



CITY AND COUNTY OF SWANSEA

TOWN AND COUNTRY PLANNING ACT 1990-2004

GRANT OF PLANNING PERMISSION

TO:
Mr James Blythe
JBA Consulting
Floor 4
Maybrook House
31/35 Grainger Street
Newcastle upon Tyne
NE1 1LE

Appendix 2

DATE VALID: 14.12.2021
APPLICATION NO: 2021/3149/FUL
APPLICANT: Mr David Hughes

The CITY AND COUNTY OF SWANSEA, in exercise of its powers under the above ACT, hereby GRANTS planning permission for:

| SITE LOCATION: | PROPOSAL: |
|---|--|
| Mumbles Promenade And Sea Wall Mumbles Swansea | Construction of coastal flood defence scheme along existing sea wall / revetment, including works to the promenade to allow footpath/ cycleway widening, public realm improvements including hard / soft landscaping and rationalisation of car parking |

as referred to in your application and shown on the accompanying plan(s), subject to the following condition(s):-

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:

CH1101-AMEY-LLO-XX-DR-CH-0101 rev P01 Site Location and Land Ownership Plan; CH1101-AMEY-HGN-XX-DR-CH-0102 Rev P01.1 General Arrangement Plan; CH1101-AMEY-HGN-XX-DR-CH-0106-S2-P01 - General Arrangement Plan; CH1101-AMEY-HGN-XX-DR-CH-0107-S2-P01 - Typical Sections (Site 1); CH1101-AMEY-HGN-XX-DR-CH-0108-S2-P01 - Typical Sections (Site 2); CH1101-AMEY-HGN-XX-DR-CH-0109-S2-P01 - Typical Sections (Site 3); CH1101-AMEY-HGN-XX-DR-CH-0110-S2-P01 - Typical Sections (Site 4); CH1101-LDA-ELS-XX-DR-LS-001000-S2-P01 - Illustrative General Arrangement Locator Plan; CH1101-LDA-ELS-XX-DR-LS-001001-S2-P01 - Illustrative General Arrangement Plan (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-001002-S2-P01 - Illustrative General Arrangement Plan (Sheet 2); CH1101-LDA-ELS-XX-DR-LS-001003-S2-P01 - Illustrative General Arrangement Plan (Sheet 3); CH1101-LDA-ELS-XX-DR-LS-001004-S2-P01 - Illustrative General Arrangement Plan (Sheet 4); CH1101-LDA-ELS-XX-DR-LS-001020-S2-P01 - Hardworks Layout Plan (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-001021-S2-P01 - Hardworks Layout Plan (Sheet 2); CH1101-LDA-ELS-XX-DR-LS-001022-S2-P01 - Hardworks Layout Plan (Sheet 3); CH1101-LDA-ELS-XX-DR-LS-001023-S2-P01 - Hardworks Layout Plan (Sheet 4);

CH1101-LDA-ELS-XX-DR-LS-001040-S2-P01 - Softworks Layout Plan (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-001041-S2-P01 - Softworks Layout Plan (Sheet 2); CH1101-LDA-ELS-XX-DR-LS-001042-S2-P01 - -Softworks Layout Plan (Sheet 3); CH1101-LDA-ELS-XX-DR-LS-001043-S2-P01 - Softworks Layout Plan (Sheet 4); CH1101-LDA-ELS-XX-DR-LS-003000-S2-P01 - Landscape Sections (Sheet 1); CH1101-LDA-ELS-XX-DR-LS-003001-S2-P01- Landscape Sections (Sheet 2) - plans received 14 December, 2021.

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

- 3 Prior to the commencement of development, full details of a scheme for the structural protection of the public sewers and watermain, to include the precise location of the sewers and watermain in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Any physical protection measures shall be implemented in accordance with the approved details prior to the commencement of development. All temporary physical protection measures shall be retained thereafter for the duration of the construction works and any permanent physical protection measures shall be retained for the lifetime of the development.
Reason: To ensure that the proposed development does not affect the integrity of the public sewerage and water supply system in the interests of public health and safety.
- 4 No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the public sewers and watermain crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.
Reason: To ensure that the proposed development does not affect the integrity of the public sewerage and water supply system in the interests of public health and safety.
- 5 Notwithstanding the details indicated in the Green Infrastructure Strategy and the application, a fully detailed scheme of hard and soft landscaping of the green infrastructure including the species, spacings and height when planted of all new planting shall be submitted to the Local Planning Authority prior to the development of the superstructure. 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.
- 6 Notwithstanding the details indicated in the application, a fully detailed scheme of hard landscaping of the public realm area including external surfaces, street furniture, lighting, security measures, vehicle and pedestrian access and circulation, planting and surface water drainage infrastructure shall be submitted to the Local Planning Authority prior to the development of the superstructure works.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and to enhance the character and appearance of the area.
- 7 Prior to the completion of the development, the proposed management strategy for the future management and maintenance of the development including all areas of public realm, external space and soft landscaping within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.
Reason: To ensure that the public realm and landscaped areas are subject to a future management and maintenance agreement to ensure that they are adequately maintained.

8 Prior to any piling operations being carried out, detailed plans of any piling operations to be carried out within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring properties and the piling or other foundation designs using penetrative methods will only be allowed for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To ensure that a statutory nuisance does not for neighbouring premises and in order to assess potential for pollution of controlled waters from inappropriate methods of piling.

9 No works shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with that outlined in 'Written Scheme of Investigation for Building Recording: Mumbles Sea Front' (JBA Consulting report no. SP-HE-0001-S4-P03, dated December 2021).

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact.

10 No development shall take place until a programme of archaeological work in accordance with that out-lined in 'Written Scheme of Investigation for a Programme of Archaeological Mitigation: Mumbles Sea Front' (JBA Consulting report no. SP-HE-0002-S4-P03, dated December 2021) has been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

11 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

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

12 No development or phase of development, shall commence until a site wide, final version of a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Updates to the CEMP 3.0 should include:

- Further information regarding Protected bird species, this should include a working method statement which minimises disturbance to feeding and roosting birds with the Blackpill SSSI
- Further detail in the Biosecurity Risk assessment especially in respect of Marine Species.
- Pollution prevention: dirty water treatment facilities from the start of the project to deal with all contaminated surface water and water pumped out from within working areas. Management of suspended solids.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.

Reason: In order to reduce the impact on migratory birds (including Sanderling, Ringed Plovers and Oystercatchers) and to avoid damaging the features for which the Blackpill SSSI is of special interest.

- 13 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees to be retained. The approved scheme shall thereafter be carried out during the demolition of the buildings and throughout the course of the development.
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area.
- 14 Prior to commencement of development, details of the proposed access works to the highway and the detailed design of the proposed parking spaces, shall be submitted to and approved in writing by the local planning authority. All works relating to the highway and parking shall be adhere to full technical approval and assessment and full stages of road safety audit, and shall be constructed in accordance with the approved details.
Reason: In the interests of highway safety
- 15 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).
- 16 No development shall commence (excluding demolition, excavation, site preparation and enabling works) until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of any respective phase of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public foul sewerage system.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

Informatives:

Please view plans on City & County of Swansea website <http://property.swansea.gov.uk>

- 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: [Future Wales - Policy 8, LDP Policies PS2, HC1, HC2, ER1, ER2, ER9, T1, T2, T5, T6, T7, RP5]
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

3 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 is 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.

4 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.

5 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.

6 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

Dust Control

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

The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

DATED: 12th April 2022

P J J Holmes

**PHIL HOLMES
HEAD OF PLANNING & CITY REGENERATION**

PLEASE NOTE: Your attention is drawn to the attached notes which explain, amongst other things, your right of appeal against this decision.

THE APPLICANT'S ATTENTION IS DRAWN TO THE NOTES BELOW

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to refuse to grant a Certificate of Lawful Use or Lawful Proposed Use, or to grant permission or approval subject to conditions, he may appeal to the Welsh Ministers in accordance with Sections 78(1) and Section 195/196 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

Appeals must be made within a prescribed time period. For 'Householder Appeals' and 'Minor Commercial Appeals' validated from 22nd June 2015 onwards, the prescribed period is 12 weeks from the date of this notice. For all other planning appeals, the prescribed period is 6 months from the date of this notice. The definitions of 'Householder' and 'Minor Commercial' applications are available to view at the following website: <http://www.assembly.wales/laid%20documents/sub-ld10212/sub-ld10212-e.pdf>.

Appeals can be made via the portal using the following link:
<https://www.gov.uk/government/organisations/planning-inspectorate>

Or, on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, email wales@planninginspectorate.gov.uk

Further information on the appeals process is also available on the website:
<https://gov.wales/planning-appeals>

The Welsh Ministers can allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Welsh Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. The Welsh Ministers do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.

2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Ministers, and the owner of the land claims that the land has become incapable or reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990. (The local planning authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Ministers.)
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Welsh Ministers on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are out in Section 114 of the Town and Country Planning Act 1990.
4. Further correspondence regarding this application should bear the reference number quoted on the top of the form.