP has been suggested by both the Council's Ecologist and NRW. The purpose of the CEMP is to detail how construction will be managed to ensure pollution prevention and protection of protected sites, watercourses, habitats and species on and adjacent to the site. The LEMP has been suggested by the Council's Ecologist and should outline processes and instructions to manage and monitor the site, and its operations, both during and after development, so as to protect and enhance the biodiversity and ecology of the site.

Whilst the Ecologist has stated that clearance works should only be undertaken at a certain time of year to avoid bird nesting season, this is controlled via other legislation and the applicant would be advised of this should permission be granted.

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

### **Access, Parking and Highway Safety**

A Transport Statement has been submitted in support of the application. The Transport Statement indicates that there would be 151 daily two-way movements and it is predicted that most of these vehicle trips will be routing along the A4067. The LHA has requested that a condition with regards to a Construction Method Statement be imposed, however this is covered by the S278 Agreement and details of construction are incorporated into the CEMP. A condition with regards the laying out of the car parking spaces in accordance with the submitted plans shall be imposed. The LHA has requested that a condition requiring the submission of a Travel Plan be imposed. The 'Parking Standards' Supplementary Planning Guidance (SPG) document states that "travel plans will be required as a condition of planning consent for all development proposals of greater than 1000m<sup>2</sup> gross floor area". It also states that a travel plan should include the provision of targets, a monitoring regime and the appointment of a travel plan co-ordinator. The submitted Transport Statement also states that a Travel Plan will be created and will primarily targeted at trips made by staff of the proposed development. It is therefore considered appropriate to condition the submission and implementation of said travel plan.

Customer vehicular access to the site will be via a new junction with Heron Drive and will be constructed under a S278 Agreement. It is considered that the location of this junction will allow for sufficient visibility in both directions. Vehicular access for staff, service, delivery and car transporting will be via the existing junction with Moorhen Close. The submitted swept paths indicate that there is sufficient space to manoeuvre within the site and safely enter and exit the site in a forward gear. The customer car park will provide for 34 car parking spaces inclusive of two parent child spaces and two disabled spaces.

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Cycle stands will be provided adjacent to the 'demonstrator parking' and further cycle parking will be located near the staff car parking spaces. A condition requiring that this cycle storage be provided prior to the first beneficial use of the car sales dealership shall be imposed. A pedestrian link between the customer car parking spaces and the showroom entrance is proposed and is considered acceptable.

Future Wales requires new car parks to provide 10% provision for the charging of ULEV vehicles and the applicant has indicated 2 ULEV charging stations serving 4 spaces within the customer car parking area, however their precise location and implementation would be conditioned as they are currently in the area of proposed landscaping at the front of the site which would reduce the landscaping along the important frontage.

In summary the proposal is not considered to give rise to any highway safety issues and accords with Active Travel requirements subject to conditions.

### **Flood Risk and Drainage**

The Local Authority's Drainage Engineer has confirmed that the development will require sustainable drainage to manage on-site surface water and subsequent SuDS Approval Body Consent will be required.

DCWW has confirmed that that foul water flows can be accommodated in the public water sewers respectively and therefore offer no objection to the proposals.

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 also seeks to avoid flood risk. The majority of the application site is located within a C1 Flood Risk Zone and the applicants have submitted a Flood Consequence Assessment (FCA). TAN 15 describes Flood Zone C1 as areas of floodplain which are developed and served by significant infrastructure, including flood defences and states that development can take place subject to the application of the justification test, including the acceptability of consequences. Section 6.2 of TAN 15: 2004 states that development will only be justified within zone C1 if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, or
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

And

- iii. It concurs with the aims of PPW and meets the definition of previously developed land; and
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

It is considered with due regard to the above that the development will contribute to key employment objectives as described in LDP policy SDI. The Swansea Vale Development Area Strategy has over the last 20 years been an important area for regeneration and investment. The Strategy and policy confirms that the area still has the potential to deliver a high quality, sustainable mixed use development with an important role to play in the area's economy.

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A £7.7m Welsh Government/European Convergence funded flood risk mitigation scheme was implemented in 2012 by Swansea Council in partnership with Natural Resources Wales. This scheme involved the raising and re-alignment of existing flood defences, and a number of other infrastructure improvements. The scheme provided an improved standard of flood protection to businesses and residents from flood events arising from the River Tawe. Some of the land uses were re-allocated as part of the Strategy review and a Flood Evacuation protocols plan prepared with partners to manage strategic flood risks however development proposals will still require site specific FCA's. In this instance, it is considered that the proposal clearly accords with both criteria (i) and (ii) in that it forms both part of a regeneration strategy and a key employment area.

In terms of criterion (iii), the proposal generally complies with the aims of PPW but doesn't meet the definition of previously developed land in isolation which excludes area of land where the remains of any structure or building have blended into time so they can reasonably be considered part of their natural surroundings. It should be noted that the site forms part of a wider regeneration area on previously developed land and has been laid out with necessary infrastructure. Allied to this, the Local Development Plan was adopted in 2019 and refers to TAN 15 and its requirements and the site forms part of an allocated site that was adopted after the TAN was introduced. It can therefore reasonably be concluded that the site, as a whole, was considered to be previously developed land as part of the allocation process or the allocation would have been inconsistent with national policy at that time. The less vulnerable nature of the use aids this interpretation providing the consequences of flooding are considered to be acceptable through an FCA. On balance, the proposals are not considered to comply with the requirements of the Development Plan and criterion (iii).

Figure 2 in section 5 of TAN 15 categorises general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities as less vulnerable development. Given the nature of the proposed development, it is considered that it falls under the 'less vulnerable development' category which weighs in its favour.

NRW originally raised concerns with the application because they sought further information and confirmation be provided to show that the existing embankment in relation to any proposed activities within 8m of its landward toe. Drawing Number: C-SAB-01 REV D proposed drainage layout indicates that the basins are to be offset 8m from the toe of the embankment. With regard to the revised FCA, Section 5.4.2 confirms that the site remains flood free in a 1% plus climate change (cc) fluvial event, due to the presence of the Swansea Vale Flood Alleviation Scheme. This means that the flood free threshold, required in Table A1.14 of TAN15, is satisfied.

Section 5.4.3 confirms that the site is at risk of flooding in a 0.1% event to a maximum depth of 1.4m and an average depth of circa 1m. This does not meet the indicative guidance for acceptable flood depth in the extreme event within Table A1.15 of TAN15. In order to mitigate for the depth of flooding on the site the FCA proposes that site levels be raised by approximately 500mm thereby reducing flood depths below 600mm and therefore considered acceptable.

Section 5.6 refers to third party impacts and states, referring to TAN15 that 'Section 7.3 requires that new development should ensure 'minimal impact of the proposed development on flood risk generally'. It should, however, also be noted that Section 9 of TAN15 specifies that new development must result in 'No increased flooding elsewhere'.



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The FCA then advises that the proposed raising of site levels to mitigate excessive flood depths will result in increased flood depths elsewhere by up to 6mm which just exceeds the agreed modelling tolerance threshold of 5mm. The FCA refers to this increase as 'negligible' in relation to the predicted 1m plus flooding that will be experienced in the vicinity, we agree with this statement.

In conclusion, the proposal is considered to be a less vulnerable development within a regeneration and employment area allocated within the Local Development Plan and the Flood Consequences Assessment is considered to be acceptable.

### **Land Stability. Contamination**

The application site is located within a Coal Mining Development High Risk Area and a Coal Mining Risk Assessment has been submitted with the application. The Coal Authority was consulted and is satisfied that the applicant, based on the professional assessment provided by Integral Geotechnique Ltd, has demonstrated to the LPA that the coal mining risks identified at this site have been adequately investigated and that the areas of the site where built development is proposed are not considered to be at risk.

The Integral Geotechnique Report also considers the environmental risk of the proposal and notes that the site is not within a groundwater source protection zone or a nitrate vulnerable zone. The site has been subject to earthworks in the past to create a development plateau potentially using imported materials with a low/ medium risk but the site investigation (including contamination test results and observations) have not identified any significant contamination risks on site. The in-situ made ground does not therefore present a risk for future site users and no risks have been identified for construction workers that can't be dealt with via normal good hygiene practices. Whilst comments have not been received from the Pollution Control team, a condition is recommended regarding unrecorded contamination on site and requiring it to be mitigated if encountered.

In addition to the above, the Integral Geotechnique Report has also assessed the risk of ground gas at the site. It has been determined that given the thickness of made ground identified, there is potential for this to generate ground gases which could impact the subject site and end uses. The site investigation report recommends that further site investigations are carried out including supplementary boreholes installed with shallow ground gas monitoring standpipes. Therefore in relation to these findings and having regard to Policy RP6 of the LDP, a condition relating to ground gas monitoring shall be imposed.

### **Renewable/ Low Carbon Technology**

Policy EU2 of the LDP requires that development maximises the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal. The applicant has submitted an Energy Statement which states that the glazing will be double glazed insulated units with argon filled cavity. High efficiency lighting will be used throughout the development and lighting to the main showroom area will be controlled via a lighting controlled system to allow a proportion of the fittings to be switched off under high natural daylight conditions. Mechanical ventilation with heat recovery units will also be utilised through the showroom and office areas in order to minimise heat losses and reduce the overall load on the heating plant.

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The heating and cooling of the showroom and office areas will be via high efficiency VRV air source heat pump systems. A roof mounted solar panel array is also proposed which will supplement the electricity supply.

It is considered that the use of these high efficiency systems will reduce the energy usage of the site and subsequent energy demand. It is therefore considered that these proposals will utilise low carbon technology and will meet the aims of Policy EU2 of the LDP.

### **Conclusions**

In conclusion it is considered that the proposals represent an acceptable form of development. The proposals will not have a detrimental impact upon the visual and residential amenity of the surrounding area, nor will it have a detrimental impact upon ecology, land stability, trees flooding and drainage. Approval is recommended.

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

### **RECOMMENDATION**

#### **APPROVE subject to the following conditions:**

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

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

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

001 location plan, 200 proposed ground floor plan, 201 proposed first floor plan, 202 proposed roof plan, 301 proposed valet bay and smart repair, received 10th August 2021.

300 proposed roof plans, 401 proposed external details, received 17th August 2021.

C-SAB-02 REV A proposed surfacing, C-SAB-03 REV A proposed standard details, C-SAB-04 REV A proposed standard details, C-SAB-05 REV A proposed SuDS features sheet 1 of 2, C-SAB-08 proposed SuDS features sheet 2 of 2, C-SAB-07 proposed kerbing, received 17th September 2021.

1121.01 REV C soft landscape proposals, 115 REV 4 proposed GA site plan, C-005 proposed highway works, C-008 proposed vehicle tracking, C-SAB-01 REV D proposed drainage strategy, received 28th September 2021.

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

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3 A detailed scheme for the eradication of Invasive Non-Native Species (INNS) shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of development on site.

Reason: In the interests of the ecology and amenity of the area

4 Prior to the commencement of development, including any clearance works, a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved CEMP. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to highway safety, public health, contamination and ecology.

5 Prior to the commencement of development, including any clearance works, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall outline processes and instructions to manage and monitor the site, and its operations, both during and after development, in such a way so as to protect and enhance the biodiversity and ecology of the site. The LEMP shall include details of the methods regarding the following:

- i) Bats
- ii) Nesting birds
- iii) Badger

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- iii) Hedgehog
- v) Reptiles & amphibians
- vi) Toolbox talks to site operatives

The development shall thereafter be carried out and operated in accordance with the approved LEMP.

Reason: In the interests of ecology and biodiversity enhancement.

- 6 Prior to the commencement of development, and notwithstanding the details submitted to date, full details of a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

- 7 Prior to the commencement of development, a sensitive external lighting strategy for the site (including a plan showing location, light spill and specification for any proposed lights on the site) shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>.

The development shall be carried out in accordance with the approved lighting strategy and retained as such thereafter.

Reason: In the interest of ecology and biodiversity to protect bats and other nocturnal species.

- 8 Notwithstanding the details submitted to date, full details of the location of Ultra Low Emission Vehicle (ULEV) charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved ULEV charging points shall be installed in accordance with the approved details prior to the first beneficial occupation of the development hereby permitted and retained as such thereafter for the lifetime of the development.

Reason: To ensure ULEV charging points are provided to comply with Policy 12 of Future Wales.

- 9 The cycle parking as indicated on Drawing Number: 115 REV 4 proposed GA site plan, shall be provided prior to the first beneficial occupation of the development hereby permitted and retained as such thereafter for the lifetime of the development.

Reason: To ensure cycle parking is provided to encourage sustainable modes of transport.

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### Item 2 (Cont'd)

Application Number:

2021/2116/FUL

- 10 No development shall take place, nor any demolition works or site clearance, until full details of Tree Protection Measures for the protection of existing trees and an accompanying Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area.
- 11 Prior to the first beneficial occupation of the development hereby approved, the car parking provision shall be completed and shall be clearly demarcated on the ground as indicated on Drawing No. 115 REV 4 proposed GA site plan and retained as such solely for the parking of vehicles for the lifetime of the development.  
Reason: To ensure adequate car parking provision is provided and retained for users of the development.
- 12 Prior to the commencement of development, full details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To ensure that the work is carried out at suitable levels in relation to the adjoining land and highway, having regard to flooding and the mitigation measures outlined in the Flood Consequences Assessment.
- 13 Prior to the beneficial use of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: In the interests of sustainability.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping (drawing no. 1121.01 REV C soft landscape proposals) shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 15 For the avoidance of doubt no built development shall be undertaken within 8m of the toe of the berm, as shown on drawing no. C-SAB-01 REV D proposed drainage strategy.  
Reason: In the interests of flooding and to protect the environment.
- 16 Prior to the commencement of any development the following components of a scheme to deal with the risks associated with contamination of the site, including ground gas, shall be submitted to and approved in writing by the Local Planning Authority:

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Item 2 (Cont'd)

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2021/2116/FUL

1. A further site investigation scheme, based on the Recommendations within Section 11.7 of the Site Investigation Report (12768/GNS/21/SI/RevA) prepared by Integral Geotechnique
2. Based on the information provided in 1. an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken together with a timescale for their implementation.

The scheme shall be implemented strictly in accordance with the approved details and timescales for their implementation.

Reason: In the interests of health and safety and to protect the environment.

- 17 Upon completion of the remediation works, and prior to the occupation of the development hereby approved, a verification report to demonstrate that the remediation works have been carried out to a satisfactory standard and remediation targets have been achieved, shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of health and safety.

- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Within 2 months of the written notice being received by the Local Planning Authority, an investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared which sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the first beneficial occupation of the development permitted on that particular site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### 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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

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### Item 2 (Cont'd)

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Policy 12 - Regional Connectivity

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: PS2, PS4, SD1, SDI, RC10, ER2, ER8, ER9, ER11, T1, T2, T5, T6, EU2, EU4, RP1, RP2, RP3, RP4, RP5, RP6, RP7 and RP10.

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

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

- 3 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild bird

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

- 4 Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:
- o Kill, injure or take a badger;
  - o Damage, destroy or obstruct access to a badger sett; and
  - o Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

- 5 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

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### Item 2 (Cont'd)

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- 6 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure reptiles. If widespread reptile species are encountered (common lizard, slow worm, adder or grass snake), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles to a suitable habitat.
- 7 Please note that the Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls/ roofs, the provision of hibernacula in the garden for animals, a pond or native planting/ wildflowers in any landscaping scheme. The above are provided as an example and are not an exhaustive list.
- 8 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainable Drainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
- 9 If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

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. 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.

- 10 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.



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The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Guildhall Swansea SA1 4PE before carrying out any work . Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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Planning Committee – 2<sup>nd</sup> November 2021

Item 3

Application Number:

2021/2253/FUL

Ward:

Cwmbwrla - Area 1

Location: 115 Cecil Street, Manselton, Swansea, SA5 8QL

Proposal: Installation of pitched roof over the front bay window

Applicant: Mr Peter Black



## Planning Committee – 2<sup>nd</sup> November 2021

Item 3 (Cont'd)

Application Number:

2021/2253/FUL

### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
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None

#### Background

This application is being reported to Planning Committee as the applicant is a Councillor and member of the Planning Committee.

#### Site Description

The application site comprises a mid-terraced property sited on the eastern side of Cecil Street, Manselton. The property benefits from a modest hard surfaced front amenity space, front bay window, a single storey rear extension and lengthy rear amenity space which is predominantly grassed. The immediate neighbouring properties are No.113 to the south and No.115 to the north.

Whilst all the terraced properties on Cecil Street benefit from front bay windows, their character and appearance is decidedly varied. Some are rectangular, some are curved, whilst others are a variation of the two. Some have flat roofs (such as the application property), some have pitched roofs (both hipped and gabled) whilst others have pitched roofs that extend across the frontage as a porch/canopy above the door. They also vary in materials.

#### Description of Development

Planning consent is sought for the installation of a pitched roof above the front bay window at 115 Cecil Street, Manselton.

The proposal would project 75cm above the existing flat roof (at its apex), and would comprise a side gabled mono-pitched tiled roof, covering the full extent of the bay window (75cm deep by 2.5m wide).

The roof tiles are to be terracotta, with white upvc gables.

#### Relevant Planning Policy

##### **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

Item 3 (Cont'd)

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**Planning Policy Wales (Edition 11) February 2021**

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals, at all scales.

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

Policy PS 2 states that "[d]evelopment should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place." It continues "[a]ll proposals should ensure that no significant adverse impacts would be caused to people's amenity."

Paragraph 2.2.11 of the LDP states "poor design not only detracts from the character and appearance of an area, but can harm neighbour's quality of life. Potential impacts on people's amenity will be assessed by considered elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements."

Policy 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.

Supplementary Planning Guidance

The householder design guide is supplementary design guidance (SPG) that emphasizes the need to achieve a good standard of design within all householder type development and provides further information and guidance to clarify the policy aims of LDP Policy PS 2.

Section B of the householder SPG sets out the principles of good design in relation to respecting the character and appearance of a property. Paragraph B.1 states that extensions "...should draw upon and respond to the character and scale of the original house, with similar roof details, windows, doors and external materials". It continues "...you should use external materials that harmonise with the existing property and the surrounding area...In most circumstances this means matching the materials to those already used on your house" (para. B.6). Furthermore "[t]he design and arrangement of new windows and doors should respect the character and appearance of the original house" (para.B.13).

The Council's Biodiversity and Development (2021) SPG provides guidance to augment Policies ER6, ER8 and ER9 of the LDP, and provides clarity on the interpretation of those policies, in order to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. The document sets out the requirement to follow the stepwise approach in relation to the consideration of developments including, where necessary, the requirement for ecological mitigation and enhancement measures. This aligns with the Council's duties under s.6 of the Environment (Wales) Act 2016 and the Resilient Wales Goal of the Well Being of Future Generations Act 2015, and is consistent with National Development Plan (Future Wales) Policy.

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

### **Consultations**

Neighbour and ward member notification letters were sent on 26th August 2021.

### **Consultation responses**

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

## **APPRAISAL**

### **Main Issues**

The primary issues in the consideration of this application relate to the impact of the proposed development on residential and visual amenity, as well as highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Visual Amenity**

The proposal would be highly visible in the public domain, given the location of the bay window at the front of the property and minimal front boundary treatment. That being said, whilst bay windows are a key element of the streets character, their appearance is decidedly mixed, with a variety of box and curved bay windows both flat roof and pitched roof, of varying materials and form. The scale and design of the pitched roof would emulate others in the vicinity and its appearance would do little in terms of altering the overall character of the property. The applicant has indicated terracotta tiles and white upvc gables, which, whilst not emulating the roof of the property, would tie in with the terracotta plinth, front door recess and first floor cills of the property and would match many others in the vicinity, including the three properties opposite. Therefore, the proposed installation of a pitched roof at this location is considered to respect the character and appearance of the property and would not appear incongruous in the streetscene.

In light of all of the above, the proposals are considered to have an acceptable impact on visual amenity, in accordance with Policy PS 2 of the LDP and the design principles of the SPGs.

### **Residential Amenity**

The scale, design and siting of the proposals is such that there would not be an adverse impact on residential amenity by virtue of any overbearing impact, overshadowing. Similarly, the nature of the proposals are such that no overlooking/loss of privacy would result.

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The proposals are therefore considered to be in accordance with Policy PS 2 of the LDP and with the design principles of the SPG.

**Access and Highway Safety**

Current parking provision would be unaffected by this proposal. It is therefore considered that no additional access or highway safety concerns would arise as a result of this development.

**Ecology and Ecological Enhancement**

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. In this regard, the applicant has indicated a bird feeding station within the rear garden as ecological enhancement measures to ensure that a net gain for biodiversity is provided as part of the application.

**Conclusion**

Having given due regard to all relevant material factors, the proposal is considered to be acceptable in respect of Policies PS 2 (Placemaking and Place Management) and ER 9 (Ecological Networks and Features of Importance for Biodiversity) of the Swansea Local Development Plan (2010-2025) and the supplementary guidance document entitled "A Design Guide for Householder Development".

**Recommendation**

**Approve, subject to the following conditions;**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, existing and proposed plans, received 25th August 2021, installation of bird feeding station at 115 Cecil Street, received 21st October 2021.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 External finishes to the pitched roof hereby approved shall be terracotta roof tiles and white upvc gables, and retained as such thereafter.  
Reason: To ensure suitable integration with the host dwelling and the wider streetscene, in the interest of visual amenity.
- 4 The Ecological Enhancement Measures, as set out in document entitled Installation of bird feeding station at 115 Cecil Street, received 21st October 2021, shall be retained in accordance with the approved document, and maintained as such thereafter, including ensuring sufficient feed is provided so as to meet the purpose of a bird feeder at all times.

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**Item 3 (Cont'd)**

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Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

### **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, Policy 2 and Policy 9.

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS 2 and ER 9 of the Swansea Local Development Plan 2010-2025.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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Planning Committee – 2<sup>nd</sup> November 2021

Item 4

Application Number:

2021/0867/FUL

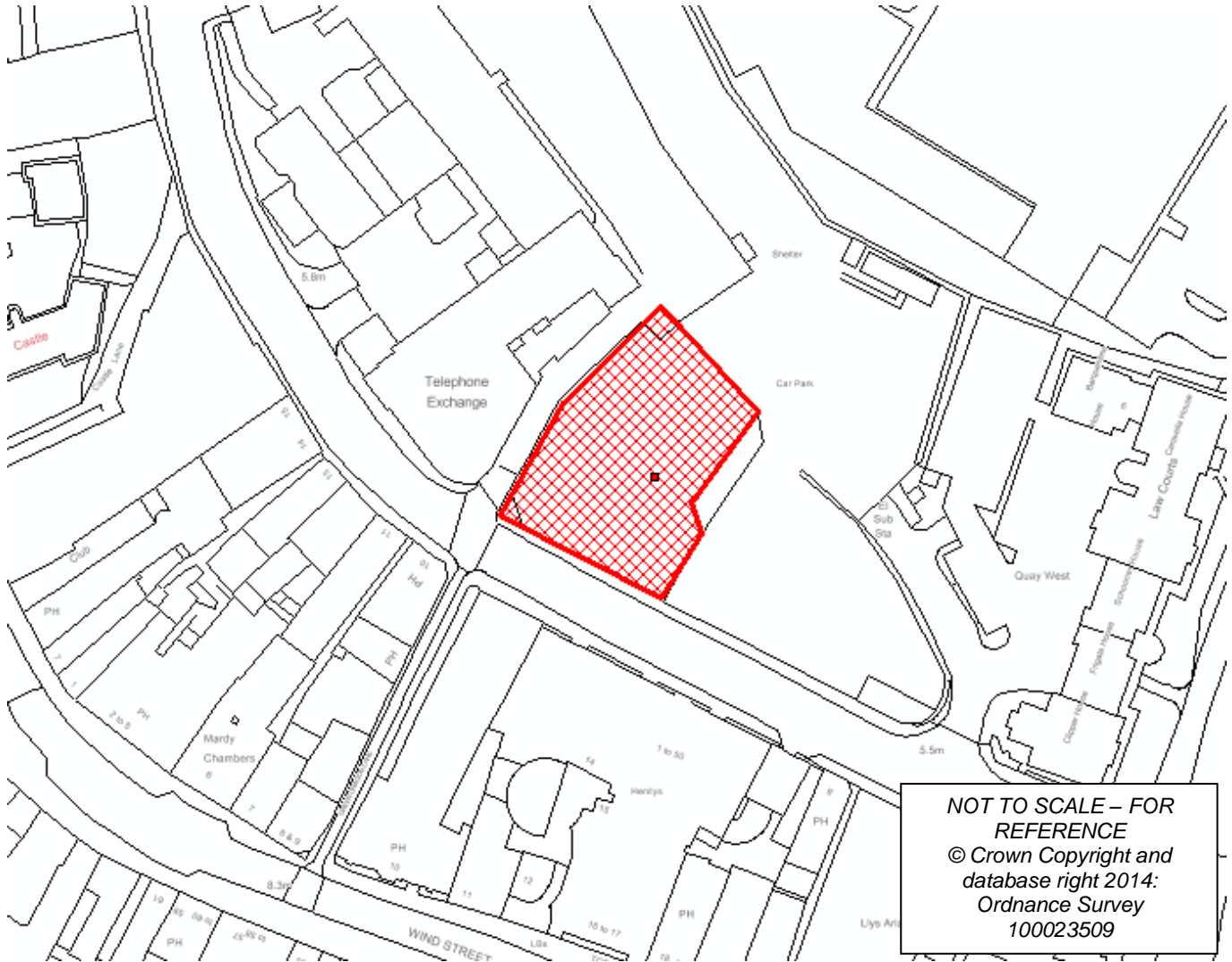
Ward:

Castle - Bay Area

Location: The Strand, Swansea, SA1 1SP

Proposal: Construction of purpose-built student accommodation (studio apartments) and associated works comprising of a 12 / 10 storey building with ancillary communal facilities, cycle / bin storage, and external landscaped courtyard

Applicant: CSD (The Strand) Limited And Telereal Trading Property Limit





## Planning Committee – 2<sup>nd</sup> November 2021

Item 4 (Cont'd)

Application Number:

2021/0867/FUL

### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
None			

#### Procedural

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

#### Introduction

The planning application is for a purpose built student accommodation (PBSA) on land at The Strand. The site occupies an approximate area of 0.143 hectares (1,431m<sup>2</sup>), and is currently vacant, with its most recent use being an informal car park.

The development would involve the construction of 312 studio apartments with a building ranging between 12 and 10 storeys in height with ancillary communal facilities, cycle / bin storage, and external landscaped courtyard. The communal amenity spaces would include: reception, foyer lounge, social lounge with chill out area and games, cinema / multipurpose room gym, eleventh floor lounge and roof terrace landscaped external courtyard and secure internal cycle storage. The pedestrian entrance / reception area to the building will be gained on the south western corner of the elevation of the building directly from The Strand.

The development is designed as a car free development in line with other city centre PBSA developments but will provide secure cycle parking spaces within the ground floor area for the students.

#### Response to Consultations

The application was advertised on site and in the local press on 24th May, 2021. No public response was received.

#### Pre-application Consultation - PAC

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

#### CADW -

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monument listed in our assessment of the application below.

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#### Assessment

GM012 Swansea Castle. This planning application is for the construction of purpose-built student accommodation (studio apartments) and associated works comprising of a 12 / 10 storey building with ancillary communal facilities, cycle / bin storage, and external landscaped courtyard on The Strand, Swansea. The application is accompanied by a heritage and archaeological assessment prepared by EDP. This concludes that the impact of the proposed development on the setting of the scheduled monument GM012 will be very slight. We concur with this conclusion.

#### GGAT

Thank you for consulting us concerning the proposed development; consequently we have reviewed the detailed information contained on your website. The proposal will require mitigation.

Information in the Historic Environment Record indicates that the application area is situated in an area of high archaeological potential and we note the submission of an Archaeological and Heritage Assessment (EDP report ref. edp6161\_r004a, dated March 2021). The site has been subject to several phases of construction activity and 'was probably developed as a quayside area since at least the medieval period'. However the subsequent developments are likely to have had an adverse effect on any potential remains, with the geotechnical investigations suggesting c.3.5m of made-ground.

Nevertheless, as the assessment indicates, there is the potential for deeply stratified archaeological remains to survive. As, for example, 'old timbers' were recovered from a depth of 20-25ft during the construction of the adjacent BT Tower in 1970.

Therefore 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.

#### Local Drainage Authority

We highlight that great care should be used in considering this application, under the new Flood Map for Planning this site is highlighted as being fully inundated which is also supported by the applicants own FCA, according to the new TAN15 highly vulnerable development (figure 1) should not be permitted in this zone. We note the conclusions of the report regarding the Authority's Strategic Flood Risk Management Strategy however none of the actions highlighted in that strategy have been undertaken and are not relevant to the consideration of this application.

Schedule 3, Flood and Water Management Act 2010.

The development proposal has been identified as requiring SuDS Approving Body consent irrespective of any other permissions given. From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

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### **Dwr Cymru Welsh Water**

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0005562) has been acknowledged and included at Appendix 7 of the accompanying Pre-Application Consultation (PAC) Report, prepared by DPP Planning, which highlights that foul water flows can be accommodated within the public sewerage system but only at a specified point of connection, given the strategic nature of the adjacent brickwork combined public sewer.

With respect to the submitted 'FCA & Drainage Strategy Report' (Ref: 20-040), Appendix J refers to a preliminary drainage strategy confirming proposals to communicate foul water flows into the specified point of connection at manhole reference SS65938001. However, our pre-application consultation response also advised there is no agreement to communicate surface water flows into the public sewerage system, which is a matter the developer will need to discuss further with the SAB. In addition, we advised that a hydraulic modelling assessment (HMA) of the public watermains network will be necessary in order to establish an adequate potable water supply to the development. To date, we are unaware of any SAB application submitted and the developer has not contact DCWW to instruct a HMA of the potable water supply network.

### **Natural Resources Wales (NRW)**

We have concerns with the application as submitted regarding flood risk. Our detailed technical comments are provided below.

#### **Flood risk**

The planning application proposes highly vulnerable development in the form of student accommodation. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map contained in TAN15.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed Flood Consequence Assessment (FCA) produced by JBA Consulting, dated October 2021 (Ref. GWH-JBAU-XX-XX-RP-Z-0001-D3-C01-FCA-The\_Strand). The FCA has utilised existing published data to assess fluvial and tidal flooding as well as the findings of some limited tidal modelling. Our review is based solely on the content and conclusions of the FCA as provided.

The FCA confirms that the application site is currently vacant and located in zone C1 on the existing Development Advice Map. It is also noted that the site is situated in Zone 3 and shown to be at risk from both tidal and fluvial sources, on the new Flood Map for Planning published to support the revised TAN15.

**Item 4 (Cont'd)**

**Application Number:**

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Section 4.2 of the FCA has assessed the present day tidal risk by using our published Flood Risk Assessment Wales (FRAW) maps and concludes that the site is not at risk in this scenario.

Section 4.3 of the FCA has assessed the risk of fluvial flooding from the River Tawe by utilising our FRAW mapping which shows the site is partially at risk of fluvial flooding in the 1% (1:100 year) present day, without climate change, event. This means that the existing site cannot comply with the flood-free threshold required in Table A1.14 of TAN15. The FCA goes on to state that flood depths on the site in the 0.1% (1000yr) current day fluvial scenario, as provided in the FRAW modelling, reach up to 1.55m deep which is significantly in excess of the guidance in Table A1.15.

The FCA then assesses existing ground levels on site with previously modelled flood depths to come up with a predicted current day 0.1% (1000yr) fluvial flood level of 7.4m AOD compared to existing site levels of between 5.70mAOD and 6.15mAOD. Whilst it should be noted that this method of determining the 0.1% (1000yr) flood level at the site may be considered rudimentary, compared with site specific detailed modelling, the results of previous modelling would indicate that the suggested flood level is broadly appropriate.

Also, it should be noted that the use of FRAW data to inform FCAs for planning applications is not normally considered acceptable as it is based on generalised broad scale modelling which will not be as accurate as site specific detailed modelling. However, in this instance, as the FCA has confirmed the significant flood risk to the site the findings are not considered to be materially compromised.

Section 5 of the FCA provides a more detailed assessment of tidal flood risk over a 100 year lifetime of development. The present-day tidal levels given in Table 5.1 of 6.36mAOD for the 0.5% (1:200yr) event and 6.65m AOD for the 0.1% (1:1000yr) event relate to the year they were estimated (2017). According to latest climate change guidance, sea level rise will have increased these figures by approximately 2cm between the years 2017 and present day 2021. Ideally, they should be updated, however, given the marginal difference which does not materially change the results, the values quoted in Table 5.1 could be considered acceptable.

The climate change allowances for sea level rise given in Table 5.2 of the FCA are taken from recently published Welsh Government guidance and indicate that tidal flood levels in 2120 will reach 7.36mAOD and 7.65mAOD in the 0.5% and 0.1% events respectively. The FCA also provides figures for the more extreme sensitivity testing event that may assist in resilient design, these figures are 7.68mAOD and 7.97mAOD in the 0.5% and 0.1% events respectively. These figures are significantly higher than the existing site levels of between 5.70mAOD and 6.15mAOD. We would however agree with the statement in Section 5.2 that the tidal projection modelling utilised is generally conservative as the tide levels quoted will only be reached at the exact peak of the high tide.

Section 6.1 of the FCA refers to the proposed Swansea Flood Mitigation Strategy to provide increased protection in future years. The City and County of Swansea have previously committed to a staged approach of improving flood defences to protect the existing city centre area and facilitate appropriate regeneration and development.

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Section 6.2 of the FCA refers to third party impacts as a result of the proposed development and the potential to increase flooding elsewhere, contrary to a requirement of TAN15. The FCA accepts that the proposed development could increase flooding elsewhere but considers this, in both fluvial and tidal events, to be unlikely due to its location, proximity to the coast and depths of flooding predicted. Nonetheless, despite the claim that third party impacts are unlikely, mitigation is proposed in the form of a significant raising of the ground floor of the building. The FCA states that 'the proposed building will be raised a significant height above existing ground levels, and to avoid the potential to displace floodwater a void will be formed below the ground floor'. The ground floor of the building will be set at 7.40mAOD, in order to comply with the flood free threshold in Table A1.14, compared to existing site levels which range from 5.70mAOD to 6.15mAOD, an increased elevation of up to 1.7m.

Whilst it is accepted that raising the ground floor of the building to 7.4mAOD will mean the interior will remain flood free in the required events, the rest of the application site will remain at significantly lower levels and therefore cannot comply with the flood free threshold required in Table A1.14.

The purpose of the proposed void beneath the building is to theoretically maintain flood storage on the site and therefore negate any increased flooding elsewhere. Ground levels in the proposed void beneath the building will also be lowered by 300mm below existing site levels to provide additional storage but there is no detail on how the void is to operate or how water collected within it can be disposed of to retain its capacity. With regard to the ongoing retention of the proposed flood storage beneath the building it is stated that the void will be made secure to entry, except for maintenance, to ensure its continued effectiveness as designed. We are, however, unable to verify the technical effectiveness of the proposed mitigation as no modelled evidence has been provided. In addition, the use of voids beneath buildings to provide flood storage may be difficult to maintain as designed, even with the proposed security measures, over the lifetime of the development.

Whilst, based on the information in the FCA, it may have been possible to provide modelled evidence of the effectiveness of the mitigation measures; such evidence is not provided and we are therefore unable to advise you on whether the proposed measures will be effective in preventing increased flooding elsewhere over the lifetime of the development.

Section 6.3 of the FCA refers to the need for emergency planning, access/egress and management procedures to ensure the safety of residents during a flood event considering the predicted significant flood risk to the site. This is a matter for your authority's consideration, informed by the FCA.

In conclusion, whilst no detailed site-specific modelling has been provided, the FCA is considered to give a reasonable assessment of flood risk to the proposed development over its lifetime and that it accepts the significant flood risk to the site. The FCA confirms, through its findings, that the application site cannot comply with the flood free threshold required by Table A1.14 of TAN15 but that the building itself will be raised significantly above surrounding site levels to remain flood free inside. Mitigation measures are proposed to negate the risk of increased flooding elsewhere as a result of the proposed development but we are unable to verify the effectiveness of the measures in terms of their technical design or the security of their continued use, as designed, over the lifetime of the development.

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Notwithstanding the above advice, please be aware that TAN 15 and the Development Advice Map (published in 2004) are being replaced. The new TAN 15 and Flood Map for Planning was published on 28th September 2021 to allow local planning authorities, developers, planning consultees and the public to prepare for when they come into force. The changes come into effect on Wednesday 1 December 2021 and from this date onwards, applications will be determined based on the new TAN 15 and Flood Map for Planning. We therefore advise you to consider how this change may affect your determination of this application.

**Local Authority Planning Ecologist**

Please could you add a condition for a landscaping scheme to be submitted to include planting schedules, maintenance and monitoring, including specifications and maintenance of the green roofs.

The further ecological enhancements should include the provision of integral bat and bird bricks, such as swift bricks or external bird and bat boxes constructed of woodcrete or woodstone.

**Local Authority Commercial Waste / Recycling Team**

Our view with PBSA is that technically the students are allowed a collection of their household waste and recycling, in the same way as if they were renting rooms in a HMO.

We initially use the British Standard to estimate the likely waste arising from a given number of students in one bedded flats

312 student rooms @ 100 litres (British Standard) total waste & recycling per week = 31,200 litres per week

We will only offer a non-chargeable collection service based on the volume of waste / wheel bins that can be collected once per fortnight. Swansea Council operate a once per fortnight collection of household waste. Any waste collected over and above the fortnightly allowance is chargeable.

To comply with a fortnightly collection of this estimated volume of waste would require the following

31,200L per week = 62,400 litres per fortnight. This is the equivalent of 57 x 1100 litre wheel bins

Does the development has the capacity to take this number of wheel bins?

Furthermore, all Welsh Local authorities have a statutory recycling target of 64%, increasing to 70% by 2025. Therefore all developments are expected to recycle two-thirds of the waste generated.

We would only supply wheel bins on a ratio of 1 x general waste : 2 x recycling bins

Any general waste collected over and above the once per fortnight visit is currently charged at the commercial rate applicable at the time. The commercial waste team administer the collection of general landfill waste

The Domestic collections team manage the collection of recycling. Domestic collections can only accommodate fortnightly collections of recycling. They are not able to make multiple visits to any individual site. Other considerations which Swansea Council would make is accessibility of vehicles to the development and specifically access to wheel bin compound.

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All agreements for Swansea Council to manage the collection of waste and recycling from a PBSA is subject to site visits prior to any commencement of collections.

**Local Highway Authority**

1. Introduction

The proposals are for the construction of a 312 bedroom purpose-built development of student accommodation. The site is located on The Strand, Swansea occupying what is currently a vacant private car park.

A Statutory Pre-Application Consultation has taken place, and Highways comments submitted. These have been referenced in the PAC report.

2. Location

The site is within the City Centre area, but not within the currently defined city centre core. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to high frequency bi-directional bus services which run services between University Campuses and can be accessed on Quay parade.

Rail services at High Street Station, with access to both local and national services. The site is therefore considered to be sustainably located in transport terms and entirely appropriate for the proposed form of development.

3. Trip Generation and Parking

The application is supported by a Transport Statement that examines the impact of the proposals on the highway network and concludes, through assessment of the trip generation and distribution, that daily trips generated by the proposed development will be distributed across sustainable modes.

This is appropriate and as such the development is proposed to be car free, this is in line with local and national policy the proposed development is not therefore anticipated to have an adverse impact on the surrounding vehicular highway network.

The adopted Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use, there is no requirement for visitor parking.

Cycle parking should be provided at one cycle parking space be provided per 2 beds for this form of development (a minimum of 156 spaces for 312 beds). The development has proposed 124, with the potential for an additional 26 externally. These should be monitored through the Travel Plan. Given the sustainable location of the site I am happy to accept the proposed number of cycle parking spaces, with details of layout, type of rack, etc. controlled by condition.

Immediately adjacent paid car park, and on street parking in the vicinity is pay and display. There are considered to be extremely limited opportunities for indiscriminate parking in the local area. The further reinforce this students will be prevented from bringing cars to the site via Tenancy Agreement, this will need to be secured via s106.

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Being mindful of the central, sustainable location of the site and the and that of the proposed use I am satisfied that the proposed development is compliant with adopted parking policy with zero on-site operational parking and the provision of resident/visitor cycle parking as required by condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking, enhanced as may be required, to respond to any identified demand/shortfall.

It is nonetheless noted that the introduction of circa 312 residents (plus staff, and visitors) who will be wholly reliant on walking, cycling and public transport for daily journeys will put a not insignificant additional amount of pedestrian traffic onto the adjacent footways.

To this end the applicant has proposed to enhance the footway link to Quay Parade to shared use (3m) standards. This provides a direct link to the National Cycle Network, which connects both main University campuses, together with a new Zebra crossing over the Strand for destinations in the City Centre.

These Highway Works should be delivered under a section 278 agreement with the Local Highway Authority.

**4. Servicing**

All servicing is proposed to take place from The Strand, given that there are no ancillary uses proposed this is thought to be limited, bin stores will be accessed directly from The Strand frontage.

The exception to the above is vehicle trips that are likely to be generated at the start and end of term, when student residents are generally dropped off/collected by car. However as identified in the submitted TS this will be controlled to ensure it does not have an adverse impact on the highway.

A Parking Management Plan has been provided, to manage the dropping off/collection, and parking of vehicles and I am satisfied, subject to agreement of this condition, that there is sufficient capacity at the adjacent public pay and display car park to accommodate the arrival and departure of students at the start and end term, whose arrivals are managed as per the plan.

**5. Travel Plan**

A comprehensive interim Travel Plan has been provided detailing measures to maximise travel be sustainable means, with a commitment to appoint a travel plan coordinator, and monitor for 5 years post first occupation. The suggested targets are considered appropriate, the terms and method of that baseline surveys must be agreed with the Local Authority. The applicant should also include potential amelioration measures if during monitoring targets are not being met.

A travel plan condition will be required for the submission of the final travel plan and to ensure adherence to the agreed plan.

**6. Conclusions**

Given the sustainable location of the site and compliance with parking policy I must conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.

On balance the Highway Authority has no objections to the proposals.



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The following conditions are requested:

i. Highway Works: No part of the development hereby permitted shall be commenced until a scheme of public realm improvement works to the footways adjacent to the site on The Strand, has been submitted to and approval in writing by the LPA.

All external highway works and improvements including a minimum 3m shared use footway/cycleway and the creation of a Zebra Crossing on The Strand to the West of the site, linking the site to Green Dragon Lane: to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme.

The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To ensure the reinstatement of the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.

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

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

- ii. The Section 106 to include details of the parking management plan. The document should make specific reference to general day to day management as well as the pick up and drop off arrangements at the beginning and end of term which have the potential to bring more vehicles than can be accommodated at once.
- iii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
- v. That the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing. This should be based on the interim Travel Plan submitted with the application and include an 5 period of monitoring at the Developer's expense with the results to be submitted to the LPA.
- vi. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

Note: The site benefits from an existing access point to the public highway, and as such works could commence prior to formal highway agreement.

- vii. The development should be occupied by registered students only, in the interests of highway safety.

**Placemaking and Strategic Planning Team -**

Comments provided 9th July, 2021

Principle of Development

The LDP includes a specific policy on PBSA development (Policy H 11). The policy states that proposals for PBSA should be located within the Swansea Central Area. This proposal is located within the Central Area designated on the LDP Proposals Map.

The site is vacant brownfield land. Policy SD J allocates the Central Area 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. The Policy includes proposals for a high quality retail and leisure led scheme, mixed use waterfront developments, circa 856 homes, 4 hectares of potential development areas that could accommodate B1 uses, and area initiatives and environmental enhancements during the Plan period. This particular site is identified on the LDP SD J Concept Plan as a mixed use development opportunity in a key area.

Policy SD J identifies placemaking principles for the distinct areas identified on the Concept Plan including the Parc Tawe urban gateway complementary area in which this site is situated. Within this Parc Tawe Urban Gateway complementary area, Policy SD J states that developments will be expected to:

- o Upgrade the built environment and public realm of the area;
- o Take opportunities to deliver the longer term aspiration for a new residential district, which has active frontages, is well connected to the river corridor and adjacent communities and businesses, and is complemented by associated environmental enhancements, Green Infrastructure and appropriate commercial uses.
- o Enhance linkages between Parc Tawe Retail Park and surrounding areas, including to the Retail Centre and, riverfront as part of creating a distinct urban district and improved gateway site.

Policy RC 4 provides further policy on the Complementary Areas. It states that 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. Of relevance within the Parc Tawe Gateway Area Complementary Area, Policy RC 4 states that development should permit the redevelopment of parts of the site and its surroundings for an alternative mix of non-retail uses, including significant residential development. 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.

Placemaking Principles

Having regard to the importance of proposals addressing key placemaking and GI principles, the following highlights specific comments from the Placemaking and Heritage Team:

The adopted Swansea Central Area Regeneration Framework (SCARF 2016) provides more detailed concept plans for the Complementary Areas identified in the LDP.

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The SCARF document is not SPG, but is a Council endorsed strategy document that contains general principles that remain relevant going forward to inform the Council's approach to regeneration and decision making. The SCARF contains an indicative concept plan for the Parc Tawe Complementary Area where the site is located and annotated as a development opportunity with active frontages. It also abuts the Wind Street / Princess Way priority regeneration area. The SCARF document sets out design principals for this area, the relevant ones being to:

- o Respect the character and scale of listed buildings.
- o Greening of the area by introducing pocket parks, soft landscape quality materials
- o The area is identified in the Tall building SPG specifically as a 'Welcome Zone', where well designed tall buildings should be carefully sited to avoid excessive shading of local spaces and visual conflict with the Castle and tower.
- o Create a sense of place and scale, and high standards of architecture and urban design particularly at key locations/gateways.
- o Create an attractive high quality development, with active frontages
- o Residential development must be high density (at least 3-4 storeys), incorporating quality public realm and public spaces within the layout of the site.
- o Further redevelopment of vacant sites along the west of The Strand, should provide edge definition, and a mix of uses that provide natural surveillance and points of activity.

The Tall Buildings SPG sets out zones of the city for tall buildings and this site falls within one of these welcome zones. The Welcome Zones are identified in the SPG as those areas of the City where well designed tall buildings can have a positive impact on the character and image of the City, where development is likely to be supported by sustainable transport. Tall buildings proposals will need to demonstrate that the key design principles set out in the SPG have been considered including the requirement to demonstrate sensitivity to historic areas, protecting and enhancing heritage settings.

The proposed use has potential to help achieve the objective of the policy to facilitate the regeneration of this Central Area Complementary district, but careful consideration will be required of other key planning matters including placemaking, the design of the building, and green infrastructure (GI).

Amended Plans Comments - 20th October 2021

Amended plans have been received regarding this proposal for PBSA development in the Strand for a development comprising of a 12 / 10 storey building with ancillary communal facilities, cycle / bin storage, and external landscaped courtyard.

The Placemaking & Strategic Planning (P&SP) Section provided a response on the initial proposals dated 09/07/2021. That response concluded that the proposed use had potential to help achieve the objective of the LDP policies to facilitate the regeneration of this Complementary district within the Central Area, but that careful consideration was required of key planning matters relating to placemaking, including the design of the building and green infrastructure (GI). The previous response noted that the site is shown on the LDP Constraints Map as being located within a designated Flood Zone.

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The following response provides comments on the amended plans submitted by the applicant.

This response highlights an imminent important material change in planning policy with regard to flood risk which affects this proposal.

**Principle of Development**

A key issue relating to the consideration of whether the principle of the proposed use is acceptable at this location relates to the site's flood risk. The proposal will need to be considered against the relevant Development Plan policies and the relevant TAN 15 regarding Flood Risk.

The P&SP response provided on 09/07/2021 highlighted that the site was located within NRW Flood Zone 2 - as indicated on the LDP Constraints Map - having regard to the mapping that was available at that time. The Flood Zone designation for the area has now changed in accordance with the details below.

From 1 December 2021, the current TAN 15 and TAN 14 'Coastal Planning' (1998) are being cancelled and replaced by a new TAN 15 'Development, flooding and coastal erosion'.

Alongside this, the flood risk map that supplements the TAN - currently known as the Development Advice Map - is being replaced by a new 'Flood Map for Planning'. The mapping is produced by Natural Resources Wales (NRW) and shows the extent of flood risk that is forecast by modelling to potentially occur across Wales. Ahead of the new TAN 15 coming into effect, the written statement and Flood Map have been made available in advance to give local planning authorities, developers, and others advance warning of the changes.

The new TAN 15 and associated new Flood Map for Planning are required by Government and the relevant legislation to be considered as important information for deciding planning applications. They must be referenced as the relevant framework and technical data for assessing risks arising from both river and coastal flooding, as well as additional run-off from development.

The new TAN 15 emphasises that land in Flood Zone 3 should only be used for water compatible development or less vulnerable uses. It states at Pg 8 that in Flood Zone 3 Areas:

'The flooding consequences associated with highly vulnerable development are not considered to be acceptable. Plan allocations must not be made for such development and planning applications not proposed. Flood Consequences Assessments (FCAs) should not be prepared [i.e. do not attempt to prepare FCAs to justify such development] as there is no requirement for Natural Resources Wales to provide advice. Highly vulnerable development includes: All residential premises (including hotels, Gypsy and Traveller sites and caravan parks and camping sites); schools and childcare establishments; colleges and universities; hospitals and GP surgeries. The TAN emphasises (at Pg 14) that 'Where a mix of uses is accommodated within a single building, its vulnerability will be defined by the most vulnerable use. This includes buildings where ground floors have a commercial use and upper floors are in residential use.'

The following extracts from the new TAN 15 further emphasise the unequivocal approach to highly vulnerable development:

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- o Pg 16: In Zone 3 (Rivers and Sea), allocations for residential and other highly vulnerable development must not be made as the risks and consequences of flooding are not considered acceptable for these types of development. Allocations for less vulnerable development, including essential transport and utilities infrastructure, should only be made in exceptional circumstances. Exceptional circumstances could include addressing national security or energy security needs, reasons of public health or to mitigate the impacts of climate change.
- o Pg 28: It is important that areas in Zone 3 are used only as a last resort [and for less vulnerable development only], and not at all for new highly vulnerable development. Less vulnerable development includes: general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, public buildings including libraries, community centres and leisure centres, places of worship and play areas. Less vulnerable development will only be justified if: 1. There are exceptional circumstances that require its location in Zone 3...; AND 2. Its location meets the definition of previously developed land; ... New highly vulnerable developments must not be permitted in Zone 3.

This proposal is for a highly vulnerable use in the new 'Rivers and Sea: Flood Zone 3', which would not be acceptable under the new TAN 15. From 1st December, local planning authorities must make Welsh Government Ministers aware of any intention to approve new highly vulnerable development in Zone 3 as this would be considered by Government a decision contrary to national policy. Welsh Ministers will then have the option of calling-in the application to determine themselves.

If the application is determined on or before 30 November 2021 the current TAN 15 soon to be replaced - and the associated development advice map - applies for decision making. If it is determined on or after 1 December 2021 the decision must be based on the new TAN 15 and Flood Map for Planning. Ultimately the representations from NRW will be key to reaching a decision on this matter.

Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

FW Policy 2 (see Annex A for details) sets out that:

- o development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives,
- o opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- o all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- o development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- o the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.

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- o development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

Having regard to the importance of proposals addressing key placemaking and GI principles and the P&SP comments provided in July, the following highlights specific comments from the Placemaking and Heritage Team on the amended plans.

The Placemaking and Heritage comments provided in July 2021 concluded as follows:

"Whilst the principle of a tall building in this location is acceptable, this response has highlighted the aspects which need amendment before placemaking approval can be recommended. To summarise the key aspects to resolve are:

- o Amended architectural treatment/ materials to address monolithic appearance and appear as linked buildings
- o Accurate photomontage views to show relationship to designated heritage assets.
- o Green Infrastructure strategy - bring together ecology, drainage and amenity space
- o Amend Strand street level to ensure active frontages
- o Confirm integrated wind mitigation
- o Arrange Design Review of amended proposals with Design Commission for Wales"

The amended proposal seeks to address these points via amended plans and amended/ expanded supporting information. Amended elevations have been provided to address the concerns regarding the monolithic appearance. These do not reduce the 10-12 storey scale but use different material treatments and articulations to reduce the appearance of massing and look like two linked buildings. This includes the use of two distinctly different bricks (buff and grey) for each building and strengthening the distinction between the two masses, plus use of a differentiation rain screen cladding for the upper two floors. This does reduce the monolithic appearance but the proposal is still clearly a widely visible tall building in the tall building welcome zone. Therefore on balance this alteration is considered acceptable.

In response to the need to fully understand the proposal in the setting of designated heritage assets, four photomontage views have been provided along with confirmation of accuracy. It is unfortunate that these visuals have been provided at the end of the process rather than at the pre-app stage to help understand the prominence of the massing and inform the refinements. It is also unfortunate that these verified visuals were not available for the heritage statement or for Cadw to review.

Photomontage verified views have been provided from:

- o Southern Tawe Bridge
- o Castle Street looking south west to Swansea Castle
- o Looking north up the Strand
- o Looking east down Green Dragon Lane

#### Southern Tawe Bridge

From this gateway location entering Swansea the new 10-12 storey student accommodation building will be prominent alongside the existing BT tower. This starts to form a tall building cluster and it is apparent that the massing of the proposed building steps up towards the taller BT tower. This relationship is considered acceptable and the architecture visible is good quality.

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**Castle Street**

This key view looks south west from Castle Street to Swansea Castle with the site in the background. This accurate view is from a slightly different location of the indicative view contained in the previous version of the DAS. This updated accurate view shows that more of the proposed building (upper 6 storeys) will be visible as a backdrop to Swansea Castle through a low point in the ruins from this view point. This will change the setting but is not considered to be overly dominant and maintains the current character of a modern cityscape backdrop to the castle.

**Looking north up the Strand**

In this view the massing of the existing BT tower as a prominent feature is replaced by the proposed 10-12 storey building. The south elevation which is windowless due to adjacent future development land is broken up and articulated by recessed framed brickwork areas replicating the pattern of windows.

**Looking east down Green Dragon Lane**

The view down this historic street in the Wind Street conservation area shows a modest change which would be beneficial with the introduction of good quality architecture using brickwork reflecting traditional materials of the area. However this view is truncated on the top of the photo showing 6 stories not the full effect of the 12 storey massing on the corner, plus as you move east down Green Dragon Lane more of the proposed building will become visible and the visual effect may be greater.

The methodology for preparing the photomontage views has been provided in accordance with Visual Representation of development Proposals by the Landscape Institute, Guidance Note 2019. This confirms a robust process and accuracy to industry guidelines.

A standalone Green Infrastructure Strategy has not been provided, but this is contained in the updated DAS. This confirms the function of roof areas at 11th floor as a student amenity terrace accessed off the shared sky lounge area. Other areas of flat roof are confirmed as extensive green roofs as part of multi functional green infrastructure and SUDs strategy.

A Green Space Factor (GSF) assessment has been provided in accordance with the Green Infrastructure Strategy for Swansea Central Area. This confirms inclusion of biodiverse extensive green roof areas, rain gardens, wildflower planting and permeable paving which means that the required GSF score of 0.4 for residential developments has been achieved. However it is noted that this is minimal compliance and the slightest alteration to these features during implementation may result in non-compliance. Therefore to ensure this does not happen at the implementation stage it is suggested that a condition be added to ensure compliance with the minimum GSF score of 0.4.

The Strand elevation has been amended to change the previous internal ramp which deadened the frontage to steps and lift, plus the mechanical and electrical plant room has been relocated to the rear of the building. As a result the ground floor plan now shows a fully active glazed frontage onto the Strand with a shared student lounge area which is welcomed.

No updated information is provided in respect of wind mitigation however this can be required to be addressed and integrated if necessary via condition as per other consented taller buildings.

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The applicant and design team has not engaged with the Design Commission for Wales. This is a missed opportunity to obtain an expert impartial view on the proposals but is not an essential requirement and a full assessment of the proposal has been undertaken by the Local Planning Authority.

On balance the proposed 10-12 storey student accommodation building is considered acceptable in placemaking and heritage terms, subject to other material planning matters being acceptable including matters relating to the principle of the development at this location. The scale means this tall building will be widely visible in Swansea City Centre. The amendments address the issues identified with the initial submission and the proposal is now considered to accord with the Tall Building Strategy SPG, the relevant placemaking and GI LDP Policies and will not harm the setting of designated heritage assets namely the former Post Office Listed Building, Wind Street Conservation area and Swansea Castle Ancient Monument/ Listed Building. In placemaking terms, approval is recommended with conditions to address the following:

- o Composite sample panel
- o Large scale drawn details for key elements such as windows, doors etc
- o Integration of wind mitigation
- o Require compliance with GSF score of 0.4

Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on the importance of development integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ("the S6 duty").

FW Policy 9 and PPW (see Annex A for details) require that:

- o all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- o a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Adopted SPG - Biodiversity and Development (see Annex B for details) provides:

- o guidance on how the requirement for biodiversity can be addressed and assessed.
- o details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

Final Comments

This response provides comments on amended plans submitted by the applicant and are provided as supplementary comments to those provided by the Placemaking and Strategic Planning Section in July in relation to the initial proposals.

The previous response in July concluded that the development has potential to help achieve the objective of LDP policies and supporting guidance in terms of facilitating the regeneration of this Central Area Complementary district, subject to careful consideration of other key planning matters.



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In terms of the principle of the development being acceptable having regard to the site characteristics and/or constraints, a key issue is whether the proposed use is acceptable at this location given the latest evidence relating to flood risk. The proposal and supporting evidence will need to be considered against the relevant Development Plan policies and TAN 15. If the application is determined on or before 30 November 2021 the soon to be replaced TAN 15 and associated development advice map applies for decision making. If it is determined on or after 1 December 2021 the decision must be based on the new TAN 15 and Flood Map for Planning.

Having regard to the new Flood Map for Planning, it is clear that this proposal is for a highly vulnerable use in an area subject to 'Rivers and Sea: Flood Zone 3', which would not be acceptable under the new TAN 15. From 1st December, local planning authorities must make Welsh Government Ministers aware of any intention to approve new highly vulnerable development in Zone 3 as this would be considered by Government a decision contrary to national policy. Ultimately the representations from NRW will be key to reaching a decision on this matter.

Notwithstanding the fundamental issues raised above in relation to the principle of the proposed use at this location, the applicant's amendments do address the key placemaking/GI/heritage issues identified with the initial submission and the proposal is now considered to accord with the Tall Building Strategy SPG, the relevant placemaking and GI LDP Policies and will not harm the setting of designated heritage assets namely the former Post Office Listed Building, Wind Street Conservation area and Swansea Castle Ancient Monument/ Listed Building. On balance the proposed 10-12 storey building is considered acceptable in placemaking and heritage terms (notwithstanding the above issues raised in terms of the principle of the proposed use at this location), however it is recommended that conditions would be required to address the following:

- o Composite sample panel
- o Large scale drawn details for key elements such as windows, doors etc
- o Integration of wind mitigation
- o Require compliance with GSF score of 0.4

**APPRAISAL**

Planning Application

The planning application has been supported with the following documents:

- o Planning Statement;
- o PAC report;
- o Design and Access Statement,
- o Air Quality Assessment;
- o Flood Consequence Assessment;
- o Noise Impact Assessment;
- o Wind Microclimate Assessment;
- o Ground Investigation Interpretative Report;
- o Ground Conditions Desk Top Study and Preliminary Risk Assessment;
- o Associated Ground Investigation and Ground Conditions Appendices;
- o Ecological Appraisal;
- o Daylight and Sunlight Assessment;
- o Transport Statement;

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- o Parking Management Plan;
- o Travel Plan;
- o Townscape and Visual Impact Assessment;
- o Archaeological and Heritage Assessment;
- o Energy Statement;
- o Student Needs Assessment.

**Material Planning Considerations**

The main issues to be considered:

- o The principle of the development having regard to national and local planning guidance;
- o the effect of the development on the character and appearance of the area including the heritage assets in the vicinity;
- o the effect of the development on highway safety; and
- o other technical issues including the flood risk.

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

**Development Plan Policy and Supplementary 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.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the proposal must be determined against relevant policies of the Development Plan, which comprises:

- o Future Wales (FW), the National Plan 2040- the national tier of the Development Plan containing the policies on matters Government considers a national priority, that are distinctly spatial and/or require national leadership.
- o The Swansea Local Development Plan (LDP) 2010-2025 - the local tier of the Development Plan.

Whilst Development Plan policies are the primary consideration, other relevant material considerations need to be considered when determining the acceptability of the proposal. This includes other local and national policy and guidance, including Supplementary Planning Guidance (SPG), Planning Policy Wales (PPW) Edition 11 and Technical Advice Notes (TANs).

Swansea Council is a signatory to the Wales Placemaking Charter which defines the placemaking principles and range of considerations that should be applied to all developments, in the interests of maintaining and creating good places.

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

The site is located within the Swansea Central Area, defined by LDP Strategic Policy SD J, close to the public transport facilities and main services in the City Centre. Within the SD J: Swansea Central Area is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance. The site is vacant brownfield land and this particular site is identified on the LDP SD J Concept Plan as a mixed use development opportunity in a key area.

Policy RC 4 provides further policy on the Complementary Areas. It states that 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. Of relevance within the Parc Tawe Gateway Area Complementary Area, Policy RC 4 states that development should permit the redevelopment of parts of the site and its surroundings for an alternative mix of non-retail uses, including significant residential development. 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.

The provision of PBSA within the Central Area is encouraged by the LDP (Policies RC 1 and H 11), subject to careful consideration of amenity impacts. In particular, in terms of the sequentially preferable location for PBSA, policy H 11 sets out that proposals for PBSA should be located within the Swansea Central Area. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability.

The adopted Swansea Central Area Regeneration Framework (SCARF 2016) provides more detailed concept plans for the Complementary Areas identified in the LDP. The SCARF document is not SPG, but is a Council endorsed strategy document that contains general principles that remain relevant going forward to inform the Council's approach to regeneration and decision making. The SCARF contains an indicative concept plan for the Parc Tawe Complementary Area where the site is located and annotated as a development opportunity with active frontages. The SCARF document sets out design principals for this area, the relevant ones being to:

- o Respect the character and scale of listed buildings.
- o Greening of the area by introducing pocket parks, soft landscape quality materials
- o The area is identified in the Tall building SPG specifically as a 'Welcome Zone', where well designed tall buildings should be carefully sited to avoid excessive shading of local spaces and visual conflict with the Castle and tower.
- o Create a sense of place and scale, and high standards of architecture and urban design particularly at key locations/gateways.
- o Create an attractive high quality development, with active frontages
- o Residential development must be high density (at least 3-4 storeys), incorporating quality public realm and public spaces within the layout of the site.
- o Further redevelopment of vacant sites along the west of The Strand, should provide edge definition, and a mix of uses that provide natural surveillance and points of activity.

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This area along the Strand and Parc Tawe is located within a 'welcome zone' within the Tall Buildings SPG. The Welcome Zones are identified in the SPG as those areas of the City where well designed tall buildings can have a positive impact on the character and image of the City, where development is likely to be supported by sustainable transport. Tall buildings proposals will need to demonstrate that the key design principles set out in the SPG have been considered including the requirement to demonstrate sensitivity to historic areas, protecting and enhancing heritage settings.

Summary

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

Purpose Built Student Accommodation (PBSA) Supplementary Planning Guidance

As indicated above, the site is located within the Swansea Central Area and in this respect the Adopted SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) is of relevance to this proposal. In respect to PBSA, the SPG seeks to promote such developments in appropriate City Centre sustainable locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; with good access to services, facilities and public transport and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for the Central area.

The SPG also requires the applicant to address the suitability of the site together with an adaptability statement to consider how the proposal will not prejudice future uses and also requires a management plan to be submitted with the application. The submitted Planning Statement incorporates an Adaptability Statement which states that given the scale, form and layout of development, as well as the central location of the site within the City Centre, it is considered that should demand for purpose-built student accommodation fall, the development could be adapted to alternative uses, in particular hotel, co-living or residential uses particularly built-to-rent.

These are discussed in turn below:

Hotel Use (Class C1)

*The Applicant intends to create a high quality, safe place for students to live and socialise, incorporating both private and communal spaces. In this respect, the form and layout of the development is similar to that of a hotel which would require private and communal areas. In referring to the accompanying architectural plans, the proposed development would include a foyer area which could double up as a concierge and reception area which would be necessary for hotel use. The overall scale and form of the proposed development will be fixed. However, with building can be adapted and reconfigured internally to suit the necessary room dimensions for hotel use.*

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*Given that the site is in a highly sustainable location, the site would be suitable for hotel use. The site is only a short walk or cycle from a number of services and amenities. In addition, the closest bus stop is located along Quay Parade, only 0.1 miles from the proposed site. Bus services are regular with a number of different routes within Swansea City Centre and the wider region. In addition, the site is approximately a 10-minute walk from Swansea Central Train Station which provides regular routes nationally. However, it is considered that the planning merits of a hotel use at this stage would be subject to a separate planning application which would provide further detail in terms of material considerations associated with such a proposal.*

Residential (Class C3)

*As the proposed development comprises a tall building which will be constructed to a high quality and design, it is considered that residential uses, particularly co-living or build-to-rent could be another suitable option for the adaptability of the scheme. Similarly, to the above, the internal layout of the scheme could be adapted to suit an internal layout for studio apartments. In terms of the suitability of the site, the central local of the site and close distance to transport links means that residents would not have to rely on the private car for transportation. Furthermore, there a few residential uses around the site which would allow for a sense of community and would be in keeping with the sites surroundings.*

Student Needs Assessment

The application has been accompanied by a Student Needs Assessment in which the executive summary makes the following conclusions:

Demand

Swansea University is one of Higher Education's major success stories over recent years, with student numbers growing by 42 between 2014/15 and 2019/20 This equates to a huge 5 455 students with much of this growth absorbed by the Bay Campus, with its world class offer in areas such as Engineering Growth in the non UK population has been particularly prominent, with this cohort growing by 25 over the last five years Future growth in this area will be supported by the University's International Pathways College. The University is continuing to invest in its infrastructure and curriculum to drive future growth. Overall demand in the City is supported by the University of Wales Trinity Saint David's campuses, including its recent investment at SA1.

Supply

The Swansea purpose built student accommodation market is still in its infancy, with little private sector development in the City especially in comparison to other similarly sized university locations in the UK. In 2021 22 there are 7 597 beds available in Swansea, of which only 6.2% of private sector beds are studio rooms, the majority of stock being made up of en suite accommodation. The market is dominated by Swansea University which owns and operates 57 of all beds available in the city, 2,003 of which are available through its joint venture partnership with UPP (at the Bay Campus). The private sector is increasingly attracting nationally recognised developers and operators (including Crosslane), with a new Fusion Students development opening in time for the 2021 / 22 academic year.

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### Pipeline

The private sector is likely to become increasingly competitive over the longer term, with a total of 2,624 bed spaces currently in the development pipeline. It should be noted that this figure includes the 706 bed space True Student development which has reached practical completion but which will not now open until the 2022/23 academic year. Including these bed spaces, 1,968 current have planning approval. In national terms the development pipeline remains fairly limited.

### SBR

The student to bed ratio (in Swansea currently stands at 2.1:1 above Cushman Wakefield's nationally observed average of 2.0:1. This is indicative of structural levels of undersupply. The analysis in this Overview details SBRs for international students and studio bed spaces, projected forward to 2022/23. Even in the worst case scenario of university year on year growth reflecting the current three year international student growth rate, the international student to studio ratio would still stand at 3.3:1. The current percentage of studios in the market is still projected to be below the national average of 15 by 2024.

### Rents

Five year rental growth in the studio market in Swansea has been extremely positive at 28.39% over double the 13.37% average seen across all room types over the same period. This is indicative of healthy levels of demand for this product type. However, there is potential for rental growth to slow as competition intensifies in the market.

### Future Outlook

Swansea University has been one of the UK's fastest growing institutions over the last decade. Its strong growth in students from outside the UK is positive for the future and even with a significant slowdown in these student numbers, the overall studio ratio in Swansea appears healthy. Whilst Crosslane should be aware of developing market competition from the likes of Fusion Students and True Student, the overall percentage of studios in the market is set to remain low in terms of the rates seen in a number of comparable locations.

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

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard are set out in Future Wales Policy 2:

- o development should adhere to the defined placemaking principles in order that they positively contribute towards building sustainable places that support well-being objectives,
- o opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- o all proposals should be assessed having regard to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.

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- o development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- o the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- o development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

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

The amended elevations have sought to address the previous concerns in respect of the previously proposed monolithic appearance. The 10 -12 storey scale of the proposals is retained but elevations have incorporated the use of different material treatments and articulations to reduce the appearance of massing and look like two linked buildings. This includes the use of two distinctly different bricks (buff and grey) for each building and strengthening the distinction between the two masses, plus use of a differentiation rain screen cladding for the upper two floors. This does reduce the monolithic appearance but the proposal is still clearly a widely visible tall building in the tall building welcome zone. This alteration is considered acceptable.

The Placemaking comments have also considered the setting of designated heritage assets, through the submission of four photomontage views and are summarised above.

The amended Strand elevation will provide an active glazed frontage onto the Strand with a shared student lounge area which is welcomed. The proposed 10-12 storey student accommodation building is considered acceptable in placemaking and heritage terms. The scale means this tall building will be widely visible in Swansea City Centre. The amendments address the issues identified with the initial submission and the proposal is now considered to accord with the Tall Building Strategy SPG, the relevant placemaking and GI LDP Policies and will not harm the setting of designated heritage assets namely the former Post Office Listed Building, Wind Street Conservation area and Swansea Castle Ancient Monument/ Listed Building. All samples and architectural building details will be controlled by planning conditions.

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

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

Whilst the roof areas at 11th floor will incorporate a student amenity space, the other areas of flat roof are proposed as extensive green roofs as part of multi functional green infrastructure and SUDs strategy. A Green Space Factor (GSF) assessment has been provided in accordance with the Green Infrastructure Strategy for Swansea Central Area.

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This confirms inclusion of biodiverse extensive green roof areas, rain gardens, wildflower planting and permeable paving which means that the required GSF score of 0.4 for residential developments has been achieved. This can be secured through the landscaping / green infrastructure planning condition.

**Wind Mitigation**

A Wind Micro Climate Assessment desk top study has been submitted with the application and covers the impact of the development on pedestrian comfort at street level and likely impact on surrounding environment. Tall buildings can lead to local flow phenomena such as downdraught on an upstream face, turbulence directly downstream, acceleration and gusts around the sides of the building. The proposed development is taller than the majority of the buildings in the immediate vicinity with the exception of the adjacent BT tower. It is possible for the South West face of the building to catch South Westerly breezes passing over the top of the buildings running towards the city centre, which will be re-directed either directly down into or along The Strand.

Wind mitigation can either break up or deflect wind flow in problematic areas and if the assessment indicates that mitigation is desirable, it may include terraces, walls, trees, architectural features and purpose-built wind barriers. The assessment has concluded that the local conditions cannot be fully quantified without more detailed analysis, but it is clear that there are potential issues with downdraughts on the South West facade of the proposed development generating uncomfortable wind speeds on The Strand. These are likely to occur with the strong winds that are common from the West and South west and it is possible that the pavement area on the strand in front of the proposed development will be affected when the breeze is more Southerly. The main entrance itself is protected by both being recessed back from the South West façade and having a canopy which will deflect downdraughts away. There are no serious concerns over the impact of the proposed development on the wind microclimate in the surrounding areas outside of The Strand. The requirement for wind mitigation should be subject to more detailed assessment and is controlled by a planning condition.

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

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

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



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The proposal is in a sustainable location in terms of access to public transport and proximity to services within the City Centre. Whilst the site is within the Swansea Central Strategic Development area, as defined within the adopted Parking Guidelines, the site is not located within the city centre core area. However, this needs to be balanced against sustainable location being with excellent access to public transport / bus routes, together with good walking and some cycle routes which offer viable daily alternatives to the use of a private car; and is considered to be sustainably located in terms of transport and therefore suitable for the proposed use. The site also has very good access to high frequency bi-directional bus services which run services between University Campuses and can be accessed on Quay parade.

As indicated in the Highways Report, the application is supported by a Transport Statement that examines the impact of the proposals on the highway network and concludes that the development is proposed to be car free, this is in line with local and national policy the proposed development is not therefore anticipated to have an adverse impact on the surrounding vehicular highway network.

The application site is situated outside the City Centre Core Area under the Parking Guidelines, however, it is located within the 'outer' Central Area in respect of standards for residential development under the Parking Guidelines where the policy indicates that schemes designed to increase the residential provision will be considered on their merits with an appropriate relaxation of the parking standards permitted as judged necessary. The proposed development will have zero on-site operational parking which is considered appropriate at this sustainable location within the city centre and this will be managed through the Section 106 Planning Obligation via Tenancy Agreement, similar to other PBSA schemes in the city centre.

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

The Section 106 would also restrict occupancy to students in-line with the HMO/PBSA SPG. This would be to ensure that planning permission would be required if it was proposed at a future date that the accommodation would become a C3 'open market' residential use. PBSA developments are typically not considered to provide appropriate accommodation or facilities for 'open market' residential use. Works would likely be required to change the size, layouts and configuration of the residential units within a PBSA building for such an alternative use to be considered. A residential C3 use of a PBSA building is also likely to generate additional parking requirements, which may not be capable of being provided.

The Parking Standards SPG require cycle parking should be provided at one cycle parking space be provided per 2 beds for this form of development (a minimum of 156 spaces for 312 beds).

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The development has proposed 124, with the potential for an additional 26 externally. These should be monitored through the Travel Plan and having regard to the sustainable location of the site, is considered to be acceptable.

The Highways Report highlights that the introduction of circa 312 residents (plus staff, and visitors) into this location will put an additional amount of pedestrian traffic onto the adjacent footways, and therefore a footway link to Quay Parade to shared use (3m) standards is proposed. This provides a direct link to the National Cycle Network, which connects both main University campuses, together with a new Zebra crossing over the Strand for destinations in the City Centre. These works can be secured through a planning condition and delivered under a section 278 agreement with the Local Highway Authority.

Servicing and refuse collection will take place from The Strand and conditions are attached accordingly in order to manage this movements. A parking management has been submitted to manage the dropping off / collection of students at the start and of end of each term.

In conclusion, the scheme zero car parking, however, it has been demonstrated that the site is within a sustainable location and suitable mechanisms can be imposed through a Section 106 to deal with car parking management and improvements to pedestrian and public transport connectivity in the area. It should be noted that there are existing enforceable parking restrictions on the surrounding streets and there is therefore no supporting evidence to demonstrate that this development will directly harm highway safety in those areas. The mechanisms to control parking would, on balance, result in an acceptable development having regard to highway considerations and the policies contained within the Local Development Plan.

**Impact on archaeology and cultural heritage**

Archaeology

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

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

Glamorgan Gwent Archaeological Trust (GGAT) have confirmed that the proposed development will require mitigation. Information in the Historic Environment Record indicates that the application area is situated in an area of high archaeological potential and they note the submission of the Archaeological and Heritage Desk Based Assessment. The site has been subject to several phases of construction activity and 'was probably developed as a quayside area since at least the medieval period'.

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However the subsequent developments are likely to have had an adverse effect on any potential remains, with the geotechnical investigations suggesting c.3.5m of made-ground. There is the potential for deeply stratified archaeological remains to survive. Therefore, GGAT recommend 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.

Cultural Heritage

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

The submitted Archaeological and Heritage Desk Based Assessment has assessed the site and surrounding heritage assets; the significance of the heritage asset/s that might be affected by the proposed works; and the potential impact of the proposed works upon the significance of the surrounding heritage assets.

The site comprises a surface car park area located on the eastern side of The Strand. Historic maps show that the site was once warehouse buildings with frontage onto the Strand (one plan annotates the building on site as a 'cold store') associated with the now infilled North Dock. The access to the north west of the site separating from the BT development is a historic lane shown as 'Padleys Yard' on historic maps. Further back in time the east side of the Strand was the west bank of the Rive Tawe so the site may contain potential remnants of medieval Swansea.

Designated heritage assets in the area include:

- o Swansea New Castle Ruins and Old Castle site both Ancient monuments to the north west.
- o Old Post Office grade II listed building to the west
- o Number 4 The Strand grade II listed building to the south west
- o Wind Street conservation area to the west
- o Maritime Quarter conservation area to the south

There are other listed buildings within 500m but given intervening development there is considered to be no visual interaction with these.

The grade II listed Old Post Office lies directly opposite the site on the west side of the Strand. The effect of the proposal on this listed building would be considerable being located some 15m away on the opposite side of the street. The development would block outlook from the listed building which is not necessarily an issue given that there was historically development along the east side of the strand. Number 4 The Strand is located some 90m to the southeast so there is no change to the outlook but the proposal will be visible in the backdrop to this listed building. The assessment considers that the proposed development will have a minor adverse effect to the setting of the Grade II Listed building the Old Post Office.

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The ruins of Swansea New Castle lies some 90m to the north west of the site. It is accepted that at street level there is limited indivisibility due to the curve in the Strand and intervening development. However given the scale of development, the concern is the change backdrop to Swansea castle and outlook. The TVIA notes that a small part of the proposals would be perceived in combination with the castle.

The site of Swansea Old Castle lies some 130m to the north west and it is accepted that there is no indivisibility nor effect on setting due to intervening development. The Assessment considers that the proposed development will have a minor adverse effect to the significance of the scheduled monument and Grade 1 building Swansea Castle.

CADW have been consulted on the setting of the Swansea Castle and offer no objection to the proposed development and concur with the conclusion of the Archaeological and Heritage Desk Based Assessment.

The site lies immediately opposite the Wind Street conservation area which includes a number of listed buildings along the west Strand frontage and a key view down Green Dragon lane. The proposal will also be visible from part of the Maritime Quarter conservation area. The Assessment considers that the proposed development will have a minor adverse effect on the character and appearance of the Wind Street Conservation Area.

In response to the need to fully understand the proposal in the setting of designated heritage assets, four photomontage views have been provided.

Southern Tawe Bridge

From this gateway location entering Swansea the new 10-12 storey student accommodation building will be prominent alongside the existing BT tower. This starts to form a tall building cluster and it is apparent that the massing of the proposed building steps up towards the taller BT tower. This relationship is considered acceptable and the architecture visible is good quality.

Castle Street

This key view looks south west from Castle Street to Swansea Castle with the site in the background. This view shows that more of the proposed building (upper 6 storeys) will be visible as a backdrop to Swansea Castle through a low point in the ruins from this view point. This will change the setting but is not considered to be overly dominant and maintains the current character of a modern cityscape backdrop to the castle.

Looking north up the Strand

In this view the massing of the existing BT tower as a prominent feature is replaced by the proposed 10-12 storey building. The south elevation which is windowless due to adjacent future development land is broken up and articulated by recessed framed brickwork areas replicating the pattern of windows.

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Looking east down Green Dragon Lane

The view down this historic street in the Wind Street conservation area shows a modest change which would be beneficial with the introduction of good quality architecture using brickwork reflecting traditional materials of the area. However this view is truncated on the top of the photo showing 6 stories not the full effect of the 12 storey massing on the corner, plus as you move east down Green Dragon Lane more of the proposed building will become visible and the visual effect may be greater.

**Drainage Strategy**

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

The submitted Drainage Strategy indicates that foul drainage will be connected to the existing public sewer network in The Strand and there is sufficient capacity in the network to accommodate the new development. Dwr Cymru Welsh Water raise no objections.

The Drainage Strategy also considers surface water drainage and a full SAB application for the development will be required and therefore there are no objections to the submitted Drainage Strategy.

**Flood Risk**

LDP Policy RP 5 (Avoidance of Flood Risk) states that in order to avoid the risk of flooding, development will not be permitted:

- i. In areas at risk of fluvial, pluvial, coastal and reservoir flooding, unless it can be demonstrated that the development can be justified in-line with national guidance and is supported by a technical assessment that verifies that the new development is designed to alleviate the threat and consequences of flooding;
- ii. In areas at risk of flooding from local sources, unless the Council is satisfied with the proposed drainage strategy;
- iii. Where it would lead to an increase in the risk of flooding on the site or elsewhere from fluvial, pluvial, coastal or increased water run-off from the site;
- iv. Where it would have a detrimental effect on the integrity of existing fluvial, pluvial or coastal flood defences;
- v. Where it would impede access to existing and future tidal and fluvial defences for maintenance and emergency purposes; or
- vi. Where the proposal does not incorporate environmentally sympathetic flood risk mitigation measures, such as SuDS, unless it can be demonstrated that such measures are not feasible.

The planning application is accompanied by a Flood Consequences Assessment which follows guidance on development and flood risk set out in Technical Advice Note 15: Development and Flood Risk (TAN-15). The existing site typically has a ground level of 6.0m AOD.

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Due to the flood risk considerations, the proposed finished floor level (FFL) of the proposed development have been set to 7.40m AOD, with an external courtyard area and bin store set to match existing ground levels. As the building is to be raised a significant height above existing ground levels and to avoid the potential to displace floodwater, a void will be formed below the ground floor. This voided area will be open to the outside on several sides of the building and will be secured with security bars. Within the void ground levels will be lowered by approximately 300mm to offset any potential loss of flood storage associated with structural elements of the building.

The Development Advice Map (DAM) is used to trigger different planning actions based on a precautionary assessment of flood risk. The site is entirely located in DAM Zone C1, an 'areas of floodplain served by significant infrastructure, including flood defence'. The sites location in DAM Zone C1 triggers the need for an FCA that demonstrates compliance with the Justification Test, including acceptability of flood consequences.

Justification test

TAN-15 states that development will be justified if it can be demonstrated that:

1. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
2. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
3. It concurs with the aims of Planning Policy Wales and meets the definition of previously developed land; and,
4. The potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable.

As outlined above, the site is located with LDP Policy SD J which allocates the Central Area for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, central area and is also a brownfield field, and meets the definition of previously developed land. The potential consequences of a flooding event are considered within the FCA.

Flood Risk

The potential primary flood risk comes from the tidal flood risk. The existing 1 in 1000 flood risk from extreme sea level estimates is 6.65m. For all coastal locations, future sea level rise is a major consideration and should be applied to the extreme sea level estimates with an uplift for a 100 year lifetime of development (2120), in which case the levels rise to 1.32m. Using the extreme sea level estimates and climate change uplifts, this figure is increased to 7.97m. In this scenario there would be extensive and widespread flooding of Swansea with a predicted flood level of 7.65m AOD, flood depths across the site and immediate surroundings range from 1.5-1.8m. The ground floor of the proposed building will be raised to a level of 7.4m AOD. Consequently, in this event internal flooding of the ground floor is predicted not to exceed depths of 0.25m. No residential areas will be flooded. The nature of tidal flooding is that inundation is gradual. Locations on the periphery of the floodplain, such as the proposed site, can be expected to experience low velocities, as the floodwater is 'ponding' and not 'flowing'.

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In the extreme scenario, when flood events are 7.68m AOD and 7.97mAOD respectively, flooding of the ground floor communal and internal service areas would be possible. Internal flooding would reach depth of 0.28m although the residential areas will remain flood free. These depths are below the recommended exceedance threshold of A1.15, TAN15.

### Swansea Flood Mitigation Strategy

The FCA also makes reference to the Swansea Flood Mitigation Strategy, as numerous commercial and residential properties are located in Swansea city centre, there is a clear imperative to protect this area against future flood risk as a result of climate change. However, this can only occur if there are engineering solutions that are both practical and economically affordable.

Utilising a detailed tidal flood risk model, the Mitigation Strategy has identified and tested future options for defending Swansea City Centre from tidal flooding. These defences would be similarly effective in reducing flooding from the River Tawe. The preferred flood defence option identified, and the only option that would protect all existing properties, was found to be a traditional flood wall along the River Tawe and the stopping up of the Oystermouth Road underpass. At the time, it was found that the flood wall would require a minimum design level of 7.24mAOD, excluding freeboard, to protect Swansea.

The development of an outline Swansea Tidal Flood Risk Management Strategy, demonstrates the strong business case for addressing future tidal flood risk in Swansea on a strategic scale. Such a scheme would provide robust benefits for the existing properties at flood risk, and also allow the redevelopment of Swansea City Centre and sites such as the Vetch and The Strand to proceed in compliance with TAN15. On the 20th October 2016 a Corporate Briefing paper was presented to a full cabinet meeting of City and County of Swansea on 'The Management of Future Risks of Flooding from the Effects of Climate Change'. It was resolved that Cabinet make a formal commitment to develop long term proposals for a Strategic Flood Risk Management Strategy for Swansea's Central Area.

### Conclusions of the FCA

Due to the potential flood risk considerations, the proposed finished floor level (FFL) of the development has been set to 7.40m AOD, with an external courtyard area and bin store set to match existing ground levels. The site is situated within Zone C1 of the Welsh Government's Development Advice Map (DAM), classified as "Areas of the floodplain which are developed and served by significant infrastructure, including flood defences". Residential development the proposals are classed as 'highly vulnerable' development in accordance with TAN-15, however, the development would pass the Justification Test, including acceptability of the consequences.

The site is at risk of tidal and fluvial flooding. The greatest risk comes from tidal flooding due to the predicted effects of climate change on sea levels over the 100 year lifetime of the development. Tidal projection modelling including the latest climate change guidance has been used to assess the tidal flood risk. In the 0.5% AEP plus climate change tidal event the building will remain flood free. In the extreme 0.1% AEP plus climate change tidal event the building is predicted to experience shallow ground floor flooding of 250mm. All residential areas will remain flood free. Voids beneath the building shall compensation for any potential loss of floodplain storage.

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A detailed Flood Response Plan shall be prepared and owned by the management company. This will make best use of effective NRW flood warnings to improve flood preparedness and safely evacuate the building.

The City and County of Swansea have committed to the development and implementation of long term proposals for a Strategic Flood Risk Management Strategy for Swansea's Central Area. The information summarised in this report demonstrates that such a strategy would be effective, deliverable and economically justified. As such it is very likely that the flood risk in the area will reduce over time do to the implementation of flood defences.

This FCA has demonstrated that all aspects of the Justification Tests, including acceptability criteria, set out in TAN-15 have been satisfied. Consequently, we conclude that on the grounds of flood risk, the proposed development meets the requirement set out in TAN-15 and the aims of Planning Policy Wales.

NRW have provided a detailed consultation response to the FCA and have expressed some concerns but not objected to the proposed development. In conclusion, the FCA is considered to give a reasonable assessment of flood risk to the proposed development over its lifetime and that it accepts the significant flood risk to the site. The FCA confirms, through its findings, that the application site cannot comply with the flood free threshold required by Table A1.14 of TAN15 but that the building itself will be raised significantly above surrounding site levels to remain flood free inside.

New TAN 15

As indicated in the Strategic Policy comments above and the consultation response from NRW, from 1 December 2021, the current TAN 15 and TAN 14 'Coastal Planning' (1998) are being cancelled and replaced by a new TAN 15 'Development, flooding and coastal erosion'. Alongside this, the flood risk map that supplements the TAN - currently known as the Development Advice Map - is being replaced by a new 'Flood Map for Planning'. The mapping is produced by Natural Resources Wales (NRW) and shows the extent of flood risk that is forecast by modelling to potentially occur across Wales.

From 1 December, the new TAN 15 and associated new Flood Map for Planning will be required by Government and the relevant legislation to be considered as important information for deciding planning applications. The majority of this site is located in 'Sea: Flood Zone 3'; and there are also small areas covered by 'Rivers: Flood Zone 2' and 'Surface Water and Small Watercourses: Flood Zone 2'. The new TAN 15 emphasises that land in Flood Zone 3 should only be used for water compatible development or less vulnerable uses, and highly vulnerable development including residential development are not considered to be acceptable.

This proposal is for a highly vulnerable use in the new 'Sea: Flood Zone 3', which would not be acceptable under the new TAN 15. From 1st December, local planning authorities must make Welsh Government Ministers aware of any intention to approve new highly vulnerable development in Zone 3 as this would be considered by Government a decision contrary to national policy. Welsh Ministers will then have the option of calling-in the application to determine themselves.



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However, before 1 December, the TAN 15 guidance indicates that Natural Resources Wales will take a pragmatic approach to providing advice in the period leading up to 1 December 2021 and its advice on planning consultations to local planning authorities will be based upon the current TAN 15 and the development advice map. The guidance further indicates that for planning applications already under consideration, then if the application is determined on or before 30 November 2021 the current TAN 15 and the development advice map must be used as the basis for the Local Planning Authority's decision. If it is determined on or after 1 December 2021 the decision must be based on the new TAN 15 and Flood Map for Planning.

**Noise Assessment**

The application has been accompanied by a Noise Impact Assessment (NIA) to assess the proposals for the redevelopment of The Strand, Swansea in terms of the noise impact that the residual noise environment would have on future occupants the proposed development and the impact the development would have on existing residential properties in the surrounding area. In summary, the Assessment concludes that the noise impact can be controlled to an acceptable level providing the recommendations are followed.

With regard to indoor ambient noise levels (IANL) from external noise ingress internal targets can be with closed windows and glazing with a sufficient level of acoustic performance, and with a ventilation system that does not rely on open windows to provide 'normal' ventilation. It is not unusual for IANL targets to not be met at all times with open windows, and this does not mean that windows should be sealed shut. What it does mean, is that an alternative form of background ventilation (i.e. trickle vents or mechanical ventilation) should be provided so that IANL targets can be met at all times whilst providing background ventilation to the dwellings with the windows closed (but openable at the occupants' discretion, rather than through necessity). In short, glazing and ventilators should meet the minimum sound reduction indices.

In respect of noise levels in external amenity areas, these are within the suggested guidelines (of 50 - 55 dB LAeq,16hrs) on the roof terraces though slightly above ideal levels at the ground floor. It is not considered that further noise mitigation will be strictly required as the development provides sufficient external amenity area which can be enjoyed with acceptable noise levels but an improvement could be made to the ground floor amenity area by installing a 2m high wall or imperforate fence around the amenity space on the east site boundary.

Regarding internal sound transfer, it is recommended that an on-site weighted sound level difference of at least 55 dB DnT,w + Ctr should be achieved across the intermediate floor between the ground floor spaces (non-residential) and the dwellings on the 1st floor above. This is a 10 dB uplift on the minimum requirement between dwellings from Approved Document E of the Building Regulations. This is to provide additional protection to future residents from internal sound transfer, which is likely to be higher from the ground floor (which includes a small cinema, gym, communal lounge, and plant room) than from neighbouring dwellings.

Noise from potential mechanical plant associated with the proposed development has been assessed in accordance with BS 4142:2014, setting a rating level limit of 35 dB LAeq,15mins at night (23:00 - 07:00) and 40 dB LAeq,1hr during the day (07:00 - 23:00) which should not be exceeded at 1m outside of nearby residential windows. Whilst the exact details of the plant have not been developed at this stage, it is anticipated that this target can be achieved providing the applicant follows the recommendations detailed in the NIA.

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This can be controlled through a planning condition with the requirement for a further assessment to demonstrate that the rating level targets will be achieved once the project reaches the technical design stage.

**Air Quality Assessment**

An Air Quality Assessment has been undertaken for the proposed development. The scope of the assessment was undertaken with CCS Environmental Health Officer (EHO) to agree upon the extent and methodology of the air quality assessment. This has assessed:

- Baseline Evaluation - Assessment of existing air quality in the local area;
- Construction Phase Assessment - Identification and assessment of potential air quality effects associated with the construction phase of the Proposed Development;
- Operational Phase Assessment - Identification of potential air quality effects associated with the operational phase of the Proposed Development including a qualitative Site Suitability Assessment; and
- Mitigation Measures - as required.

A qualitative assessment of the potential dust impacts during the construction of the development has been undertaken, and the site is found to have at worst 'Medium Risk' in relation to dust soiling effects on people and property, and 'Low Risk' in relation to human health impacts. Providing mitigation measures are implemented, including the management of dust through the Construction Method Statement, residual effects from dust emissions arising during the construction phase are considered to be 'not significant'. Additionally, given the short-term nature of the construction phase, there is predicted to be an insignificant effect on air quality from construction-generated vehicle emissions.

The Site has previously been used as a car park, and given that the proposed development will be largely car free with no proposed car parking allocation the overall traffic contribution onto the local road network will therefore be reduced and would not trigger any excessive LDV and HDV additional vehicle movements. As such, road traffic impacts associated with the operation of the site are considered as having an insignificant effect on local air quality.

**Ground Investigation Report**

The application is accompanied by a Ground Conditions Desk Top Study and Preliminary Risk Assessment. Potential contamination sources relate to the historical use of the site from the industrial site usage as a cold storage warehouse and depot including an electricity sub-station. Historical use of the wider surrounding area as part of the North Dock area of Swansea docks has potential for residual soil or groundwater contamination from a range of past industrial activities including a garage / repair centre, telephone exchange (fuel storage), iron foundry, railway and sawmills. The site is made ground associated with demolition of the former buildings from earlier phases of development may include potentially hazardous materials such as asbestos. Ground gases associated with off-site landfilling of the former Cambrian Dock or from Made Ground or organic content within Alluvial soils beneath the Assessment Site.

The preliminary risk assessment considers that there is a low to moderate risk to human health from ground gas sources and to structures / utilities from the presence of potential soil contaminants.

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Risks to human health from soil contaminants, including asbestos, within the Made Ground and risks to controlled waters (groundwater and surface water) are considered to be low.

From the historical evidence it is apparent that there has been past phases of construction and demolition in the general area which has resulted in the presence of made ground of variable depth and composition. This could present a potential constraint to the construction of foundations for proposed structures and may also contain deleterious materials that could affect proposed utilities or selection of concrete for foundations or have implications for disposal of any arisings from foundation construction or laying of service trenches. From the assessment of the PRA findings, it is recommend that a targeted geoenvironmental and geotechnical ground investigation is undertaken to confirm anticipated ground conditions, validity of the identified potential pollutant linkages and to provide geotechnical design data for foundation design. The ground investigation should allow for soil and groundwater sampling and analysis and ground gas monitoring.

A Ground Investigation Interpretative Report has been submitted and it is considered that conventional foundations are not suitable for the proposed development (and that a piled foundation solution is likely appropriate). Further investigation and assessment works will be required to demonstrate if founding in the superficial soils is permissible or if deeper piles within the bedrock will be required. A condition is imposed requiring an assessment of any required piling works setting out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.

The Ground Investigation Report recommends that the completion of the ground investigation is undertaken to obtain additional information on the concentrations of groundwater contamination across the assessment site to fully define the nature of the hydrocarbon sources identified which will provide improved confidence in the ground model and to allow a more detailed geotechnical assessment of the ground conditions to be undertaken. Additionally, this will prove the vertical sequence at the assessment site to include made ground, superficial soils and bedrock depth, to assist with determination of foundation solutions. This may be covered by planning conditions.

### **Waste Storage**

LDP Policy RP 10 requires new development to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. The building accommodates refuse facilities at ground floor of the building which allows refuse vehicles to pick up from The Strand, Powell Street. A condition is imposed requiring a refuse / recycling waste strategy is implemented which will cover frequency of collections.

### **Impact on Ecology**

LDP Policy ER 8 seeks to manage and mitigate development where it may have a significant adverse effect on the resilience of protected habitats and species. The submitted Ecological Impact Assessment (EclA) includes an extended Phase 1 Habitat survey and ecological assessment. This identifies there are no bat roosts within the building.

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In respect of bird nesting, the report recommends that any tree pruning, removal or clearance of scrub vegetation will be undertaken outside of the bird nesting period, which runs from March to August inclusive. In addition, the flat roof of the building may be used by breeding gulls. Therefore it is recommended that if vegetation clearance and demolition must be carried out within the bird breeding season, a pre-clearance bird survey should be carried out by a suitably experienced ecologist.

Complementary to the requirements for Green Infrastructure considerations, the Development Plan places significant emphasis on the use of innovative, nature based solutions to site planning and design of the built environment, and specifically highlights these as key elements for successful placemaking. The Council also has a legal duty under Part 1, Section 6 of the Environment (Wales) Act 2016 ('the S6 duty') to seek to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience.

Future Wales Policy 9 requires all applications to demonstrate the actions that have been taken to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets. This policy requirement is supported by the guidance in PPW that sets out the requirement for a 'stepwise approach' to considering biodiversity in the planning process and securing overall enhancement. PPW emphasises development should consider the significant opportunities provided by nature based solutions to maintaining and enhancing GI. By taking this approach, development proposals can contribute to the "Resilient Wales" Goal of the Well Being of Future Generations (WBFGE) Act 2015, and assist in meeting the relevant requirements of the SUDs guidance and legislation. It is critical therefore that proposals are assessed against Future Wales Policy 9, and having regard to the key placemaking, design and GI principles set out in Swansea LDP Policies PS 2 and ER 2 in all cases, and where relevant Policies ER6, ER8, ER 9 and ER11.

The Council has adopted SPG entitled "Biodiversity and Development" which sets out how the LPA applies the PPW required 'Stepwise approach' at the local level, and also identifies specific measures that could be provided to enhance biodiversity and ecosystem resilience, depending on the nature of the proposals.

The application is also accompanied by an Ecological Appraisal to inform an assessment of the likely ecological impacts of the proposed development. The desk study and extended Phase 1 habitat survey were undertaken in February 2021. It is concluded that the proposed development is not likely to result in any impacts to priority habitats, protected or notable species, or designated sites. Enhancement is proposed in accordance with national and local planning policy, including incorporation of a 'biodiverse green roof' to provide suitable habitat for a range of plant, bird and invertebrate species, and incorporation of native trees and shrubs (including fruit-bearing species) into the landscaping scheme. The provision of the ecological enhancement measures and future monitoring will be secured through the planning conditions.

## Conclusion

The proposed development would represent a significant regeneration of this site and aims to make a contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area.

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The site lies within the City Centre Core Action Area and LDP Policy H 11 in particular, favours the development of PBSA within appropriate City Centre sites and recognises the contribution this type of development can make towards achieving the wider regeneration aims for the area. The proposal should therefore be considered in the context of LDP Policy H11 and the aims of the SPG on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA), and it is considered that student accommodation is acceptable in principle and that it would have the associated benefit of assisting in regenerating this part of the city and additionally, that the site is located in a sustainable location.

The benefits of this development which include regeneration of this area, retaining an active frontage at ground floor level within the development. The fact that the scheme is in a highly sustainable location and is to offer off-site improvements to walking and cycling in the area shifts the material planning balance in favour of support for this application. The development will meet the requirements of the Adopted Tall Buildings Strategy SPG and the Swansea Central Area Regeneration Framework. On this basis, on balance, it is concluded that the application is acceptable and accords with the policy framework set out in the Swansea Local Development Plan, Supplementary Planning Guidance and National Policy and Guidance.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

**RECOMMENDATION:**

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

- 1. Car Parking Management in accordance with a Management Plan. The document should make specific reference to general day to day management as well as the pick up and drop off arrangements at the beginning and end of term which have the potential to bring more vehicles than can be accommodated at once.**
- 2. The provision of a mechanism to deal with the control of 'on-site' parking through the production and agreement of a Tenancy Agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.**
- 3. The development shall be occupied by registered students only, in the interests of highway safety.**
- 4. Commitment to Council's Beyond Bricks and Mortar scheme during construction.**

**Section 106 Management and Monitoring Fee**

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**Costs incurred against the management of the obligation = £1000.00**

**The Council's legal fees of £1000 relating to the preparation of the S106 agreement**

**If the Section 106 Obligation is not completed before 1 December 2021 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 TAN 15 / Swansea Local Development Plan 2010 - 2025.**

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:

SK(0)001 Site Location Plan & SK(0)002 A Existing Site Plan - plans received 31 March, 2021;

SK(0)003 Rev J Proposed Site Plan; SK(0)010 REV G Proposed Ground Floor Plan; SK(0)011 Rev F Proposed 1st - 9th Floor Plans; SK(0)012 REV G Proposed 10th Floor Plan; SK(0)013 REV G Proposed 11th Floor Plan; SK(0)014 Rev F Proposed Roof Plan; SK(0)020 REV F Proposed Elevation South-West; SK(0)021 REV F Proposed Elevation North-West; SK(0)022 Rev F Proposed Elevation North-East; SK(0)023 Rev E Proposed Elevation South—East; SK(0)024 Rev F Proposed Elevation North-East (Gable) - amended plans received 13 Oct 2021.

SK(0)030 Rev F Proposed Section A-A & B-B; SK(0)030 Rev F; SK(0)031 Rev F Proposed Section C-C & D- - amended plans received 15 Oct. 2021

Reason: To define the extent of the permission granted.

3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation, enabling works and installation of the foundations) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

4 Prior to installation of the relevant part of the development, details at an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority:

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

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- Glass balustrades;
- Ramp/ steps and associate wall/ handrails.

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

Reason: In the interests of visual amenity.

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

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

- 6 Notwithstanding the details shown on any approved plan, precise details of the location, extent, design and finish of any visible external ventilation shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of that detail within the development. Development shall take place in accordance with the approved details.

Reason: In the interests of visual amenity.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 8 Notwithstanding the details indicated in the GSF Site Plan SK(0)005 Rev B, prior to installation of the relevant part of the development, a fully detailed scheme of hard and soft landscaping including planting and surface water drainage infrastructure and the green infrastructure including that of the green roofs, substrate depth, species, spacings and height when planted of all new planting shall be submitted to the Local Planning Authority.

The green infrastructure scheme shall achieve a minimum target score of 0.4 under the Swansea Green Space Factor Tool and shall be carried out within 12 months from the completion of the development or within 12 months of occupation whichever occurs first. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

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

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- 9 Prior to the first beneficial occupation of the development, the proposed management strategy for the future management and maintenance of the landscaping and green infrastructure within the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.  
Reason: To ensure that the landscaping and green infrastructure are subject to a future management and maintenance agreement to ensure that they are adequately maintained.
- 10 Prior to the commencement of any superstructure works, the scheme of Ecological Enhancement Measures outlined in the submitted Ecological Management Plan together with an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include an architectural drawing showing the locations and specifications of the enhancements (as detailed within the Ecological Management Plan). The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development and shall be monitored by suitably qualified and licensed ecologists for at least 5 years following installation in accordance with a Monitoring Plan to be submitted to and approved in writing by the Local Planning Authority. If boxes are unoccupied after three years, additional roosting and/or nesting habitat should be considered to improve the ecological potential of the site.  
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).
- 11 Prior to the installation of the public realm improvements works, a scheme shall be submitted to and approved in writing by the Local Planning Authority setting out the public realm improvements to the footways adjacent to the site frontage on The Strand. The scheme shall incorporate a minimum 3m shared use footway/cycleway and the creation of a Zebra Crossing on The Strand to the West of the site, linking the site to Green Dragon Lane: to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The approved scheme shall be completed within 12 months of first beneficial occupation of the development.  
Reason: To ensure the reinstatement of the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.
- 12 Prior to the occupation of any part of the development, the pedestrian ground floor access and secure bicycle storage spaces must have been completed and made ready for use, in accordance with the approved drawings. The pedestrian access and cycle parking areas shall be retained and made available for their intended use at all times thereafter.  
Reason: To ensure that adequate and safe access to the building is provided and retained and cycling parking provision.



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- 13 Prior to beneficial occupation of any part of the development a travel plan shall be submitted to for agreement in writing by the Local Planning Authority and the approved Travel Plan shall be implemented before first beneficial occupation. This should be based on the interim Travel Plan submitted with the application and include an 5 period of monitoring at the Developer's expense with the results to be submitted to the Local Planning Authority.

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

- 14 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:

- o The parking of vehicles of site operatives and visitors.
- o Loading and unloading of plant and materials.
- o Storage of plant and materials used in constructing the development.
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- o Wheel washing facilities (if applicable).
- o Measures to control the emission of dust and dirt during demolition and construction and;
- o 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.

- 15 Foul water from the development site shall discharge to the public sewerage system at a connection point to be agreed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- 16 Prior to occupation of any part of the development, the development shall be completed in accordance with the Noise Impact Assessment which require that:

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

Reason: To protect the proposed residential use against noise arising from the existing traffic and of the area.

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### Item 4 (Cont'd)

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- 17 Prior to beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:
- All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.
- Reason: To protect the existing and proposed residential uses against noise from building services plant
- 18 Prior to the commencement of any piling works on the site a Piling Assessment report shall be submitted to and approved by the Local Planning Authority. The report shall set out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.
- Reason: To protect the residential and commercial land uses from noise and vibration within the surrounding area.
- 19 Prior to the occupation of the development, details of a Waste Refuse and Recycling Management Plan (including the provision of refuse storage and recycling facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Waste Refuse and Recycling Management Plan for the lifetime of the development.
- Reason: To ensure the management and movement of refuse within the site in the interests of site safety and to ensure that adequate provision is made within the development for the storage of refuse.
- 20 The development shall be brought into beneficial occupation in accordance with the submitted Operational Management Plan or alternative Operational Management Plan that has been submitted to and approved in writing by the LPA and thereafter be implemented in accordance with the approved Operational Management Plan for the lifetime of the development or equivalent approved document.
- Reason: To ensure the management and movement of vehicles related to the development in the interests of the public safety and amenities of the area, and to protect future resident's amenity.
- 21 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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### Item 4 (Cont'd)

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- 22 A flood management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of any part of the development commencing. The plan should include flood warning, emergency access/evacuation arrangements and clear responsibilities. The agreed plan shall be communicated to all occupiers of the proposed development, in accordance with details to be agreed by the Local Planning Authority prior to the beneficial occupation of any part of the development commencing.

Reason: To ensure safe evacuation in the event of a potential flood risk.

- 23 Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of each site shall be submitted to and approved, in writing, by the Local Planning Authority:

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

3. The site investigation results and the detailed risk assessment (1) and, based, on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

Reason: It is considered that the controlled waters at the site are of a sensitive nature and contamination is known/strongly suspected at the site due to its previous mixed industrial uses.

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

Reason: To demonstrate that the remediation criteria relating to control water have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

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### Informatives

- 1 The development plan covering the City and County of Swansea is the national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 1, Policy 2 and Policy 9;

and the Swansea Local Development Plan. The following policies were relevant to the consideration of the application:

[Placemaking and Sustainable Development PS 1 & PS 2; Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area); Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2; H 11: Purpose Built Student Accommodation; Historic and Cultural Environment HC 1 & HC2; Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety); RC4 & RC 12 - Office Development; Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks / Biodiversity); T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking; Policy EU4: Public Utilities and New Development; Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 5: Avoidance of Flood Risk; Policy RP 10: Sustainable Waste Management for New Development.

- 2 Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out. Please contact the Highway Authority's Network Management Team at [networkmanagment@swansea.gov.uk](mailto:networkmanagment@swansea.gov.uk), allowing sufficient time for preparation and signing the agreement.
- 3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

- 4 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
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Planning Committee – 2<sup>nd</sup> November 2021

Item 5

Application Number:

2021/2474/S73

Ward:

Castle - Bay Area

Location:

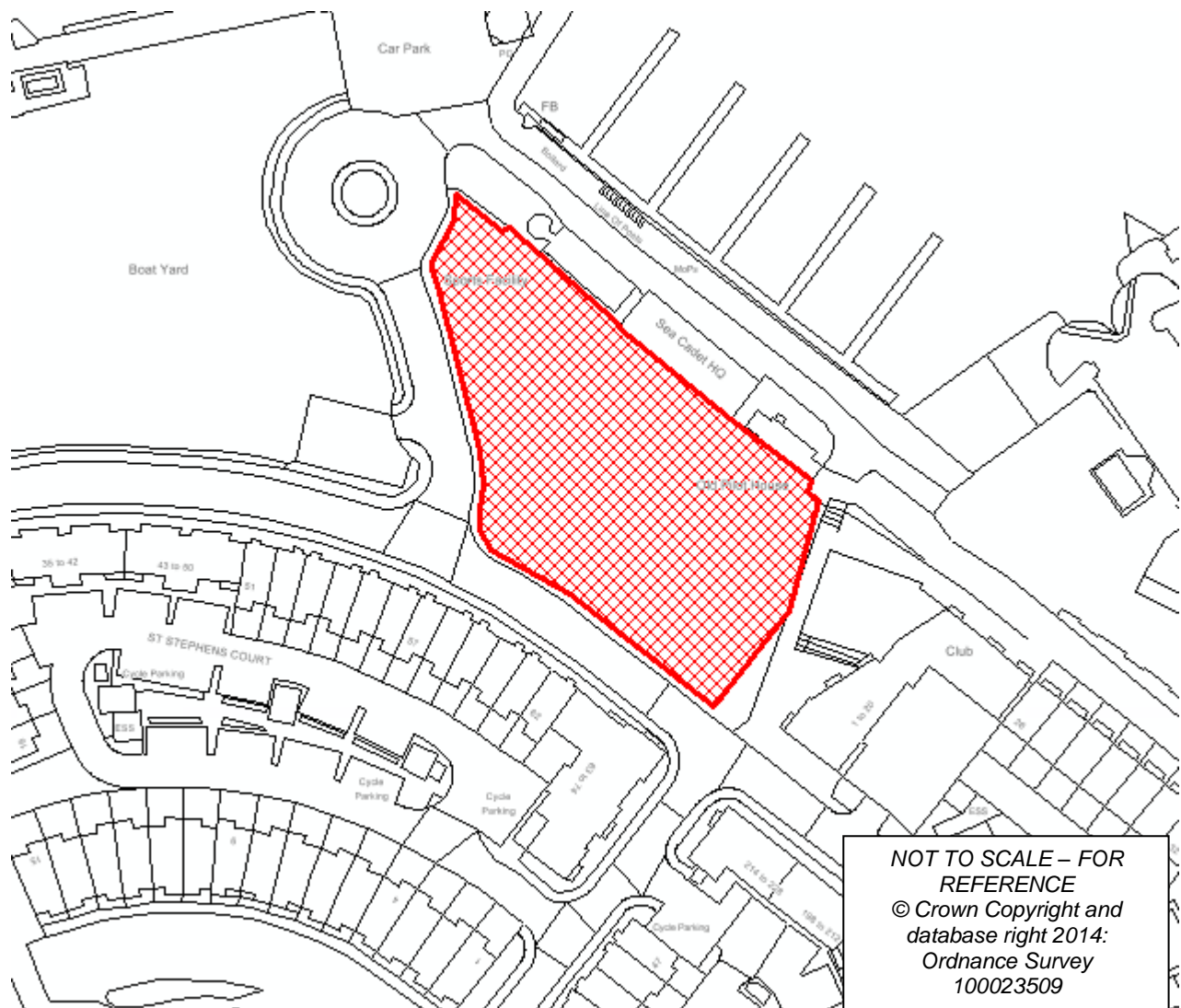
Site J , Trawler Road, Maritime Quarter, Swansea, SA1 1UN

Proposal:

Construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works - Variation of condition 1 of planning permission 2016/1333 granted 21/04/2017 to extend the time period in which to commence the development by a further 5 years

Applicant:

Sancus (Jersey) Limited



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Application Number:

2021/2474/S73

### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2017/1233/DOC	Construction of 50 residential apartments (Class C3) / 1 no. retail unit granted on appeal 5th May 2016 (ref: 2015/1498 - Discharge of conditions 5 (Enclosure), 6 (External Finishes) and 7 (Building Details)	APP	06.12.2017
2016/1837	Replacement bin store	APP	17.11.2016
2016/1333	Construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works	S106	21.04.2017
2016/0491	Pre-application - construction of 267 student accommodation units, with commercial uses at ground floor with undercroft car parking and communal amenity space	PREMI X	16.05.2016
2014/1401	Two internally illuminated fascia box signs	APP	11.11.2014
2014/1398	Retention of 3 no. air conditioning units.	APP	21.10.2016

#### 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

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Application Number:

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## Introduction

This is an application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 1 of planning permission 2016/1333 granted 21st April 2017 at Site J, Trawler Road to extend the period of time in which to commence the development by a further 5 years.

The original planning permission was for the construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works

Condition 1 reads:

*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.*

## Section 73 Procedure

As a Section 73 application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and

- a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) If they decide that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

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

This application is akin to a renewal application. Circular 16/2014 sets out three tests which should be taken into consideration when renewing an application before the time-limit for the commencement of development has expired, under section 73 of the 1990 Act. The tests are indicated below:

- o There has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant development plan planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application).
- o Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area.
- o The application is premature because the permission still has a reasonable time to run.

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An application under Section 73 may only be made where the original permission is still live. Where an application has expired, a fresh application for planning permission is required and the Authority would not be restricted to considering the conditions only. Case law has established however that determination of a S73 application beyond the expiry of the application can be made, provided the application was made prior to the expiry of the application. In this instance the application was received within five years of the date of the last decision i.e. before 17<sup>th</sup> April, 2022.

Application Site and Surroundings

The application site Area J is the last remaining vacant site making up the Swansea Point development and is located on the north western side of Atlantic Square on land between the north eastern side of Trawler Road and Pilot House Wharf on the Tawe riverside. The south westerly part of the site fronts directly onto either Trawler Road or to the spur road linking to the lock car park and riverside.

The south eastern most building is known as the Pilot House building and is listed grade II. The south eastern boundary of the site abuts the development around Atlantic Square.

**Approved Development**

The approved development under planning permission ref: 2016/1333 involves the construction of a purpose built student accommodation building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works.

The 287 bedrooms comprise a mixture of single and double studios as well as disabled studios. At ground floor level the proposals provide for 15 studios with 2 offices, TV/games room, lounge, gym, common rooms, laundry and toilet facilities. In addition the scheme includes a coffee shop, retail space and split level A3 use accessed along the east and south of the site. The first, second and third floors would each have 56 studios, the fourth and fifth floors would each have 52 studios, 5 of which on the fifth floor would be duplexed above.

The highest part of the building is at the northern end where it faces out onto the boat yard area, and the blocks vary from 4 to 6 storeys in height. The parking area is proposed to the lower ground floor level. The main pedestrian access at the centre of the building, with secondary accesses located from Atlantic Square elevation and from the rear courtyard area. The scheme proposes a coffee shop, retail unit and split level A3 use which are accessed principally off Atlantic Square whilst the coffee shop also provides an access off Trawler Road.

The scheme provides vehicular access for service vehicles and car parking consisting of 43 spaces in the lower ground floor of the building. The approved drawings identify a dedicated space for cycle storage for up to 160 cycles. In addition the lower ground floor plan indicates space for plant, substation and additional storage space.



## RESPONSE TO CONSULTATIONS

The application was advertised on site by notice date 6th October, 2021. 10 LETTERS OF OBJECTION have been received, the principal points of which may be summarised as follows:

- o There is more than enough student accommodation in Swansea.
- o Lack of parking (43 spaces) being built into the property which will impact the limited parking available by the toilets.
- o Six storeys would be incredibly out of character for the location, and the nearby buildings blocking daylight/sunlight.
- o The fact the previous permission has not been used, together with the above change in circumstances means that it should be reconsidered and used in a different way.
- o There is only one route in and out of the marina by road and it is already causing problems for us residents trying to get onto Oystermouth road due to the congestion so we certainly don't need any further traffic on Trawler Road.
- o The building would be out of keeping for the immediate area and detract from the location.
- o The size and scale of this building would put a significant burden on the infrastructure especially traffic wise but also such a concentration of people in one area will be detrimental to the area causing additional light, noise and environmental pollution.
- o Traffic thoroughfare and emergency evacuation provision
- o Amenity strain on services - Students do not pay council tax.
- o Aesthetics - a multi storey block right on the dock side.
- o Right of views and light - Overshadows adjacent buildings and blocks 'right to light' due to its sheer scale.
- o The car parking is of concern to the South & West Wales Fishing Communities Ltd (SWWFC Ltd) limiting access to their the fishing berths.
- o Potential exacerbation of noise nuisance and anti social behaviour already experienced in the area.
- o The effect on the wider community must be taken into account, as stated in the council's own policies.
- o Building a student accommodation will lead to a devaluation of surrounding properties.
- o It would be much more useful to families leaving in the area the building of a school. The closest school is in Saint Thomas, which is pretty far from the Marina area.

## Natural Resources Wales

We have no objection to the proposed variation of Condition 1 on planning permission 2016/1333.

We would highlight that the Flood Consequences Assessment (FCA), Ref. C6519 submitted in support of application 2016/1333 is dated July 2016 and could be considered out of date. The FCA has assessed the 0.5% plus climate change and 0.1% plus climate change scenarios and the development was shown to comply with the criteria set out in TAN 15. However, due to the time elapsed since the assessment, and to aid your authority in your decision making process, you may wish for the applicant to undertake a review of the FCA to ensure its findings are still accurate.

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### **Local Drainage Authority**

We comment as follows on this application, while the current TAN15 DAM maps show the site not at risk, the latest available information from NRW clearly shows that the development will be in Flood Zone 3 and at risk of flooding, the latest flood risk guidance clearly indicates that highly vulnerable development should not be located in this zone. It is for the LPA to decide whether to give the latest maps and guidance any weight when assessing the extension of time.

### **Local Highway Authority**

There are no highway objections to the extension of time, subject to the remainder of the conditions associated with the application 2016/1333 being met.

### **Placemaking and Strategic Planning Appraisal**

#### Overview

This is a planning application to vary condition 1 of planning permission 2016/1333 granted 21/04/2017 to extend the time period in which to commence the development by a further 5 years. The proposed development is for the construction of a purpose built student accommodation (PBSA) building ranging from 4 to 6 storeys high, plus duplex, incorporating 287 bedrooms with ancillary communal facilities/services, 3 no. commercial units (Classes A1/A3), 43 space undercroft car park, servicing area, associated engineering and landscaping works.

Planning application 2016/1333 was determined under the Unitary Development Plan (UDP) which was replaced by the Swansea Local Development Plan (LDP) in 2019. Other material changes of planning policy context are also of relevance such as the introduction of a national tier of development plan through Future Wales (FW), changes to Planning Policy Wales (PPW), and imminent changes to the planning flood risk guidance and associated mapping. These issues are reviewed with respect to the proposals below.

#### Principle of Development

The site is located in the Maritime Quarter which is located within the Swansea Central Area designated on the LDP Proposals Map under Policy SD J. Policy SD J allocates the Swansea Central Area Site J 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. It includes proposals for a high quality retail and leisure led scheme, mixed use waterfront developments, circa 856 homes, 4 hectares of potential development areas that could accommodate B1 uses, and area initiatives and environmental enhancements during the Plan period. The policy sets out specific requirements for Complementary Areas within SD J, including the Maritime Quarter. Of relevance to this scheme, is the policy criteria to:

deliver schemes at waterfront sites at Swansea Point and opposite the Observatory which represent small but significant opportunities for leisure and facilities to support the attraction of the Waterfront as a destination. The site is identified on the SD J Strategic Site concept plan as a mixed use development opportunity in a key area within the Maritime Quarter.

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PBSA development - LDP Policy H 11, Purpose Built Student Accommodation, states that PBSA proposals should be located within the Swansea Central Area, which is where this site is located. The policy amplification states that although provision of PBSA will be encouraged within the Central Area, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses. The Case Officer will need to consider if there has been any material change in this respect from the time the original consent was granted.

The HMOs and PBSA SPG, adopted December 2019, provides policy guidance on aspects of PBSA design, refuse storage and vehicle/bike parking. The SPG states that a Management Plan will be required to be submitted as part of any PBSA planning application and provides details of what this should cover. The SPG also states that planning applications for PBSA development should include an Adaptability Statement to consider how the proposal would not prejudice future uses, such as a hotel use.

The A1/A3 uses - The applicant's Planning Statement notes that the proposed commercial space would comprise 3 units measuring 40 square metres, 70 square metres and 255 square metres respectively (365 sq m in total). Each of the units would have frontage onto the completed Atlantic Square to the east of the site and the main unit would have full depth. The applicant states that no occupants have been identified for the commercial units; therefore, allowance for both A1 and A3 uses has been sought.

The Development Plan follows a 'Centre first' policy approach with regard to retail and leisure use. This site is not located in a Centre but is located within the Maritime Quarter Complementary Area identified in Policy SD J, which is considered to be an edge of centre location. Policy RC 4 supports appropriate mixed use development in accordance with the particular functions and opportunities for regeneration and renewal identified in the Maritime Quarter Complementary Area which are to:

enhance it as a vibrant and distinctive waterside district that accommodates a range of uses, including residential, food and drink, and small scale offices that must maximise the potential afforded by its maritime heritage and character, and play a pivotal role in connecting the Retail Centre to SA1, the riverside and seafront.

With regard to the above policy context, the small scale commercial units would provide the opportunity to enhance the public square onto which they have frontage and support the attraction of the wider Waterfront and Swansea Point area as a destination by adding to the range of mixed uses available, while the small scale of the units would not compete with the Central Area Retail Centre.

Flood risk

An important consideration in whether the principle of the proposed uses are still acceptable at this location is in terms of flood risk. The proposal will need to be considered against the relevant Development Plan policies and TAN 15 relating to Flood Risk. It is important to note that, from 1 December 2021, the current TAN 15 and TAN 14 'Coastal Planning' (1998) are being cancelled and replaced by a new TAN 15 'Development, flooding and coastal erosion'. Alongside this, the flood risk map that supplements the TAN - currently known as the Development Advice Map - is being replaced by a new 'Flood Map for Planning'.

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The mapping is produced by Natural Resources Wales (NRW) and shows the extent of flood risk that is forecast by modelling to potentially occur across Wales. Ahead of the new TAN 15 coming into effect, the written statement and Flood Map have been made available in advance to give local planning authorities, developers, and others advance warning of the changes.

From 1 December, the new TAN 15 and associated new Flood Map for Planning will be required by Government and the relevant legislation to be considered as important information for deciding planning applications. They must be referenced as the relevant framework and technical data for assessing risks arising from both river and coastal flooding, as well as additional run-off from development.

The majority of this site is located in 'Sea: Flood Zone 3'; and there are also small areas covered by 'Rivers: Flood Zone 2' and 'Surface Water and Small Watercourses: Flood Zone 2'.

The new TAN 15 emphasises that land in Flood Zone 3 should only be used for water compatible development or less vulnerable uses. It states at Pg 8 that in Flood Zone 3 Areas:

'The flooding consequences associated with highly vulnerable development are not considered to be acceptable. Plan allocations must not be made for such development and planning applications not proposed. Flood Consequences Assessments (FCAs) should not be prepared [i.e. do not attempt to prepare FCAs to justify such development] as there is no requirement for Natural Resources Wales to provide advice. Highly vulnerable development includes: All residential premises (including hotels, Gypsy and Traveller sites and caravan parks and camping sites); schools and childcare establishments; colleges and universities; hospitals and GP surgeries. The TAN emphasises (at Pg 14) that 'Where a mix of uses is accommodated within a single building, its vulnerability will be defined by the most vulnerable use. This includes buildings where ground floors have a commercial use and upper floors are in residential use.'

The following extracts from the new TAN 15 further emphasise the unequivocal approach to highly vulnerable development:

- o Pg 16: In Zone 3 (Rivers and Sea), allocations for residential and other highly vulnerable development must not be made as the risks and consequences of flooding are not considered acceptable for these types of development. Allocations for less vulnerable development, including essential transport and utilities infrastructure, should only be made in exceptional circumstances. Exceptional circumstances could include addressing national security or energy security needs, reasons of public health or to mitigate the impacts of climate change.
- o Pg 28: It is important that areas in Zone 3 are used only as a last resort [and for less vulnerable development only], and not at all for new highly vulnerable development. Less vulnerable development includes: general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, public buildings including libraries, community centres and leisure centres, places of worship and play areas. Less vulnerable development will only be justified if: 1. There are exceptional circumstances that require its location in Zone 3...; AND 2. Its location meets the definition of previously developed land; ... New highly vulnerable developments must not be permitted in Zone 3.

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This proposal is for a highly vulnerable use in the new 'Sea: Flood Zone 3', which would not be acceptable under the new TAN 15. From 1st December, local planning authorities must make Welsh Government Ministers aware of any intention to approve new highly vulnerable development in Zone 3 as this would be considered by Government a decision contrary to national policy. Welsh Ministers will then have the option of calling-in the application to determine themselves.

**Placemaking Principles**

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

FW Policy 2 (see Annex A for details) sets out that:

- o development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives,
- o opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- o all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- o development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- o the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- o development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

The following comments have been provided by the Council's Heritage & Placemaking Officer:

This Section 73 application seeks to renew the past consent for a PBSA development which was approved 2017. The proposal was a single block with frontage onto the spur road, plus active commercial frontage onto Atlantic Square. The height stepped 4 to 6 with 287 student rooms. There are no changes proposed to the design. When assessed in 2017 the proposal was considered acceptable in the setting of the adjacent red brick former Pilots House building (grade II listed). There is no change from the approved relationship so this remains acceptable. There has been no change to the Tall Building Strategy SPG and the proposed massing remains acceptable in this respect.

Whilst the scheme does accord with certain principles set out in the above mentioned LDP Placemaking Policies, there are two aspects where the policy requirements have changed since the previous UDP which the proposals do not appear to have addressed:

- o Sustainable Drainage is required by separate legislation, and is linked to LDP Policy PR5: Avoidance of Flood Risk. It is not clear how the approved scheme can meet the mandatory SUDs requirements and therefore it may need amendments, such as on building attenuation or ground attenuation.

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- o LDP Policy ER2: Strategic Green Infrastructure requires development to take opportunities to maintain and enhance the extent, quality and connectivity of the GI network. The Council has approved a GI Strategy (2021) for the Swansea Central Area, which covers this Trawler Road site, which sets out how the objectives of the policy can be achieved.

This requires meaningful greening of buildings and should be evidenced by a Green Space Factor (GSF) assessment as set out in Appendix 3 of the document. The Green Infrastructure Strategy requires a GSF score of 0.4, which has been achieved by other recently approved student accommodation developments in the Central Area such as Ty Nant.

At present, the proposal to renew the S73 application cannot be supported for the placemaking reasons outlined above.

Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on the importance of development integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ("the S6 duty").

FW Policy 9 and PPW (see Annex A for details) require that:

- o all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- o a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Adopted SPG - Biodiversity and Development (see Annex B for details) provides:

- o guidance on how the requirement for biodiversity can be addressed and assessed.
- o details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

Other Key Issues

RP 6 Land Contamination - the site is shown as historic contaminated land on the LDP Constraints Map.

**Final Comments**

This Section 73 application seeks to renew the past consent for a PBSA development which was approved in 2017. There have been important material changes to the planning policy context.

In terms of the principle of the development, the LDP requires PBSA proposals to be located within the Swansea Central Area, which is where this site is located. The policy amplification states that although provision of PBSA will be encouraged within the Central Area, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses. The Case Officer will need to consider if there has been any material change in this respect from the time the original consent was granted. The HMOs and PBSA SPG, adopted December 2019, provides policy guidance on aspects of PBSA design, refuse storage and vehicle/bike parking.

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The small scale commercial units would provide the opportunity to enhance the public square onto which they have frontage and support the attraction of the wider Waterfront as a destination by adding to the range of mixed uses available, while the scale of the units would not compete with the Central Area Retail Centre.

An important consideration in whether the principle of the proposed uses are still acceptable at this location is flood risk. The proposal and supporting evidence will need to be considered against the relevant Development Plan policies and TAN 15. It is important to note that, from 1 December 2021, the current TAN 15 will be replaced along with the introduction of a new 'Flood Map for Planning'. Having regard to the new Flood Map for Planning, it is clear that this proposal is for a highly vulnerable use in an area subject to 'Sea: Flood Zone 3', which would not be acceptable under the new TAN 15. From 1st December, local planning authorities must make Welsh Government Ministers aware of any intention to approve new highly vulnerable development in Zone 3 as this would be considered by Government a decision contrary to national policy.

Notwithstanding the fundamental issues raised above in relation to the principle of the proposed development, it is noted there are no changes proposed to the design. When assessed in 2017 the proposal was considered acceptable in the setting of the adjacent red brick former Pilots House building (grade II listed). There is no change from the approved relationship so this remains acceptable. There has been no change to the Tall Building Strategy SPG and the proposed massing remains acceptable in this respect. However there are two key aspects where the policy requirements have changed in relation to placemaking requirements, which mean the S73 application cannot be supported without further information/amendments undertaken. These are:

- o Whilst Sustainable Drainage is required by separate legislation, this is linked to LDP Policy PR5: Avoidance of Flood Risk and it is not clear how the approved scheme can meet the mandatory SUDs requirements and may need amendments such as on building attenuation or ground attenuation.
- o LDP Policy ER2: Strategic GI requires development to take opportunities to maintain and enhance the extent, quality and connectivity of the GI network. This is supported by a GI Strategy (2021) for Swansea Central Area which covers this Trawler Road site. This requires meaningful greening of buildings and should be evidenced by a Green Space Factor assessment as set out in Appendix 3 of the GI Strategy.

The HMOs and PBSA SPG states that a Management Plan will be required to be submitted as part of any PBSA planning application and provides details of what this should cover. The SPG also states that planning applications for PBSA development should include an Adaptability Statement to consider how the proposal would not prejudice future uses, such as a hotel use.

## **APPRAISAL**

### **Material Planning Considerations**

As outlined, this is a Section 73 application which seeks to renew the planning permission under ref: 2016/1333 for the PBSA development.

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There are no changes proposed to the approved design, and when assessed in 2017 the proposal was considered acceptable in the setting of the listed Pilots House building and also the relationship to the neighbouring residential properties. There is no change from the approved relationship and so this remains acceptable, and the scheme accords with the principles set out in the above mentioned LDP Placemaking Policies.

The former planning application also assessed a number of highway related issues, car parking, public transport accessibility and frequency, traffic on Trawler Road, congestion at junction with Oystermouth Road. The parking for student use meets the parking standards for 'Managed Student Accommodation within the CCS Parking Standards, and this remains unchanged. The application was supported by a Transport Assessment, which concluded there were no justifiable reasons to refuse planning permissions on traffic grounds. CCS Highways have indicated there are no highway objections to the extension of time, subject to the remainder of the conditions associated with the application 2016/1333 being met.

Planning application 2016/1333 was determined under the Unitary Development Plan (UDP) and since 2017, there has been a material change in Development Plan policy in that the development would now be considered by the Swansea Local Development Plan (LDP ) adopted February 2019. There have also been other material changes of planning policy context are also of relevance such as the introduction of a national tier of development plan through Future Wales (FW), changes to Planning Policy Wales (PPW), and imminent changes to the planning flood risk guidance and associated mapping. These issues are reviewed with respect to the proposals below.

Additionally, the Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) SPG, was adopted in December 2019, which provides policy guidance on aspects of PBSA design, refuse storage and vehicle/bike parking.

There are other policy requirements which have changed since the previous UDP which include:

- o Sustainable Drainage is required by separate legislation, and is linked to LDP Policy PR5: Avoidance of Flood Risk and proposed changes to TAN 15.
- o LDP Policy ER2: Strategic Green Infrastructure requires development to take opportunities to maintain and enhance the extent, quality and connectivity of the GI network. The Council has approved a GI Strategy (2021) for the Swansea Central Area, which covers this Trawler Road site, which sets out how the objectives of the policy can be achieved.
- o Biodiversity Enhancement - the Development Plan also places significant emphasis on the importance of development integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ("the S6 duty"). FW Policy 9 and PPW also require that:
  - o
  - i) all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
  - ii) a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.



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The Adopted SPG - Biodiversity and Development (2021) also provides:

- o guidance on how the requirement for biodiversity can be addressed and assessed.
- o details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

**Principle of development**

As outlined in the Placemaking and Strategic Policy comments above, LDP Policy H11 requires proposals for purpose built student accommodation to be located within the Swansea Central Area, and this is reiterated within the PBSA SPG. The siting of the PBSA at this location therefore remains in accordance with LDP. The scheme also conforms to Future Wales - Policy 1 - The Welsh Government supports sustainable growth in the National Growth Areas of Swansea Bay where there will be growth in employment and housing opportunities and investment in infrastructure. Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking.

**Sustainable Drainage**

LDP Policy RP4 states that 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. SuDS must be implemented wherever they would be effective and practicable.

Since the previous permission in 2017, the provision of sustainable drainage is required by separate legislation, and is linked to LDP Policy PR5: Avoidance of Flood Risk and also LDP Policy ER2 - Green Infrastructure. A Drainage Strategy and Report was submitted alongside the previous application and is still valid. The drainage strategy report demonstrates that the development can be served by the public mains sewer and would not have an adverse impact on surface water flows. Whilst it is not clear how the approved scheme can meet the mandatory SUDs requirements presently the incorporation of green infrastructure will help to achieve SAB approval.

**Flood Risk**

LDP Policy RP 5 states that in order to avoid the risk of flooding, development will not be permitted in areas at risk of fluvial, pluvial, coastal and reservoir flooding, unless it can be demonstrated that the development can be justified in-line with national guidance and is supported by a technical assessment that verifies that the new development is designed to alleviate the threat and consequences of flooding;

The approved scheme was accompanied by a Flood Consequences Assessment which concluded that the potential depth of flooding was within the agreed tolerances of Table A1.15 of TAN 15, and it was considered that the application was acceptable in relation to potential flood risk and drainage.

As indicated in the Strategic Policy comments above, an important consideration in determining this Section 73 is whether the principle of the proposed uses are still acceptable at this location is in terms of flood risk.

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From 1 December 2021, the current TAN 15 and TAN 14 'Coastal Planning' (1998) are being cancelled and replaced by a new TAN 15 'Development, flooding and coastal erosion'. Alongside this, the flood risk map that supplements the TAN - currently known as the Development Advice Map - is being replaced by a new 'Flood Map for Planning'. The mapping is produced by Natural Resources Wales (NRW) and shows the extent of flood risk that is forecast by modelling to potentially occur across Wales.

From 1 December, the new TAN 15 and associated new Flood Map for Planning will be required by Government and the relevant legislation to be considered as important information for deciding planning applications. The majority of this site is located in 'Sea: Flood Zone 3'; and there are also small areas covered by 'Rivers: Flood Zone 2' and 'Surface Water and Small Watercourses: Flood Zone 2'. The new TAN 15 emphasises that land in Flood Zone 3 should only be used for water compatible development or less vulnerable uses, and highly vulnerable development including residential development are not considered to be acceptable.

This proposal is for a highly vulnerable use in the new 'Sea: Flood Zone 3', which would not be acceptable under the new TAN 15. From 1st December, local planning authorities must make Welsh Government Ministers aware of any intention to approve new highly vulnerable development in Zone 3 as this would be considered by Government a decision contrary to national policy. Welsh Ministers will then have the option of calling-in the application to determine themselves.

However, before 1 December, the TAN 15 guidance indicates that Natural Resources Wales will take a pragmatic approach to providing advice in the period leading up to 1 December 2021 and its advice on planning consultations to local planning authorities will be based upon the current TAN15 and the development advice map. The guidance further indicates that for planning applications already under consideration, then if the application is determined on or before 30 November 2021 the current TAN 15 and the development advice map must be used as the basis for the Local Planning Authority's decision. If it is determined on or after 1 December 2021 the decision must be based on the new TAN 15 and Flood Map for Planning. Therefore, on this basis Natural Resources Wales have raised no objection to the proposed variation of Condition 1 on planning permission 2016/1333.

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

The LDP provides specific policies on green infrastructure (ER 2), biodiversity (ER 8,9,11), and the provision and mitigation of impacts of development. Green infrastructure and biodiversity - Green Infrastructure (ER2) and biodiversity (ER 9) are a central facet of the Plan and fundamental to good placemaking. As outlined the approved scheme preceded the above requirements and also the Councils Swansea Central Area: Regenerating Our City for Wildlife and Wellbeing Green Infrastructure Strategy which sets out that the Council will apply the Green Space Factor Tool (GSF) in consideration of all development in the Swansea Central Area. This is a simple method for measuring the area and likely effectiveness (in providing various ecosystem services) for various green infrastructure types included in project proposals.

The Section 73 application has been accompanied by an Amenity Statement & Green Infrastructure Strategy together with a Sketch Landscape Proposal and also a Preliminary Ecological Appraisal.

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The landscape strategy for the site seeks to maximise the potential of the available green spaces in order to meet the GI objectives and as part of the landscape scheme, a series of rain gardens are proposed. The landscape proposals embrace the inclusion of these SUDS features and aims to maximise their potential amenity benefits.

The scheme has been assessed using the Swansea Central Area Green Space Factor Tool to assess the Green Infrastructure credentials of the scheme in order to calculate the 'GSF Score'. The minimum target GSF score for predominantly residential developments is 0.4. The current proposal has a GSF score of 0.12 and falls short of the expected target of 0.4 for predominantly residential developments. The Green Infrastructure Strategy indicates that the result in the calculator clearly demonstrates that despite the landscape scheme containing new planting zones, native hedgerows, rain gardens and other landscape features, the available space for such measures is limited and a lot more is required to meet the target score. It is indicated that the strategy for achieving a target GSF score of at least 0.4 could be to use green roofs on the building. For example, to achieve a GSF score of 0.4, the building would need to have a minimum of 1055m<sup>2</sup> of 'Biodiverse extensive green roof' with a GSF scoring rate of 0.8. It is considered that the incorporation of green roofs would ensure that the proposed development would comply with the Green Infrastructure Strategy and the landscape / green infrastructure requirements are conditioned to ensure a GSF score of 0.4 is achieved.

Biodiversity Enhancement

The approved development was subject to an Ecology Survey in 2016 and a new Preliminary Ecological Appraisal has been submitted which incorporates the conclusions of the ecological baseline conditions at the site which were established in October 2021 through a combination of desk study and Extended Phase 1 Habitat Survey.

The combination of desk study and Extended Phase 1 Habitat survey identified a limited range of habitats at the site which were typical of early brownfield land. The scattered scrub vegetation has the potential to supporting nesting birds and given the likelihood of nesting birds being present within the abovementioned habitats, any future vegetation works (i.e. scrub removal) would be subject to seasonal constraints and should be undertaken outside of the nesting bird season (undertaken between September - February). If this is not possible an ecologist should be present to inspect habitats for the presence of nesting birds prior to removal and to supervise vegetation clearance. This was a condition of the approved scheme.

Consideration has also been given to ecological enhancement measures as part of any proposed development at the site which could include the inclusion of bat and bird boxes onto the building. Any potential SuDs features should be designed in a way to benefit biodiversity by retaining water for at least part of the year (e.g. into spring/early summer) and seeding its banks with native flora. Finally, the use of native species or species known to benefit local wildlife in any soft landscaping scheme and management of any proposed grassland (lawn)/hedgerow/planted shrub features would enhance the habitat for biodiversity locally. It is indicated that these recommendations have been used to inform a landscape strategy plan for the site which includes new tree/shrub planting, drainage features and a wildflower lawn and it is proposed that they would be secured by a new ecological enhancement measures condition in accordance with LDP Policy ER9 and the Council's Biodiversity Enhancement requirements under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

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### Response to public consultation

Turning to the representations received, the majority of concerns raised considered at the time of the original application in respect of highway matters, loss of privacy, loss of daylight and building height/design. In terms of the amount of student accommodation already in Swansea and the potential location for other private student development, it is not for the planning system to be involved in matters of business competition. Whilst the concerns about the noise and disturbance and anti-social behaviour caused by students have been noted, there is other more appropriate legislation to control behaviour of individuals and the planning system is concerned with land use.

### Conclusion

In conclusion, the proposed variation of Condition 1 of planning permission 2016/1333 is acceptable and would comply with the adopted national Development Plan: Future Wales and the Local Development Plan (February 2019). Given that a Section 73 application results in a new standalone planning permission it is considered reasonable and necessary to re-impose the conditions attached with the original consent in addition to further conditions deemed necessary or varied to reflect current practice standards.

The existing planning permission under ref: 2016/1333 is subject to a Section 106 Planning Obligation which restricts car parking management / student occupancy; a highway contribution of £35,000. The Section 106 includes a provision which ties the application to subsequent Section 73 applications, however, recent case law has indicated that all new planning permissions should have obligations secured by S106 agreement attached to that individual permission for the avoidance of any doubt as to what obligations are relevant to the permission. It is therefore proposed that a new Section 106 Planning Obligation or Deed of Variation be entered into linking this planning application to the obligations contained within the original S106 agreement. This will also incorporate some variations to the student residency / parking restrictions and also introduce a bricks and mortar clause.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Approval is therefore recommended subject to first entering into a Section 106 Agreement / Deed of Variation.

### RECOMMENDATION

**APPROVE subject to the conditions indicated below and subject to the applicant entering into a Section 106 Planning Obligation / Deed of Variation to include the following clauses:**

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### **Car Parking Management**

1. **Car Parking Management in accordance with a Management Plan to include details of a parking management scheme for the parking within the lower ground floor area. The document should make specific reference to general day to day management as well as the pick up and drop off arrangements at the beginning and end of term which have the potential to bring more vehicles than can be accommodated at once.**
2. **The provision of a mechanism to deal with the control of 'on-site' parking through the production and agreement of a Tenancy Agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.**
3. **The development should be occupied by registered students only, in the interests of highway safety.**

### **Highway Infrastructure**

**Financial contributions to the sum of £35,000 to fund:**

- a) **A pedestrian crossing on Trawler Road to aid access to local services and the coastal footpath, and;**
- b) **Strengthening the existing Traffic Regulation Orders on Harbour Square.**

### **Beyond Bricks and Mortar scheme**

**Commitment to Council's Beyond Bricks and Mortar scheme during construction.**

**Section 106 Management and Monitoring Fee**

**Costs incurred against the management of the obligation based on 2% of the value of the obligations = £700.00**

**The Council's legal fees of £1000 relating to the preparation of the S106 agreement**

**If the Section 106 Obligation is not completed before 1 Dec. 2021 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 TAN 15 / Swansea Local Development Plan 2010 - 2025.**

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 under ref: 2016/1333:  
  
PL101Rev A, Location plan, received 24th October 2016, PL102 Existing Site Plan, PL103 Existing Site Survey, PL201 Proposed Lower Ground Floor Plan, PL202 Proposed Upper Ground Floor Plan, PL203 Proposed First Floor Plan, PL204 Proposed Second Floor Plan, PL205 Proposed Third Floor Plan, PL206 Proposed Fourth Floor Plan, PL207 Proposed Fifth Floor Plan, PL208 Proposed Roof Plan, PL301 Proposed West & South West (Trawler Road) Elevations, PL302 Proposed South East (River Tawe/Harbour)

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Elevation, PL401 Proposed Section A-A & BB, PL410 Proposed Part Sections & Elevation Detail Sheet 1, PL411 Proposed Part Sections & Elevation Detail Sheet 2, PL1001 Proposed CGI Perspective, PL1002 Proposed CGI Perspective, PL1003 Proposed CGI Perspective, dated 5th July 2016, M2H/3042/0616 Detailed Planning Application Drawings, M2H/3042/2016 Design and Access Statement June 2016, received 5th July 2016.

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

- 3 Notwithstanding the details shown on any approved plans, samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement (excluding demolition, excavation, site preparation, enabling works and installation of the foundations) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works and the development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

- 4 Prior to installation of the relevant part of the development, details of the following at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority.

- o Typical ground floor window and door;
- o Ground floor corner window section;
- o Interface between overhanging first floor and ground floor;
- o The soffits under any visible overhangs above ground floor level;
- o Typical full height upper floor window section;
- o Typical curtain walling section;
- o Typical cladding panel section (including details of fixings);
- o Parapet and fascia details to flat roof areas;
- o Glass lantern feature details;
- o Capping feature details;
- o Integration of any external sustainable building technologies

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

Reason: In the interests of visual amenity.

- 5 Notwithstanding any details shown on any of the approved plans, the Green Infrastructure Strategy and Sketch Landscape Proposals, prior to installation of the relevant part of the development, a fully detailed scheme for the hard and soft landscaping of the site including planting and surface water drainage infrastructure and green infrastructure including green roofs, substrate depth, species, spacings and height when planted of all new planting shall be submitted to the Local Planning Authority. The landscaping scheme shall include all details of all external lighting and street furniture.

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The green infrastructure scheme shall achieve a minimum target score of 0.4 under the Swansea Green Space Factor Tool and shall be carried out within 12 months from the completion of the development or within 12 months of occupation whichever occurs first. Any trees or shrubs planted in accordance with this condition which are removed, die, or become seriously diseased shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links.

- 6 Prior to the first beneficial occupation of the development, the proposed management strategy for the future management and maintenance of the landscaping and green infrastructure within the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.

Reason: To ensure that the landscaping and green infrastructure are subject to a future management and maintenance agreement to ensure that they are adequately maintained.

- 7 Prior to the commencement of any superstructure works, the scheme of Ecological Enhancement Measures outlined in the submitted Ecological Management Plan together with an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include an architectural drawing showing the locations and specifications of the enhancements (as detailed within the Ecological Management Plan). The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development and shall be monitored by suitably qualified and licensed ecologists for at least 5 years following installation in accordance with a Monitoring Plan to be submitted to and approved in writing by the Local Planning Authority.. If boxes are unoccupied after three years, additional roosting and/or nesting habitat should be considered to improve the ecological potential of the site.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply shall not apply, to the development.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 9 Notwithstanding the details shown on any approved plan, the precise design and location of all refuse stores and any external plant or ventilation shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to installation of the relevant part of the development.

Reason: In the interests of visual and residential amenity.

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- 10 The A1 and A3 uses hereby permitted shall not commence until a scheme, which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.  
Reason: - To protect the proposed and neighbouring residential use against noise emanating from such units.
- 11 Prior to the beneficial use of the Class A3 use commencing, a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of amplified sound emanating from the site. Such works that form part of the approved scheme shall be completed before the Class A3 uses of the premises are occupied and retained thereafter to serve the development.  
Reason: to protect the proposed and neighbouring residential use against noise emanating from such units.
- 12 A scheme for the secure parking of cycles shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation of the development hereby approved. The cycle storage facilities shall be retained thereafter to serve the development.  
Reason: In the interests of promoting sustainable travel.
- 13 Notwithstanding the details shown on any approved plan, the precise location, extent, height and design of all means of enclosure, including gates, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of superstructure works. All such works shall accord with the approved details and retained thereafter to serve the development.  
Reason: In the interests of visual amenity and highway safety.
- 14 Prior to occupation of any part of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:
- All habitable rooms shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.
- The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
- Reason: To protect the proposed residential use against noise arising from the noise sources/marina use of the area.



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- 15 Prior to occupation of any part of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:
- All building services plant noise shall be designed to achieve a rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.
- Reason: To protect the existing and proposed residential uses against noise from building services plant.
- 16 Prior to the commencement of any piling works on the site, a Piling Assessment report shall be submitted and approved in writing by the Local Planning Authority. The report shall set out the different types of piling methods that could be utilised at the site; along with consideration of the noise and vibration effects that the operation may have upon surrounding land uses and the mitigating measures that may be utilised.
- Reason: To protect the residential and commercial land uses from noise and vibration within the surrounding area.
- 17 No development shall commence until the developer has prepared a strategy for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off. 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
- 18 Prior to the commencement of any work a pre-commencement check by a suitable qualified ecologist for ground nesting birds shall be carried out and the result submitted to and approved in writing by the Local Planning Authority for any development starting in the nesting season (May to August). If any nesting birds are found a mitigation strategy will be required with mitigation undertaken in accordance with the approved recommendations.
- Reason: To ensure that no nesting birds are disturbed.
- 19 If, during development, contamination not previously identified is found to be present at the site then the Local Planning Authority shall be notified immediately and no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters and to protect the health of future occupants against any unidentified residual contamination.

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- 20 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.
- 21 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:
- o The parking of vehicles of site operatives and visitors.
  - o Loading and unloading of plant and materials.
  - o Storage of plant and materials used in constructing the development.
  - o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
  - o Wheel washing facilities (if applicable).
  - o Measures to control the emission of dust and dirt during demolition and construction and;
  - o 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.

- 22 Prior to the commencement of construction works a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Site Waste Management Plan.  
Reason: To enable the developer to present a coherent plan addressing all environmental pollution issues likely to impact on the public.
- 23 Prior to the commencement of development, full structural drawings and calculations for any retaining walls that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height and for any retaining wall that exceeds 1.5m in height are to be submitted to and approved in writing by the Local Planning Authority and the works shall be completed in accordance with the agreed scheme.  
Reason: In the interests of safety and amenity.
- 24 An overall 6% of car parking spaces (3 spaces) shall be laid out as being suitable for use by disabled users (to the current British Standard) and retained thereafter as part of the development.  
Reason: To ensure sufficient parking provision for disabled users is available to serve the development.

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- 25 Prior to the occupation of the development, details of a Waste Refuse and Recycling Management Plan (including the provision of refuse storage and recycling facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Waste Refuse and Recycling Management Plan for the lifetime of the development.  
Reason: To ensure the management and movement of refuse within the site in the interests of site safety and to ensure that adequate provision is made within the development for the storage of refuse.
- 26 The development shall be brought into beneficial occupation in accordance with the submitted Operational Management Plan or alternative Operational Management Plan that has been submitted to and approved in writing by the LPA and thereafter be implemented in accordance with the approved Operational Management Plan for the lifetime of the development or equivalent approved document.  
Reason: To ensure the management and movement of vehicles related to the development in the interests of the public safety and amenities of the area, and to protect future resident's amenity.

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 1, Policy 2 and Policy 9.

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: [Placemaking and Sustainable Development PS 1 & PS 2; Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area); Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2; H 11: Purpose Built Student Accommodation; Historic and Cultural Environment HC 1 & HC2; Social Infrastructure SI:1 Health and Wellbeing & SI 8 (Community Safety); RC4 & RC 12 - Office Development; Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity; ER9 (Ecological Networks / Biodiversity); T 1 Transport Measures and Infrastructure; T 2 Active Travel; T5 Design Principles for Transport Measures and Infrastructure & T 6 Parking; Policy EU4: Public Utilities and New Development; Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, and Light Pollution; Policy RP 4 Water pollution and protection of water resources. Policy RP 10: Sustainable Waste Management for New Development.

- 2 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

## Planning Committee – 2<sup>nd</sup> November 2021

**Item 5 (Cont'd)**

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No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

- 3 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
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