

Planning Committee – 6th September 2022

Item 1

Application Number:

2022/1230/FUL

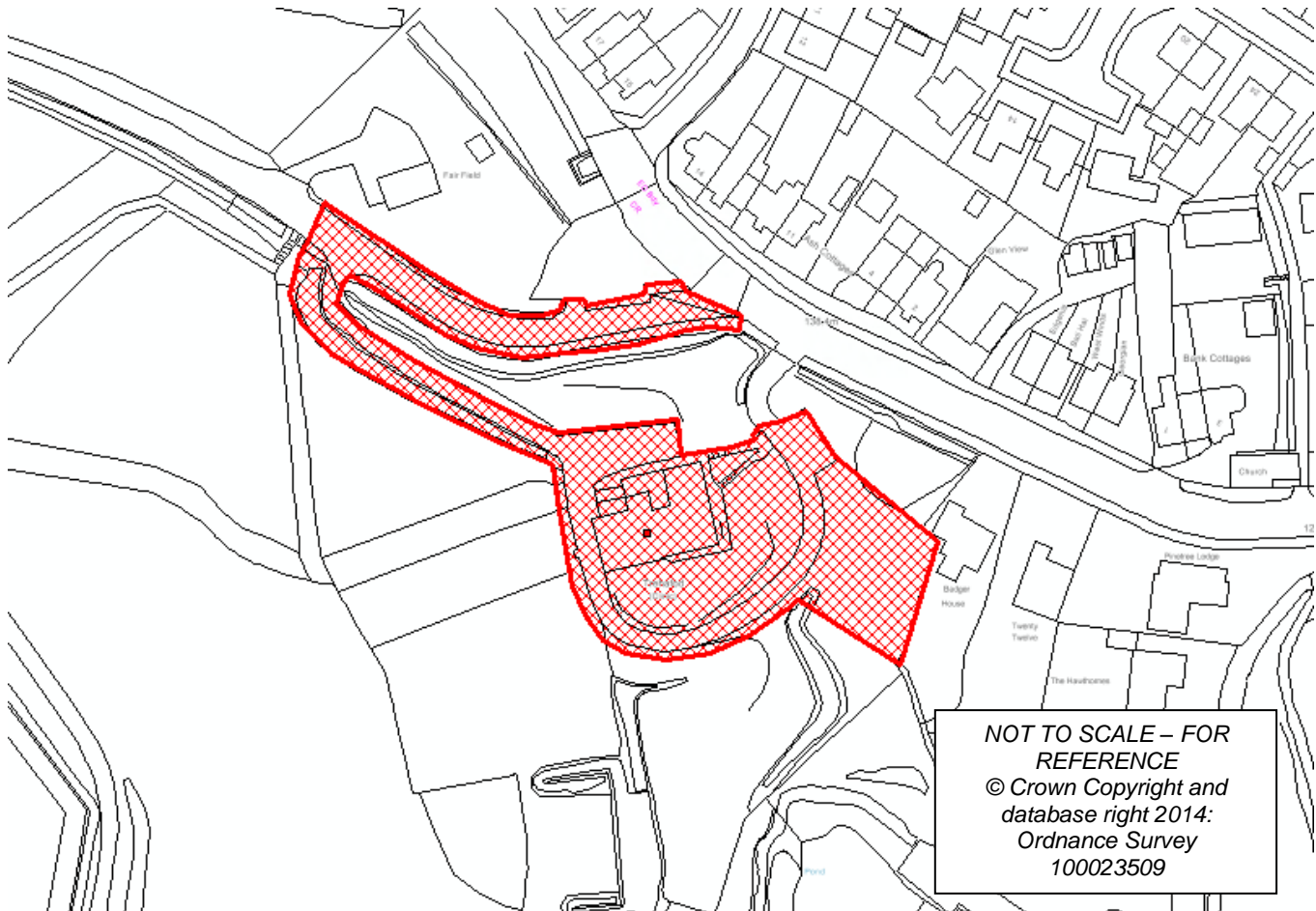
Ward:

Sketty - Bay Area

Location: Trehafod , Waunarlwydd Road, Cockett, Swansea, SA2 0GB

Proposal: Two storey side extension and change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works

Applicant: Ministry Of Justice



Background

This application is being reported to Planning Committee for decision because it was called in by Councillor's Cheryl Philpott and Mike Durke, and it met the threshold for the number of public objections.

Site Location

The application property at Trehafod is located off Waunarlwydd Road and occupies a corner position at the entrance of the Cefn Coed Hospital site, Cockett. The property is a substantial detached three-storey building with a hipped roof which includes a dormer feature, and was constructed as part of the main Cefn Coed Hospital campus.

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It is likely that the building was occupied for residential purposes used in association with the Hospital, but more recently, the property has been used for health/clinic (D1) purposes.

The vehicular access to the property is via the existing hospital site entrance. The current access onto the main Waunarwydd Road is proposed to be closed off as part of the proposals and all movements via the entry point on the existing hospital access road.

Description of Development

The proposed development would consist of the demolition of the existing extensions to the property and construction of a two storey side extension and change of use of existing Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A) and associated works. The Residential Women's Centre (RWC) will provide a facility for women currently involved with the justice system. The centre will support women to address their needs and assist and support them in moving back to safe and appropriate accommodation in their home community at the end of their stay. The Centre will be a combination of a homely residence and a welcoming women's centre support hub for residents, and women in the wider community who currently access justice services locally.

The Applicant has provided the additional information in support of the proposal

The Residential Women's Centre will be run by the Ministry of Justice (MoJ) and will consist of a 12-bedroom centre, which will provide local women who have committed low level offences with specialist support to address the root cause of their offending behaviour. It will accommodate local Swansea women who have committed low level offences. The MoJ will assess the women to ensure they do not present a risk of harm to the public and that they will benefit from the services on offer. The women will have agreed to engage with the opportunity and the Courts will have decided that this is the best option for them.

The Residential Women's Centre will provide a home for 12 women who will stay for 12 weeks at a time. In addition, it will provide day services for other local women in the community. The women's centre will be made up of two small rooms, so there will be a limited number of women attending at any given time. The residential women's centre will be staffed 24/7 with Probation Service staff who are trained and experienced in working with women in contact with the Criminal Justice System. The Centre will be designed in conjunction with advice from South Wales Police Designing Out Crime Officer and other key local partners to develop the Centre.

During their stay at the Centre women will have a busy timetable. They will attend interventions as required to help them address the causes of their offending, for example one-to-one mental health therapy, counselling to address their trauma from previous abuse and support to overcome addictions. The women will be encouraged to take part in additional activities going on at the Centre such as exercise classes, gardening, cooking and other wellbeing interventions, which will help address their needs and prepare them for leaving the Centre and settling back into life in the local community. The service will also provide longer-term support for women to help them find a job and maintain family relationships as they transition from the centre to life back in their communities.

Women will agree to a behaviour agreement when they join the Centre. This will include rules about behaviour on and off the site. There will be strict curfew rules and the site will be drug and alcohol free.

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Failure to comply will lead to their place being withdrawn and a return to court. Visits by family members will be allowed but will be pre-arranged and visitors will need to be approved by the Centre. The Centre will provide family rooms for visits as well as video conferencing facilities and women will have access to phones to help them to keep in touch with their families.

The Residential Women's Centre will support women to maintain contact with children, their families and local communities by encouraging contact and visits as appropriate. During the first 12 months after opening, the MoJ will be considering how children could be accommodated with their mums. This will be done on a case-by-case basis and will take into account of both the needs of the child and the mother.

The Residential Women's Centre is not a prison. It is a women's centre with a residential provision providing effective, holistic support for vulnerable women already living within the local community. There are many examples of women's centres and this model is based on existing best practice. Some women's centres also have accommodation onsite or nearby in order to provide more intensive support. This proposed model will focus on women in contact with the justice system and is based on existing best practice.

In terms of safety and security, the facility will be managed by Probation Service staff who will be working at the Centre 24/7 and who have considerable experience working with women who have committed offences. In addition, there will be a strict policy of no alcohol or drugs onsite and a zero-tolerance approach to anti-social behaviour. There will be a number of security measures including CCTV on the outside of the building, appropriate-lit entrances (in accordance with environmental regulations) and alarm systems. The residential unit will be staffed 24/7, the Centre will have a curfew time, as well as individuals having their own curfews depending on their court order, and there will be a no noise policy in the evenings and night-time hours. Pre-agreed visitors will only be allowed to visit at set times. The Centre will work with neighbours and local businesses to ensure any unauthorised people that come to the area are dealt with promptly by the Centre and by the local neighbourhood police.

It is not anticipated that there will be an increase in traffic from the previous use of the site. Residents at the site will not have vehicles, and residents, staff and centre users will access the site by public transport, bike or by walking, wherever possible.

The Residential Women's Centre is intended to be located within the local community, as the majority of the women attending the Centre will already be a part of the local community or surrounding areas. Hosting the Residential Women's Centre is an opportunity to enable women to stay closer to those who support them, in a safe environment, so that they can focus on the task of making positive changes to their lives and support their reducing reoffending journey.

The MoJ list a number of benefits to hosting a Residential Women's Centre including:

- Reducing crime - the Centre will help prevent crime and anti-social behaviour escalating, leading to safer communities.
- Reduction of the impact on local services - the Centre will promote joined up working of local services, bringing together justice, health, housing providers, substance misuse services and local charities.

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- Keeping local families together - keeping women close to home enables them to stay close to their family and children. As well as supporting the women in changing their lives this will have a positive impact on their children, reducing the effect of having a mother or loved one imprisoned a long way from home.
- Improving the wellbeing and life outcomes for local women and their families - by improving the skills, health (mental and physical) and relationships of women, they are more likely to become productive members of local communities.

Why has Swansea been chosen to host the Residential Women's Centre?

- For adult women, the South Wales Police Force Area has the highest number of sentences to immediate custody of 12 months or less, with 273 sentences in 2019 or 68% of the annual Welsh total (400).
- Swansea has a high number of women who offend. The women who will be attending the Centre are already living within the community and hosting the Centre in Swansea means that it will be operating at or near capacity.
- Swansea has a long-standing history of supporting vulnerable people in the community through projects such as this.

Why has Trehafod been chosen as the site for the Residential Women's Centre?

The Ministry of Justice carried out an extensive site search, working closely with a number of key partners including Welsh Government, Police and Crime Commissioners, Local Authorities and third sector organisations, to find a suitable site for the Centre. The criteria includes; affordability, accessibility by public transport, access to existing services and meeting the requirements of the Centre in terms of set-up and operation.

The Ministry of Justice considered sites in other areas of South Wales, however none of the available properties were deemed suitable. Trehafod provides a therapeutic space and meets the above requirements.

Why are these women not being sent to prison?

The women who will be attending the Residential Women's Centre do not need to be sent to prison as the offences they have committed and the risk they pose to others means they are safe to live within the community.

Evidence suggests women in the community are less likely to reoffend and better supported on a robust community sentence, avoiding the damaging effects of being sent away to prison for such short periods of time, such as disruptions to family life, negative impacts on children and increased suffering of mental health conditions.

The impact on women from Wales is exacerbated by the fact that there are no prisons for women in Wales (and currently no plans to build any). If sentenced to custody, they can find themselves a long way from their home and families which has a negative impact on their rehabilitation.

Planning History

A certificate of existing lawful use established that the current planning use of the property is a health clinic and ancillary offices (Use Class D1), ref: 2019/1855/ELD.

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A full planning application for the change of use from health clinic (Class D1) to residential (Class C3), was approved on 03/10/2019, ref: 2019/1857/FUL.

Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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.

Adopted Swansea Local Development Plan (2010-2025)

The Swansea Council Local Development Plan (LDP) was adopted on 28th February 2019 and is the prevailing development plan for the City and County of Swansea. The following LDP policies are of relevance in the determination of the Planning Application:

- PS1 Sustainable Places; PS2 Placemaking and Place Management;
- SD2 Masterplanning Principles; SDF Cefn Coed Hospital, Cockett;
- ER 2 Strategic Green Infrastructure Network; ER6 Designated Sites of Ecological Importance; ER8 Habitats and Species; ER9 Ecological Networks and Features of Importance for Biodiversity; ER11 Trees, Hedgerows and Development.
- T5 Design Principles for Transport Measures and Infrastructure; T6 Parking;
- RP 2 Noise Pollution.

Supplementary Planning Guidance:

The Supplementary Planning Guidance (SPG): 'Placemaking Guidance for Residential Development' provides further information and guidance to clarify the policy aims of LDP Policy PS 2. The SPG was formally adopted by the Council in October 2021, which followed a period of public consultation and stakeholder engagement that informed the content of the document.

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The SPG 'Car Parking Standards' adopted March 2012, also provide further information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP. The SPG 'Trees, Hedgerows and Woodland' adopted October 201, also provide further information and guidance in regard to Policy ER 11 and this is referenced on page 199 of the LDP. Finally the SPG 'Development and Biodiversity' was adopted February 2021, and expands upon Policies ER 2, ER 8 and ER 9.

Consultations:

Ecology:

The application site is bordered by the Cockett Wheels & Park Site of Importance for Nature Conservation (SINC) and the development must therefore comply with Policy ER6. To comply with Policy ER6, a Construction Environmental Management Plan (CEMP) will be required.

Trees:

The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed for removal: <https://www.swansea.gov.uk/treespg>

Bats condition:

Felling of all trees categorised as having low suitability for bats (as per the submitted bat survey report), shall be undertaken in the presence of an appropriately qualified and licensed Ecological Clerk of Works. The trees shall be felled in sections, which shall carefully be lowered by rope to ground level. If bats or any evidence of bats is recorded during the works, they shall cease until the ecologist has advised how and when the works can re-commence.

Breeding/nesting birds Condition:

No clearance/pruning of trees, shrubs, scrub or buildings 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 Condition:

All trenches and excavations shall 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 shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.

Hedgehog Condition:

In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall 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/>

Lighting Strategy Condition:

A sensitive lighting strategy for the site shall 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.

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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>

Invasive Non-native species (INNS) Condition:

As Japanese knotweed, Cotoneaster and Montbretia were recorded, an INNS Management Plan shall 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:

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

The enhancements proposed on the submitted drawing are acceptable, however further details will be required by condition (i.e. the specification of the bird and bat boxes and a timetable for their installation).

A full landscaping strategy will also need to be conditioned, detailing plant species, planting specification, maintenance and monitoring.

Sustainable Drainage (SuDS)

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP. SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Drainage:

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 100m² 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.

Designing Out Crime Officer:

Where there is some mention of community safety and security within the Planning and Design Statement, there is no mention of the development being built to Secured By Design (SBD) standards. The environmental benefits of SBD are supported by independent academic research consistently proving that SBD housing developments experience up to 87% less burglary, 25% less vehicle crime and 25% less criminal damage (Note 1.4). It also has a significant impact on anti-social behaviour.

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Therefore there are substantial carbon cost savings associated with building new homes and refurbishing existing homes to the SBD standard i.e. less replacement of poor quality doors, windows and the stolen property from within the home as a result of criminal acts. This has been achieved through adherence to well researched and effective design solutions, innovative and creative product design coupled with robust manufacturing standards.

In order for the application to achieve the Secured By Design (SBD) Gold Award therefore, I have made the following observations and recommendations based on the current crime profile for the area and the information provided.

(i) General Layout and Boundary Treatment.

The site for the proposed Residential Women's Centre is within a secluded plot of land at the entrance to Cefn Coed Hospital, just off Waunarlyydd Road. It is surrounded, mainly by mature trees and abuts public open space on most sides. There are currently two accessible routes into the site. The main access is to be via the already existing route to the Hospital and the second entrance off Waunarlyydd Road is intended to be blocked off so that there is only one main access route for vehicles.

Recommendations:

1. The whole site should be protected by security fencing. The fencing should meet the security standard LPS 1175: SR1 or equivalent, be at least 2 metres high, manufactured of weld mesh , expanded metal or similar and be of a design that is difficult to climb over. Particular attention should be paid to the existing "second entrance" off Waunarlyydd Road as if this is not blocked off completely, there is a risk that this could become a preferred route for residents, as it is a more direct route from the main road. This will counteract any access control that is in place.

2. Security Gate - The design, height and construction of any gates within a perimeter fencing system should match that of the adjoining fence and not compromise the overall security of the boundary.

Reason: To enhance community safety and reduce the opportunity for burglary and other crime.

(ii) Access Control and Entrances into the Building.

There is to be a Security Gate at the main entrance to the site for both vehicle and pedestrian access. This will not be manned, however it is intended that CCTV will cover this entrance.

There will be one main entrance into the building leading to the Reception area and a second entrance point which is intended for the use of women who have children. The Reception area is to be staffed at all times. It is clear from the plans that the safety of the Reception staff has already been taken into account, with a secure room that affords them protection against the risk of a resident or visitor becoming aggressive or violent.

Recommendations:

3. The Security Gate must have Audio/Visual Access Control which is electronically linked to the Reception Desk and access can then be controlled by the Receptionist.

4. All entrances into the building must be covered by Audio/Visual Access Control and be electronically controlled by the Receptionist. This should include the second entrance into the building (intended for use by mothers and children).

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5. The space on the outside and inside of the entrance doors should be well illuminated during dark hours and Reception staff should have a clear view of the approaches to the entrance. If the lighting levels directly outside the building reception are too low after dark, a reflection of the reception area will be seen on the inside of the glazing, which will hamper the receptionist's ability to look outside the building. It is therefore important that levels of illumination both inside and outside of the reception area are well balanced to avoid this.

6. Access beyond the reception area should be controlled using automatic locking doors, controlled by fob or ID Cards issued to staff. Residents should have access fobs which are programmed to provide access only into their own rooms.

7. Entry into all rooms where valuable equipment is sited should also be controlled and these rooms must be kept locked when not in use.

8. Access control should meet Secured By Design (SBD) standards and specifications.

Reason: To reduce any unauthorised access and enhance the safety of staff and residents.

(iii). CCTV.

Recommendations:

9. I would ask for the outside and the main entrances into the buildings, vehicle entrances onto the site, the vehicle parking areas and any bike and bin stores to be protected by CCTV.

10. The CCTV cameras should meet BS EN 50132-7:2012 standard and be located in elevated positions. Ideally the CCTV would be monitored, which I understand will be from the Reception area.

11. The images produced must be admissible in a court of law and the General Data Protection Regulations (GDPR) must be complied with.

12. Staff should receive training in the use of the CCTV and transfer of images, so that it can be used as evidence if required.

Reason: To reduce crime and enhance community safety.

(iv). Signage.

Recommendations:

13. Signs should be sited advertising the fact that CCTV cameras are operating in the area if CCTV is installed.

14. Display directional signage and information signage so that all visitors go direct to the reception area on entering the site.

Reason: To comply with Data Protection, assist with rule setting and aid access control.

(v). Lighting.

Recommendations:

15. The whole of this development, especially the vehicle parking areas, should benefit from lighting that meets the British Standard 5489: 2020.

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16. Security Lighting should be installed outside the main entrance and second, women and children entrance.

17. The lighting must be effective and enhance CCTV coverage.

18. The lighting must be situated in elevated positions to prevent vandalism and be protected in vandal proof housings.

Reason: To provide a well-lit environment that enhances the security of the staff and residents.

(vi). Landscaping.

Recommendations:

19. 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 premises must not be obscured by trees or planting.

20. 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.

Reason: To enhance natural surveillance over the whole site.

(vii). Vehicle parking areas.

Recommendations:

21. Vehicle parking areas must be well lit, ideally the lighting meeting the British Standard 5489:2020. All vehicle parking bays should be protected by monitored CCTV.

22. The perimeter of the car parking areas must be clearly defined and access confined to the main vehicle entrance/exit points.

23. There must be clear lines of sight across the vehicle parking areas with any planting being low level. Ideally these area would be overlooked by the buildings.

Reason: To prevent vehicle crime.

(viii). Bicycle stores.

Recommendation:

24. Bike stores must be secure, lit and overlooked (please visit www.securedbydesign.com for more information).

Reason: To prevent the theft of bicycles.

(ix). Bin stores.

Recommendation:

25. Bin storage areas should be secure areas protected by solid doors/gates. Access into these areas should be controlled by access control and they should be located away from the buildings.

Reason: To prevent Arson.

(x). Drainpipes.

Recommendation:

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26. Rainwater down pipes can provide a convenient scaling aid onto roofs, or to reach windows above ground floor level. Rain water pipes should be either flush fitting (i.e. square profile) or concealed within the cavities.

Reason : To prevent burglary.

(xi). Intruder alarm systems.

Recommendation:

27. The buildings especially the offices and amenity buildings should be alarmed on all floors when unoccupied, with the alarm system linked to a central monitoring station. All rooms where there is valuable equipment or information stored should be alarmed and any alarm wires should be protected.

Reason: To prevent burglary

(xii). Door security.

Recommendations:

28. The external doors of the buildings, those separating public and private areas and those protecting rooms where valuable property or information is stored should meet where possible the standards PAS 24 2016, LPS 1175 SR2 or equivalent and be third party tested and certificated.

29. Glass in door panels or adjacent to door panels should be laminated.

30. Doors in recesses of more than 600mm should be avoided.

31. All vertical lift doors/ roller shutter doors fitted must be locked in place, internally and externally, when the building is unoccupied.

32. In respect of operating mechanisms external fittings must be avoided. Internal mechanisms must be secure and sited away from the door openings.

33. Fire doors must not have external door furniture fitted, and meet SBD standards and specifications. They must also be alarmed. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance.

34. Doors should be protected against ram raiding.

Reason: To prevent burglary and unauthorised access.

(xiii). Window security.

Recommendations:

35. All vulnerable external windows should meet SBD standards i.e. PAS 24 2016 or equivalent and be third party tested and certificated.

36. All glass in vulnerable windows i.e. ground floor windows within this development should be laminated.

Reason: To prevent burglary and unauthorised access.

(xiv). Computers.

Recommendations:

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37. Careful siting of power trunking is required to ensure that computers and valuable equipment are kept away from windows wherever possible.

38. High risk and mainframe computers should be secured in a purpose built room in individual cabinets.

Reason: To prevent any breach of data protection.

If there are any queries in relation to any of the above recommendations, further, more detailed information can be found on the Secured by Design website at www.securedbydesign.com. In addition to the above security measures for the building, we respectfully ask that a condition is also made for a Management Plan to be put in place from the start to ensure that...

- o An agreed protocol is in place with South Wales Police should there be any issues at the premises. This would include such things as, the correct number of staff to client ratio is in place at all times.

- o Relevant markers placed on the Police Systems so that any calls received are highlighted accordingly for the correct level of response.

Consultation with the Local Policing Inspector (LPI) prior to opening would be key to ensuring that staff / Police have a good, ongoing working relationship.

Arboricultural Officer:

The Authority's Arboriculturalist made comments and requests for alterations, following receipt of amended proposals the following comments were received:

The plans have been amended to show T1 being retained. Therefore there is no objection. Please condition adherence to the tree protection plan supplied to ensure the retained trees are not affected by the development.

Highways:

The principle of the use had been discussed previously. The Highway Authority raised a number of potential issues that needed addressing.

The details as submitted originally were not considered adequate in mitigating the issues identified.

A Transport Consultant has now been brought in to deal with the Highway Authority concerns. Discussions have taken place and a set of amended plans and additional supporting documents have been submitted. Plans titled 'Proposed Site Plan', 'Proposed Access works', 'Site tracking Layout' and a Transport Note were submitted.

All works are taking place off the adopted highway, and the junction of the access with Waunarydd Road is unaffected. There is no issue with reported accidents at the existing priority junction that would restrict the development of the site as proposed.

The site currently operates as a one way in and one way out with two separate vehicle access/egress points. The existing egress is not included within the extent of the land for the planning application. Whilst not forming part of this application the existing dropped kerb exit (which will be redundant) will need to be reinstated back to original footway construction, this would need to be undertaken by the Highway Authority.

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The existing junction onto the access road is substandard in terms of visibility, there were concerns with any intensification of the use that may have arisen from the proposed development. The access junction has been redesigned with the 'give way' line moving out into the carriageway to allow for improved visibility. The works extend out into the access road but as this was included in the red line then there is no issue foreseen with delivering the proposed improvements.

The access road is also shown to be widened to provide a passing bay (as requested, (as the access width was only suitable for a single vehicle at a time)). This will minimize the risk of obstruction being caused by two vehicles being unable to pass simultaneously.

Swept paths have been provided to demonstrate that a refuse vehicle can access, turn and leave the site in a forward gear. Due to the constricted nature of the site a non-standard refuse vehicle was tracked (the transport consultant confirmed that the applicant had advised the size of vehicle normally used provided by private refuse companies). In the interests of highway safety a Delivery Management Plan will need to be secured by condition.

Turning to parking due to the nature of the end use the car ownership is likely to be low. Seven car parking spaces are being accommodated including one suitable for a minibus and one disabled space is also being provided (in line with the requirements of the CCS Parking standards). The layout is acceptable and cycle parking is also shown. The site is also well located in terms of access to regular public transport routes that run along Cockett Road.

The building/site currently benefits from a certificate of lawful use as a health clinic and ancillary offices (D1) (2019/1855/ELD). Whilst the proposed use is in a different use class, in terms of trips there is not expected to be a significant increase in traffic over and above that that the lawful use could generate. D1 use would also cover uses such as a day nursery or church facility and they could take place without the proposed highways improvements.

In terms of the additional content submitted I am of the opinion that the layout is now acceptable, the alterations to the access improve the existing situation in terms of providing better visibility for all users. The access works would need to be in place prior to any works commencing on site to avoid any obstruction issues being caused during the construction period arising from the existing single width access. The level of parking is considered acceptable and the provision of cycle storage will encourage travel by sustainable modes for staff and residents.

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

1. The junction improvements, and installation of a passing bay within the site (in line with plan 20-00791-01) shall be completed in accordance with the approved plans prior to any works commencing on site.
2. The car parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the Women's Centre, and be maintained for parking purposes only thereafter.
3. No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development.

The delivery and servicing plan shall include:

- a) The contact details of a suitably qualified co-ordinator;

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b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimize any impact on the adopted highway;

c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;

Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

Neighbour comments:

The development was advertised on site multiple times, following the submission of revisions with the most recent two notices dated: 3rd August 2022. Letters were also sent to Badger House, Twenty Twelve, Pinetree Lodge, Hawthorns, Cedar Lodge and Fairfield, Waunarwydd Road, with the most recent consultation sent on 14th July 2022.

An objecting petition containing 122 signatures from 89 separate addresses was received on 27th June 2022. The stated reason for the petition is given below:

We the undersigned, are concerned residents who urge the Planning Department not to allow the change of use of this building as we feel it would be detrimental to the community.

215 letters of objection have been received to date and 1 letter of support, the reasons for objection are summarised:

- Negative impact on community;
- Loss of property value;
- Lack of public consultation;
- Traffic and highway safety;
- Increased anti-social behaviour;
- Suggestions that the application has been kept secret;
- Lack of information on nature of use;
- Inappropriate setting for this use;
- Nearby to schools and a pub;
- Risk to local families, the elderly and children from offenders;
- Loss of mental health facilities;
- Inappropriate to put criminals near to vulnerable people;
- Overlooking;
- Lack of parking;
- Potential that the use could be extended or expanded in the future;
- Negative impact on peoples mental health;
- Potential increase in crime;
- Questions over the need for CCTV and security;
- More suitable to a rural area;
- Near to a kids cancer charity;
- Impact on trees;
- Impact on ecology;
- Light pollution;
- The occupants of the centre will attracted predatory males;
- Site isn't large enough to provide suitable amenity for the occupants;
- Failure to demonstrate that there is a need or that this is the most appropriate site for the proposal.

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- More suitable sited in the city centre or Townhill;
- Supposition that the Council wants the facility out of the city centre as there is a new student hub there.
- Lack of information on opening hours and staff numbers;
- Concerns over future use of building after 5 years;
- The offenders should be in prison and not a facility such as this.;
- Will attract drug dealers to the area;
- Potential damage to neighbouring properties on site;
- Potential for Japanese Knotweed spread;
- Impact on view and visual amenity;
- Overshadowing and overbearing from boundary treatment;
- Negative visual impact of boundary treatment;
- Potential that people escaping from the site will be injured in the quarry;
- Contrary to Future Wales - The National Plan 2040;
- Lack of local amenities to serve the occupants;
- Noise and disturbance, potentially from people shouting to residents;
- Supposition that the Council will be making money from the proposal and that is the reason for it;
- Too many units of this type in the local area.
- Requests for reductions of Council Tax if approved.
- Recent purchasers of houses would not have done so if they knew of the proposals;
- Council corruption;
- Class C2A is an open prison;
- Single access is unsuitable;
- Light pollution;
- Visibility of the garden area from the road resulting in lack of privacy for the women in the centre and neighbouring residents;
- Complaint that the Applicant is already offering employment without approval;
- Loss of green space

Councillors and Assembly Members

Ward Councillors Oliver James and Mike Durke, and Altaf Hussain MS objected to the proposals, for the following reasons:

- Queries over if Use Class C2A rather than C2 would be the correct use class;
- Concerns over the management of the facility and the potential that higher offenders can be placed in the facility;
- Could it be used as a prison as it is within Class C2A;
- Loss of privacy including that from CCTV cameras;
- Noise and disturbance;
- Access and parking is insufficient;
- Highway safety concerns from additional traffic;
- Negative impact on trees;
- Lack of consultation;
- Proximity to pub;
- Lack of nearby facilities

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APPRAISAL

Main Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to:

- the principle of the use of the conversion of a Health Clinic Building (Class D1) to a Residential Women's Centre (Class C2A),
- Placemaking / visual amenity impact,
- impact upon the residential amenities of neighbouring occupiers and future occupiers;
- the parking and highway safety impacts.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site is within a sustainable location within the Cockett community to the south of Cockett and is in line with the requirements of Policy PS1 (Sustainable Places) where development including community facilities are required to be directed to the most sustainable locations, within defined settlement boundaries of the urban area and key villages.

Cefn Coed Hospital is allocated as a Strategic Development Area - LDP Policy SD:F for a comprehensive residential led, mixed use development of circa 371 homes during the Plan period, incorporating leisure and recreation facilities, public open space and retained health facilities. The application property is located within Strategic Site F of the Swansea Local Development Plan, albeit this site is not part of the wider proposals and has been declared surplus to requirements by the Health Board and the current proposal would not prejudice the development plan aspirations for the strategic allocation.

As outlined above the property benefits from a permission for its change of use from health clinic (D1 use class) to residential (Class C3). The application property is a large detached building, that appears to have been originally constructed as dwelling but has subsequently been significantly extended and most recently used as a clinic. As indicated, the site is positioned within the urban area, the local ward of Sketty and forms part of the Cefn Coed strategic development site. The principle of a residential use in this location was established under a previous application which is still extant, although the proposal is not for a dwelling but rather a secure residential institution. Whilst this use is not strictly in-keeping with the predominantly private residential nature of the area it is arguable that the proposed use is broadly residential in nature. Although it is accepted that the proposal and the C2A use class in general are for the most part residential facilities that involve some form of security and/or detention.

It is noted that it would not be desirable to neighbouring residential occupants to be in close proximity to a facility such as this, and concerns have been raised to the nature of the proposal, the potential anti-social behaviour from the occupants and other matters such as the proximity of the unit to a pub and distance from services. However in planning policy terms it is not considered that there is any in principle reason to refuse a use of this nature in this setting. There is a potential that the nature of the occupants could result in increased anti-social behaviour, however ultimately this is a matter for the police and a management issue for the Applicant.

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It has been suggested that a residential area is not an acceptable setting for a facility such as this. However as an alternative a commercial or industrial centre would not be supported for a residential facility and would be contrary to Authority Policy. Finally whilst the facility is not close to shops or services, this would also be the case for other residential properties and ultimately there is a major bus route within walking distance of the development.

The existing use can be considered a non-conforming use in a residential area, given that the clinic is now defunct following the closure of the hospital. Whilst the site is included as part of the Cefn Coed strategic site within the LDP, it is not included within the development site, and as indicated approval of the proposal would not prejudice the development of the Cefn Coed site.

The site is bordered by the Cockett Wheels & Park Site of Importance for Nature Conservation (SINC). The proposal must therefore comply with Policy ER6, which requires that development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. If this cannot be achieved then the policy sets our criteria to suitably justify the development in terms of need, lack of alternatives and suitable mitigation. It is considered that the proposed development is acceptable in regard to Policy ER6, and would not unacceptably impact the SINC subject to the submission of an acceptable Construction Environmental Management Plan (CEMP), which will be secured by condition.

On balance whilst it is noted that that the proposed use is not necessarily desirable for residents it can be considered acceptable in Planning Policy terms. This is subject to an acceptable impact in regard to other material planning considerations such as visual amenity, residential amenity, highway safety, ecology, drainage and trees. The proposed use as a Residential Women's Centre is acceptable in principle.

Placemaking/ Visual Impact

LDP Policy PS 2 requires development to enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The application property originally formed a large detached two storey property, which was likely constructed as a dwellinghouse. The original building is attractive with a hipped roof, twin chimneys and bay windows. Whilst the property still has a strong character this has been partially eroded through part two storey part single storey extensions. Though the existing extensions do not significantly harm the character of the building its scale does compete with the existing building and some of the external details such as window openings are not in-keeping with the original property. The site is in a raised position to the street but well set-back and it is surrounded by trees and diminished visibility from the street.

The proposal will see a significant increase in the footprint of the property, with a mixture of predominantly modern with some traditional elements, to encompass a two-storey side projection to the original building. The extension will project forward of what is arguably the principle elevation, as well as beyond the rear to a similar extent to that of the existing extension. The proposed extension is of a fairly unique design as it is broken up into four distinct parts, almost with the appearance of a collection of small terraced dwellings. Each part is visually separated from the other by a glazed link section, including a glazed link to the original building. Whilst the scale of the proposal is relatively large compared to the original property, this has already been significantly extended.

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The building whilst having the appearance of a residential property is now more of a commercial property and on that basis the scale of the proposed extension can be considered acceptable, particularly as it lacks clear visibility from the street.

In terms of the detailed design, whilst the proposal has a part traditional roof form, it for the most part represents a modern approach. The external form will have a mixture of cladding types including painted render, brick with timber to the majority of the first floor. The building will also have a high degree of glazing, although this will predominantly be to the linked sections and ground floor. Whereas the first floor will have a non-traditional approach to window opening placement.

Modern extensions to traditional properties can be considered acceptable when they are of high standard. It is considered that whilst the proposed extension is relatively large, its design if of a high standard, that would create visual interest, in contrast to the existing incongruous extension, which it would replace. Therefore the proposal is considered to have an acceptable impact on the character of the host property and wider area.

Residential Impact

LDP Policy PS 2 requires the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

In regard to neighbouring residential amenity, given the siting of the building compared to its neighbours and scale of the boundary treatment, it is not considered that there would be any unacceptable impacts in regards to overbearing or overshadowing, compared to existing circumstances. The proposal will see the introduction of upper floor habitable room windows, however none of these directly face neighbouring private amenity spaces or are positioned a significant distance from shared boundaries. On that basis it is not considered that there would be any unacceptable overlooking impacts.

In terms of noise and disturbance it is noted that the proposal would likely generate a similar impact in terms of comings and goings compared to the current lawful use. As stated earlier it is understood that significant concerns have been raised over the potential that the occupants could result in a rise in crime and anti-social behaviour, given the nature of the use and the history of the occupants. Whilst this may be the case it is noted that the proposed use is for rehabilitation and is owned and operated by the Ministry of Justice. As explained above the nature of secure residential accommodation is acceptable in planning terms and the use in itself will not result in a harmful impact on neighbours. Any anti-social behaviour that occurs in the local area is a matter for the police.

In terms of the amenity of future occupants it is considered that all habitable spaces and bedrooms are served by an acceptable level of outlook and natural lighting. The rooms are also considered to be of an adequate size, accounting for the nature of the use and the fact that the residents will be transient.

It is therefore considered that the proposal will have an acceptable impact upon residential amenity in compliance with the requirements of LDP Policy PS2 and SPG guidance.

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Highway Safety/ Active Travel

The transport requirements for development are set out in LDP Policies T1, T2, T5, T6 and T7. 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.

In regard to parking and highway safety the Authority's parking SPG does not give any specific advice on the number of spaces for this type of use. The proposed site layout includes a car park for 7 vehicles including one mini bus and one bay for disabled users. The proposal also includes the blocking of one of the accesses into the site, with this access road not included within the red line. To compensate for the loss of the access, the single road will be widened to allow passing, as it is to accommodate two way passing of vehicles. Given the nature of the use it is considered that the parking provision would be sufficient for the comings and goings that would be generated and the Authority's Highway Officer has raised no objection subject to condition. On that basis the proposal is considered to have an acceptable impact upon highway safety.

Ecology

The application is supported by an ecological survey, which found bats in the local area but not within the existing building. The invasive species; Japanese knotweed, Cotoneaster and Montbretia have also been recorded within the site. The Authority's Ecologist has not raised any objections to the proposal subject to the attachment of suitable conditions to any consent. These conditions will ensure that bats will not be harmed and that the invasive species are appropriately managed. The proposal also includes details of ecological enhancement, which are considered to be appropriate for the scale of development. On that basis the proposal is considered to have an acceptable impact upon ecology, subject to condition.

Trees

There are a number of significant and protected trees on site, which form an important part of the character of the local area. The application is supported by an arboricultural impact assessment that includes details of tree protection measures. The Authority's Arboricultural Officer considers that the proposal will have an acceptable impact upon the trees on site and raises no objection to the proposal subject to condition.

Drainage

The Authority's Drainage Officer has raised no objection to the proposal, but has advised a SAB application will be needed. This is separate to the planning process and therefore there are no drainage concerns for this application.

Community Safety

LDP Policy SI 8 requires that development must be designed to promote safe and secure communities and minimise the opportunity for crime. South Wales Police Designing Out Crime Officer has provided detailed comment and recommendations for the proposal, however they did not raise any objections. The majority of the recommendations are concerned with the management of the facility to reduce potential risk of theft and crime from external factors. These recommendations are not material planning considerations and are more recommendations for those running the facility.

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A management plan was also requested to be secured by condition, given the nature of the proposal and the controversy it has generated, it is considered reasonable from this condition to be placed on any consent, in the interest of residential amenity.

Response to Objectors

The reasons for objection in regard to; impact on the community/residential amenity, highway safety, anti-social behaviour, principle of development in this location, overlooking, trees, ecology, Japanese Knotweed and invasive species, visual amenity, overbearing, overshadowing, noise and disturbance, access and parking have been addressed in the above report. In regard to the visibility of the garden area, the provision of private amenity space is not required for a facility such as this in planning terms. It is also not considered that it would result in any unacceptable overlooking of neighbours separated from the site by a public highway.

In regard to the queries over the use and the potential that it can be used as another use within the proposed use class. It is considered the development does fit within the defined Use Class C2A. In planning terms uses within a defined use class are considered to broadly have the same impact and constraints as each other. On that basis it is not considered that a condition restricting the use and preventing other uses within Class C2A would meet the tests set out for planning conditions.

Suggestions have been made that the Council has already agreed approval of the facility, sought to keep the application secret and/or sets to profit from the proposals. The Authority has no vested interest in the proposal and is obliged to consider the application based on its planning merits. The application was advertised in full accordance with statutory requirements with letters sent to properties that border the site red-line and by means of a site notice. It is noted that the original site notice had a hand written date which was washed off by rain, subsequently a new notice with a printed date was placed near to the site, allowing a further 21 days public consultation. After this all subsequent site notices, triggered by amended details received, were advertised by notices. The Authority also has no ability to require the Applicant to engage with public consultation, nor can it prevent jobs being advertised despite a lack of planning consent, as this is at their own risk.

Objections in regard to whether the occupants deserve rehabilitation, house value, health and safety and CCTV are not material planning considerations. The information submitted is considered sufficient to determine the application. Details of external lighting will be secured by condition if the application is approved, and this will prevent any unacceptable impacts in regards to light pollution.

Concerns have been raised over the use of the building in 5 years or and extensions of the facilities, the use in 5 years will remain as proposed unless further planning consent is received via an application. The management of the facility is down to the Applicant and the Authority cannot control who the occupants are, subject to compliance with the planning consent.

Conclusion

In conclusion, and having regard to all material considerations including the Human Rights Act, it is considered the proposal is acceptable in principle and would have an acceptable impact in regard to visual amenity, residential amenity of neighbouring occupiers, ecology, trees, drainage and highway safety in compliance with Policies PS1, PS2, RP2, SDF, ER2, ER6, ER8, ER9, ER11, SI8, T5 and T6 of the Swansea LDP, and the Authority SPGs.

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

RECOMMENDATION

APPROVE subject to the 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:

TREHAF-3277-NMA-TRE-ZZ-DR-A-0005-S2-D0100 REV 2 existing and proposed north elevation, TREHAF-3277-NMA-TRE-R1-DR-A-0002-S2-D0100 REV 2 proposed roof plan, TREHAF-3277-NMA-TRE-02-DR-A-0002-S2-D0100 REV 2 proposed second floor plan received on 23rd May 2022. TREHAF-3277-NMA-TRE-01-DR-A-0002-S2-D0100 REV 3 proposed first floor plan, TREHAF-3277-NMA-TRE-GF-DR-A-0002-S2-D0100 REV 3 proposed ground floor plan, TREHAF-3277-NMA-TRE-ZZ-DR-A-0006-S2-D0100 REV 3 existing and proposed east elevation, TREHAF-3277-NMA-TRE-ZZ-DR-A-0007-S2-D0100 REV 3 existing and proposed south elevation, TREHAF-3277-NMA-TRE-ZZ-DR-A-0008-S2-D0100 REV 3 existing and proposed west elevation received on 26th May 2022.

TREHAF-3277-NMA-TRE-XX-DR-A-0001-S2-D0100 REV 4 site location plan received on 8th July 2022. Bat survey report received on 20th July 2022. 01 proposed access works and SWEPT path analysis, 02 refuse vehicle tracking site layout, TREHAF-3277-NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan, Arboricultural Impact Assessment received on 29th July 2022.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial occupation of the development hereby approved an operational management plan for the centre shall be submitted to and agreed in writing with the Local Planning Authority. The management plan shall include an agreed protocol with South Wales Police, ensure correct number of staff to client ratio is achieved and that relevant markers are placed on the Police Systems so that any calls received are highlighted accordingly for the correct level of response.
Reason: In the interests of residential amenity and safety.

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- 4 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) 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.
- 5 A Construction Environmental Management Plan for the site shall be submitted to the Local Planning Authority 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 habitats and species on and adjacent to the site.
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 6 Felling of all trees categorised as having low suitability for bats (as per the submitted bat survey report), shall be undertaken in the presence of an appropriately qualified and licensed Ecological Clerk of Works. The trees shall be felled in sections, which shall carefully be lowered by rope to ground level. If bats or any evidence of bats is recorded during the works, they shall cease until the ecologist has advised how and when the works can re-commence.
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 7 No clearance/pruning of trees, shrubs, scrub or buildings 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.
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 8 All trenches and excavations shall 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 shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.
Reason: Conserving and enhancing biodiversity and ecosystem resilience.

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- 9 In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall 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/>
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 10 A sensitive lighting strategy for the site shall be submitted to the Local Planning Authority 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>
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 11 As Japanese knotweed, Cotoneaster and Montbretia were recorded, an Invasive Non-native Species (INNS) Management Plan shall 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 Invasive Non-native Species. If any other Invasive Non-native Species are identified during development, works must cease until the management of these species is agreed.
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 12 Prior to the beneficial occupation of the development hereby approved, details of the specifications of the bat and bird boxes (ecological enhancement), as well as a timetable for their installation, shall be submitted to and agreed in writing with the Local Planning Authority. The ecological enhancement measures shall thereafter be installed in accordance with the agreed details and approved plans, and maintained as such for the lifetime of the development.
Reason: Conserving and enhancing biodiversity and ecosystem resilience.
- 13 The development shall be carried out in full accordance with the Arboricultural Impact Assessment received on 29th July 2022, and Appendix C Tree Protection Plan contained within.
Reason: In the interest of trees and the visual character of the local area.
- 14 The proposed junction/ access improvements, and installation of a passing bay within the site shall be carried out in accordance with the approved plans: 01 proposed access works and SWEPT path analysis, 02 refuse vehicle tracking site layout, TREHAF-3277-NMA-TRE-XX-DR-A-0003-S2-D0100 REV 5 proposed site plan received on 29th July 2022 and shall be completed prior to the beneficial occupation of the development and maintained as such thereafter. If the existing in and out access to the site is to be blocked during construction then the aforementioned junction improvements and passing bay shall be laid out during construction works.
Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

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15 The car parking and bike storage area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved, and be made available for the approved use only for the lifetime of the development.
Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

16 No building or use hereby permitted shall be occupied or use commenced until a delivery and servicing plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development.

The delivery and servicing plan shall include:

- a) The contact details of a suitably qualified co-ordinator;
- b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimize any impact on the adopted highway;
- c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;

Reason: In the interests of highway safety and to minimize the impact of vehicles servicing the development upon congestion.

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: Policies PS1, PS2, RP2, SDF, ER2, ER6, ER8, ER9, SI8, ER11, T1, T2, T5, T6 & T7.

2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

3 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).

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

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

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

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

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- 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).

6 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.

7 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 these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), 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/amphibians to a suitable habitat.

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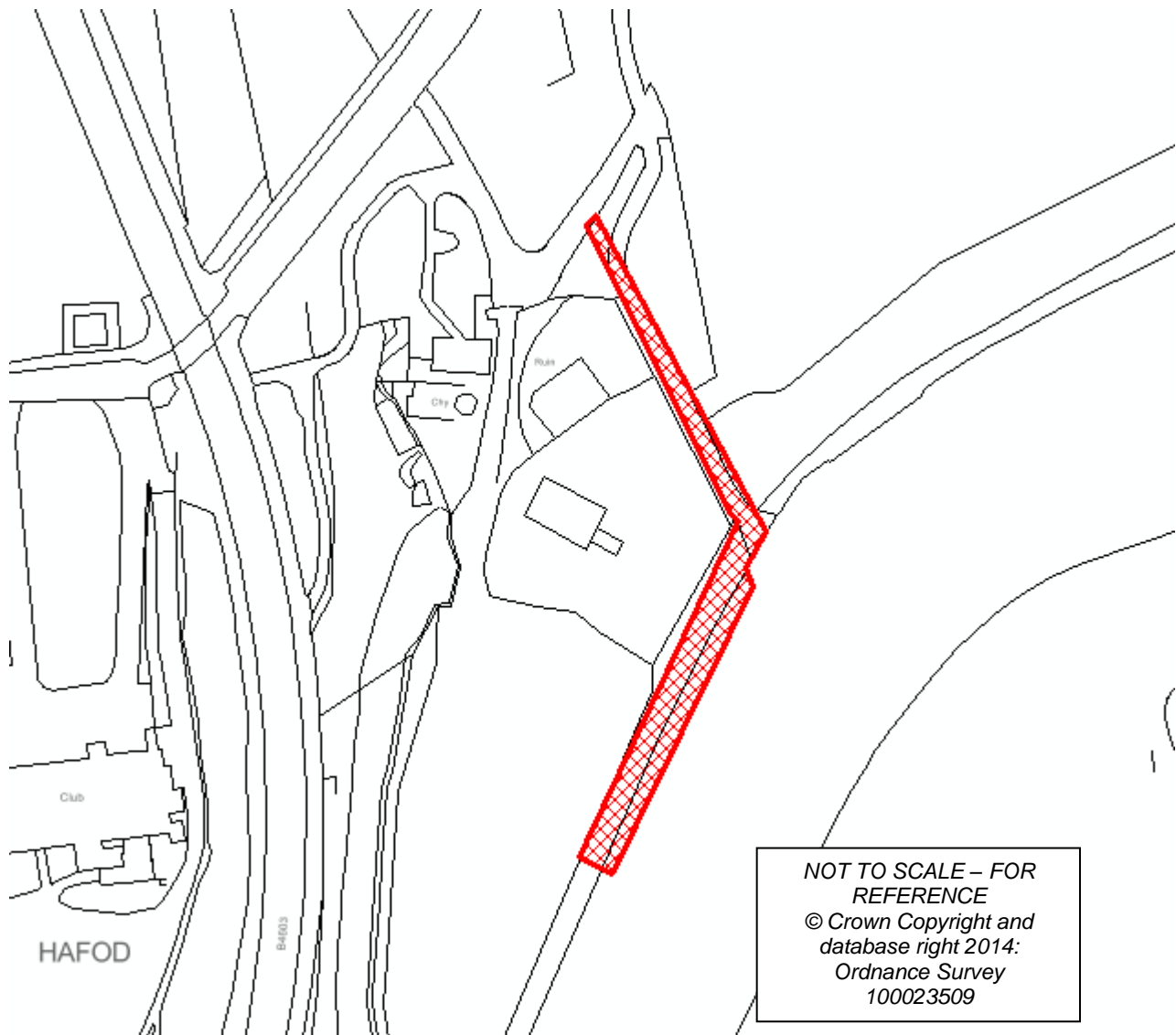
Ward:

Landore - Area 1

Location: River Tawe Quay Of Former Hafod Copperworks, Swansea

Proposal: Construction of a new pontoon, consisting of: a steel bridgehead platform with GRP mesh decking fixed to the wall; 4no. connected glassfibre concrete deck pontoons which rise up and down, 4no. steel vertical guide columns and a hinged steel bridge with GRP mesh decking linking the two, guardrails and gates to the edge of the quayside and the bridgehead platform of stainless steel; and around the pontoons of galvanised steel, 5m high aluminium lighting columns and safety and rescue aids (application for Listed Building Consent)

Applicant: Mr Richard Horlock Swansea Council



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Background

This application is being reported to Planning Committee for decision as the Planning and City Regeneration division is both the applicant and the regulatory body, the listed building application cannot therefore be determined via Delegated Powers.

This requirement to refer to Committee is due to The Planning (Listed Buildings and Conservation Areas) (Wales) (Amendment) Regulations 2021.

It should be highlighted that this application is for listed building consent only. An associated full planning application has been submitted and is currently being considered (Ref: 2022/1699/FUL). The full application for planning permission will be determined under Delegated Powers in due course.

Site Location

The application site is the River Quay of the former Hafod Copperworks and was Grade II listed by Cadw in 1996 as "an early industrial river quay and for group value with the listed buildings of the Morfa and Hafod copperworks." The site is at the south end of the north-south orientated Hafod-Morfa Copperworks, set between the River Tawe to the east, and the new Morfa Distributor Road and railway line to the west, with the remains of the Morfa Copperworks and the Landore Park & Ride to the north.

The site is directly to the east of the Grade II* listed Musgrave Engine House, which dates to 1910, along with its Engine and Rolls - a Scheduled Monument which also dates to 1910; and the Grade II listed Vivian Engine House, along with its chimney. On the other side of the river is the site of the former White Rock copperworks, which operated for 191 years between 1737 and 1928.

The site is an early industrial river quay dating from the origins of the Hafod Copperworks; the River Tawe connected the Hafod Copperworks with the port of Swansea.

Description of Development

This application seeks listed building consent for the construction of a new pontoon, consisting of: a steel bridgehead platform with GRP mesh decking fixed to the wall; 4no. connected glassfibre concrete deck pontoons which rise up and down, 4no. steel vertical guide columns and a hinged steel bridge with GRP mesh decking linking the two, guardrails and gates to the edge of the quayside and the bridgehead platform of stainless steel; and around the pontoons of galvanised steel, 5m high aluminium lighting columns and safety and rescue aids.

The aspects of the Pontoon construction which would be sitting against the existing river quay wall and result in fixings into the wall, would comprise:

- 4no. vertical wall column guides;
- bridgehead platform;
- 2no. safety ladders.

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The 4no. pontoons, deflectors and bridge would not connect to the wall; they would be connected to the column guides and bridgehead platform.

Relevant Planning History

There have been a number of planning applications and listed building consent applications at Hafod and Morfa Copperworks. The regeneration of the wider site has been ongoing for a number of years.

Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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

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

Access and Inclusivity

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

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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.

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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.

Conserving and Enhancing the Historic Environment and its Assets

6.1.4 - The Ancient Monuments and Archaeological Areas Act 1979, Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment (Wales) Act 2016 provide the legislative framework for the protection and sustainable management of the historic environment in Wales. PPW provides the national planning policy framework for the consideration of the historic environment and this is supplemented by guidance contained in Technical Advice Note 24: Distinctive & Natural Places.

6.1.7 - It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

Listed Buildings

6.1.10 - There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

6.1.11 For listed buildings, the aim should be to find the best way to protect and enhance their special qualities, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of planning and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future

6.1.13 Applicants for listed building consent must be able to justify their proposals, show why the alteration or demolition of a listed building is desirable or necessary and consider the impact of any change upon its significance. This must be included in a heritage impact statement, which will be proportionate both to the significance of the building and to the degree of change proposed.

Technical Advice Note 24: The Historic Environment (TAN 24)

5.13 When determining a listed building consent application, the local planning authority should consider the following issues:

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- The importance and grade of the building and its intrinsic architectural or historic interest.
- The physical features of the building which justify its listing and contribute to its significance, (for example its form and layout, materials, construction and detail) including any features of importance such as the interior, which may have come to light after the building's inclusion on the list.
- The contribution of curtilage and setting to the significance of the building, as well as its contribution to its local scene.
- The impact of the proposed works on the significance of the building.
- The extent to which the proposed works would bring substantial community benefits for example, by contributing to the area's economy or the enhancement of its local environment. The listing grade may be a material consideration, but is not in itself a reliable guide to the sensitivity of a building to alteration or extension. For example, many grade II buildings are humble, once common building types, listed precisely because they are relatively unaltered examples of their kind and their special interest can be damaged by inappropriate alteration or extension.

5.14 Many listed buildings can sustain a degree of sensitive alteration and extension to accommodate continuing or new uses. Past changes that reflect the history of use and ownership may themselves be aspects of the special interest of the listed building. When applicants and the local planning authority assess the heritage values and significance of a listed building, which is the subject of a consent application, they must consider the sensitivity of that building to the proposed changes. Sustaining the special interest and significance of a listed building through the process of alteration, extension or re-use is exacting, and should always be based on specialist knowledge and skill in order to realise the benefits that well-designed interventions can bring.

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 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.

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

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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.

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

ER 1 Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

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 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 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.

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Consultations:

Placemaking and Strategic Planning:

The River Quay of the former Hafod Copperworks was Grade II listed by Cadw in 1996 as "an early industrial river quay and for group value with the listed buildings of the Morfa and Hafod copperworks".

Section 16(2) of the Planning (Conservation Areas and Listed Buildings) Act 1990 sets out the statutory requirement in determining application for listed building consent to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Paragraph 5.13 of TAN 24: The Historic Environment and PPW 11 provides further explanation of the considerations and these are mirrored in Policy HC2 of the Swansea LDP. The Quay Wall is also part of the setting of two Ancient Monuments which is also addressed in legislation and Policy HC2 of the Swansea LDP.

The Hafod Quay wall is part of a group of listed buildings along with the Grade II listed Vivian Engine and Musgrave Engine House which is an Ancient Monument and also Grade II* listed.

The quay wall is also part of the outlook setting of the White Rock Ancient Monument on the opposite side of the River Tawe.

The entire Copperworks site is allocated as a strategic development site in the Swansea LDP with the vision for heritage and culture-led mixed use regeneration. The concept plan for this site shows a potential pedestrian and cycle bridge over the River Tawe in the vicinity of the engine houses linking to the White Rock Heritage Park.

The wider site is also part of the 'Shaping Swansea' Regeneration Programme which is a Joint Venture between the Council and Urban Splash Regeneration Specialists.

The proposed river pontoon follows dialogue with the Copper Jack Community Boat Trust and Swansea Rowing Club. There has also been extensive dialogue with Cadw and informal planning discussions.

The extensive Heritage Impact Assessment suggests that the Hafod Quay is actually a revetment wall. The HIA suggests that the wall was constructed circa 1877 and may have initially been used as a quay but the historic records show that since 1910 until closure of the Copperworks was a revetment wall for buildings on the water's edge.

The river wall has types of wall construction which appear to relate to different buildings on the river edge. Historic photos show that wall is two sections originally at different heights. They are now a common height potentially lowered with a modern coping to the north section during the river works associated with the Swansea Barrage in 1992. The wall does appear to be in fair condition but there are areas of missing mortar and vegetation becoming established. Whilst repairs can be like for like, this project is an opportunity to address the maintenance issues that have been allowed to build up and a condition can be added to address this.

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The HIA explains the various alternative locations for the pontoons that have been considered:

- Morfa Quay (Ancient Monument) - not suitable due to height above river and repairs required
- Hafod waterfront area further upstream - conflict with shallow sediment area and conflict with future location of bridge as shown in LDP context plan

This leads to the proposed location fixed to and alongside the Grade II listed river wall.

The proposal is as follows:

- Installation of riverside railings
- Cantilevered bridge head section fixed to stonework with ramp down to pontoons
- Fixing floating pontoon supports into qua wall stonework
- New lighting columns
- Escape ladders

Taking each in turn:

Railings:

For safety reasons the proposal is to install circa 77m of 1.2m high stainless steel railings along the river edge. The west bank of the Tawe is indicated in the Swansea LDP as an active travel route so once fully connected this shared use path will be well used by pedestrian and cyclists. In the meantime the area will be used by those accessing/ egressing boats and general Copperworks visitors and locals. Therefore the railing and life rings are acceptable in principle for safety reasons. The stainless steel finish is acceptable as a clearly contemporary intervention negating the need for painting of black railings.

The railings would be inset from the wall copings, fixing into a modern area of concrete therefore there would be no effect on or contact with historic fabric.

The railings will clearly change the setting/ character of the river wall and this is a positive change that reflects increased public use and a more vibrant place.

Bridgehead section:

The pontoon comprises three elements: a fixed 'bridgehead section at the walkway level, a pivoting ramp that slopes down to the river and can raise and lower with water level, and a series of floating pontoons at river level.

The bridgehead creates a projecting platform at walkway level. This comprises steelwork set into an area of copings and a braced lower structure fixed into the river wall stonework. The connection points are minor and the final detail can be controlled via condition. The loss of a small area of coping which is modern is a minor change. The deck of the bridgehead would be GRP and the railings stainless steel. When not in use the pontoon would be secured via gates at the path level set in the alignment of the proposed railings. Below the bridgehead, a duck platform is proposed as part of the ecological enhancement elements.

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This is welcomed as a clearly contemporary intervention with limited effect on historic fabric. It will change the setting/ character of the river wall and this is positive change that reflects increased public use of the path and river as a more vibrant place.

Pontoons:

At water level the pontoons have two sections - initially at the base of the ramp to allow access onto and from community boats and a further section designed for the launching of rowing boats.

The pontoon would be secured by 4no. vertical stanchions fixed into the river wall stonework. These fixings are a series of plates with circa 0.5m deep anchors to ensure the pontoon does not break away during flood events. It is noted that the drawing annotation states that the final number and design of stanchions is to be confirmed by the contractor so this will need to be flexible via condition. Plus the final detail of fixings into the listed structure can be controlled via condition.

This is welcomed as a clearly contemporary intervention with limited effect on historic fabric. It will change the setting/ character of the river wall and this is positive change that reflects increased public use of the path and river as a more vibrant place.

Path lighting:

The planning application includes new lighting from the existing Copperworks car park to the river and along the railing edge above the pontoon. This is welcomed in principle to encourage safer use of the site in evenings, however there is a lack of detail on column fixings and the implications of a cable trench within an archaeologically sensitive area. Therefore these aspects need to be controlled by condition.

Ladders:

For river safety, the project proposes two new GRP ladders from water level up to the path, this is to allow escape from the river which is not currently possible due to the vertical walls. It is noted that these ladders must be yellow to ensure visibility in an emergency. The fixings into the historic fabric would be minimal and it will change the setting/ character of the river wall which is acceptable to ensure safety with the increased path and river use resulting from the pontoon. Note that flood issues, ecology and river safety are aspects for others to comment on.

Summary

Overall the proposed pontoons, bridgehead and railings are welcomed. Whilst they have limited direct effect on historic fabric, they will be obvious contemporary additions to the waterfrontage as an emerging heritage-led destination. This emphasises the river relationship of the Copperworks, improves interpretation and experience of site, supports increased use of the river and also allows the Grade II quay wall to be seen close up from river level.

Therefore approval is recommended and the LPA should notify the Welsh Ministers via Cadw of the intention to grant listed building consent with conditions to address the following:

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- Maintenance plan for removal of veg and masonry repairs to be agreed before starting any works.
- Fixings of new lighting columns
- Archaeological monitoring of trench for light power cable
- Final details of pontoon stanchions
- Full details of all fixings into masonry

Note that legal advice has been provided indicating that whilst the Listed Building Consent application does not meet the usual trigger for Planning Committee, on the basis that the Council is both the applicant and regulatory body, it cannot be determined via Delegated Powers and instead should be determined by Planning Committee.

Neighbour comments:

The development was advertised on site with a notice dated 1st August 2022 and the application was also advertised in the Press on the 1st August 2022.

Two letters of objection have been received which are summarised below:

- Access to the waterway should be available for everyone
- There has been no public consultation or consultation of other river users
- Paddle boarders, canoes and kayaks also use this area with no safe area to launch
- The Council should be encouraging exercise through a variety of means

Four letters of support and two letters of comment have also been received.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the impact of the proposals on the listed wall having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Impact on listed building

Section 16(2) of the Planning (Conservation Areas and Listed Buildings) Act 1990 sets out the statutory requirement in determining application for listed building consent to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Paragraph 5.13 of TAN 24: The Historic Environment and PPW 11 provides further explanation of the considerations and these are mirrored in Policy HC2 of the Swansea LDP. The Quay wall is also part of the setting of two Ancient Monuments which is also addressed in Policy HC2 of the LDP.

The Hafod Quay wall is part of a group of listed buildings along with the Grade II listed Vivian Engine and Musgrave Engine House which is Grade II* listed and an Ancient Monument. The quay wall is also part of the outlook setting of the White Rock Ancient Monument on the opposite side of the River Tawe.

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The entire Copperworks site is allocated as a strategic development site in the Swansea LDP with the vision for heritage and culture-led mixed use regeneration. The concept plan for this site shows a potential pedestrian and cycle bridge over the River Tawe in the vicinity of the engine houses linking to the White Rock Heritage Park.

The submitted Heritage Impact Assessment (HIA) states that the wall is a revetment wall and was constructed circa 1877. The river wall has types of construction which appear to relate to different buildings on the river edge. The wall appears to be in fair condition but there are areas of missing mortar and vegetation becoming established. Whilst repairs can be like for like, this project is an opportunity to address the maintenance issues that have been allowed to build up and a condition to address this shall be placed on the application.

The HIA has explained the various alternative locations for the pontoon which were considered and discounted. These included Morfa Quay and Hafod waterfront and the justification is accepted.

The proposed development is for the construction of a new pontoon, consisting of: a steel bridgehead platform with GRP mesh decking fixed to the wall; 4no. connected glassfibre concrete deck pontoons which rise up and down, 4no. steel vertical guide columns and a hinged steel bridge with GRP mesh decking linking the two, guardrails and gates to the edge of the quayside and the bridgehead platform of stainless steel; and around the pontoons of galvanised steel, 5m high aluminium lighting columns and safety and rescue aids.

The proposal includes 1.4m high stainless steel railings along the river edge (circa 77m). The railings will be inset from the wall copings and fixed into a modern area of concrete, there would therefore be no contact with the historic fabric of the listed wall. The railings are proposed for safety reasons; the west bank of the River Tawe is an active travel route and once fully connected this path will be used by pedestrians and cyclists. The railings will be stainless steel which should not require maintenance and is considered the preferred option over painted steel.

The pontoon comprises three elements, a fixed bridgehead section at the walkway level, a pivoting ramp that slopes down to the river and can raise and lower with water level, a series of floating pontoons at river level. The access point to the pontoon is the bridgehead platform. This incorporates a deck of GRP mesh, which is approximately 10 metres long, supported off a cantilevered steel grid which is fixed to the quayside and propped off the face of the quay wall. It is considered that the connection points are relatively minor and the final details can be controlled via a condition. There are two sets of gates providing access to the platform - one single gate 1.5m wide, catering to members of the public; and one double gate 5m wide. All four sides of the platform would be guarded by 1.2m high stainless steel railings. The bridgehead platform is a contemporary intervention with a limited effect on the historic fabric of the river wall.

At water level the pontoons will have two sections, at the base of the ramp to allow community boat user access and a section designed for the launching of rowing boats. The pontoon would be secured by 4no. vertical stanchions fixed into the river wall stonework. These fixings are a series of plates with circa 0.5m deep anchors to ensure the pontoon does not break away during flood events. It is noted that the submitted drawing states that final number and design of the stanchions is to be confirmed therefore the final details of these fixings shall be controlled via condition to ensure that they are appropriate.

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The proposal includes new lighting which is welcomed in principle to encourage safer use of the site in evenings, there is however a lack of detail on column fixings and the implications of a cable trench within an archaeologically sensitive area. It is therefore considered appropriate to condition that further detail for these elements is provided.

Given the nature of the proposals and due to health and safety requirements, safety aids are required as are two ladders (at each end of the pontoon). It is noted that the fixing of the ladders to the historic fabric of the wall are minimal and whilst it will change the setting of the river wall, this is considered to be acceptable given the likely increased usage of the path and river resulting from the pontoon and the need to ensure safety is not compromised.

In terms of materials, all railings are either stainless steel or galvanised steel, and not painted steel needing regular re-painting. The surface of the bridgehead platform and bridge are GRP mesh; and the surface of the pontoon is brushed concrete and not timber, so that there is no opportunity to set any material on fire. It is considered that these proposed materials are appropriate for the marine environment and would complement the overall regeneration of the area.

It is clear that the proposals will be contemporary additions to the water frontage and will be read as further redevelopment of the Copperworks. The purpose of the proposals is to provide a location for boats to stop at the Copperworks and further create a heritage led destination, aligning with the overarching aims of the Swansea LDP.

It is considered that the proposals will have a limited impact upon the historic fabric of the river wall and would not conflict with the statutory requirement under Section 16 of the Planning (Conservation Areas and Listed Buildings) Act 1990 to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Other Issues

The site lies within 500m of Scheduled Ancient Monuments (SAM) - White Rock Copper Works, Morfa Bridge and Hafod Copperworks. The proposed pontoon will emphasise the links between the scheduled monuments and the river and be a positive benefit. Therefore it is not considered that the development is likely to have any impact detrimental impact upon the SAMs.

It is noted that objections have been raised with regards to access to the pontoon, it is proposed that community boat users, members of the public and the rowing club would be users of the site. It is also noted that an objection has been raised with regards to the lack of public consultation, in terms of this listed building application, a press notice has been issued and site notices have also been erected to ensure that members of the public are aware of the scheme and have opportunity to comment.

Conclusion

In conclusion it is considered that the proposed development would not conflict with the statutory requirement under Section 16 of the Planning (Conservation Areas and Listed Buildings) Act 1990 to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Approval is therefore recommended.

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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.

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 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:

14.67.200 REV A street lighting design; 2017/L(00)001 REV C proposed site layout plan & elevation; 2017/L(00)101 REV J proposed plan, elevation & section; 2017/L(99)000 site location plan, SK.04 REV P4 guide column details; SK.05 REV P3 bridgehead platform; SK.06 REV P2 bridgehead platform details; and SK.07 REV P1 general arrangement, received 14th July 2022.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No works hereby approved shall take place until a methodology for masonry repairs and the removal of vegetation from the river wall has been submitted to and approved in writing by the Local Planning Authority. The masonry repairs and removal of vegetation shall thereafter be undertaken in strict accordance with the approved methodology.
Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the building under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- 4 No development shall take place until full details of the location and a written scheme of historic environment mitigation programme for the trench for the light power cable to English Heritage Level 2 has been submitted to and approved in writing 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. Within 6 months of the completion of the fieldwork, a report detailing the findings shall be deposited in the Historic Environment Record and West Glamorgan Archive.
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 in accordance with LDP Policy HC1 and HC2.

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5 Notwithstanding the submitted details, prior to commencement of development, full details of the following elements at a scale of 1:10 or 1:20 shall be submitted to and approved in writing by the Local Planning Authority:

- Fixings of new lighting columns
- Fixings into masonry of the river wall
- Number and design of pontoon stanchions

The development shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the interests of protecting the special character and architectural interest and integrity of the listed wall under Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

Informatives

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, HC1, HC2, ER1, ER8, ER9, T1, T2, EU4, RP1, RP2, RP4, RP5 and RP6.

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Ward:

Llansamlet - Area 1

Location:

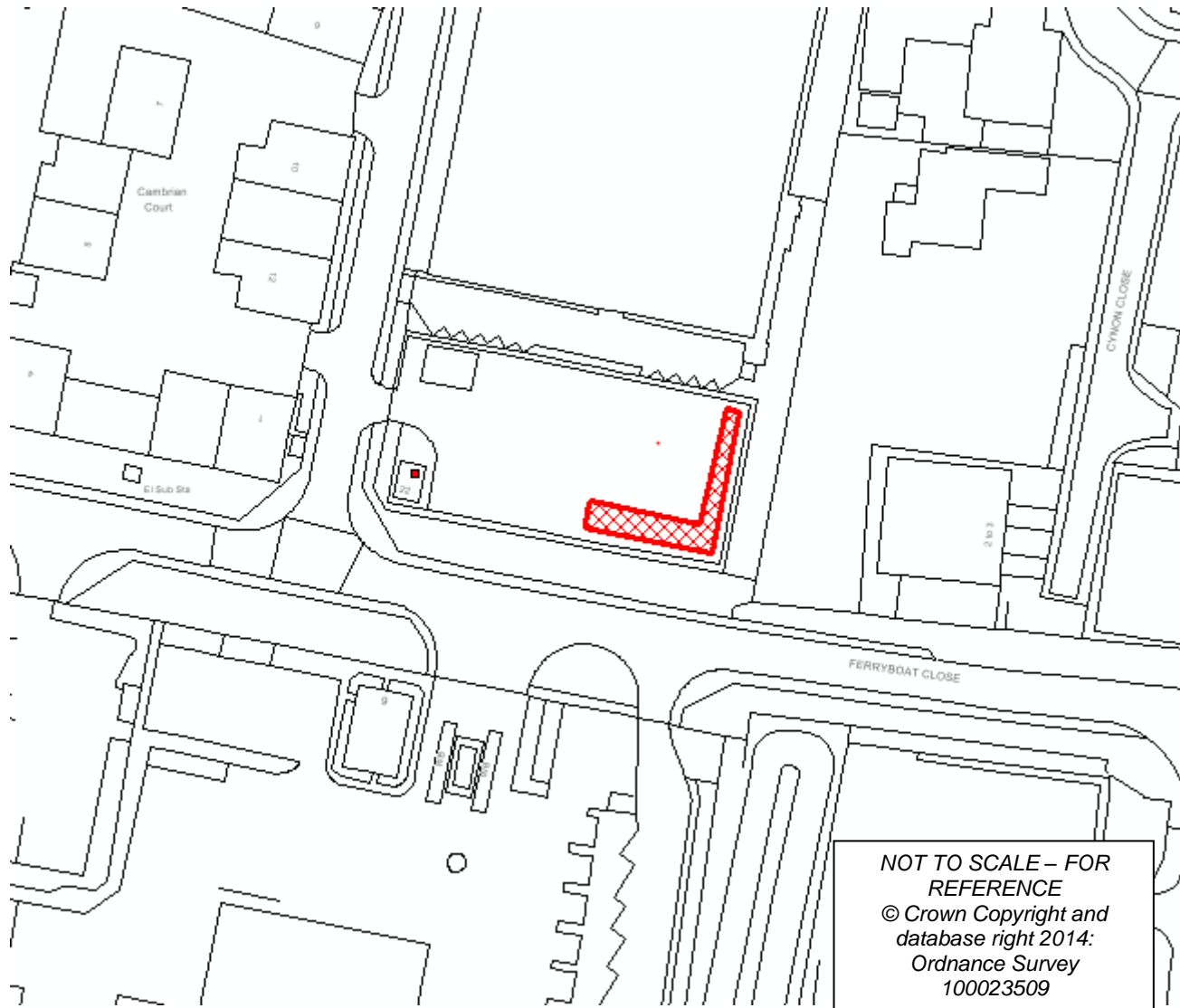
Unit 22 And The Baling Plant, Ferryboat Close, Swansea Enterprise Park, Swansea, SA6 8QN

Proposal:

Construction of storage building for Tip Treasures, workshop, 5 storage containers with canopies and relocation of 10 staff parking spaces

Applicant:

Miss Lisa Richards Swansea Council



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Background

This application is reported to Committee for decision given it is a departure from the Swansea Local Development Plan.

This application was first validated in December 2021 but due to its location within a C1 flood zone, a Flood Consequence Assessment was requested which was submitted to the Local Planning Authority in June 2022.

Site Location

The application sites comprises two separate parcels located within the Swansea Enterprise Park and are surrounded by commercial and industrial uses including the Llansamlet Recycling Centre. One part is located within the existing parking area for Tip Treasures within the waste recycling centre accessed off Ferryboat Close. The second part is located to the north off Ferryboat Close and has a different access of the same road as it curves to the north.

Description of Development

This application seeks full planning permission for the construction of a storage building, workshop, 5 storage containers with adjoining canopies and the relocation of 10 staff car parking spaces. The proposals are split in to two areas of the site, at Tip Treasures car park a storage building will be erected and at Unit 22 a workshop and 5 storage containers with canopies shall be erected. 10 staff car parking spaces will also be incorporated at this site adjacent to the workshop building.

The storage building will be steel framed and measure approximately 17m deep and approximately 5.4m wide and 3.4m to the ridge.

The workshop will be steel framed and measure approximately 9 metres wide and 10 metres deep and 3.9m to the ridge. The storage container adjacent to the workshop will measure 9m deep and 2.3m wide with a flat roof measuring 2.5m in height. Four storage containers will measure approximately 6m deep and 2.3m wide with a flat roof measuring 2.5m in height. There will be three canopies between the four storage containers.

Relevant Planning History

2014/0023 - provision of roof to existing open storage bays - Approved March 2014

2014/0814 provision of roofing to existing open storage bays and roller shutter door to one bay - Approved November 2014.

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.

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Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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

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

Access and Inclusivity

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

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

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.

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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

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.

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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.

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 1 Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

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.

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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.

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

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

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

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

Consultations:

Local Highways Authority:

It appears that an element of staff car parking is being relocated to a site across the road from the existing baling plant to make way for an increase in the footprint of the existing tip treasures site.

That site has an existing gated vehicular access and an established industrial use at unit 22.

If the Highways Authority's interpretation of the proposals is correct then I do not foresee any highway safety issues arising.

On that basis I recommend that no highway objections are raised to the proposal.

Natural Resources Wales (NRW)

We continue to 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.

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Flood Risk

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15. The site is also within the defended zone and zone 3 of Flood Map for Planning.

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 Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the submitted FCA, produced by UNDA, Ref. 91486-SwanseaCn- BalingPlt, May 2022. Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

The FCA correctly identifies that the proposed development is a Low Vulnerable Development located in DAM Zone C1, an area which is defended by flood defences to a standard of protection of 1 in 200years. The FCA is informed using NRW's Fendrod/Bran and Lower Swansea Vale flood models. We confirmed to the client that due to the age of the modelling, the results may be out of date. There is currently new modelling being undertaken but this will not be available until July/August and as such, is the best available data.

During the 1% and 1% plus climate change events the site will not be affected by flooding, therefore complies with A1.14, TAN15.

The Fendrod/Bran model demonstrates that during the 0.1% event the site will not be affected by flooding, therefore complies with A1.15, TAN15.

The Lower Swansea Vale Flood model demonstrates that during the 0.1% event the site will be affected by flooding. Flood depths of approximately 1.76m are expected which does not comply with A1.15, TAN15.

The Lower Swansea Vale Flood model also includes undefended modelled flood data which demonstrates that the area would be at risk of flooding in each flood event, however currently the flood defences have conditions ranging between 1- very good and 3 - fair.

The FCA acknowledges that breaching of and overtopping of flood defences can occur.

The FCA recommends that the finished floor levels of the proposed workshops and storage building are raised 300mm above external ground level and flood resistant/resilient materials and design features are incorporated. We would support this recommendation. It also recommends considering the use of demountable flood defence barriers to defend ground level doorways and low windows. It is also recommended that storage units/containers are securely anchored to concrete hard standing, which we support.

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Access and egress to the site is compromised during the 0.1% flood event (Lower Swansea Vale Flood Model), with the flood depth exceeding max flood depths detailed in A1.15, TAN15. The applicant has agreed to implement a Flood Warning and Evacuation Plan post development and subscribe to NRW's Flood Warning Service. Access and egress is a matter for your Authority to consider.

The FCA doesn't fully address the impact of the development on third parties. The floodplain storage section acknowledges that new development behind flood defences can increase the residual risk of flooding if the flood defences are breached or overtopped by changing the conveyance of the flow paths or by displacing flood water elsewhere. It states that if the potential impact on residential risk is unacceptable then mitigation should be provided. Furthermore, the site is not at risk of flooding in the modelled 1% plus climate change events, as such there will be no unacceptable loss of flood storage.

We therefore leave it to your Authority to decide on whether or not you require and assessment of the potential effect of flood risk to third parties during any 0.1%, breaching or overtopping events.

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 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.

Environmental Permit

Waste activities at the site are controlled under The Environmental Permitting (England and Wales) Regulations 2016. We understand this activity does not form part of the current permitted activity at the Baling Plant. If this development were to impact waste activities (i.e. waste activities had to move because of this development) then permitted activities must continue to comply with the environmental permit.

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.

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.

Local Drainage Authority

We do not have any comments on this application and in this rare instance do not consider that SuDS approval is required.

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Pollution Control

We have no comment on the above application, unless the ground is disturbed as it might open up some contaminated land issues.

Neighbour comments:

A site notice was posted within the vicinity of the site on 15th December 2021.

A subsequent Press Notice was advertised on 27th July 2022 given the proposal is considered a departure application.

No representations have been received to date.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the impact of the proposed development on visual and residential amenity, highway safety, flooding and drainage, having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The application site is located within the settlement limits of Llansamlet. The application site is also located within the Swansea Enterprise Park and is currently used as a reuse shop known as Tip Treasures.

Visual and Residential Amenity

Tip Treasures is a reuse shop located within the vicinity of Llansamlet Recycling Centre. All items for sale in Tip Treasures have been diverted from the waste stream, significantly reducing the amount of waste sent to landfill. The proposed storage containers and workshop will be used for excess stock, presently there is more stock than space within the shop itself and items which can be sold are being disposed of rather than re-sold. The storage containers and workshop will allow more items to be stored and diverted from the waste stream. The proposed development will allow for the expansion of Tip Treasures.

There are two locations to this application, at Tip Treasures car park and at Unit 22 Baling Plant, although it should be noted that both these locations are presently used by Tip Treasures. The workshop and storage containers with associated canopies will be located at Unit 22. The larger storage building will be located within the existing Tip Treasures staff car park.

All the proposed buildings are single storey and will appear as industrial buildings within this predominantly industrial area. It is not therefore considered that the introduction of these buildings in this location would have an adverse impact upon the

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Given the location of the site within an entirely commercial/industrial area, it is not considered that any issues with regards to residential amenity shall arise from the proposed development.

Highway Safety

It is not considered that the proposal would have a detrimental impact upon highway safety or car parking. The car parking provision for the overall site will be retained and the Local Highway Authority raises no objection to the proposals. However it is considered appropriate to condition that a car parking plan be submitted indicating the exact location of the 10 staff car parking spaces.

Land Contamination

The application site is located within an area of historic contaminated land, however as no below ground works are proposed, it is not considered that land contamination would pose an issue. NRW and the Council's Pollution Control department raise no objections in this regard.

Drainage and Flooding

Policy ER 1 seeks to mitigate the effects of climate change and Policy RP 5 also seeks to avoid flood risk. 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.

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.

It is considered with due regard to the above that the development will contribute to key employment objectives as described in Policies PS2 and PS4 of the Swansea LDP. In this instance, it is considered that the proposal clearly accords with criteria (ii) in that it is within a key employment area.

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In terms of criterion (iii), the proposal generally complies with the aims of PPW and is located on an area currently hard surfaced and used for storage and parking of vehicles. 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 considered to comply with criterion (iii).

The submitted FCA has determined that during the 1% and 1% plus climate change events the site will not be affected by flooding, therefore complies with TAN15. The Fendrod/Bran model demonstrates that during the 0.1% event the site will not be affected by flooding and therefore complies with TAN15.

The Lower Swansea Vale Flood model demonstrates that during the 0.1% event the site will be affected by flooding. Flood depths of approximately 1.76m are expected which does not comply with A1.15 of TAN15.

However, the Lower Swansea Vale Flood model also includes undefended modelled flood data which demonstrates that the area would be at risk of flooding in each flood event should overtopping occur, however currently the flood defences have conditions ranging between 1 - very good and 3 - fair. The FCA acknowledges that breaching of and overtopping of flood defences can occur.

The FCA recommends that the finished floor levels of the proposed workshops and storage building are raised 300mm above external ground level and flood resistant/resilient materials and design features are incorporated. It also recommends considering the use of demountable flood defence barriers to defend ground level doorways and low windows. It is also recommended that storage units/containers are securely anchored to concrete hard standing,

The FCA notes that access and egress to the site is compromised during the 0.1% flood event (Lower Swansea Vale Flood Model), with the flood depth exceeding max flood depths detailed in A1.15, TAN15. The applicant has agreed to implement a Flood Warning and Evacuation Plan post development and subscribe to NRW's Flood Warning Service.

Whilst it is recognised that the proposal does not meet all of the criteria of TAN 15 in that it could flood during a 0.1% fluvial flood event (according to one model if the defences overtop), the development is for the relocation of car parking spaces, storage containers and a workshop on areas of existing hardstanding and which will retain the current site level to ensure flooding is not increased elsewhere. Whilst the buildings themselves would take up some flood storage volume, there are already buildings and containers on site and more could be brought onto the site which would have to be removed to facilitate the use so within this context, any impact on 3rd parties is not considered to be significant given what could be undertaken lawfully at the sites in terms of the stationing of refuse containers).

The existing development is at risk of this type of flooding presently, the proposed development is not intended to be flood free, the internal finished floor levels of the proposed buildings are to be raised 300mm above external ground level and flood resistant/resilient materials and design features are incorporated.

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It should also be highlighted that the site is on existing hard-standing, there will be no increase in impermeable area. It should also be noted that the 0.1% fluvial flood event (1 in 1000 years) is very unlikely and given the context of the proposal, for less vulnerable development, on balance the risk of flooding is acceptable in this particular instance for these set of circumstances.

The application is being reported to Planning Committee as the application of TAN 15 is closely linked to the LDP policies and as the proposal does not comply with the tolerable conditions for the 0.1% event (according to one model), the Flood Consequences Assessment are not met in their entirety.

However, this technical breach needs to be considered in the planning balance. TAN 15 acknowledges that some flexibility is required in existing commercial areas at risk of flooding. In this instance, it is important to note that the development would not significantly increase flood risk elsewhere and the site meets the tolerable threshold for the 1% event + Climate Change. The development proposes within the flood zone and there is an inherent risk already. Refusing this application would not allow Tip Treasures to expand and would likely result in more waste entering the waste stream which could otherwise be re-sold. The Enterprise Park has a commercial focus and given the economic benefits of the proposal (and reduction of landfill), a degree of pragmatism is considered appropriate and the benefits of sustaining this business, and the overall enterprise park itself, are considered to have more weight in the balancing exercise. This approach is consistent with other applications considered in the enterprise park and there are flood warnings in place.

In conclusion, the proposal is considered to be a less vulnerable development and on balance, having regard to the findings of the FCA, the impact of flooding is considered acceptable in this location.

Ecology

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application.

Conclusion

In conclusion, and in the planning balance, it is considered that the proposal represents an acceptable form of development at this location. It is not considered that the proposed development would give rise to any significant concerns with regards to visual and residential amenity and highway safety. In respect of flooding it is considered that at the present time and having regard to all material considerations, it is acceptable on balance. Approval is recommended.

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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.

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:

Workshop Elevations and Details, Tip Treasures Storage Building Plan, received 4th November 2021.

20' Standard Container, 30' Standard Container, received 9th November 2021.

Canopy Details, received 23rd November 2021.

Baling Plant Location Plan, Tip Treasures Block Plan, received 6th December 2021.

Unit 22 Block Plan, received 13th December 2021.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development, 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).
- 4 Prior to the commencement of the development hereby approved, and notwithstanding the details submitted to date, a plan clearly indicating the 10 replacement car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The car parking spaces shall be a minimum of 4.8m by 2.6m. The approved car parking layout shall thereafter be clearly demarcated on the ground prior to the first beneficial occupation of the development hereby approved 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.

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- 5 The finished floor level of the storage buildings and workshop shall be raised 300mm above external ground level and shall be securely anchored to the concrete hardstanding prior to their first beneficial occupation and retained as such thereafter for the lifetime of the development.

Reason: To reduce the impact of any flooding events in accordance with the submitted Flood Consequences Assessment.

Informatives

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, ER1, ER8, ER9, T6, RP4 and RP5.

- 2 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.
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