



Report of the Head of Planning & City Regeneration

Planning Committee – 7 December 2021

Planning Application Ref: 2007/2829 - Land at New Cut Road / Morfa Road, Swansea

Mixed use development comprising 967 student accommodation units within 1 no. part 6 storey, part 7 storey, part 8 storey part 10 storey block, incorporating ground floor retail unit (Class A1), and 1 no. part single storey part 6 storey block plus up to 349 residential units, freestanding café/restaurant (Class A3), bicycle storage, car parking, riverside walkway, reconfigured public open space, landscaping, highways and infrastructure works (outline).

Purpose: To consider variation of the Section 106 Planning Obligation for the “Children’s Play Area Contribution” to be used towards the provision or improvement of existing off-site facilities elsewhere in the locality.

Policy Framework: Swansea Local Development Plan (2010 - 2025); Planning and Compulsory Purchase Act 2004; Well-being of Future Generations (Wales) Act 2015; Planning (Wales) Act 2015; Planning Policy Wales (2021) and related Guidance.

Consultation: Access to Services, Finance, Legal.

Recommendation(s): It is recommended that a Section 106 Deed of Variation be completed to allow the “Children’s Play Area Contribution” to be used towards the provision or improvement of existing off-site facilities elsewhere in the locality in accordance with Policy SI 6 of the Swansea Local Development Plan 2010- 2025.

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1.0 Background

1.1 Outline planning permission for a mixed use development comprising 967 student accommodation units and up to 349 residential units including a new section of riverside walkway and a reconfigured public open space at New Cut Road (site of the former Unit Superheaters) was granted on 19th December 2008 and was subject to the completion of a Section 106 Obligation. The Section 106 Obligation amongst

other things required the provision of a children's play area within the residential scheme.

1.2 The St Davids ('The Roost') Purpose Built Student Development (PBSA) has since been completed by Watkin Jones and the Llais Tawe residential development was completed by Bellway Homes Limited some time ago. The outline permission actually being a hybrid approval with the details approved for the PBSA whilst reserved matters was later approved for the Bellway scheme (Ref:2010/0844) – under which the Section 106 Agreement was varied – 14 Feb. 2011.

1.3 The Section 106 Obligation forming part of the planning permission requires the developer to pay the "**Children's Play Area Contribution**" to the Council before the Occupation of the 50th Qualifying Residential Unit. "**Children's Play Area Contribution**" is defined as a sum not exceeding seventy thousand pounds (£70,000) (but including indexation) as a contribution towards the costs to be incurred by the Council in providing a children's play area on **land adjacent to the site**. The Children's play area contribution was subsequently indexed to £84,000 and this was received on 26th May 2017 but has yet to be utilised, although under the terms of the S106 needs to be utilised or re-paid by May 2022.

2.0 Planning History

2.1 Reserved matters approval was granted to Bellway Homes on 5th October 2010 for the construction of 106 residential units (Ref:2010/0844) following the completion of a further Section 106 Obligation regarding the construction of the highways and proposals for their future management.

2.2 The residential layout by Bellway Homes (referred to as 'Llais Tawe') has now been completed. Within the approved layout under the reserved matters approval the provision of the children's play area was indicated within the area of public open space immediately to the south of the development, adjacent to Plots 62 – 66 (Nos. 60 – 68 New Cut Road). This is on land within the ownership of the City and County of Swansea. This area was selected as it was perceived to enjoy good natural surveillance from residents to provide protection for young children using the facility and also reduce the potential for anti social behaviour.

3.0 The Proposal

3.1 Following the construction and occupation of parts of the development, concerns were expressed by some of the new residents within the Llais Tawe development and others over the location of the proposed children's playground and requested that an alternative area is considered. There is no scope to relocate the children's playground elsewhere within the site.

3.3 In lieu of the provision of the Children's Play Area on site, Bellway have indicated a willingness to enter into a Deed of Variation to alter the terms of the Section 106 to allow the proposed "**Children's Play Area Contribution**" to be used to upgrade facilities elsewhere within the vicinity.

4.0 Response to Consultations

4.1 The new residents within the Llais Tawe development at New Cut Road, Pottery Street, Rothwell Street and Haynes Court were consulted on this issue in 2014. SIX LETTERS were received, all opposing the provision of the children's play area within the development and agreeing to have the playground located elsewhere or the contribution to be used to upgrade existing facilities elsewhere.

5.0 Planning Policy

5.1 Swansea Local Development Plan 2010-2025

Policy SI 6: Provision of New Open Space states:

*Open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on-site facilities, **or the improvement of existing local provision off-site**, along with appropriate maintenance contributions.*

A contribution towards improving off-site open space provision in the area will be required for residential development proposals of fewer than 10 units where there is a quantitative or qualitative deficiency in open space provision.

All residential development must accord with the principles of providing good children's play and leisure opportunities by:

- i. Ensuring that the design of residential areas prioritises the ability of residents, particularly children, to move freely, socialise and play;*
- ii. Incorporating 'Homezone' style street design and layouts where appropriate and the provision of opportunities for doorstep play;*
- iii. Designing natural landscaping to create opportunities for informal play to complement, and be additional to, any formal play; and*
- iv. Ensuring that play and leisure spaces, both formal and informal, are focal spaces, fit for purpose and well overlooked by development.*

The quantity, quality and location of the open space contribution required will be determined against the standards set out in the most recent Open Space

5.2 The amplification to the policy and the Council's adopted Supplementary Planning Guidance on Planning Obligations indicates that the provision of play areas / and areas of public open space to be well related to the housing that it is intended to serve with the exact form and type having regard to the nature and size of the development and the needs of the residents. All new housing developments should contribute towards open space provision if a need is identified. The extent of provision appropriate to an area depends on local factors such as existing provision, its type, location and quality, the profile of the catchment population and scale and nature of development proposed in the locality. Where a deficiency in open space is likely to occur or be worsened as a result of a new housing development, the Council will seek to enter into a planning obligation to secure either the provision of open space or a financial contribution towards providing or enhancing nearby facilities. Developers will be required to make appropriate arrangements for the future management of these areas. Section 106 Agreements may be sought to arrange commuted sums for such maintenance where this is to be carried out by the Council.

5.3 The outline permission was for a much larger residential development (up to 300 residential units) and envisaged a development comprising of residential apartments, whilst the subsequent reserved matters approval (Ref:2010/0844) granted to Bellway for a development of 106 residential units constitutes a significantly reduced number. The new residential development at Llais Tawe is relatively isolated from the established residential community of Hafod / Landore due to the alignment of the Swansea High Street railway line and St.Thomas on the opposite eastern side of the River Tawe. There is therefore no doubt that the level and nature of open space provision in the locality is inadequate to meet the needs of the future occupiers of the development and LDP Policy SI:6 requires that new housing developments make provision for areas of open space either within the site or at an appropriate location in relation to the development, or contribute towards the provision or improvement of existing off-site facilities in the locality. In respect of the latter, consultation has been undertaken with Council's Leisure Services and a potential alternative location has been suggested at Hafod Park.

6.0 Recommendation

6.1 As it stands the Section 106 requires the "***Children's Play Area Contribution***" to be used **on land adjacent to the site**. In order to use the contribution for the **improvement of existing local provision off-site**, the Section 106 Planning Obligation needs to be amended through a Deed of Variation to state that the **contribution be used towards the provision or improvement of existing off-site facilities elsewhere in the locality** in accordance with Policy SI 6 of the Swansea Local Development Plan 2010- 2025.