



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

## Pwyllgor Cynllunio

**Lleoliad:** Siambr y Cyngor, Neuadd y Ddinas, Abertawe

**Dyddiad:** Dydd Mawrth, 6 Tachwedd 2018

**Amser:** 2.00 pm

**Cadeirydd:** Cynghorydd Paul Lloyd

**Aelodaeth:**

Cynghorwyr: C Anderson, P M Black, L S Gibbard, M H Jones, M B Lewis,  
R D Lewis, P B Smith, A H Stevens, D W W Thomas, L J Tyler-Lloyd a/ac T M White

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### Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.  
[www.abertawe.gov.uk/DatgeliadauBuddiannau](http://www.abertawe.gov.uk/DatgeliadauBuddiannau)
- 3 **Cofnodion.** 1 - 5  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir
- 4 Eitemau i'w gohirio/tynnu'n ôl.
- 5 **Gorchymyn Cadw Coed Dros Dro GCC 648 - Tir i'r gorllewin o Ffordd George Manning, Tre-gwyr, Abertawe (2018).** 6 - 24
- 6 **Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** 25 - 101
- 7 **Cais cynllunio 2018/1023/FUL-plot A, Heol Y Brenin, Abertawe, SA1 8PH.** 102 - 138
- 8 **Adroddiad Perfformiad Blynyddol Cynllunio - 2017-18.** 139 - 197

**Cyfarfod Nesaf:** Dydd Mawrth, 4 Rhagfyr 2018 ar 2.00 pm

*Huw Evans*

**Huw Evans**  
**Pennaeth Gwasanaethau Democrataidd**  
**Dydd Mawrth, 30 Hydref 2018**

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**Cyswllt: Gwasanaethau Democrataidd - 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 2 October 2018 at 2.00 pm

**Present:** Councillor P Lloyd (Chair) Presided

**Councillor(s)**

C Anderson  
R D Lewis  
D W W Thomas

**Councillor(s)**

L S Gibbard  
P B Smith  
L J Tyler-Lloyd

**Councillor(s)**

M B Lewis  
A H Stevens  
T M White

**Apologies for Absence**

Councillor(s): P M Black and M H Jones

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### 27 **Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor R D Lewis – Personal – Minute No.30 – Item 3 – Planning Application 2018/1743/S73 – I know the owner.

Councillor P Lloyd – Personal – Minute No.30 – Item 4 – Planning Application 2018/1204/S73 – I know the applicant.

### 28 **Minutes.**

**Resolved** that the Minutes of the Planning Committee held on 4 September 2018 be approved and signed as a correct record.

### 29 **Items for Deferral/Withdrawal.**

None.

### 30 **Determination of Planning Applications under the Town & Country Planning Act 1990.**

A series of planning applications were presented on behalf of the Head of Planning & City Regeneration.

Amendments/updates to this schedule were reported and are indicated below by (#)

**Resolved that:** -

1) the undermentioned planning applications **Be Approved** subject to the conditions in the report and/or indicated below(#):

**# (Item 1) Planning Application 2018/1648/RES – Approval of reserved matters (access, appearance, landscaping, layout and scale) for Phase 1 of Swansea Central, including: Development Zones 3, 4a and 4b and part of Development Zone 4c and 5 of outline planning permission 2017/0648/OUT, pursuant to Condition 3, comprising details of the: Arena (Use Class D2/A3) extending to 30m in height, and associated ground and first floor level car parking, servicing areas; Podium level public park with kiosk (Use Class A1/A3); Replacement bridge over Oystermouth Road; Mixed use block extending to 28.5m, comprising multi storey car park, new commercial floorspace (use Class A3/B1/D1) and residential flats (Use Class C3) to the north of Oystermouth Road; and associated ground level public realm improvements; approval of details pursuant to Condition 6 (landscaping strategy), Condition 8 (levels), Condition 9 (external finishes), Condition 11 (wind mitigation), Condition 21 (surface water drainage), and Condition 36 (ecological enhancement measures) at Swansea Central (Former St David's Centre and Land North and South of Oystermouth Rd)- Phase 1 Comprising: LC Car Park and Surrounding Public Realm, Former GWR Revetment Wall, Oystermouth Rd, Albert Row and Part of St Mary Surface Car Park**

A visual presentation was provided.

Glenn Morley (architect) addressed the Committee.

Report updated as follows:

Typographical error on page 66 – third paragraph should read: There are **no** Tree Preservation Orders.

Conditions 2,3,5 & 6 amended as follows:

Condition 2:

Notwithstanding the details indicated in the application, samples of all external finishes for each phase of this Phase 1 reserved matters development and public realm together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels shall be erected on site and the development shall be completed in accordance with the approved scheme.

Reason: In the interests of visual amenity.

Condition 3:

Prior to the commencement of any superstructure works for each phase of this Phase 1 reserved matters development, large scale details of architectural elements to all buildings at an appropriate scale shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

Condition 5:

Notwithstanding the details in the application, details of the digital LED skin to the Arena to confirm final distribution of lighting and operation shall be submitted to and approved in writing by the commencement of its superstructure works. The development shall be completed in accordance with the approved scheme.

Reason: In the interests of visual amenity.

Condition 6:

Notwithstanding the details shown on the landscaping scheme, no works shall commence on the implementation of the landscape phase until the precise details scheme for the hard and soft landscaping / public realm / public art / wayfinding / lighting and heritage interpretation of the site have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out as an integral part of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

**# (Item 3) Planning Application 2018/1743/S73 - Demolition of existing buildings on site and the construction of a purpose built student accommodation building between 6, 8 & 17 storeys (780 bedrooms comprising 170 studios & 610 cluster units) with ancillary communal facilities/services, 3 no. ground floor commercial units (Classes A1 (retail), A2 (Financial/Professional), A3 (Food and Drink), B1 (Business), D1 (non-residential institution), and D2 (Assembly/Leisure), car parking/servicing area, associated engineering, drainage, infrastructure and landscaping works - Section 73 application to vary Condition 2 (Plans), Condition 5 (External Finishes), Condition 6 (Details), Condition 10 (Superstructure Works), 13 (Landscaping), 14 (Archaeology), 20 (Drainage) of planning permission 2016/0556 granted 5th May 2017 at Mariner Street Car Park, 2-3 Mariner Street, 59-60 and 63-64 High Street, Swansea**

A visual presentation was provided.

Michael Lampard (architect) addressed the Committee.

Councillor R Francis-Davies (Cabinet Member for Investment, Regeneration & Tourism) addressed the Committee and spoke in support of the application.

Report updated as follows:

Late correspondence from Design Commission for Wales reported.

**# (Item 4) Planning Application 2018/1204/S73 - Residential development with construction of new vehicular access off Nantong Way (outline) without complying with condition 15 (new access off Nantong Way) of Section 73 planning permission 2014/1189 granted 22nd October 2015 (to extend the trigger to construct the Nantong Way access prior to the occupation of the**

**111th dwelling house) at Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea**

Application **Approved** in accordance with recommendation, subject to the applicant being advised that notwithstanding the decision on this application, an application for a Deed of Variation of the S106 agreement is required to ensure compliance with the requirements of the original S106 agreement.

**# (Item 5) Planning Application 2018/1771/FUL - Change of use from dwellinghouse (Class C3) to HMO for 4 persons (Class C4) and single storey rear extension at 35 Balaclava Street, St Thomas, Swansea**

Dave Gill (agent) addressed the Committee.

The Chair read out an e mail from Councillor Joe Hale (Local Member) as he was unable to attend the meeting, outlining his objections to the application.

2) the undermentioned planning application **Be Referred to Welsh Government** with a recommendation of approval subject to the conditions outlined in the report (#):

**# (Item 2) Planning Application 2018/1823/LBC - Works to the Grade II Listed GWR revetment wall including the substantial removal of existing embankment and construction of new structural retaining wall and works to the tunnels in association with the development of Swansea Central Phase 1 within its curtilage (application for Listed Building Consent) at Former GWR Revetment Wall Located Along the Southern Boundary of Swansea Central - Phase 1**

A visual presentation was provided.

Glenn Morley (architect) addressed the Committee.

Report updated as follows:  
Late letter of objection reported.

**31 Abergelli Power Limited (APL) - Gas Fired Power Station (ref: 2018/1289/DCO)..**

The Chair stated that pursuant to paragraph 100B(4)(b) of the Local Government Act 1972, he considered that the report of the Head of Planning & City Regeneration on Abergelli Power Limited (APL) - Gas Fired Power Station should be considered at this meeting as a matter of urgency.

**Reason for Urgency**

The Council Constitution states that Planning Committee have the delegated authority to submit a Local Impact Report, agree a Statement of Common Ground and submit Written Representations on an application for a Development Consent Order(DCO). The Council has recently been advised of the DCO timetable for the submission of the aforementioned documents which have provisionally been

requested by 31 October 2018, which is before November Planning Committee. As these submissions have not been completed, Officers would not have the relevant delegated authority to meet these timescales. An urgent decision is required to enable the Council to formally respond within the relevant timeframes if the Examining Authority do not extend the deadline for the submission of these documents.

The Head of Planning & City Regeneration presented a report which provided an update on the APL submission for Development Consent Order for a gas fired power station at Felindre.

The background details and proposals for the scheme were outlined in the report.

**Resolved** that

1) delegated powers be granted to officers to submit a Local Impact Report and a Statement of Common Ground.

2) no further written representations be provided on this proposal.

The meeting ended at 3.20 pm

**Chair**

# Agenda Item 5

## Report of the Head of Planning and City Regeneration

### To Planning Committee

6th November 2018

#### Provisional Tree Preservation Order TPO 648

#### Land to the West of George Manning Way, Gowerton, Swansea (2018)

**To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 648: Land to the West of George Manning Way, Gowerton, Swansea (2018)**

**Recommendation:**

**That the Tree Preservation Order: Land to the West of George Manning Way, Gowerton, Swansea (2018), be confirmed without modification.**

**For Decision**

#### 1. Introduction

- 1.1 The provisional Order was served on 25<sup>th</sup> April 2018.
- 1.2 The order was made following a report of trees being damaged on a planning application site.
- 1.3 Minimal damage to the trees on site had occurred, however site investigations had taken place.

#### 2. Objections and Representations

- 2.1 One letter of objection was received from WYG on behalf of Coastal Housing Group within the statutory period of consultation. No letters of support have been received.
- 2.2 The reasons for the objection are summarised below:
  - a) WYG questions whether the serving of the Order is expedient in the interests of amenity. The objection refers to the tree report submitted with the planning application and the categorisation of the trees on site being predominantly category C or D. It is also noted that none of the trees were previously protected.
  - b) The objection also states that no evidence of intent to damage or harm trees has been demonstrated.
  - c) The final part of the objection is that it will merely stall progress on the current planning application and that no concerns have been raised by the Tree Officer to the submitted proposals.



### 3 Appraisal

- 3.1 A letter was sent to WYG to address their objections and explain the TPO more fully. The objection was not withdrawn following receipt of this additional correspondence.
- 3.2 a) The tree report supplied with the planning application has categorised the trees on site and shown their positions on a site plan. The survey is not in accordance with the British Standard BS5837:2012 and the categorisation of trees is not consistent with the guidance therein. In several cases, trees have been categorised as U (not suitable for retention) where they do not qualify under that category. However, the survey does provide an overview of the tree stock. 'Category D trees' are not listed within the Standard.
- 3.2.1 The trees were not previously protected, as they have not been at risk. The proposed development, if approved will place pressure on any retained trees. For this reason alone, it makes it expedient to confirm the TPO, notwithstanding the risk to the trees during the construction phase.
- 3.2.2 The site layout has not been agreed, negative comments were made by the Tree Officer over impacts to the trees of the proposed development.
- 3.3 b) WYG admit that a tree suffered damage during the site investigations contradicting their objection based on that no trees were damaged during this process.
- 3.4 c) There is no reason the TPO will stall the current planning application; trees are considered in the planning process on their quality not if they are protected or not. That said the layout that was current at the time of the objection, A101 RevC, showed that no existing trees would be retained.
- 3.4.1 The Tree Officer provided the following comments listing several concerns. These are available on the public access section of our planning search function. They read: *"A tree survey has been supplied that has categorised the trees on site and shown their positions on a site plan. The survey is not in accordance with BS5837:2012 and the categorisation of trees is not consistent with the guidance in the Standard. In several cases, trees have been categorised as U where they do not qualify under that category. However, the survey does provide an overview of the tree stock. The first site layout had a very poor relationship to the retained trees; this has been improved with the amended layout, drawing number A101. However, the layout does not include the tree constraints so the finer relationship to the trees cannot be assessed. A development of this size and with the proximity to important trees requires an arboricultural impact assessment to be submitted so the sustainability of the juxtaposition of development to the trees can be assessed. Trees around the access are generally in poor condition and the categorisation of these are accurate. However, the oak T73 is under categorised and it is not clear if this tree is to be retained or removed."* These concerns were raised prior to making the TPO.
- 3.5 Ideally area TPOs should not be confirmed due to potential future problems with identifying the protected trees. The letter sent to WYG requested the detailed plan of the tree locations that they have surveyed to enable the TPO to be confirmed with modification, identifying the trees as individuals and groups. As this information has not been forthcoming nor is the site layout

agreed the TPO can only be confirmed as an area order and varied in future when the layout is agreed.

#### **4. Recommendation**

That the Tree Preservation Order: TPO 648 Land to the West of George Manning Way, Gowerton, Swansea (2018), be confirmed without modification.

**Contact Officer:** Alan Webster  
**Extension No:** 5724

**CITY & COUNTY OF SWANSEA**

**DINAS A SIR ABERTAWE**

**TOWN & COUNTY PLANNING ACT  
1990  
SECTIONS 198 & 201**

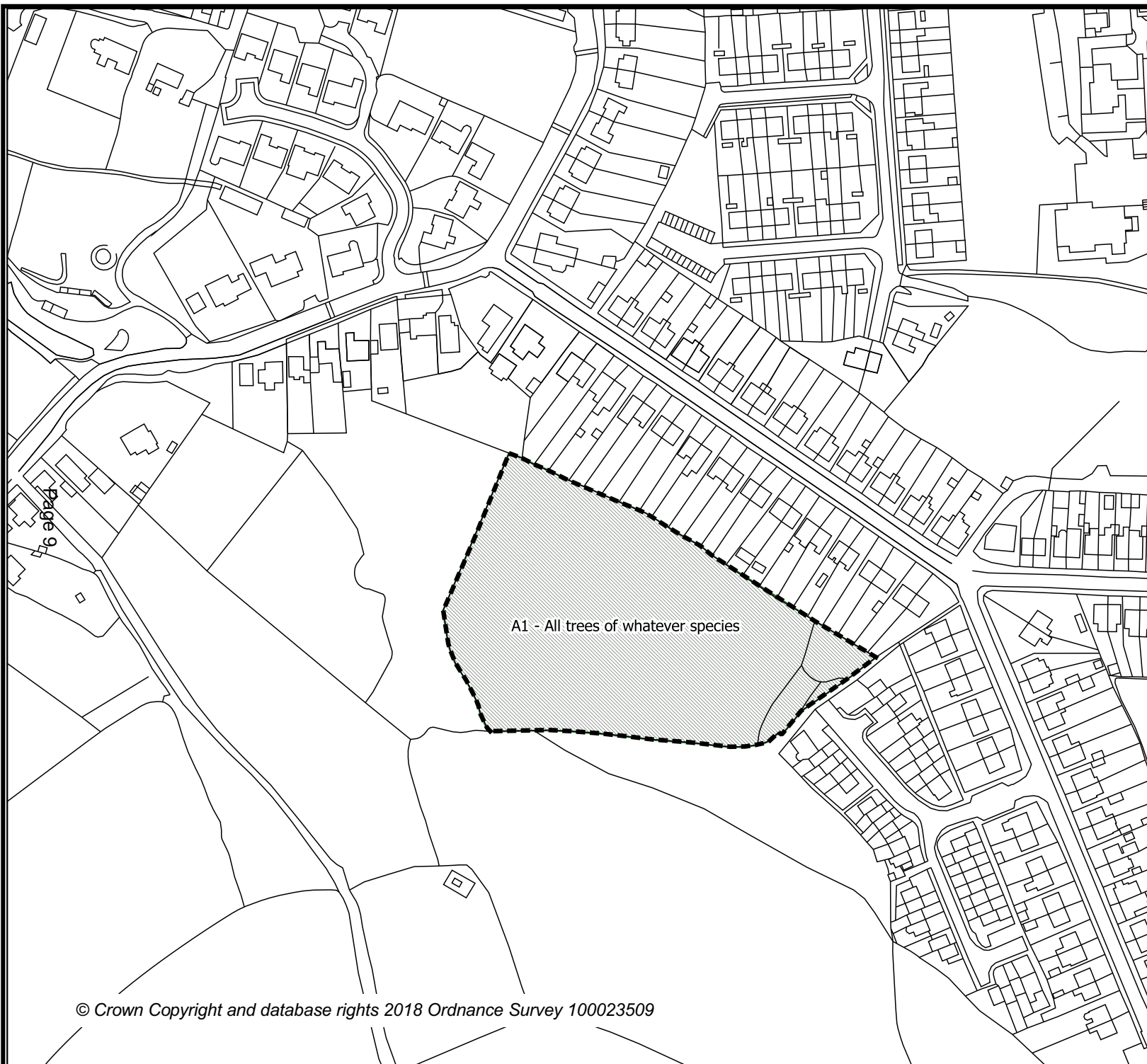
**TOWN & COUNTY PLANNING  
(TREES) REGULATIONS 1999**

**LAND TO THE WEST OF GEORGE  
MANNING WAY, GOWERTON,  
SWANSEA. (2018)**

**ORDER NO. TPO 648**

**DATE: 25 APRIL 2018**

**Phil Holmes**  
**BSc (Hons), MSC, Dip Econ**  
**Head of Planning and City Regeneration**



**Town and Country Planning Act 1990  
Town and Country Planning (Trees) Regulations 1999**

**TPO 648. Land To The West Of George Manning Way, Gowerton,  
Swansea. (2018)**

**The COUNCIL OF THE CITY AND COUNTY OF SWANSEA**

in exercise of the powers conferred on them by sections 198 and 201<sup>(a)</sup> of the Town and Country Planning Act 1990<sup>(b)</sup> hereby make the following Order—

**Citation**

1. This Order may be cited as, Land To The West Of George Manning Way, Gowerton, Swansea. (2018)

**Interpretation**

2. In this Order “the authority” means the Council of the City and County of Swansea and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3. The authority hereby direct that section 201 (provisional tree preservation orders)<sup>©</sup> shall apply to this Order and, accordingly, this Order shall take effect provisionally on

*25<sup>th</sup> April 2018*

**Prohibited acts in relation to trees**

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

**Exemptions**

5.—(1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land<sup>(d)</sup> of the statutory undertaker and the work is necessary—
  - (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(a) 1991 c.59, see section 72

(b) 1989 c.29.

(c) 1986 c.31.

- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991<sup>(a)</sup>; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989<sup>(b)</sup>.

(2) In paragraph (1), "statutory undertaker" means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986)<sup>(c)</sup>,
- the holder of a licence under section 6 of the Electricity Act 1989,

(a) 1991 c.59, see section 72

(b) 1989 c.29.

(c) 1986 c.31.

- a gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984<sup>(d)</sup> to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,
- a universal postal service provider in connection with the provision of a universal postal service.

1

### **Application of provisions of the Town and Country Planning Act 1990**

7.—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

### **Directions as to replanting**

8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated (“the relevant land”) a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

### **Compensation**

9.—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or

- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

**[Application to trees to be planted pursuant to a condition**

**[10.]** In relation to the tree[s] identified in the first column of Schedule 1 by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

Dated this 25<sup>th</sup> [day] of April 2018 [insert month and year]

*[if the Council's Standing Orders require the sealing of such documents:]*

The Common Seal of the City and County of Swansea Council was hereunto affixed in the presence of -

*D. J. Smith,*  
*Authorised Signatory,*



*[if the Council's Standing Orders do not require the sealing of such documents:]*

[Signed on behalf of the [insert name of Council]

.....  
Authorised by the Council to sign in that behalf]



**[CONFIRMATION OF ORDER**

This Order was confirmed by the City and County of Swansea Council without modification on the ..... day of .....20....

OR

[This Order was confirmed by the City and County of Swansea Council subject to the modifications indicated

by.....  
.....  
.....

..... [state how indicated], on the ..... day of .....20....

.....  
Authorised by the Council to sign in that behalf]

**[DECISION NOT TO CONFIRM ORDER**

[A decision not to confirm this Order was taken by City and County of Swansea Council on the ..... day of .....[insert month and year]]

.....  
Authorised by the Council to sign in that behalf]

**[VARIATION OF ORDER**

[This Order was varied by the City and County of Swansea Council on the ..... day of .....[insert month and year] under the reference number..... [insert reference number of the variation order]]

.....  
Authorised by the Council to sign in that behalf]

**[REVOCAION OF ORDER**

[This Order was revoked by the City and County of Swansea Council on the ..... day of .....[insert month and year] under the reference number..... [insert reference number of the revocation order]]

.....  
Authorised by the Council to sign in that behalf]

**SCHEDULE 1****SPECIFICATION OF TREES****Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
NONE		

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
A1	All trees of whatever Species	Land to the west of George Manning Way

**Groups of trees**  
(within a broken black line on the map)

Reference on map	Description	Situation
NONE		

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
NONE		

## SCHEDULE 2

### PART I PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) omit—</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be so prescribed”; and</p> <p style="padding-left: 40px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 80px;">“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p style="padding-left: 80px;">(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) substitute—</p> <p style="padding-left: 80px;">“Subject to subsections (1A) and (1B), where” for “Where”;</p>

	<p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert—</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (1) insert—</p> <p>“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions)	<p>(a) In subsection (1) substitute—</p> <p>(i) “the authority” for “a local planning authority”;</p>

<p>and failure to take such decisions)</p>	<ul style="list-style-type: none"> <li>(ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;</li> <li>(iii) “consent under such an order” for “planning permission” in the second place where those words appear;</li> <li>(iv) for paragraph (c) substitute—             <ul style="list-style-type: none"> <li>“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</li> <li>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.”.</li> </ul> </li> </ul> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute—</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <ul style="list-style-type: none"> <li>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow;</li> <li>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”.</li> </ul> <p>(d) For subsection (4), substitute—</p> <p>“(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”.</p>
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	<p>(e) For subsection (5), substitute—</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> <li>(i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</li> <li>(ii) “consent under a tree preservation order” for “planning permission”; and</li> <li>(iii) “the authority,” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”.</li> </ul> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

**PART II**  
**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,**  
**AS ADAPTED AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

**Section 78**

(1) Where the authority—

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....



**Section 79**

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.



**CITY & COUNTY OF SWANSEA**

**DINAS A SIR ABERTAW**

**TOWN & COUNTY PLANNING ACT  
1990  
SECTIONS 198 & 201**

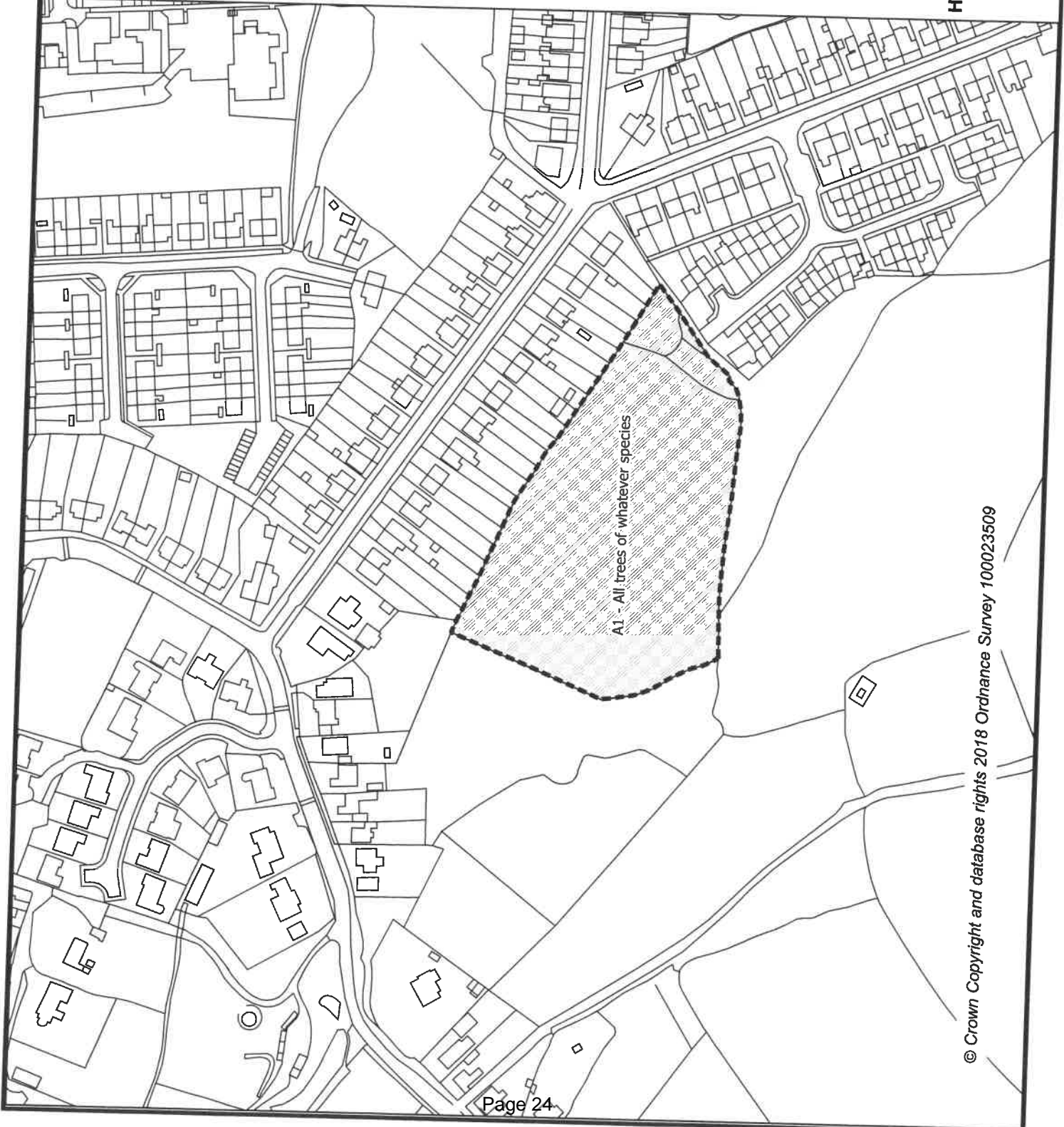
**TOWN & COUNTY PLANNING  
(TREES) REGULATIONS 1999**

**LAND TO THE WEST OF GEORGE  
MANNING WAY, GOWERTON,  
SWANSEA. (2018)**

**ORDER NO. TPO 648**

**DATE: 25 APRIL 2018**

**Phil Holmes  
BSc (Hons), MSc, Dip Econ  
Head of Planning and City Regeneration**





# Agenda Item 6

City and County of Swansea  
Dinas a Sir Abertawe

Report of the Head of Planning & City Regeneration  
to Chair and Members of Planning Committee

DATE: 6<sup>th</sup> November 2018

<b>Bay Area</b> Team Leader Liam Jones - 635735	<b>Area 1</b> Team Leader: Ian Davies - 635714	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

**Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.**

Phil Holmes  
BS(Hons), MSc, Dip Econ  
Head of Planning & City Regeneration



## Two Stage Voting

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

**The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members.** The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 77 and 78 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

**The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.**

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## Contents

Item	App. No.	Site Location	Officer Rec.
1	2018/0916/RES	<p>Mumbles Pier Foreshore &amp; Coastal Strip, Mumbles, Swansea</p> <p><b>Comprehensive re-development of land at Mumbles Headland and Foreshore/Coastal Strip comprising: Headland Building (up to 5 storeys) to accommodate a range of retail / food and drink / gallery (Classes A1/A3/D1) at ground and first floor with the upper floors utilised for hotel/visitor accommodation (Class C1) - 69 no hotel rooms; Coastal Strip Building (up to 4 storeys) to accommodate 26 Residential apartments (Class C3) with 32 under-croft car parking spaces; alterations and refurbishment works to existing Pavilion Building to accommodate A1/A3 retail and food and drink uses &amp; amusement arcade at ground floor with function room at first floor (Class D1); new public realm incorporating new pedestrian boardwalk and provision of 61 no. public car parking spaces and retention of headland car parking (32 no spaces for hotel/staff); and associated works - Reserved Matters Approval - Details of Appearance, Landscaping, Scale and Layout pursuant to Conditions 1, 3, 4, 7, 9 &amp; 16 of Section 73 outline permission 2017/2641/S73 (which varied the Sec73 permission under ref: 2014/1946 which previously varied the original outline planning permission under ref:2010/1451)</b></p>	Approve
2	2018/1845/FUL	<p>23 Hawthorne Avenue, Uplands, Swansea, SA2 0LR</p> <p><b>Change of use from residential (C3) to a 5 bedroom HMO (C4) for 5 people</b></p>	Approve
3	2018/1903/FUL	<p>20 Swansea Road, Gorseinon, Swansea, SA4 4HE</p> <p><b>Single storey rear extension</b></p>	Approve



## Planning Committee – 6<sup>th</sup> November 2018

Item 1 (Cont'd)

Application Number:

2018/0916/RES

### **Background Information**

#### **Policies**

##### UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - EV5 - Art in the Environment

The provision of public art in new developments and refurbishment schemes will be supported. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - EV7 - Extensions/Alterations to Listed Buildings

Extensions or alterations to a Listed Building will only be approved where they safeguard the character and historic form of the building. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - EV20 - New Dwellings in the Countryside

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

##### UDP - EV21 - Rural Development

In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (City & County of Swansea Unitary Development Plan 2008)



## Planning Committee – 6<sup>th</sup> November 2018

### Item 1 (Cont'd)

Application Number:

2018/0916/RES

#### UDP - EV24 - Greenspace System

Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV26 - Area of Outstanding Natural Beauty

Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV27 - SSSI's and National Nature Reserves

Development that significantly adversely affects the special interests of sites designated as SSSI's and NNR's will not be permitted unless the need for the development is of such significance that it outweighs the national importance of the designation. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV29 - Common Land

Common land will be protected from development in recognition of its importance for agriculture, natural heritage, the historic environment and as an informal recreation resource. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV31 - Protection of the Undeveloped Coastline

Along the undeveloped coastline development proposals for the provision of visitor and recreation facilities and services to complement existing facilities will be permitted at specified coastal locations. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV36 - Development and Flood Risk

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

## Planning Committee – 6<sup>th</sup> November 2018

### Item 1 (Cont'd)

Application Number:

2018/0916/RES

#### UDP - EV39 - Land Instability

Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC15 - Urban Tourism

Proposals that consolidate the urban tourism resource, by improving the quality and range of attractions, destinations, accommodation and services will be supported at specific locations. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC16 - Swansea Bay Recreational and Tourism Facilities

New or improved recreational tourism facilities at specific destinations around Swansea Bay are proposed which capitalise on the seafront aspect and contribute towards the regeneration of the Bay.

Between these areas of appropriate development, the emphasis is on safeguarding and enhancing the environment of the Bay and other waterfront areas. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC18 - Serviced Tourist Accommodation

Development that improves the range and quality of serviced tourist accommodation will be permitted subject to specific criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC2 - Urban Infill Housing

Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

**Planning Committee – 6<sup>th</sup> November 2018**

**Item 1 (Cont'd)**

**Application Number:**

2018/0916/RES

UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2018/0916/RES	Comprehensive re-development of land at Mumbles Headland and Foreshore/Coastal Strip	PDE	
98/1219	ERECTION OF NEW PAVILION BUILDING TO INCLUDE AMUSEMENT CENTRE, BOWLING ALLEY (CLASS D2), CAFETERIA AND HOT-FOOD / ICE CREAM KIOSKS (CLASS A3) AND EXTENSION OF DECKING AREA	APP	27.10.1998
2017/2641/S73	Application under Section 73 to vary conditions 1 and 32 of Planning Permission 2014/1946 granted 15th September 2017 to amend the building parameters and detailed design strategy relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore	APP	12.03.2018

## Planning Committee – 6<sup>th</sup> November 2018

Item 1 (Cont'd)	Application Number:	2018/0916/RES
2014/1946	Application under Section 73 to vary conditions 2 (phasing), 5 (submission of reserved matters), 6 (commencement) and 24 (ecological CMS) and the removal of conditions 31 (Code 3) and 32 (BREEAM) of outline planning permission 2010/1451 granted 20th December 2011 relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore	S106 15.09.2017

### Statement of Community Involvement

A Statement of Community Involvement has been submitted following the community engagement event held on 19 October at Mumbles Pier. At the event there was a comprehensive range of scheme drawings, CGI images, verified views and a full scale model of the proposed development. Attendance sheets were completed by 149 members of the public.

Feedback was received from 73 members of the public. The below table summarises the feedback received. Question - Do you support the proposals for the redevelopment of the site?

- o Support - 29
- o Don't Support - 35
- o Undecided - 9

### Comments in Opposition to The Proposed Development

- o Concerns regarding a lack of sufficient Parking to serve the proposed development in addition to visitors to the pier, beach and wider area;
- o Wider concerns regarding traffic and highway infrastructure into and out of the wider Mumbles area - not necessarily an objection to the scheme proposed, as this was raised by respondents both objecting to and supporting the scheme;
- o Traffic generation;
- o Logistics for servicing the site;
- o Perceived loss of view of the lighthouse;
- o Concerns that the hotel building is too large and belief that the hotel will become more apartments;
- o Dislike of materials and particularly colours of the buildings;
- o Concerns that the site will flood and the boardwalk will become hazardous with rising sea levels;
- o Visual impact of the development; and
- o Perceived development on common land.

## Planning Committee – 6<sup>th</sup> November 2018

Item 1 (Cont'd)

Application Number:

2018/0916/RES

### Comments in Support of The Proposed Development

- o Great Improvement;
- o "Fantastic"/ "looks amazing"/ "Mumbles needs this" / "What a lovely project"/ "Brilliant" / "Go for it !" / "Innovative scheme will drastically improve the tired run down feeling of the village";
- o Development Long Overdue / eagerly await completion;
- o A good compromise has been achieved between concern of the public and what is wanted by the applicant;
- o "Like the gable style reflecting old Mumbles";
- o Development is sensitive to the area;
- o Support for the design "looks fantastic";
- o Would bring much needed investment to Mumbles;
- o Proposed development is within a manmade landscape (quarry);
- o A number of respondents advised that they liked the colours of the buildings and drew connections with colours used in coastal locations such as Tenby, "lovely colourful buildings";
- o Model on display at presentation rebuffs comments from some attendees regarding inaccurate scaling of drawings etc.

Of the 73no. respondents 62no. advised that the community engagement event had been helpful.

### Summary and Conclusions

The feedback received from the consultation event was mixed, as is reflected above, with strong views expressed both for and against the proposal. The main concerns of those opposing the scheme appeared to be related to parking and traffic generation, the perceived loss of view of the lighthouse and the belief that the information being presented in relation to the scale of the development in relation to the headland and lighthouse was not accurate.

Many in favour of the development expressed excitement that the re-development of the site is now finally advancing and a desire to see much need regeneration and investment in this part of Mumbles happen as quickly as possible.

## **RESPONSE TO CONSULTATIONS**

The ORIGINAL PROPOSAL was advertised on site and in the local press and was re-advertised on site following the receipt of AMENDED PLANS. At the time of writing the report (upto midday on 29 October 2018) 331 LETTERS OF OBJECTION have been received. The principal points of objection may be summarised as follows:

- o Lack of public consultation;
- o Scheme should be supported by models / photographs;
- o Original plans objected to by CCW;
- o Sec 106 / conditions have been watered down;
- o Headland car park is on Common Land;
- o Unique view of Lighthouse and middle island would be compromised by Headland Building;
- o View from Oystermouth Castle of Lighthouse / Middle Island will be compromised;
- o Other ways to fund the Pier restoration should be as used such as Heritage Lottery.

## Planning Committee – 6<sup>th</sup> November 2018

Item 1 (Cont'd)

Application Number:

2018/0916/RES

- o Architecture is incompatible with Oystermouth;
- o The restoration of the pier and Headland development should not be linked;
- o What agreement is there for the pier to be maintained;
- o Swansea Council should take the pier into public ownership;
- o AONB, Common Land Land, SSSI would all be affected by urbanisation of Mumbles Headland;
- o Pollution of the environment during building phases.
- o Design would be incompatible to vernacular cottages of Mumbles;
- o Non-combustible materials must be used in the development;
- o RNLI should be consulted;
- o High-rise sea-fronts buildings on Mumbles Headland would be wrong;
- o What is Sec 106 requirement for low cost affordable housing.
- o Is there a protection programme for honeycomb worm colony and kittiwake bird population;
- o Noisy lift-equipment and air conditioning plant will affect quiet environment;
- o Obscure Mumbles Lighthouse / Headland silhouette;
- o Urbanisation contrary to sustainable development goals and Wellbeing and Future Generation and Environment Act.
- o Development will make Mumbles traffic congestion worse;
- o Excessive illumination for Mumbles Headland;
- o Overshadowing of beach;
- o Right of Way / Coastal Path will be threatened by urbanisation;
- o Other changes from the outline permission include; the seaward extension of the public realm area behind the existing pavilion; building a new pavilion structure on the pier; removing the development framework requirement for water activities with the eviction of the rowing club and the proposed change of use of its premises to a restaurant; the establishment of an oyster hatchery; the future proposal for a terrace of another 25+ three to four storey residential apartments along the pier road towards the Knab and the proposal to restrict public access to a section of common land on the headland.
- o The flood risk for the whole area has been upgraded by NRW since 2010 due to the increasing impact of climate change and this is likely to be upgraded again.
- o The mass of the foreshore buildings and the light emissions at night that will be visible from all perspectives around Swansea Bay, and by sea, will overpower the strategic and iconic views of the Mumbles Headland and its Grade II Victorian buildings.
- o Should be treated as a complete departure from the approved outline permission and be subjected to a high standard of landscape evaluation, environmental scrutiny and public consultation before any planning decision.
- o The headland, including the car park, are registered common land and inside the AONB.
- o Access to areas of common land cannot be closed for private use and will need a separate Section 38 consent or a deregistration.
- o Covenanted open spaces cannot be developed or excluded from the public realm: the area is subject to a 999 year lease granted by the Duke of Bedford to the Mumbles Railway Company to allow the extension of the railway to the headland in 1897. This lease included covenants that the site remains open for public access and as public spaces.
- o New foreshore sea wall: the extension of the foreshore by some 10 metres seaward and building a new (2m? high) sea wall will bury part of the present foreshore and this will destroy all upper shore intertidal habitats from the inshore lifeboat slip to beyond the structure of the pier.

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- o The 2010 NRW flood risk assessment put this site in a severe flood risk category and this risk level has been increased since then. Given the evidence of changing climate conditions NRW current assessments are likely to underestimate the increasing frequency and intensity of storms and storm surges that can be expected in the bay.
- o South Beach Sea Wall: the wall fronting the apartments rises 4.6 m above the sand of South Beach.
- o Sea levels are currently rising and during the design life of this development these year-on-year increases will lead to the possibility of increasingly regular overtopping of both sea walls accompanied by flooding whenever accompanied by high spring tides.
- o Foreshore Buildings: This proposed apartment block overwhelms its setting from any perspective and also obscures the famous view of the lighthouse and headland from Mumbles.
- o This site has outline permission for holiday accommodation not residential apartments and as such should be subject to a separate consultation and planning application.
- o The proposed south facing apartment block above South Beach will be exposed to the full fury of south-westerly gales and the accompanying storm surges.
- o Financing Mumbles Pier: AMECO's continued insistence that the development must be allowed to proceed in order to provide the quoted £3 million needed to restore the pier is not a valid reason for granting planning permission.
- o The condition imposed in 2010 that all sections of the pier must be completely restored before any part of the new complex is occupied must not be relaxed by CCS.
- o The "iconic landscape" of Mumbles will be destroyed along with the "strategic view" enjoyed by all residents of Swansea and visitors alike.
- o Traffic congestion and pollution would dramatically increase.
- o Installing sea barriers would also affect Swansea Bay by damaging the Eco system and creating problems elsewhere due to long shore drift.
- o Public rights of way and common ground would be seriously jeopardised.
- o Human right to enjoy spectacular views and use common ground is being removed due to the proposals and strongly object to the plans.
- o The size of the proposed scheme is too overpowering for the area and should not be allowed to exceed 2 storey buildings.
- o Mumbles has many holiday lets/accommodation for people to stay and even now some of these are closing due to a lack of use. There are many flats already in Mumbles which have not sold so feel there is no requirement for further ones to be built in this area.
- o The project, if it goes ahead, will have a seriously detrimental affect on the view of the bay and this is a concern for all Swansea residents and those visitors who love Swansea.
- o The pier is an original and distinctive construction but the developers seem to be saying they will only repair it; they do not have any ideas for making the most of an obvious attraction. What a lost opportunity.

**A letter of objection has been received from RPS Planning Consultants on behalf of Mumbles Action Group on the following grounds:**

### Compliance with approved parameters

The most recent Section 73 application (LPA Ref: 2017/2641/S73) sought to vary condition 1 to maximise flexibility in the final design. The condition requires the permission to be "substantially implemented" in accordance with the approved drawings.

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The reserved matters application proposes an increase in the height of the Coastal Strip Building by 1.2m, described as a "minor infringement". We do not agree such a significant increase in height can be considered "minor" and would argue it represents a substantial departure from the original parameters.

The description of development also introduces a different mix of uses from that approved at outline stage and through the two subsequent Section 73 applications. Class D2 function room and amusement arcade are now proposed within the Pavilion Building.

We consider what is now proposed stretches the definition of "substantially implemented" set down in Condition 1 and would call into question whether the original parameters considered as part of the Environmental Impact Assessment have now been exceeded. We would ask that you give careful consideration as to how much flexibility can actually be afforded under the condition and, if minded to approve the reserved matters, you are confident the decision would stand up to challenge.

### Requirement to update Environmental Impact Assessment

Addenda under Regulation 19 were submitted for both the 2014 and 2017 Section 73 applications, but no further addendum has been submitted for the reserved matters application. Given the significant time period that has now elapsed since the surveys for the original EIA were undertaken, particularly the ecological surveys there is concern that these are now outdated and, in particular, the impact on the thriving *Sabellaria alveolata* reef has not been adequately considered. We would suggest that unless a further addendum informed by up to date ecological surveys is requested under Regulation 19 from the applicant there are serious concerns that the environmental effects of the proposed development have not been adequately assessed.

### Flood risk and drainage

The NRW consultation response requests a review of the original Flood Consequences Assessment (FCA) to take account of the latest information available on current and predicted sea levels and wave climate. We are not aware of any further analysis being submitted by the applicant to date.

### Heritage considerations

There is no robust assessment of the finalised design on the heritage assets. Whilst we acknowledge the reserved matters process does not explicitly require the submission of a heritage assessment, given the scale of development (including the increase in the height of the Coastal Strip Building outside of the parameters assessed in the EIA) and the limited consideration at outline stage, unless such an assessment is provided the impact of the proposed development on the heritage assets will not have been adequately assessed.

### Encroachment onto Gower Peninsula AONB

Our clients have undertaken research into the history of the AONB boundary and there is concern that it has been amended from the original boundary at some point without following the necessary legislative procedure. Our clients are taking further legal advice on this and we would request that you delay any decision until this issue has been resolved.



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### Development of common land

The application boundary includes an area of existing public access common land, which if it is to be developed upon, will need to be deregistered under the Commons Act 2006. As far as we are aware no application has been made to deregister this common land via Section 16 of the Commons Act and no proposals for replacement common land have been put forward. In this regard it should be noted that Welsh Government advice on such matters states that applications made to deregister common land where no replacement land is offered will only be granted in exceptional circumstances and extensive informal consultation with interested parties is also recommended before submitting such an application. This issue should therefore be clarified with the applicant before any determination of the current application.

### Proposed timescales

We understand the application is being prepared for Planning Committee, possibly as early as 6th November. Having regard to the matters raised in this letter there is still a significant amount of detail outstanding and we would therefore expect that determination of the application is delayed until all outstanding matters have been adequately addressed. Failure to do this could make any approval vulnerable to challenge.

### **Applicant's Response to RPS Objection**

In response to the Mumbles Action Group objections - submitted by letter authored by RPS - I write to set out the applicant's response.

This response firstly considers the context and perspective within which the comments made by the objectors need to be appreciated and considered, before going on to provide a detailed response to each and all of the grounds/points made by the objectors in their letter.

### Context / Perspective

The first point to note is that the development site is an existing functioning site - with buildings, activities, and uses already present.

The objection implies / gives the impression that the proposal seeks to develop an otherwise undeveloped site - not least in referring to the mix of uses that are proposed by this particular scheme, and as approved under the outline planning permission.

This ignores the fact that site is a previously developed site, with a multitude of existing uses - including function room and amusement arcade facilities. The points made in respect of these issues implies a considerable lack of appreciation for the "as existing" position.

In addition, and furthermore, the objection ignores and underplays the considerable betterment and improvements this particular reserved matters scheme brings about as compared and contrasted with the approved parameters of the outline planning permission. The scheme is of course smaller, lower, lesser, and more sympathetic than the approved parameters of the outline permission. Each of the points raised by the objectors should accordingly be taken into account and balanced in this context when coming to an overall judgement on the acceptability of this particular scheme.

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In addition, it is clear and obvious that this particular reserved matter submission needs to be taken into account, considered, and approved alongside the outline planning permission. It is of course the outline planning permission that is the planning permission - this submission merely being an approval of reserved matters (details). It remains therefore the case that both the outline permission and this reserved matters approval are inherently joined and integrated. The objection implies that this is a standalone submission, which it is not.

Finally, in terms of wider context, and to evidence our point that this objection is a blatant attempt to simply de-rail and frustrate, as opposed to raise any particular fundamental issues, the points raised (all being procedural as opposed to concerning the merits of the proposals) have been raised at this particular (late) stage - some 2 weeks before the application is scheduled to be reported to planning committee for consideration and determination, and some 23 weeks after the application was validated (on 11th May). Given that the points raised are procedural only, and not to do with the merit of the proposals, all of these points could and should have been made (if they had any substance - see below for our comments) at the very beginning of the process, and not at this stage. I would suggest that these points have been purposely 'kept back' accordingly and timed such that they have a potential effect of frustrating progression.

It is of course the case that the objectors have been fully aware of, conversant with, and engaged in the process throughout - albeit did not raise these issues previously in the consideration period.

Given all of this I would ask you to consider and evaluate the comments and objections lodged, and the detailed individual points made, in this context and perspective - as we consider this to be highly relevant and material.

Turning to each of the detail points made in the objection letter, our responses are as follows:

### Compliance with approved parameters

The objectors acknowledge and record (rightly) that a Section 73 application was progressed and approved prior to this reserved matter application - for the very reason of allowing and facilitating flexibility in the detail of the final scheme to come forward (not least to not frustrate improvements to the scheme which would otherwise not be possible as a result of not being in strict / slavish accordance with the parameters of the outline planning permission). The increase in height identified by the applicants was of course the driver and very detail that stimulated this introduction of flexibility - to allow for a better design.

The objectors are right in identifying the additional qualifying term inserted within the relevant condition i.e. "substantially implemented". The increase in height of the Coastal Strip building (by 1.2 m) is immaterial in our view, and entirely within the bounds of "substantially". It should of course be appreciated that the increase in height is to facilitate the pitched roof form and design of the Foreshore Block (a betterment in design terms), and it is only the upper section of the pitches that project beyond the upper 'limit' (subsequently revised). Moreover, it is the case that the scheme is "substantially" in accord, not least as it is right and proper to consider the scheme as a whole, and not every single individual dimension and measurement. The objectors have focused on a single particular change (which exceeds), but do not recognise the considerable reduction elsewhere with the scheme. To illustrate the point the following reductions have been achieved elsewhere within the scheme:

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### Headland Building

- o The headland building currently proposed has a maximum height of 26.74 AOD. The parameters schedule approved as part of the Outline permission approved a maximum height of 28.6 AOD. Accordingly the currently proposed headland building represents a 1.86 metre reduction in height from the approved parameters; and
- o The headland building currently proposes a Gross External floor area of 4352 square metres. The parameters schedule approved as part of the Outline permission approved a maximum Gross External floor area of 4885 square metres. Accordingly the proposed scheme represents a reduction in GE floor area of 533 square metres.

### Foreshore Building

- o The approved parameters schedule approved 1040 square metres gross first floor area to the Foreshore building. The current proposal measures 945m<sup>2</sup>. Accordingly the proposed scheme represents a reduction in the first floor of the foreshore building of 95 square metres.

These differences (reductions) are not exhaustive of course, and others could be identified. That said they clearly illustrate that the overall scheme is, without doubt, substantially in accord with the parameters of the Outline PP.

In terms of the range of uses, and as set out above in terms of the context and perspective, the uses identified by the objectors are existing uses currently functioning on site. There is no change accordingly brought about by the scheme. Moreover, and again as set out above, this particular submission needs to be read in conjunction with, and alongside, the outline planning permission.

It is clear therefore what has been proposed by the scheme, and that these elements are entirely in accord with both the site's current functioning, and its long envisaged configuration.

It is perhaps telling to note that the objectors assert that the single difference identified (the higher point of the Foreshore Building) "stretches the definition" of the flexibility provided by the outline planning permission/condition provision. They do not, tellingly, assert that the differences 'break' this definition, and simply request that you satisfy yourselves that you are confident that the decision would stand up to challenge.

I would suggest, given all of the above, and this context, any such decision would be robust.

### Requirement to update environmental impact assessment

Again, as the objectors note, considerable EIA screening, scoping, and assessment has been undertaken on the scheme leading up to this point. The point that is made here is that this particular reserved matter scheme hasn't been accompanied by any further Addendum.

In response, the point to be made again here is that this reserved matter submission should be read and assessed in conjunction with the outline planning permission. The two applications cannot be separated procedurally.

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Insofar as determining the need for EIA as part of this reserved matters application, it is of course the case that dialogue was had prior to submission to determine the need for this, albeit in light of the lesser / smaller / lower nature of the overall proposal, and that the scheme sits within the outer bounds of the extant outline planning permission, no EIA was considered necessary.

It is of course the case that your Authority have screened the need for EIA on this occasion, and have concluded that no such assessment is required.

The following extract from your Planning Applications Database confirms that no EIA was requested:

[see original file for image]

In respect of the particular ecology issue that has been raised by the objectors, the scheme does not extend further than the outline planning permission into the foreshore, nor is the foreshore area of any value or significance in biodiversity terms - being comprised of a concrete apron etc.

Having re-reviewed, and reminded ourselves of the content of Natural Resources Wales' consultation response of the 22 June 2018, no objection is raised in respect to ecology. The only commentary passed in respect to biodiversity is that relating to Kittiwake mitigation, and the need for compliance with conditions attached to the outline planning permission.

As you are aware, considerable ongoing dialogue is taking place in relation to this particular issue, and in any event this interest is confined to the Pier structure only - which is not the subject of this reserved matter application.

### Flood risk and drainage

As the objectors point out, and NRW's consultation response suggests, the position on this (i.e. levels for setting the foreshore building) are reviewed in the interests of maintaining a resilient, safe, and compliant design over the lifetime of the development.

As you will recall, this position has been checked by our team, and the levels of the foreshore building have been confirmed to be above the climate change predictions - see our email of 2nd October (further copy attached)

No further detail has been requested over and above this, and I hope and trust accordingly that this particular issue is considered to be satisfied and resolved.

### Heritage considerations

Again, as before, this scheme needs to be considered and evaluated in the context of the outline planning permission. The submissions need to be read together. The heritage assets on the site are, as you are aware, limited to the listed pier and the listed Monkey House. The objectors assert that changes to the scheme (in particular the increase in height to the foreshore building) have the potential to change this impact.

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This is, as we have determined throughout the consideration and negotiation process and period, not the case. Indeed, retaining existing buildings on site adjacent to the Monkey House (and generally), as now proposed by this reserved matters scheme, unlike the Outline planning permission, lessen the change and associated impact, and make a lesser and more sympathetic proposal in turn.

The proposal for the Foreshore building element is no closer to the listed assets than that approved under the terms of the outline, and any change in its height will not have any material bearing whatsoever.

### Encroachment onto Gower Peninsula AONB

It is respectfully suggested that the point made here is not a matter for this application - rather a separate concern that the objectors have regarding the precise alignment of the AONB boundary. No details are provided on this by the objectors, and as such it is not possible to comment in detail.

That said, and as this point relates to this scheme, the principle of the development and the quantum of it has been established as a result of the outline planning permission, and accordingly assessed in terms of its AONB effects. Given that the scheme is lesser in scale and quantum than the approved outline planning permission, particularly in respect of the Headland building (that element closest to the AONB and potentially having the greatest impact), it is considered that there is no issue in this respect.

### Development of common land

The objectors are considerably mistaken in this respect. As you will recall, the outline planning permission proposed greater change and alteration to the car park on the headland and within/adjacent to common land. The outline approval provided for an increased/enlarged car parking area (in conjunction with the residential configuration of the Headland Building) which would have had some bearing on the common land.

Rather, this particular reserved matters scheme simply retains and re-uses the existing tarmacadam carpark present on site - the only works to it constituting repair of any surfacing (if needed) and delineation of spaces to increase the capacity and efficiency of this particular facility. Accordingly, the scheme does not infringe upon, and therefore does not require, replacement common land.

The objectors consider that this issue should be clarified before the determination of the current application - which I hope and trust the above does.

### Proposed timescales

Given all of the above, we do not agree that a significant amount of detail is outstanding, and there is no necessity to delay consideration and determination of the application, as currently planned and scheduled.

Progressing to committee ought to be entirely robust, not least as the application has been before you and the objectors, and other consultees, for some considerable time, and is in need of being progressed to determination - not least to ensure continued momentum and progression of this key element of the Swansea Bay regeneration programme.

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### **AONB BOUNDARY - MUMBLES ACTION GROUP**

A letter of objection from Geldards Solicitors on behalf of Mumbles Action Group has been received. The letter makes the accusation that the AONB boundary has been amended from the original boundaries without following the necessary legislative procedures and have requested that any decision in relation to the current reserved matters approval is delayed until this issue is investigated and resolved.

For the Council to reach a decision on the Reserved Matters without reference to the correct AONB boundary would fail to consider relevant material planning considerations and would be unlawful. The consideration of the impact on the AONB should have played a significant role in determining the outline planning permission and subsequent Section 73 applications.

The Gower AONB was established in 1956 and the boundaries of the AONB were established by the Order accompanied by an Ordnance Survey Map. It is stated that the boundary of the AONB is accurately depicted on the Proposals Map of the Unitary Development Plan adopted in 2008. The accusation is that when the Proposals Map was digitised in 2010, an error occurred in transposing the map into its digital form. Further it is stated that the error moved the AONB boundary to a position that excluded the development authorised by the outline planning permission and the Section 73 applications. There have been no orders to vary the boundaries of the AONB and that the 1957 Ordnance Survey and the 2008 UDP Proposals Maps are the only accurate depictions of the AONB boundary.

The request is the immediate cessation of consideration of the Reserved Matters application to allow an investigation, as well as the impact on the grant of the outline planning permission and subsequent Section 73 applications.

### **LOCAL PLANNING AUTHORITY RESPONSE TO AONB BOUNDARY ISSUE**

This matter has been investigated by the Council's Strategic Planning team, Gower AONB officers and Legal Officers.

The legislative framework for AONB is contained in the Countryside Right of Way Act 2000. Section 85 places a duty on 'relevant authorities' to 'have regard to the purpose of conserving or enhancing the natural beauty' of AONBs when coming to any decisions or carrying out activities relating to or affecting land within these areas. Planning Policy Wales states that the primary objective for designating AONBs is the conservation and enhancement of their natural beauty. Development plan policies and development management decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. Local authorities, other public bodies and other relevant authorities have a statutory duty to have regard to AONB purposes. National Parks and AONBs are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments. In development plan policies and development management decisions National Parks and AONBs must be treated as of equivalent status. In National Parks and AONBs, development plan policies and development management decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these areas. **The duty to have regard to National Park and AONB purposes applies to activities affecting these areas, whether those activities lie within or outside the designated areas.**

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The LPA must prepare and publish a management plan for every AONB to set out how they will look after their AONBs and take into account the purpose of conserving and enhancing the natural beauty of AONBs when taking decisions or exercising any function in relation to or so as to affect land in an AONB. LPAs must have regard to the purpose of conserving and enhancing the natural beauty of AONBs when determining planning applications which relate to or could affect land in an AONB. This duty must be met, and it extends to applications for development outside the AONB but which may have a visual or other impact on a nearby AONB. The exact boundary of the AONB is not the most relevant factor.

Notwithstanding this, the 1956 Order has not been modified and is therefore still the legal AONB boundary. In accordance with the UDP Proposals Map the application site is partly located within the Gower AONB boundary in respect of the 'Big Apple' headland car park. The beach, rocky cliffs and cliff top / headland lie within the AONB. The access road, foreshore / Pier buildings and Mumbles Pier itself lie outside but physically abut the boundaries of the AONB. Mumbles Head including its lighthouse, islands and Mumbles Hill create a significant local and regional landmark. The significance of the skyline and land forms are acknowledged as being integral to the character of Mumbles. This area marks the beginning of the undeveloped coastline that the AONB designation seeks to protect this area of landscape.

The outline planning application clearly had regard to the nationally recognised protected landscape of the Gower AONB and acknowledged that the application site was partly located within the AONB boundary. Additionally, there are a number of UDP Policies which emphasise the sensitivity of the landscape and natural environment of the area. In particular, Policy EV26 relates to the Gower AONB emphasising that development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the area will not be permitted. In consideration of the outline proposal against this proposal it was acknowledged that there would be adverse effects on landscape character and views from visual receptors within the AONB (albeit localised impacts) these were balanced against the social and economic benefits of the development, in particular securing the long term future of the listed pier and the RNLI as a result.

It is therefore considered that the outline planning approvals and subsequent Section 73 applications, were assessed against the accurate AONB boundary, but moreover were assessed against the impact of the development on the AONB regardless of whether the development lies within the AONB, sits astride the boundary or abuts it.

At the time of writing the report (upto midday on 29 October 2018) 333 LETTERS OF SUPPORT have been received, making the following points:

- o Development would improve the sustainability of the pier and access thereto, creating jobs for local people and support economic growth.
- o Great to see private investment! Mumbles needs and deserves it!
- o As a business owner in Mumbles, I think this will be a fantastic boost for the local economy.
- o Outstanding effort to create a new bookend for mumbles - about time! This can only be highly positive for area and drag the rest of Mumbles up, as the Oyster Wharf development has done so.
- o This investment and regeneration is key to the continued perception that Swansea is a place that is growing and progressing.

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- o The Pier and complex are a great asset to the community. It provides entertainment and jobs for the local community. They have a plan that will not the views from the headland and the only views affected will be from the sea. This will be a good development bringing more employment and facilities to the area. If this development is stopped we could well loose the pier in the near future!
- o Pier redevelopment is necessary if we want to preserve this iconic landmark for future generations.
- o The pier is one of the main attraction in the Mumbles. It would be a real shame if it's left in such a state. I support the redevelopment of it for the benefit of everybody and for the entire village as well.

**Rebecca Evans AM** - A constituent has made a number of pertinent points:

1. Two applications are intertwined, despite Planning Aid Wales advising that one application cannot be used to facilitate another.
2. The delay to work on the pier, and the failure to seek out grants, has put pressure on the planning authority.
3. How sustainable is the plan for a hotel, given the failure of other hotels in the area?
4. Will the local authority have to underwrite the proposed boardwalks and their maintenance? Will the Right of Way on the foreshore be compromised by having to use the boardwalks?
5. The design is not in keeping with the AONB, conservation area, and the existing buildings.
6. The Big Apple car park is common land - what exchange land has been offered to compensate for the loss?
7. There has been a failure to adequately engage with local people on the plans.

**Ms Tonia Antoniazza MP** - On behalf of a number of my constituents I am making the below comments. I continue to receive emails from my constituents who also oppose this development.

#### Constituent A

- o The development will block/hinder/spoil what must be considered a 'strategic view': a view which is frequently used to advertise Mumbles, Swansea and even South Wales. The London Mayor is closely guarding its 'strategic views'. Why aren't we?
- o The development is over-large and unsympathetic to the largely Victorian/Edwardian buildings which back the approach road.
- o Its design is unnecessarily industrial and brutalist in an area next to one of 'outstanding natural beauty'.
- o Mumbles is not only enjoyed by its residents but also by many people from Swansea and beyond. They come to enjoy the mix of coast, greenery, history and new and old amenities. They do not come to look at 'get-rich-quick' apartments. This development favours 'the few; not the many'.

#### Constituent B

- o The scale of the proposed structure would seriously damage an iconic and much loved view of the Mumbles pier and lighthouse.



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Constituent C

I do object to the proposed development of the Mumbles headland and foreshore by AMECO as:

- o the multistorey development is too big, too intrusive and visually unattractive. It will dominate an area of natural beauty; development scale and character is an important feature of planning;
- o it would result in the loss of public space as a large part of it would be for private use only let have a development which benefits the local community and visitors;
- o the eviction of Mumbles Amateur Rowing Club to be replaced by another restaurant is unnecessary " we have an abundance of restaurants but only one rowing club;
- o the local community has not been consulted in any meaningful way on such a significant development. We had a public consultation on conservation so it can be done;
- o there appears to be no guarantee that funds from this development would be used to renovate Mumbles Pier. Where in the documents which are accessible does it guarantee funding of pier repairs?

**National Piers Society** - Support the development.

Seaside piers are a unique element of the Welsh coastline heritage and Mumbles Pier is one of the last seven remaining seaside piers in Wales. As a privately owned pier, Mumbles does not have access to the public funding available to piers owned by local authorities or charitable trusts and so the pier owner must cover all of the mainstream and operational costs from their own resources. The foreshore development is therefore essential to provide the necessary funding for the survival and future development of the pier.

Included in the full future development proposal are extended decking along the foreshore, the creation of a restaurant and water taxi stage in the now disused lifeboat house, the conversion of the upper level and part of the existing building into a wedding and function suite, and of course, the major renovation of the pier itself.

We believe that their proposals will ensure that Mumbles Pier will continue as a symbol of the contribution of Mumbles to the history and development of tourism in the Swansea Bay Area and as an important tourist attraction for the foreseeable future. We therefore have no hesitation in offering our strong support to the Mumbles Pier development plans and it is our earnest hope that you will be able to give full approval of the application.

### **The Gower Society**

1. The proposals are very complex and difficult to appreciate on line. At the end of the day it is up to the Planning Department to ensure that whatever is constructed enhances the location and becomes a credit to the Mumbles Area. We do not envy you in your task.
2. We still have some reservations about the overall designs that do not appear to have any sort of theme that reflects the history and heritage of the site and that is a pity.
3. We are also still particularly concerned about the height of the Headland Buildings but assume that these are now approved at this height.
4. We do note the letter of support from the National Piers Society and have some empathy with their thoughts. Perhaps they are aware of more detail than the rest of the public relating to the conservation of this important Mumbles icon. Our fear is that despite the infusion of grants the pier still has a neglected look about it.

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In the event of the developer/owner, Amusement Equipment Company Ltd ('AMECO') or their successors going in to liquidation or selling the site post development or failing to sell the flats (as occurred with the Meridian Tower next to the Civic Centre) what guarantees are there of a successful completion? Can they not be required to obtain a bond to secure the finance prior to final approval?

5. Of paramount importance is the protection of the classic views of the pier and the light house as well as the rocky headland behind. No doubt this will be high on your planning priorities as overall it is adjacent to the AONB makes it essential that at the very least the AONB Design Guide is respected and reflected in these proposals.
6. We see no reference to the saving of any of the original buildings that could have been restored within the development. This is a shame.

**Mumbles Community Council**- are withholding decision until after public meeting.

### **Design Commission for Wales -**

#### Main Points

DCFW accepts the principle of development and supports the aspiration to regenerate Mumbles Pier and foreshore to create a vibrant mixed use area which contributes to the Local Authority's vision as detailed in their Regeneration Framework. The sensitive and valuable nature of this site however requires a sophisticated response, of the highest design excellence and quality.

The following points summarise key issues from the review meeting and should be considered to inform any further design work:

#### Architectural approach

The current proposals represent a significant diversion from the originally submitted scheme. This design flexibility has been agreed with the Local Planning Authority through an amended condition. The architectural approach taken with this iteration of the scheme currently lacks clarity in terms of overall vision. Compromises appear to have been made throughout the design process which has led to dilution of a clear architectural vision. This design solution for both the mixed use building and the apartment block would benefit from being re-visited to ensure it achieves the aspiration of the Regeneration Framework and the potential of this valuable site. A holistic approach to the public realm throughout the site would significantly strengthen the coherence of proposals.

#### Scale and massing

The mass of the new hotel building appears bulky against the adjacent, retained heritage structures, an important relationship as recognized by the design team. Further testing of the scale and massing of proposals would help to demonstrate whether the current proposed mass is the most appropriate solution.

#### Landscape approach

It is disappointing that a landscape architect is not yet part of the design team given the quantum and importance of the public realm within the proposals. It is imperative that a landscape expert is secured to contribute significantly to the proposals. The heavily exposed site will be a hostile environment for planting meaning that the public realm design must be very well considered to create a pleasant place to spend time, can support any planting designed into it and strengthens the response to the importance of the site.

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Movement and pedestrian environment

The dedicated public space for pedestrians and cyclists along the shore should be well considered to ensure the space is pleasant and active. Clarity in the design and feel of the space should prevent any potential conflicts between pedestrians and cyclists. Where vehicles are introduced to the space there should be clear pedestrian priority which is obvious to both pedestrians and vehicle users. The scheme currently lacks clarity in how it will work, relationship to the context, and the experience of its users. Opportunities to connect these routes to wider transport networks should be further explored to ensure the site is as well connected as possible.

Options for the boardwalk would benefit from further exploration to test whether it should be higher, lower or at the same level as the parking. This would help identify the most appropriate solution to allow visitors to enjoy the valuable environment whilst avoiding the visual dominance of the large amount of adjacent parking. This should be tested through sections or models. The spaces at either end of the boardwalk also need careful design to ensure a smooth integration between the boardwalk and the route to the Mumbles at one end, and the pier and associated facilities at the other.

Consideration should be given as to how the buildings and spaces around them may be well used even in the winter months. For the scheme to be viable it will need to be used at all times of year, and an overly hostile winter environment for residents and visitors must be avoided.

The use of the ground floor of the apartment block for parking is understood to be a consequence of flood risk consideration. This constraint requires the design to work harder to create a pleasant condition for residents and visitors along this inactive frontage. The relationship between the ground floor of the building and street, and the treatment of the public realm will be important in improving this condition, along with the materiality of the elevations overall. 'Pop out' balconies may help to activate this elevation, in addition to providing valuable spaces for residents that could benefit from east-west sun. The distinction and relationship between private and public space in this area should be clear to residents and visitors. This can be achieved through design and materiality.

Overall, whilst it is recognized that a great deal of work has been invested in addressing conditions and other local authority requirements, the further testing identified above and an assessment of how the whole scheme works as a coherent, appropriate response to this important site would be beneficial.

Arts and creativity

An arts consultant may be beneficial to the design team in order to add value to the public realm. This input could help to positively engage people and contribute to the quality of the public spaces, public realm design, lighting or landscape design. An arts consultant could bring a more sophisticated approach than the placing of sculpture/ objects, whilst also adding value to consultation processes by effectively engaging the community in inclusive, creative processes.

Representation and communication

The design team and Local Authority should explore further constructive, collaborative ways to engage with the local community in order to deliver a scheme of the highest quality which benefits both local people and visitors to the area.

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Sketches from the perspective of pedestrians and users of the various spaces would aid understanding and communication of how these spaces will feel at ground level.

**Glamorgan Gwent Archaeological Trust** - The proposed works will require archaeological mitigation.

You will recall our letter of 21st October 2010 in response to the submission of 2010/1451. In this we noted that the supporting documents included an Environmental Statement, Chapter 11 of which dealt with Archaeology and Heritage, and assessed the known historic environment resource and the potential impact of the development upon this and also gauged the potential for previously unknown archaeological features or finds to be encountered during the development. The site is located partly within the Gower Area of Outstanding Natural Beauty (AONB) and, characterised as part of the programme of landscape analysis within the AONB, lies within part of character area HLCA042, Mumbles Head, characterised as: Intertidal zone and unenclosed coastal margin: coastal and maritime features; quarrying, defensive sites; buried archaeology; tourism.

The work identified the statutorily protected areas and buildings that lie within the study area, and the known features mentioned in the Regional Historic Environment Record curated by this Trust and adopted by the City and County of Swansea. The archaeological resource identified, so far, is not of sufficient importance for the planning application to be refused, and it is also unlikely that any of the archaeological resource will be of national significance.

Our understanding of the historic environment and archaeological resource has not changed since our letter and consequently, we do not object to the positive determination of the current application, but as there is a need for the archaeological features to be fully investigated and recorded before the development commences we recommend that a condition is attached to any consent granted by your Members to ensure that the required works are undertaken to mitigate the impact of the development on the archaeological resource.

We currently envisage that the programme of work will take the form firstly of an archaeological recording of any existing structures that will be affected by the proposed works, both designated and non-designated. This will be followed by an intensive archaeological watching brief during the all the groundworks required for the development, including all inter-tidal and sea defence works, all engineering and earth works and extensions to car parking. The scheme will also need to contain detailed contingency arrangements including the provision of sufficient time and resources to ensure that any further archaeological features that are located during the archaeological work are properly investigated, excavated and recorded, including any sampling, and that a report containing the results and analysis of the all of the work is produced.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

### **CADW-**

#### Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument and registered historic parks and garden.

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Our assessment of the application is given below.

Located within a 3km buffer of the application area are:

Scheduled monuments:

Oystermouth (GM007) Castle consists of the remains of a castle, dating to the medieval period and was established c. 1107 by William de Londres. The castle commands extensive views across Swansea Bay.

The application area is located c 1.5km to the south east of the scheduled monument and is visible from it. Within the current scheme in view from the scheduled monument both the Coastal Strip Building and the Headland Building are potentially visually intrusive. It is intended for that the Coastal Strip Building will extend from a point c 75m west from Mumbles Pier entrance along the cliff front towards Swansea. The current scheme for reserved matters approval is a continuous series of eight 4-storey and one 3-storey blocks each with pitched roof and gables to seaward. The bulk and scale of the building will make it a prominent new feature in this location, however because of the distance concerned and because the buildings would not protrude above the cliffs to the rear as seen from the monument the impact would be slight. The Headland Building is to be located at Mumbles Head; the current scheme for reserved matters approval is a massed series of 3 to 5 storey blocks with pitched roofs and gable ends to the north (foreshore) and west (beach). From the direction of the scheduled monument much of this building would be concealed by the Mumbles headland, a part would be visible, extending to the north of the cliff edge, however the prominence would be reduced by Mumbles island to the rear which would exceed the buildings elevation in this view. In sum there will be some adverse effect on the setting of the scheduled monument but this will be slight and not significant.

Registered historic parks and gardens:

PGW (Gm) 47(SWA) Clyne Castle (grade I)

Due to intervening topography the application area is not visible from the registered historic park and garden.

### **Natural Resources Wales -**

Natural Resources Wales can currently only agree to the partial discharge of Condition 16, as additional information is required in relation to land contamination. We leave the discharge of Conditions 1, 3, 4, 7 and 9 to the discretion of your Authority, however further comments for your Authority's consideration are given below.

#### Conditions 1, 3 and 9

Based on the information submitted in support of the above, we note that the foreshore building rises 1.2m higher than the outline proposal, but only at the apex of roofs. Although not entirely in line with the approved parameter, we do not consider that this introduces any significant landscape or visual impact above those considered acceptable at outline.

The new proposal for the headland building are lower than suggested at outline and the use of pitched roofs in response to the retention of existing buildings reduces the visual mass compared to the previous iteration. The reduction in glazing should reduce glare, reflection and light pollution in comparison with the previous design. We also consider the proposed materials to be generally acceptable.

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We advise that details of the hard and soft landscape proposals, should be submitted by the applicant to be approved by your Authority.

We also note that a feasibility study to consider the options in relation to Solar PV panels is proposed. We would request that NRW are re-consulted following the submission of any such documents in order to provide further comments.

We also wish to take this opportunity to highlight to both the applicant and your Authority that the construction of a wider promenade (which will be built seawards of its current position), will require a Marine Licence from NRW.

The Phasing Plan, submitted with the application, identifies a new public boardwalk from the inshore lifeboat station to the pavilion (Phase 2) and a possible extension of the existing 'public realm' in front of the pavilion (Phase 5). Both these phases will require a Marine Licence and therefore, we advise that your Authority makes the applicant aware of this and that they contact the NRW Marine Licencing Team for further information.

As part of the original Environmental Statement (ES), and provided in technical appendix 9.2, an intertidal survey was undertaken by Swansea University (2010). This survey identified the presence of Honeycomb worm (*Sabellaria alveolata*) reef on the lower intertidal, approximately 40m from the current seawall which increase in density towards the pier. Honeycomb worm is a UKBAP priority habitat and an LBAP species ([http://jncc.defra.gov.uk/pdf/UKBAP\\_BAPHabitats-46-bellariaAlveolataReefs.pdf](http://jncc.defra.gov.uk/pdf/UKBAP_BAPHabitats-46-bellariaAlveolataReefs.pdf)).

The survey conclusions and recommendations suggest that any construction activities are limited to the upper shore areas only with measures taken to actively avoid the areas of reef. This should be taken into consideration in relation to any Marine Licence application and any future Construction Environmental Management Plan (CEMP) and Ecological Construction Method Statement submissions.

### Condition 4

We note that Condition 4 refers to 'levels' and states that: 'The applications for reserved matters shall be accompanied by details of the existing and proposed levels for that part of the development indicating the relationship to the adjoining land and all ground re-modelling proposed.' Although specific details in relation to 'tidal flood levels' are referred to within Conditions 8 & 12 of the existing permission, these are based on figures agreed in 2010 and 2011.

Therefore, we consider it appropriate to advise your Authority that ongoing sea-level rise predictions (due to climate change) mean that current figures will be greater than those quoted within the permission.

The latest predictions, with a climate change allowance based on a 100-year lifetime of development, will be: T200 = 7.31m AOD and T1000 = 7.55m AOD. These increases in sea level are also likely to affect the predicted 1:100-year wave-event level referred to in Condition 8. It should also be noted that another update to existing sea-levels is currently being considered for publication by both the Welsh and UK Government. which will further increase sea level values at Mumbles.

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Therefore, we would advise that in the interests of maintaining a resilient, safe and TAN15 compliant design over the lifetime of the development a review of the FCA is carried out to take account of the latest information available on current and predicted sea levels and wave climate. This review will then inform any amendments required to design levels of particular elements of the development.

### Condition 7

This condition states that: 'Unless otherwise agreed in writing with the Local Planning Authority the development shall incorporate the mitigation measures identified in the Environmental Statement, details of which shall be submitted to and approved by the Local Planning Authority as part of the approval of the reserved matters or to comply with the conditions of this permission.'

With the above text in mind we have reviewed the document entitled; 'Mumbles Pier and Foreshore Redevelopment: Reserved Matters Planning Application for Redevelopment of Mumbles Headland and Foreshore - Planning Statement', dated April 2018, by Geraint John Planning Ltd. Having reviewed the above document, we wish to make the following comments:

Section 3.9 of the document makes no mention of the Kittiwake Mitigation in relation to the development of the new RNLI lifeboat house. We advise that you discuss with your Authority's Planning Ecologist, the benefits of adding this to the text.

Sections 5.23 & 5.24 refer to TAN 5 and to the importance to 'enhance natural heritage' and to 'address' important nature conservation issues. We would remind your Authority that any loss to, or reduction in, the capacity of the development site to contribute towards kittiwake conservation would not be in line with this guidance or in line with the Swansea's biodiversity as set out in Sections 6 & 7 of the Environment (Wales) Act 2016.

Section 6.39 considers residual impacts and identifies what it describes as; 'the temporary impact on kittiwake colony during construction.' This impact would only be temporary subject to the successful re-colonisation of the main pier infrastructure, post construction.

Until that successful re-colonisation can be demonstrated, there will be a continuing need for mitigation. The mitigation measures installed to support kittiwake nesting on the old lifeboat station and connecting walkway have been demonstrated to be very effective, despite significant storm damage in 2013/14. We advise that maintenance of these mitigation will be required until the pier can be demonstrated to be supporting similar numbers of kittiwakes as present before construction on the new Lifeboat building was started.

Section 6.39 also states that; 'The reserved matters application would be supported by an application to discharge the Conditions relating to the Ecological Constriction Method Statement and Ecological Management Plan, to demonstrate the mitigation measures required as part of the Outline consent to mitigate against any harmful ecological impacts from the development.'

Therefore, we recommend that prior to the discharge of Condition 7, your Authority's Planning Ecologist should be satisfied that the future management of the kittiwake mitigation is adequately addressed, either through separate agreement with your Authority, or in the documents highlighted above.

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### Condition 16

We note the condition relates to Land Contamination. With the above text in mind we have reviewed the document entitled; 'Mumbles Pier Development: Phase 1 Desk Study (Report No. G40083/DS)', dated November 2017, by Quantum Geotechnical.

We note that one tank was listed as in the pavilion, with others at / within an unspecified vicinity. However, no further details have been supplied. Therefore, we advise that additional details and clarification are provided in relation to these matters, along with further investigation in the area of the known tank.

Furthermore, Section 6.2 (Evaluation and Recommendations) of the desk study is only focused on human health, with no consideration given to any impacts on the principal aquifer. Therefore, we advise that further details and clarifications need to be provided in order to address this matter.

Therefore, while we would have no objection to the discharge of; Part 1 of Condition 16, we would not support the discharge of the other elements of the condition (Parts 2 - 4), until the additional information outlined above has been provided.

### **Dwr Cymru Welsh Water -**

**SEWERAGE** We have no objection to this application for approval of reserved matters subject to compliance with the requirements of drainage related conditions imposed on outline planning permission 2010/1451, subsequently varied by permission 2014/1946, namely conditions 14 & 15.

### **WATER SUPPLY**

The proposed development is crossed by a distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

### **Highway Authority Observations -**

The information submitted as part of this application has been reviewed. It would appear that in terms of highways and transport the scheme has not changed and there is nothing further to comment upon.

On the basis that the proposals were found to be acceptable in the past, there would be no further objection to raise.

Given that the proposals benefit from approval and that highways and transport proposals remain unchanged, the existing planning conditions would still be considered valid as would with the existing S106 agreement.

**Placemaking and Heritage Consultation** - The Council's Design and Conservation Team have been involved in the assessment and negotiation of the proposals and their comments are integrated into the main committee report.



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## APPRAISAL

### Background

The Mumbles Pier foreshore and coastal strip development was granted outline planning permission on 20 December 2011 following the completion of a Section 106 Planning Obligation, which relates to the refurbishment of the pier, local bus service enhancements, a social benefit (bricks and mortar) clause and agreed off-site affordable housing allocation (Ref:2010/1451). The description of the development approved as part of that outline application is as follows:

*"Demolition of existing buildings (in part) and comprehensive re-development of land at Mumbles Headland and Foreshore / Coastal Strip (extending to Knab Rock) comprising: Headland Building (up to 6 storeys) to accommodate a range of commercial / leisure entertainment uses (Class D2) at ground floor - including Retail (Class A1); Food and Drink (Class A3); and amusement centre / arcade, with the upper floors utilised for hotel / visitor accommodation - (Class C1)(maximum of 70 rooms) and /or residential (32 apartments); Coastal Strip Building (up to 4 storeys) to accommodate 26 Residential apartments (Class C3); alterations and refurbishment works to existing pavilion (including new glazed canopy) to accommodate retail and food and drink uses; Site / Office (Class B1) within headland store; site-wide engineering and earth works, including sea defence and land reclamation works to form new sea wall and associated construction of new pedestrian boardwalk (and extension of existing public realm; landscaping and public art; highway access and site-wide service infrastructure works; headland car parking to be extended to serve hotel and / or residential with public car parking along coastal strip with private residential parking; and associated works (outline application with all matters reserved, other than strategic access)"*

Since the outline planning permission was issued in December, 2011, the new RNLI lifeboat station with the associated renovation of the end of the pier has been completed and is now operational, however, the outline approval under ref: 2010/1451 has not been implemented. However, since that time the Council has approved two Section 73 applications to vary certain conditions of the original approval. These permissions are described in further detail below.

### **Original Planning Permission - ref: 2010/1451**

The outline planning permission was granted with all matters other than strategic access reserved for subsequent consideration; however, the application was accompanied by a considerable amount of supporting information as part of the Environmental Impact Assessment (EIA) which sought to establish: Quantum of floorspace; Range of uses; Bulk and massing; Layout & Parking and access. Whilst the application was structured to allow for maximum flexibility in terms of the composition of land uses that ultimately may come forward as part of the development, the outline permission established a set of parameters through the planning conditions (Condition 1), to ensure that the development corresponds to the description, scale and form of development contained within the application, the environmental impacts of which were assessed through the Environmental Statement which accompanied the application.

The proposals approved for the redevelopment of the coastal strip and headland areas under the outline permission would consist of the following:

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- o Residential Development on the Coastal Strip - this will consist of a single building accommodating up to 26 two-bedroom residential units within a 3 to 4 storey high building envelope incorporating an undercroft private car park for 38 spaces.
- o Public Realm - A new area of public realm will be created as part of the redevelopment scheme, encompassing the creation of a new pedestrian boardwalk.
- o Car Parking - Public car parking is to be retained along the coastal strip area (37 visitor spaces are to be provided). The existing car park on the headland was to be extended and remodelled to provide 46 car parking spaces (36 spaces currently) to serve the hotel and / or residential development.
- o Headland Building - the proposal would comprise either of the following options:
  - i) Option 1 - 32 residential units (incorporating 3 penthouse apartments) above a commercial ground floor (11,400 sqft.) or
  - ii) Option 2 - 70 bed hotel with small leisure complex (8,500 sqft) at first floor above a commercial ground floor (11,400sqft).

The proposed building was to be over 6 floors. It is proposed that the ground-floor level of the new building will accommodate a range of commercial leisure / entertainment uses - including restaurant, family entertainment (and possible relocation of amusement arcade), specialist retail and leisure uses, with active frontages facing the pavilion (forming a 'street') and overlooking the beach to the east. The upper floors of the headland building will be utilised for hotel and / or residential accommodation.

- o Pavilion / Public Realm - The existing pavilion building will be substantially remodelled and refurbished, and will accommodate food and drink floorspace (in the form of a café / restaurant / bar) and specialist retail facilities. The area of public realm(boardwalk) currently located adjacent to the existing pavilion building will be extended outwards to form an enlarged area of public realm and outdoor seating.

### Section 73 Planning Permission - ref: 2014/1946

The outline permission required the submission of the reserved matters before the expiration of 3 years from the date of the permission i.e. 20 December 2014 (Condition 5); however, no reserved matters were forthcoming within this timescale and a Section 73 Application to vary conditions 2 (phasing), 5 (submission of reserved matters), 6 (commencement) and 24 (ecological CMS) and the removal of conditions 31 (Code 3) and 32 (BREEAM) was approved by the Planning Committee in February, 2015. Following the completion of the related Section 106 Planning Obligation the decision notice was issued 15 September, 2017 (Ref:2014/1946). The new permission now requires the submission of applications for the approval of the reserved matters to be made before the expiration of two years from the date of this permission i.e. 15 September, 2019. In granting the Section 73 application, it also extended the period to commence the development and the permission therefore remains extant.

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### Section 73 Planning Permission - ref: 2017/2641/S73

A further Section 73 application sought to vary conditions 1 and 32 of Planning Permission 2014/1946 and this was granted 15th September 2017 to amend the building parameters (Condition 1) and the detailed design strategy (Condition 32) relating to the comprehensive redevelopment of land at Mumbles Head and Foreshore. It was contended by the applicants that Condition 1 did not allow for flexibility to allow for minor deviations from the approved parameters and condition 1 was amended to read as follows:

- 1 This permission shall **be substantially implemented in accordance with** the disposition of land uses, quantum of development, maximum building heights and massing as specified in the Parameters Schedule (Drwg. No. SW984/A/(P) 16 rev. B), Design and Access Statement Addendum (May, 2011) and the Regulation 19 Environmental Statement addendum and as identified on drawing numbers SW/984/A(P06 - 13 rev B) **approved under Ref: 2014/1946. Any deviations from the above details will be considered on its merits having specific regard to the provisions of the adopted City and County of Swansea Unitary Development Plan and relevant and related policy.**

Reason: To ensure that the development corresponds to the description, scale and form of development contained within the application, the environmental impacts of which were assessed through the Environmental Statement which accompanied this application.

Condition 32 was amended to allow the Detailed Design Strategy to be assessed through a Design and Access Statement when a single Reserved Matters application was submitted covering both the Headland and Foreshore elements of the site which would allow the detailed design to be assessed against the design parameters under Condition 1.

### Mumbles Pier and Section 106 Planning Obligation

It is highlighted that Mumbles Pier requires substantial repair and construction. Regular and ongoing structural surveys have indicated significant weaknesses in the lattice work and hand railings, which will require substantial replacement and renewal (for which planning permission and listed building consent have recently been granted - refs:2010/1646 & 1670 respectively).

The underlying theme of the proposed development is therefore the restoration of Mumbles Pier. The works to restore the Pier are estimated to be approx. £3 million and it is therefore proposed that the proposed development will generate the necessary funding to undertake the proposed Pier refurbishment works. The refurbishment works would not only secure the long term future of the Pier but in doing so would ensure the continued presence of the RNLI by providing safe access to the lifeboat station. The Section 106 relates to the refurbishment of the pier, the provision of a local bus service enhancements, a social benefit (bricks and mortar) clause and agreed off-site affordable housing allocation - if the Headland building was built as residential development (Ref:2010/1451). The provisions of the Section 106 will remain enforceable within this proposed Reserved Matters application.

### Need and Alternatives

It is not considered that there have been any changes in circumstances regarding the need for, or alternatives to, the development since the granting of planning permission for the proposed scheme and that the original conclusions within the ES are still valid.

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The need for the development - as a mechanism and 'enabling' development to facilitate the renovation of the listed Pier remains. In summary, there have been no changes to the need for the development or alternatives to the development since the issuing of planning permission for the proposed development. The conclusions drawn within the Environmental Statement which was completed in 2010, are therefore still valid and the recommendations remain appropriate. This conclusion is accepted.

### **Application Site and Surroundings**

The total site area to which the application relates is approximately 3.03 Hectares, and the site extends from the public car park at Knab Rock to the west, down to the beach at Mumbles Head, and is bound to the south by a steeply rising rock face and by the seawall to the north. The site also encompasses an area of beach to the east; a part of the rock face of Mumbles Head; and an area of land at the top of the headland which includes the 'Big Apple' car park. Vehicular access to the site is via a single highway entrance from the B443 road to the Pier Road. A one way system is in operation within the site with the exit re-joining the B443 at the eastern end of the site, via a steep incline.

The beach, rocky cliffs and cliff top area within the site either lie adjacent to or fall within the Gower AONB boundary and the site is also located within close proximity to both the Blackpill and Bracelet Bay Sites of Special Scientific Interest (SSSI), and the Mumbles Hill Local Nature Reserve.

Mumbles Headland is registered Common Land. The proposed development envisaged under the outline application proposed extending the 'Big Apple' car park, and this would have required an area of the existing public access common being deregistered in order for it to be used for the extended car park. This is no longer proposed under the current Reserved Matters proposal.

Registered Footpath MU1 crosses the site. This takes two routes from the 'Big Apple' car park down to the beach steps on the eastern side of the Pier buildings. The first route follows the road down to the bottom of the steps which also forms part of the Wales Coastal Path. The second route goes down the steps to join the first path where it meets the road.

A number of buildings are currently located on the headland and foreshore site - including the pavilion building adjacent to the entrance to the Pier housing an amusement arcade and café (constructed in 1999), the existing Pier Hotel building (constructed in 1898), the 'Big Apple' kiosk, Public Convenience ('Monkey House' Listed Building and the Inshore Lifeboat Station, Lifeboat Cottage and Rowing Club buildings. Mumbles Pier (which is a Listed Building) is situated adjacent to the application site area.

### **Reserved Matters Application**

The Proposed Development (as amended) for the redevelopment of the coastal strip and headland areas now consists of the following:

- o Residential Development on the Coastal Strip - this will consist of a single building accommodating 26 residential units within a 4 storey high building incorporating an undercroft private car park for 32 spaces.

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- o Public Realm - A new area of public realm will be created as part of the redevelopment scheme, encompassing the creation of a new pedestrian boardwalk.
- o Car Parking - Public car parking is to be retained along the coastal strip area (61 visitor spaces are to be provided) (32 spaces currently to serve the hotel / staff development.
- o Headland Building to accommodate a range of retail / food and drink / gallery uses at ground and first floors with the upper floors utilised as 69 no. hotel rooms within a building over 5 floors.
- o Pavilion / Public Realm - The existing pavilion building will be substantially remodelled and refurbished, and will retain the café and amusement arcade at ground floor and create a function room at first floor. The area of public realm (boardwalk) currently located adjacent to the existing pavilion building will be extended outwards to form an enlarged area of public realm and outdoor seating. Public access to the beach will be retained.
- o Retention of Existing Buildings - The existing in-shore lifeboat station and existing Mumbles Rowing Club do not form part of this application.
- o Retention of Existing Monkey House and Big Apple Kiosk - The existing 'Big Apple' Kiosk and 'Monkey House' (Public Convenience) Building will be retained as part of the redevelopment scheme. The Monkey House is a listed building and will be subject to an appropriate application for listed building consent but the refurbishment works to the Monkey House do not form part of the foreshore outline application.

### Planning Assessment

As indicated above, the outline planning permission remains extant and the principle of the development is therefore established. The material planning considerations with regard to this current reserved matters application are as follows. These largely correspond to the impacts assessed in the Environmental Statement.

- o Planning Policy Context
- o Landscape, Design and Visual Impact
- o Socio-Economic and Community Effects
- o Transportation
- o Ecology
- o Archaeology and Cultural Heritage
- o Flood Risk and Drainage
- o Ground Conditions and Water Resources
- o Services and Utilities

Having regard to all these impacts it will then be necessary to consider whether and how the development accords or otherwise with adopted planning policy and SPG for the site. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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### Planning Policy Context

Mumbles Head is a sensitive site, and as such there are a range of planning policies at both national and local level that will need to be considered in the determination of any development proposals. As well as these statutory policies there are a number of recently published strategy documents that recognise the pivotal role of the pier and foreshore in evolving and improving the tourist potential of Swansea Bay.

#### Wales Spatial Plan

The Wales Spatial Plan (update 2008) is the Welsh Government's Strategic document on spatial planning highlighted that the key priorities for the Swansea Bay Waterfront and Western Valleys included implementing the waterfront masterplan to maximise opportunities along the stunning coastline, developing a strong leisure and activity based tourism industry whilst ensuring that environmental protection and enhancement are fully integrated.

#### National Planning Wales - PPW (Edition 9, November, 2016)

The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015. Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker in taking decisions on individual planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Paragraph 4.2.4 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives.

Planning Policy Wales also outlines the Welsh Government's objectives for the conservation and improvement of the natural heritage, which include promoting the conservation of landscape and biodiversity, and ensuring that statutorily designated sites are properly protected and managed. National Parks and AONB's are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments..., development management decisions should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the area (para 5.3.5).

Planning Policy Wales is supplemented by a series of topic-based Technical Advice Notes (TANs). Of relevance to this site in Mumbles are a number of TANs which include:

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- o TAN 5 Nature and Conservation Planning (2009) - This note provides guidance on development control issues for SSSI, the selection and designation of non statutory nature conservation sites, protection of species, commons and greens and outlines the statutory framework for nature conservation.
- o TAN 12 Design (2016) - This technical advice note gives detailed advice on how good quality design can be facilitated in new development. The objectives of good design as defined in this TAN need to be reflected in any submitted development scheme. A detailed design statement should be prepared that identifies clearly the context in which the development is to be located and how the design has addressed the characteristics of the setting of the site and its immediate and wider context.
- o TAN 14 Coastal Planning (1998) - This guidance note provides advice on key issues in coastal zone areas including proposals for development proposals ,nature and landscape conservation and recreation. It points to the complex and dynamic nature of the coast and the need for local planning authorities to have a clear understanding of processes and potential effects when making planning decisions.
- o TAN 15 Development and Flood Risk (2004) - This is applicable in that the Mumbles Pier site falls within C2 development advice zone. The ES was accompanied by a FCA to assess the consequences of any estimated flood risk are acceptable and that the proposal satisfies the tests contained in the TAN.
- o TAN 23 (Economic Development) states that the economic benefits associated with development may be geographically spread out far beyond the area where the development is located and therefore as a consequence it is essential that the planning system recognises and gives due weight to the economic benefits associated with new development. The development will provide significant economic benefits to the City of Swansea.
- o TAN 24 Historic Environment (2017) - Guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and listed building applications.

It is considered that the proposed development accords with the Wales Spatial Plan, Planning Policy Wales and TAN 5 (Nature Conservation), TAN 12 (Design), TAN 14 (Coastal Planning), TAN 15 (Development Flood Risk) TAN 23 (Economic Development) and TAN 24 Historic Environment (2017). It is considered that the impacts of the development on the AONB, in particular the landscape and visual impacts have been properly considered and any local adverse impacts identified and acknowledged need, to be balanced against other considerations in particular the objectives set down in the adopted SPG for the site.

City and County of Swansea Unitary Development Plan (Adopted Nov. 2008)

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The UDP comprises two main parts, which are collectively referred to as the written statement. Part 1 sets out the broad vision and aspirations for development and conservation and sets out the overall strategy for pursuing them. The five strategic goals from Part 1 establish the direction of the plan and form the basis for 15 Strategic Policies. Part 2 of the UDP translates these Strategic Policies into more detailed policies and development proposals.

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Of particular relevance to the development of Mumbles Pier and Foreshore is Strategic Policy 1 which states that sustainable development will be pursued as an integral principle of the planning and development process, and that development proposals which strengthen Swansea's waterfront identity will be favoured. Strategic Policy 3 serves to protect, enhance and safeguard the natural, built and cultural heritage of the County and as such will be relevant when considering proposals for the development of Mumbles Pier. The UDP seeks to promote appropriate tourism developments and Strategic Policy 4 is particularly relevant to this aim. It states that proposals to develop or improve the variety and quality of tourism facilities will be supported where they contribute to the growth of the local economy, and where they do not have a significant impact on natural heritage and the historic environment or the amenity of local communities. Improving accessibility is an important aspect of any development and Strategic Policies 13 and 14 should be considered to maximise the accessibility of a development on this site.

The former Pier hotel and Mumbles Headland are partly located within a nationally recognised protected landscape, the Gower Area of Outstanding Natural Beauty (AONB) which was designated in 1956. The AONB is an area of exceptional landscape quality and beauty which is recognised as having national importance. The protection afforded by the AONB designation is a primary policy consideration within both a national and a local planning policy context and there is a statutory duty on the Council to have regard to the purpose of conserving and enhancing the natural beauty of the AONB under the Countryside and Rights of Way Act 2000 (CROW Act). This applies to all activities affecting the AONB, whether located within or adjacent to it.

There are a number of policies in the UDP which emphasise the sensitivity of the landscape and natural environment of the area. Policy EV26 relates to the Gower AONB, emphasising that development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the area will not be permitted. Also of relevance are policies relating to the designated Bracelet Bay and Swansea Bay SSSI's (Policy EV27) and Policy EV31 relating to the protection of the undeveloped coastline within the vicinity. The above UDP policies make it clear that the site lies in a highly sensitive location subject to a considerable level of landscape, ecological and heritage protection.

The amplification to the policy does however refer to having regard to the social and economic wellbeing of the area. Whilst there would be localised effects on the landscape character of the AONB these need to be balanced against the significant social and economic benefits, and in particular will secure the long term future of the listed pier and as a result, the RNLI in Mumbles.

UDP Policy EV20 indicates that new dwellings in the countryside will only be permitted to accommodate an agricultural / forestry worker, whilst Policy EV21 indicates that in the countryside non residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets the overriding social or economic needs of the local community. In this instance the proposed coastal strip would be located within the urban settlement limit, whilst the proposed headland building is located within the open countryside, to which these policies apply, albeit that is currently developed land and the adopted Development Framework promotes the principle of the development of this land.



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The UDP incorporates a specific policy for recreational and tourism facilities around Swansea Bay under Policy EC16. Development initiatives around Swansea Bay are required to capitalise on the seafront aspect and contribute towards the regeneration of the bay. Mumbles Pier is defined as a specific location. The policy is cross referenced to the Swansea Bay Strategy (2007) which provides Supplementary Planning Guidance for development proposals at this location and other nodes around the Bay. Policy EC16 also cross refers to the Swansea Tourism Strategy (2006). The Mumbles Pier and Foreshore Development Framework (April, 2009) is also intended to further supplement policy EC16 by providing more site specific planning and development principles. The development is considered to accord with these policies.

In relation to tourism development Policy EC15 seeks to consolidate the urban tourism resource by improving the quality and range of attractions, destinations accommodation and services at key locations. The Policy makes specific reference to the potential opportunities at Mumbles and Swansea Bay and is also cross referenced to the Swansea Bay Strategy and Tourism Strategy. Policy EC18 deals specifically with the provision of serviced tourism accommodation. The policy is concerned with improving the range and quality of provision at appropriate locations and recognises that sufficient good quality accommodation helps to create a package of facilities that visitors to areas like Mumbles expect.

In relation to residential use the Policy HC2 states that proposals for housing development within the urban area will normally be supported where the site has been previously developed and is not covered by conflicting plan policies or proposals. The need for affordable housing is a material planning consideration and Policy HC3 states that where a demonstrable lack of affordable housing exists, new developments of 10 or more dwellings on sites of more than 1 ha or more will be expected to incorporate an appropriate element of affordable housing. The Section 106 Planning Obligation requires an affordable housing contribution if the Headland Building were constructed and for used for residential accommodation. This will therefore not apply if the currently proposed hotel development is constructed.

A range of generic development principle and policies contained in the UDP are relevant, including in particular Policies EV1 - Design; EV2 - Siting; EV3 - Accessibility; EV4 - Public Realm and EV5 - Public Art requiring all new development to achieve defined objectives of good design in terms of siting, location, scale, height, massing, public realm, elevation treatment, materials, layout, density, accessibility, amenity, landscaping, public art etc. Policies EV7 and EV8 relate to Listed Buildings and there is a general presumption in favour of the preservation of listed buildings and these policies highlight the importance of preserving their form and character, architectural or historic features, structural integrity and the desirability of preserving their setting. Policy EV1 also indicates that new development should have regard to the desirability or preserving the setting of any listed building.

**The Swansea Bay Strategy Action Plan** was adopted by the Council in Feb. 2008, as the Council's policy for the regeneration of the Swansea Bay area. The document sets out a vision for the Bay, formulates an Action Plan and a Delivery and Implementation Plan. It sets out ambitions for the Bay from the City Waterfront around to Mumbles Pier. With specific regard to the Pier:

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- o The Action Plan encourages the redevelopment of the former nightclub building suggesting appropriate uses as cafe, bar, restaurant at ground floor level with potential for visitor accommodation above. The new building could provide a focal feature to complement the pier. It encourages the re-development to up to five or six storeys, but acknowledges that the height of the building in relation to the cliff is a sensitive issue and this would need to be subject to a detailed visual appraisal and Environmental Impact Assessment.
- o The Plan also suggests the external enhancement of the pavilion building and the introduction of development along the pier approach to provide holiday accommodation with integral parking at ground level.
- o It seeks to promote the restoration of the pier and introduce activity at its end by the introduction of a lightweight structure to accommodate exhibitions, events parties and weddings.
- o It supports the continued presence of the RNLI.
- o The Plan also seeks to improve existing long stay car parking facilities on the headland above the pier, with a possible link to the upper storeys of the new development.
- o It seeks to improve the public realm through the widening of the promenade to improve accessibility and provide space for temporary events such as public fetes/fairs and to improve links to the Mumbles Hill Nature Reserve and Bracelet Bay SSSI.

**The Mumbles Pier and Foreshore Development Framework** was adopted as Supplementary Planning Guidance for the site in May, 2009 following a full process of public consultation. The purpose of the framework document was to provide guidance for the preparation of development proposals and the submission of appropriate planning applications for Mumbles Pier and Foreshore. The framework recognises that Mumbles Pier and Foreshore is a key location and has the potential to create an enhanced cultural / leisure destination for the benefit of both tourists and locals, which ensures the long term future of the Pier whilst securing the future presence of the RNLI in Mumbles.

The underlying theme is the restoration of the Pier through a phased regeneration project that can provide the necessary funding. The Pier also provides access to the RNLI offshore lifeboat station which is important to retain.

Given the sensitive nature of the site, Mumbles Pier and Foreshore Development Framework recognises that the detailed design of any development scheme needs to be evaluated through an evidence based approach which considers the feasibility of the scheme in planning, environmental and technical terms. The development principles within the Mumbles Pier and Foreshore Development Framework broadly follow those set out in the Swansea Bay Strategy Action Plan.

The Mumbles Pier and Foreshore Development Framework acknowledges that given the prominent location of Mumbles Head, its lighthouse, islands, Mumbles Hill and the Pier and its relationship to the Gower AONB, creates a significant local and regional landmark and that the existing skyline and landforms are integral to the character of Mumbles.

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It is considered that the Development Framework is the principal document against which the application should initially be assessed. The objectives and development principles set out in the Development Framework in full can be summarised as follows

- o **To secure a comprehensive approach and secure the long term further of the Pier and the RNLI in Mumbles**

The application covers the whole of the landward area and comes forward with proposals for comprehensive development of the site. Detailed applications for planning permission and listed building consent for the refurbishment of the pier and the construction of a new lifeboat station for the RNLI have been approved. Thus a coordinated approach has been adopted in securing the necessary planning permissions for the comprehensive redevelopment of the site.

The phasing of the development on the landward area is controlled through the Section 106 Obligation to ensure that the works to the Pier are undertaken and completed before beneficial use of the residential development commences. These works will then secure the future of the pier which is a precondition for the RNLI to continue to operate its new life boathouse in Mumbles. The development is therefore considered to achieve this objective of the Development Framework.

- o **To enhance the contribution the site makes as a tourist and leisure destination to Swansea, and Mumbles as a district centre and key visitor destination through the quality of development and introduction of appropriate uses.**

When considered in combination with the refurbishment works to the pier and the construction of the new RNLI lifeboat station the proposed development will significantly enhance the Mumbles Pier and Foreshore as a tourist and leisure destination.

The new public realm in particular the new boardwalk and new extended curved external seating area to the seaward side of the pavilion, which itself is to be refurbished will significantly enhance the appearance and attractiveness of the site as a tourist and leisure destination. The new boardwalk will improve pedestrian links towards Knab Rock and the rest of Mumbles. The range of commercial leisure and entertainment proposed for the refurbished pavilion and the ground floor of the new headland building will improve the leisure offer of the site.

The use of the proposed headland building as a hotel with associated leisure facilities would fundamentally redefine the area as a tourist and leisure destination.

- o **To achieve a well designed and sustainable form of development with a distinct sense of place which capitalises on its aspect, enhances the seafront and incorporates high quality public realm.**

The proposed development takes full advantage of seafront aspects of the site and enhances the seafront. The composition of buildings and public spaces and their relationship to the natural landscape is well considered. Overall it is considered that whilst the revised scheme will still be considerably more visible than the existing development, it is a positive design response to the cliff and that the form and scale are now acceptable.

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To accommodate the Promenade and public car parking with the Coastal Strip development, the proposal has always been to widen the public realm area by extending the boardwalk over the existing sloping concrete revetment. This widening is supplemented by short feature 'pierettes' at the same angle as Mumbles Pier to create focal locations to pause off the main Promenade.

- o **Achieve a development which respects the character and natural environment of Mumbles Head and views of the site from across the bay**

This is considered in detail in the landscape and visual impacts sections of this report. However, the Swansea Bay Strategy and the Development Framework acknowledge and promote development on both the Headland and Foreshore to secure the wider objectives for the site, albeit subject to the necessary environmental, visual and landscape testing.

- o **Operates efficiently in terms of access, parking and servicing and complement links to the wireless coastal paths.**

The transportation impacts were comprehensively addressed under the outline planning permission when it was concluded that the traffic generated by the development would have an insignificant impact on the local highway network. Whilst car parking provision does not accord with the adopted guidelines a more detailed analysis of the actual proposal submitted with the outline application, indicated that the parking provision will be sufficient other than a small shortfall in visitor parking facilities that will be accommodated in nearby parking facilities as will be the case with most existing residential and commercial premises in Mumbles.

The existing one way system will be maintained and the layout provides for adequate servicing facilities for the development at both the foreshore and headland levels. The layout significantly improves pedestrian access around the seafront and foreshore and allows for connections to the Wales coastal path. The Section 106 Planning Obligation includes provisions for the improvements to bus stops and bus services and a planning condition is included to ensure public access through the site and along the Wales Coastal Path.

### **Landscape, Design and Visual Impact Assessment**

Mumbles headland is an iconic shoreline and rocky coastal landform that marks the southern extremity of Swansea Bay. Whilst the iconic profile of Mumbles Head and the middle head have been formed naturally, the Mumbles Hill element is in part a landform that has been reclaimed and manipulated by human endeavour. The cliffs seen today adjacent to Mumbles pier have been quarried, the foreshore has been reclaimed with a revetment and infilled for the Mumbles Tram and the 'destination' has been developing and evolving since Victorian times.

Mumbles Pier is a designated grade II listed heritage asset. The pier is an iconic Victorian structure that has recently been partly refurbished in association with the construction of the new Mumbles Lifeboat House at the sea end. The deck structure of the pier stem comprising WWII lattice girders is deteriorating and requires replacement. Listed Building Consent has been granted for these repairs (ref 2010/1670) in conjunction with the development of the new RNLi Lifeboat Station at the end of pier and the landward end the pier stem is currently undergoing refurbishment in accordance with the approved details where the cast iron columns are retained in situ, metal deck supports renewed, new timber decking installed and the ornate cast iron side balustrades refurbished and reinstated.

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This work has previously been completed to a high standard at the sea end around the new life boat station. The former toilets known as the Monkey House (also a listed heritage asset) has a castellated grotto form and is currently used for storage.

The current Mumbles Pier destination is tired and lacks broad year round appeal. Whilst there are typically high levels of footfall from Mumbles/ Oyster Wharf to Verdi's, the footfall is noticeably lower beyond Knab Rock to Mumbles Pier. The Council prepared a strategy for the entirety of Swansea Bay which reinforced the importance of key destinations including the pier area and also prepared a specific development framework for the pier area to set the regeneration context for a more vibrant destination and reinvigoration of the heritage assets.

The new Lifeboat Station constructed in 2012 is the first phase of regenerating/ reinvigorating Mumbles Pier and this involved major reconstruction of the end of the pier. The current reserved matters application for the headland building redevelopment, new foreshore building and public realm would be the second phase if approved. There will potentially be further phases in future such as reinstating the pair of pavilions half way along the pier stem, reusing the redundant 1922 life boat house which will require a further listed building consent application and implementing the existing consent to convert the former unlisted lifeboat cottage into a restaurant (this has an extant planning consent ref 2012/0310 which was extended by 5 years via 2017/0724).

The outline planning application for the headland and foreshore areas (ref 2010/1451) had all matters reserved and included an indicative scheme for the redevelopment of the headland area, new development along the foreshore strip and refurbishment of the amusements/ café pavilion. This indicative scheme was the subject of planning dialogue and visual testing; it helped to set the maximum height parameters and land use quantum. The architectural language of this indicative scheme was overtly contemporary with a stepped form to the headland building however the outline approval did not require a contemporary approach and national planning guidance (TAN12) states that it is not appropriate for Local Planning Authorities to impose architectural styles or particular tastes but should secure good quality design as applied to the local context (local distinctiveness) (paragraph 6.2).

Condition 1 of the approved outline application required accordance with the outline parameters and allowed no flexibility. However flexibility has been introduced to allow development to be 'substantial implemented in accordance' with the outline parameters and this was approved as a Section 73 application by Planning Committee under ref: 2017/2641. Ultimately the Reserved Matter proposals have to be judged to be acceptable in terms of height, form, massing, materials and details.

The Reserved Matters application scheme was referred to the expert impartial Design Commission for Wales. Their comments are publically available and the main aspects are included below:

*"DCFW accepts the principle of development and supports the aspiration to regenerate Mumbles Pier and foreshore to create a vibrant mixed use area which contributes to the Local Authority's vision as detailed in their Regeneration Framework. The sensitive and valuable nature of this site however requires a sophisticated response, of the highest design excellence and quality."*

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*"The architectural approach taken with this iteration of the scheme currently lacks clarity in terms of overall vision. Compromises appear to have been made throughout the design process which has led to dilution of a clear architectural vision."*

*"The mass of the new hotel building appears bulky against the adjacent, retained heritage structures, an important relationship as recognized by the design team. Further testing of the scale and massing of proposals would help to demonstrate whether the current proposed mass is the most appropriate "solution."*

*The heavily exposed site will be a hostile environment for planting meaning that the public realm design must be very well considered to create a pleasant place to spend time, can support any planting designed into it and strengthens the response to the importance of the site."*

*"The dedicated public space for pedestrians and cyclists along the shore should be well considered to ensure the space is pleasant and active..... .....The scheme currently lacks clarity in how it will work, relationship to the context, and the experience of its users."*

It is considered that the final proposals which have been amended following the Design Review address the comments made by the Design Commission for Wales. A commentary has been provided by the applicant confirming what changes have been made in response to the Design Commission for Wales's comments and where changes have not been made and the reasons for this.

Whilst the outline application allowed for a phased development by different interests, the current Reserved Matters application covers all parts of the outline area as a single development. This is welcomed to provide certainty and ensured compatibility of the various elements of the development. The Reserved Matters application comprises four elements and the following design and heritage assessment has been structured to address each in turn as well as the visual effects and relationships to listed buildings.

- o Recladding and extension of existing pavilion
- o Headland building redevelopment
- o New foreshore building
- o Public realm enhancements/ expansion

It must be stressed that the assessment of the current Reserved Matters application can only look at the compliance with the outline parameters and the acceptability of the detail. The principle of development cannot be revisited because this was accepted by the Planning Committee and Council through the approval of the outline application ref 2010/1451.

### Recladding and roof extension to existing pavilion

The existing amusements and café pavilion was constructed circa 2000 and it now appears tired and dated at this exposed location. The proposal is to refurbish the exterior, extend part of the north (seaward) side and to convert the first floor bowling alley to a larger function room with external sea facing terrace whilst retaining the café and family entertainment area on the ground floor.

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This would require a slight amendment to the first floor roof structure to widen the floor plate and replace the shallow hips with a gable to increase useable space. The roof covering would also be replaced with a new standing seam covering and the elevations would be refreshed by timber effect fibre cement cladding.

These amendments are sensitive to the character of the pavilion building and are sensitive to the context including the setting of the grade II listed pier to one side and grade II listed former toilets (Monkey House) to the other side. The detail of the materials and building features such as the roof overhang can be controlled via condition.

### Headland building redevelopment and retention

The outline application allowed for the headland building to be used either as residential apartments (32 apartments) or hotel / visitor accommodation (maximum of 70 rooms). The initial reserved matters proposal for the headland building included a number of apartments but these have been omitted as part of the negotiations and the final proposal now comprises 69 bedrooms as a new pier hotel. This is welcomed as the basis of a year round vibrant and active tourism destination. The entire ground floor of the headland building would be commercial units to ensure a fully active public realm.

The indicative scheme at outline stage suggested the demolition of the unlisted stone faced buildings and new stepped building with overtly contemporary architectural language. The parameters schedule for the headland building approved at the outline stage set the maximum height at 19.6m above existing ground level and 28.6m AOD, comprising 5 floors of accommodation above a commercial ground floor. The parameters also states *"the development is arranged as a series interlocking stepped terraced units with private balconies formed by the roof of units below"*.

The reserved matters proposal is now to retain the two storey stone faced former pier hotel building with castellated gables. This is a change from the indicative outline scheme and this is welcomed to maintain the 'heritage' aspects of the destination. Whilst this is an unlisted building it is of local interest and forms a heritage group with the grade II listed former toilets. This has the effect of reducing the footprint available for the new headland building. It also provides a character reference for the new buildings with gables being a strong theme. The existing Copperfish restaurant frontage is proposed to be retained at ground floor and the former night club entrance projection is proposed to be removed to open up views to middle/ outer heads and Mumbles lighthouse.

The proposed elevations show the proposed height of the headland building to the ridge to be 17.74m above ground and 26.74m AOD which is 1.86m lower than the maximum height parameter set at the outline stage. The proposed elevation also includes a surveyed representation of the existing landform and it can be seen that the proposed building is significantly lower than the surrounding cliff which can also be seen in the photomontage visuals where the headland building sits lower than the landform profile. Furthermore the height of the upper floors above the commercial ground floor is now four floors as opposed to the outline scheme of five floors.

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The first and second floor front elevation of the proposed headland building align with the frontage of the retained two storey stone building and the proposed third and fourth floors respectively step back to soften the profile of the building form when viewed in the context of the Mumbles Head land form (in accordance with the outline requirement for a stepped interlocking terraced units) and also to avoid 'crowding' of the views to Mumbles lighthouse. The extent of the set back and stepping plus sequence of gables to the Headland building has been increased in the final proposals following negotiations and in response to the Design Review comments made by the Design Commission for Wales. The east elevation is set back from sea wall to avoid being overly dominant and to provide larger terraces for the ground floor hotel rooms.

The architectural language incorporates gables in reference to the existing traditional buildings of the pier complex and ensures depth by means of sheltered recessed balconies. The Design and Access Statement addendum also states that the headland building takes inspiration from the layered forms of Mumbles historic village with buildings climbing the hill as well as the more formal seafront buildings. This reinforces the clarity of the design intent in response to the comments by the Design Commission for Wales. The architectural approach is more 'traditional' than the indicative contemporary scheme from the outline stage. It is not considered appropriate to seek to make new development invisible, nor is it appropriate for the Local Planning Authority to impose a particular architectural style, instead the test needs to be about quality and responding to the context. It is considered that the proposed form of the headland building with gable articulation and stepping back represents an acceptable response to the constraints and opportunities and this fits within the approved outline parameters.

The materials must be quality and robust to withstand the exposed maritime location. There is no render proposed and the material comprise coloured timber effect cembrit cladding, natural stone cladding, aluminium windows, fibre cement roofs, glass balcony balustrades. The colours must strike a balance between not being jarring in the landscape views but also vibrant in the close up experience to celebrate the revitalised seafront destination. This can be achieved by using more muted and recessive colours in the upper structure and more vibrant colours in the ground and lower floors. The disposition of the materials has been amended in the final proposals to treat the forward elements in stone cladding and the recesses with the timber effect cladding. This is to refine the clarity of the architecture in response to the Design Commission so that the headland building reads as a solid stone structure with a recessive colouring. The colours will be finalised as part of the materials condition and a few options have been prepared to test this.

The ground floor comprises commercial units and the main entrance to the hotel to ensure a full 'active frontage'. This includes a new/ expanded restaurant unit in place of the derelict night club with dual aspect facing the pier and east to Mumbles Head and Light House. The proposal for the first floor includes a function room and terrace to take advantage of the elevated views similar to the successful recent Tivoli redevelopment. All signage will be the subject of separate advertisement consent applications.

Large expanses of glazing are avoided and windows are broken up by solid areas. This will help to limit unnecessary light pollution and this can be further controlled the lighting condition which forms part of the outline consent.



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The existing single storey stone building with castellated gable is proposed to be retained with the addition of a first floor pitched roof extension for commercial floorspace. This will retain the castellated gable as a feature which links visually to the adjacent grade II listed former toilets and the roof extension would be contemporary in character as an inset timber cladding volume under a new pitched roof. This sensitively extends the existing building and enhances the setting of the adjacent listed building.

Both the retained stone buildings include architectural details such as urns and finials on the stepped gables, plus carved stone plaques on the gables which are not shown on the plans. These must be retained and in some instances relocated to an agreed location - this can be agreed via condition.

The original reserved matters submission included balconies to the headland and pavilion building and a first floor pedestrian bridge link. This has been omitted in the final amended scheme following visual assessment and negotiations due to the negative effect on the views to Mumbles light house from the foreshore area and the shading effects on the public realm between the two buildings.

It is considered that the proposed headland building is a positive response to the sensitive location. It is a reduction on the maximum outline parameters and the form strikes a balance between a 'building' and landform integration which responds to the destination requirements and extensive visual aspects with a multitude of view points from around Swansea Bay. The contemporary indicative scheme suggested at the outline stage highlights that there is more than one solution to this sensitive and iconic location and as assessed above, the reserved matters proposals combine horizontal and vertical elements in the shallow gable band and the vertical bands of stone cladding. This picks up on traditional local architectural features and reinterprets these in a contemporary manner without being pastiche. The proposed headland building will be visible as a bold statement of the regeneration of Mumbles Pier as a revitalised tourism destination. The visual effects are considered later in this report.

### Foreshore new development

The outline approval established the principle of a new linear building in the foreshore car park area. The outline parameters specified up to 27 two bed apartments, 3-4 storey building (2-4 floors of accommodation above the ground floor parking level), 1040m<sup>2</sup> footprint, and 12.1m height above ground and 19.5m height above ordnance datum (AOD).

The proposed foreshore building is located in a similar location to the foreshore block shown in the indicative outline scheme, but slightly further forward and approximately 10m longer in footprint at the east end. There is a ground level change of 1m along the length of the proposed foreshore building. At the east end where the ground level is higher, the overall height is 13.3m whilst along much of the length of the building where the ground level is lower the overall height is 14.3m above ground. At the western end opposite the inshore lifeboat station where the building reduces to two levels of accommodation above the parking the height is reduced to 11.7m height, which is 0.4m below the height above ground level parameter and 0.2m below the AOD height parameter (the entrance core with flat roof would be of a similar height and therefore within the height parameters).

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Therefore the maximum exceedance of the outline AOD height parameter of the foreshore building is 2.4m due to the apexes of the gabled roofs and some of the loft elements of accommodation within the roof pitch. The ground levels cannot be reduced due to the flood risk. This is considered acceptable on the basis that the floors of accommodation follow the outline parameters and the slight breach of the height parameter is due to the positive articulation of the roof form. This is permissible under the approved Section 73 application which allowed scope for slight deviation in the outline parameters by means of the 'substantial accordance' wording. Furthermore the majority of the scheme is in accordance with the outline parameters and in a number of instances reduced from the parameters. Therefore the overall proposals are in substantial accordance.

The overall length of the foreshore building frontage is approx 105m long and the overall gross footprint is 990m<sup>2</sup> which falls below the maximum footprint of 1040m<sup>2</sup> as stipulated in the outline parameters.

Furthermore the slight increase in height above outline parameter and proximity to the grade II listed former toilets does not harm setting due to the remaining separation and positive articulation of the proposed foreshore building.

Given the flood risk at this location, the ground floor cannot be vulnerable land uses such as residential accommodation, so this level comprises the communal entrance hall and undercroft parking which is secured by doors that are slightly set back to form a recessed plinth to the building. A separate flood escape route is provided from the rear deck onto the sloping road above the flood risk level. There are two to three upper floors of residential accommodation comprising two and three bedroom apartments. The elevations are well articulated by recessed balcony areas to give depth and the roof line is articulated by a sequence of gables that make reference to the traditional gables without being either pastiche or overtly contemporary.

The rear elevation with access balcony will not be visible because it is against the cliff face of Mumbles Hill which rises up behind and is separated from Mumbles Road. The end elevations will be prominent looking east and west along the promenade/ boardwalk areas and these are articulated by side windows to habitable rooms.

The materials must be suitable for the exposed maritime environment and no render is proposed. Instead the materials palette comprises natural stone cladding, timber effect coloured cladding, aluminium window frames and fibre cement slates. The architectural details can be controlled by a condition requiring large scale drawings of areas such as window openings and the materials can be controlled by a condition requiring a composite sample panel to be constructed on site.

The proposed foreshore building will not be overly conspicuous in the wider views across Swansea Bay because it is set against the backdrop of the cliffs and this is demonstrated in the visual testing. The development in this area will alter the view looking east to the pavilion and this will help activate and enhance the walking route to the pier destination.

### Boardwalk/ public realm

The application includes two areas of expanded/ improved public realm to the foreshore area and on the north side of the refurbished pavilion.

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Currently the walking route from the inshore life boat station to the pier along the foreshore stretch passes through a surface car park area with poor quality surfacing and a narrow area for pedestrians with potential conflicts with vehicles. The proposed construction of the linear foreshore building close to the cliff requires a new north extension to the public realm to retain a vehicular movement and parking area, plus separate wider and high quality pedestrian boardwalk area. This would be constructed on a new metal structure with timber deck incorporating seating areas and regular gaps to provide access from the car parking. There is scope for some low level maritime planting, seating and public art features. The parking areas have been broken up by walkways to provide access to the boardwalk and planting areas in response to the comments by the Design Commission for Wales. The final public realm design is supported by a sequence of eye level showing the content and activity as requested by the Design Commission.

Whilst the walking/ cycling route from Knab Rock to the pier along the access road is highlighted as the Wales Coastal Path this does not have a formal status as a PROW. The Council's Public Rights of Way team have indicated that this route including the new boardwalk area should be dedicated as a formal public route and that maintenance should be at the developer's expense. The route is within the ownership of the developer and access can be ensured through a suitably worded condition that requires public access in perpetuity.

The existing public realm to the north side of the refurbished pavilion overlooking the pier is limited in size. This does not allow much scope for circulation, events, shelters and sitting out to take in the views of Swansea Bay. The proposal is for a new curving deck structure on metal legs with timber deck to continue the high quality foreshore public realm through to the start of the pier.

At the eastern end, the public realm will be increased with the removal of the former night club entrance and the public access to the east beach and light house at low tide will be retained and improved.

The outline application suggested an expanded car park area off the Big Apple car park area within the common land area. This is no longer proposed and is not part of the reserved matters application. The existing Big Apple car park is retained with a barrier for use by hotel guests only and the existing steps down to the former toilets are used to access the hotel with luggage drop off at the lower level in a layby by the pavilion.

The public realm strategy indicates potential locations for public art features such as large scale kinetic/ mechanical sculpture, shelters/ kiosks, talking benches that relay the history of the area and mini piers. It is not appropriate to finalise the detail of these aspects at this stage and this can be addressed through a condition requiring the agreement/ implementation of a public art strategy that comprises both physical features and temporary activities and events with the chance for local artists to be involved.

Overall the proposal will increase the extent and quality of the public realm that is befitting of a vibrant year round tourism destination. This quality of public realm is also a business requirement to ensure footfall and dwell time. The likely materials comprise slabs/ small unit paving with tarmac to the vehicular areas and the detail of the public realm finishes can be controlled via a condition requiring a sample panel on site.

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Visual impact

This application relates to a prominent and coastal iconic location that is viewed from a multitude of locations around Swansea Bay. The consideration of the outline application included key viewpoints for assessment as an iterative design and assessment tool. The reserved matters application is supported by a number of photomontage visuals from the locations set at the outline stage. The photomontages show the current view, the massing of the indicative outline scheme and the massing of the final reserved matters scheme. Further visuals have been provided to show the proposed massing and architecture in context. These include 20 eye level visuals along the Promenade showing the sequence of views to the headland / Mumbles light house plus a view from the gates of Osyermouth Castle. This visual testing addresses the Design Commission request to demonstrate that the proposals are the most appropriate solution.

The photomontages demonstrate that there will be no discernible change to the massing of the refurbished pavilion. The photomontages demonstrate that the foreshore building will not be widely visible across Swansea Bay because it is set against the cliffs and below the skyline. The foreshore building will however alter the local views when walking from the inshore lifeboat station to the pier (this is assessed in more detail below). The photomontages demonstrate that the headland building will be widely visible across Swansea Bay as discussed below.

The proposed form of the headland building has less steps than the indicative outline scheme and this strikes a balance between a building form and land form. The extent/ amount/ distance of the stepping was not prescribed in the outline parameters - this was a design approach rather than strict set of massing rules. The extent of stepping in the final reserved matters drawings have been increased from the initial submission and the amended massing is considered to be appropriate; this combines a contemporary response to traditional architectural references with a building form that steps back on the upper floors. The headland building will be discernible as a new addition to the coastal profile when viewed across Swansea Bay with the stepping back ensuring softening of the form and a synergy with the landform. This continues the evolution of the Mumbles pier destination which has always been a balance of striking landform and prominent development. The individual views are considered in more detail below:

Photomontage view 1 shows the view looking down the centre line of the pier stem. In this view the outline indicative massing and the reserved matters proposals appear to be the same height. This has been checked with the design team and an effect of the angle of view and fact that whilst the reserved matters proposals are lower than the indicative outline scheme, the top is set further forward so that they appear the same height in this view. The reserved matters proposals show the layered form which takes inspiration from the traditional stepped village townscape of Mumbles incorporates architectural features such as the gables and clapper board cladding that references the pier buildings. From this vantage point, the proposed building is much lower than the rock face of Mumbles Hill which rises up behind.

Photomontage view 6 shows the view looking east from just past the inshore life boat station. This shows the current poor quality public realm and fact that there are currently no views to the light house. The proposed view is shown from the same location but this would become the vehicular area. The views to the existing cliff face on the right would be replaced by the proposed foreshore building and the cliff would still be visible to either end and rising up behind. The new widened boardwalk would be to the left of the view (north) above the current inaccessible revetment and this will open up views to the lighthouse.

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Photomontage view 7 from the area by the Knab Rock slipway (away from the promenade area). This shows the view looking along the coast with the inshore life boat station in the middle ground, then existing pier pavilion building with light house and square form of the former fort beyond. The landform of Mumbles Head is not visible. From this view, the headland building is barely visible and only the west end of the foreshore building can be seen behind the inshore life boat station. It should be noted that the view along the promenade in this area will be altered with the proposed headland building visible in place of the light house (see below).

Photomontage view 10 to the north west from the promenade by the West Cross Inn (2.4km away) shows that the headland building is lower than the indicative outline scheme and whilst the extent/ angle of stepping is less, the proposed building form softens into the landform and a 'notch' is avoided between the rear of the building and cliff slope. This still maintains the obvious down slope to the middle head in this view.

Photomontage view 12 from the sea to the north shows the view experienced by small boats within Swansea Bay and also represents similar further views further to the north from the promenade in the vicinity of Singleton some 4km away. This shows that the foreshore building is set lower than the landform/ skyline and that the headland building is lower than the indicative outline scheme. Whilst the extent/ angle of stepping is less, the proposed headland building form softens into the landform and a 'notch' is avoided between the rear of the building and cliff slope. This still maintains the obvious down slope to middle head in this view.

Photomontage view 13 from the sea to the south shows the visual effect visible to those on boats rounding Mumbles Head. The foreshore building will not be visible in this view and the stepped profile of the proposed headland building will be visible in the gap between the inner and outer heads and this still retains a significant view between the landforms.

From the multitude of longer distance views around Swansea Bay, the development will not reduce views of Mumbles light house; the foreshore building will be set below the skyline profile; the headland building profile will be visible to differing degrees in the notch between down slope of Mumbles hill and the inner head, plus the stepped profile will integrate with the existing landform. In addition to the wider views across Swansea Bay it is important to consider the local views looking along the seafront/ promenade from Mumbles to the pier. This sequence of views to destinations are assessed below:

From the promenade to the north of the Dairy Car Park, the view to Mumbles Light House is across the tidal area of Swansea Bay and the proposed development against the cliffs will not alter these views of the lighthouse.

From the Dairy Car Park to Tivoli (Oyster Wharf) the view along the coast takes in the promenade, Mumbles village frontage, Verdi's in the mid distance and Mumbles Light House in the far distance. The proposed headland building profile will be visible but this will not obscure or cover the view to Mumbles lighthouse and it is accepted that the proposed development must be sensitive and visible in order to highlight the revitalised destination.

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From the bowling green to Verdi's, the sweep of the promenade and existing landform means that the current views to Mumbles Light House gradually reduce due to the existing topography. The visuals show that the lighthouse will continue to be visible and that the profile of the headland building will be partially visible and closer to Verdi's only the roof of the foreshore building will be visible. This is accepted to communicate that there is a visible and vibrant destination beyond Verdi's to encourage increased footfall to the east. In contrast to the existing views, this does not harm any existing views to Mumbles lighthouse

At present, Mumbles Light House becomes visible again as you turn the promenade corner by Verdi's alongside the Knab Rock Slipway, however the 'destination' with the existing pier buildings is not currently visible. The light house with inshore lifeboat station in the mid ground continues to be visible walking alongside the Knab Rock car park up to the inshore life boat station. The view to the light house will be blocked by the proposed development and instead the view will be to the roof gables of the foreshore building.

As you pass the inshore life boat station and proceed through the pier parking area, the light house is no longer currently visible due to the angle of view and instead the view is dominated by the existing poor quality public realm in the foreground and the existing pavilion/ two storey castellated gable as the end destination. The proposed widened public realm with a new level structure above the existing inaccessible revetment area will open up new views to the light house looking between the pavilion and retained stone buildings/ new headland building.

From the area by the pavilion the view to the light house, the view is currently blocked by the single storey projection of the former night club entrance. This projection will be removed as part of the headland building redevelopment and this will open up and improve the close views to the light house and Middle Head/ Mumbles Head.

An additional view has been prepared showing the elevated view over Mumbles to the lighthouse from the public open space outside the gates of Oystermouth Castle. This view has a distance of approx 2.4km and shows that foreshore building roof profile will be visible below the skyline and whilst the profile of the upper part of the headland building will be partially visible, this will not obscure or overlap with the light house. Cadw have been consulted on the views to the light house from Oystermouth Castle and they have confirmed that they do not have any concerns at this visual relationship.

The assessment above demonstrated that the walk along the promenade from Mumbles to the pier comprises is a series of unveiling vistas to destinations along the coast. Whilst views of Mumbles light house in the Knab Rock area will be diminished, this will be replaced by partial views of the new buildings as the destination, plus the views to the light house will be significantly improved/ increased after the inshore life boat station with the new public realm alignment further to the north. Therefore this is considered to be acceptable to ensure the regeneration of this tourism destination.

In summary of the visual impacts it is considered that the proposals will reinvigorate Mumbles Pier as a year round tourism destination on Swansea Bay. They have been carefully designed and amended through negotiations to integrate with the iconic landform and to limit the visual impact.

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This will add a further layer of quality and history to the destination on Swansea Bay. With the exception of the acceptable additional height to the apexes of the foreshore building, all other aspects of this reserved matters application either conform or are less than the stated outline parameters. Therefore the proposal meets the requirements of condition 1 of the outline application as amended by the later s73 application by being substantially in accordance with the outline parameters.

### **Socio- Economic and Community Effects**

It is not considered that there have been any materially significant changes in Socio Economic circumstances or potential community effects since the assessment of the impacts was carried out to inform the previously submitted Environmental Statement. Accordingly, no further assessment is required and the recommendations/conclusions of the ES remain appropriate and will be implemented as detailed previously.

In particular, the enhancement of Mumbles Pier and foreshore as a tourist attraction is likely to have wider spin-off benefits on the wider tourism economy. In addition, as previously stated the scheme is proposed to generate the necessary funding to undertake the required Pier refurbishment works, which will not only restore the Grade II Listed structure, ensuring its sustainable use in the long-term, and will ensure safeguard the continued presence of the RNLI at this location. It is considered that this provides a reasonable assessment of the socio-economic and community effects of the proposed development and the different options for those uses within the headland development. Additionally, the socio-economic benefits of the development, will be enhanced by the incorporation of the social benefit ('Bricks and Mortar') clause into the Section 106 Obligation. This would assist in targeting recruitment and training and the development of local supply chains.

### **Transportation**

Policies AS1, AS2, AS3, AS4, AS5 and AS6 all relate to the need to ensure new developments are sustainable from an access and transport perspective and do not compromise existing infrastructure and are adequately served in terms of car parking, public transport, cycling and pedestrian access and safety. The transportation impacts of this proposal were comprehensively addressed in the ES and Transport Assessment, to the satisfaction of the Head of Transportation.

It is not considered that there have been any materially significant changes in traffic conditions within the vicinity of the application site since the Transport Assessment was carried out under the original outline application to inform the previously submitted Environmental Statement. The recommendations/conclusions of the ES remain appropriate and will be implemented as detailed previously.

Vehicular access to the existing headland is via a single highway entrance from the B443 Mumbles Road adjacent to the Knab Rock car park and there is a one way system in operation with an exit up a steep incline which emerges adjacent to the 'Big Apple' car park near Bracelet Bay (i.e. back onto the B443). It is proposed to construct a pedestrian boardwalk extending from the existing Mumbles Rowing Club building to the existing pavilion, which will give pedestrians a segregated route.

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### Car Parking

The existing car parking provision along the coastal strip consists of 67 visitor spaces with the headland car park at the 'Big Apple' accommodating 36 spaces. The proposed development would see the rationalisation of the existing car parking along the coastal strip, to provide a more formalised public car parking area with 56 no. parking spaces provided. The Foreshore building would be served by 32 no. parking spaces in an under-croft car parking arrangement. Based on the maximum parking standard of 1 space per bedroom and 1 per 5 units for visitors

The application of the parking guidelines at a ratio of 1.5 spaces for a two / three bedroom unit would have a requirement of 39 parking spaces, leaving a shortfall of 7 spaces. However, this level of parking is consistent with the outline planning permission when it was considered that the level of car parking is likely to be sufficient and accords with national advice that reduced parking levels should be considered where sites are located close to public transport links and local facilities. The Headland Building would be served by the existing 'Big Apple' car park, providing 36 no parking spaces to serve the hotel which would satisfy the forecast parking demand for the hotel which would result in a maximum demand of 23 spaces. Overall, it is considered that satisfactory car parking provision will be accommodated within the site without compromising the level of supply that will be available to the public.

In consideration of the outline approval, the Head of Transportation indicated that the current bus provision is an all year round hourly service and an additional summer time service. This is considered to be limited and would need increasing to provide a viable alternative to the private car in order to access the Mumbles Pier / headland location. It was further indicated that there is currently a bus service which waits at Oystermouth that can be diverted to the headland in order to increase bus provision and this would cost approximately £6k per year. The Head of Transportation recommended that this should be implemented at the developers expense to cover a 5 year period in order that a viable service may be established. This requirement was therefore imposed within the Section 106 Planning Obligation.

### **Ecology**

A range of ecological surveys (including an Extended Phase 1 Survey) were undertaken within the ES under the original outline application. The conclusions of the ES were that the potential impacts on the Valued Ecological Receptors (VERs) would generally be minor.

It was indicated that the disturbance from construction noise, lighting and dust could have a moderate impact on the breeding success of the Mumbles Pier Kittiwake colony, which is located approx. 150 metres away on the pier head. In consideration of the consent for the restoration of the pier, it was a planning condition to provide alternative nesting perches on the Old Lifeboat Station as mitigation whilst work was carried out constructed the RNLI Lifeboat Station. This had some success but the nesting perches have suffered due to the adverse weather conditions. Going forward it has been agreed with AMECO that more robust nesting perches will be provided in agreement with NRW and the Council's Ecology team within the fabric of the pier as it undergoes restoration.

The development could have a major impact on common lizards if present within the development footprint. Additionally, the proposed development could have a severe impact on the Sabellaria Alvelota reef due to damage caused from trampling and construction vehicles.



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An Ecology Strategy is proposed to avoid, mitigate or compensate for the potential impacts on the VER's resulting from the development proposals. The strategy has three delivery mechanisms, namely detailed design measures to be addressed during construction to be controlled through appropriate planning conditions, in respect of an Ecological Construction Method Statement (ECMS) and an Ecology Management Plan (EMP).

The ECMS would be prepared and implemented during the demolition and construction phase of the development and would be overseen by an appointed Ecological Clerk of Works. The ECMS would include measures to physically protect the identified VER's such as the retained grassland on the headland, the Sabellaria alveolata reef in the intertidal zone, the kittiwake colony on the pier, and general measures to control dust, noise and water quality. The EMP will be prepared at the detailed stage and implemented to ensure that the biodiversity value is retained and enhanced through the development. The EMP is subject to a planning condition which covers the ecological management of the retained grassland habitat and the proposed limestone roof top habitats.

It is therefore considered that the development accords with Policies EV25, EV27 and EV28 which seek to protect the natural heritage resource including European Protected Sites, Sites of Special Scientific Interest, natural and local nature reserves, and sites of interest for nature conservation subject to the mitigation measures identified in the planning conditions.

### **Archaeology and Cultural Heritage**

#### Effect on the setting of listed buildings

The only listed building within the site is the public convenience (LB377) referred to as the 'Monkey House'. Additionally, Mumbles Pier, lifeboat station and slipway is a Grade II Listed Building (LB211) which adjoins the site boundary and there are also five further listed buildings within the wider area, including the Mumbles Lighthouse (LB081), Mumbles Battery (LB395), two associated gun emplacements (LB392 & LB393) and magazine (LB394) - all located on the outer rocky island. Mumbles Lighthouse is a locally prominent landmark, and represents an iconic feature around Swansea Bay. Additionally, the two storey former pier hotel building and the Big Apple are not listed but they are certainly buildings of local interest.

UDP Policy EV1 requires new development to have regard to the desirability of preserving the setting of any listed building. The proposed development will significantly alter the setting of Mumbles Pier having regard to the scale of the proposed coastal strip and headland building and will alter the view looking landward from the pier. However, this has to be balanced against the improved public realm area and moreover, the substantial capital sum that will be generated by the development in order to undertake its restoration hence securing its longer term future.

The proposed enlargement of the public realm to the north of the refurbished pavilion will meet the stem of the grade II listed pier and it will not connect to or obscure any of the historic fabric. The development will enhance the setting of the pier and former toilets with the refurbished pavilion, retention of unlisted stone faced buildings and new high quality development with a sea side aesthetic. This will support the reinvigoration of the destination with the pier at the heart of the tourism offer.

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The public realm plan shows the paying booths at the pier entrance removed - these are not historic fabric having replaced the original pier turnstiles before the structure was listed in 1991 but they are covered by the grade II listing of the pier. The past consent for pier refurbishment indicated that the paying booths were to be removed for refurbishment and reinstated on the new deck. There is no objection to their removal but this will require a further listed building consent.

The first group of four pier columns are concealed by existing public realm area - these are also part of the listed structure and the public realm proposals will highlight this 'hidden' part of the pier structure.

The proposed drawings show a pedestrian walkway from the second floor of the proposed headland building to the existing roof terrace of the grade II listed former toilets. This is to allow a pedestrian access via the exiting steps up to the Big Apple car park for hotel guests. The interface between this walkway and the structure of the former toilets is unclear at present and this will require listed building consent. This work is acceptable in principle to better use and appreciate the listed structure and a further listed building consent application will be required. It will be important to ensure that no loading is placed on the historic stone structure and that the weatherproofing of the roof terrace is not affected. There are no changes proposed within this building.

Consideration has also been given to the setting of the listed building group around Mumbles Lighthouse, Oystermouth Castle (Scheduled Ancient Monument) and Mumbles Conservation area, however, it is not considered that the proposal would adversely effect these heritage features. CADW have assessed the impact of the proposed development on the setting of Oystermouth Castle. It is acknowledged that both the Coastal Strip building and Headland Buildings would be visible because of the 1.5km separation distance and because the buildings would not protrude above the cliffs to the rear as seen from the monument and whilst there will be some adverse effect on the setting of the scheduled monument this is considered to be slight and not significant.

### Archaeology

The site does not contain any known nationally important designated archaeological assets. It is indicated that the site is located in an area where prehistoric remains have previously been identified and recorded, in particular with regard to previous quarrying operations. Additionally, there is some evidence of a rectilinear, prehistoric field system within the inter-tidal zone. Moreover, with regard to the trackbed of the former Oystermouth to Mumbles Railway which runs through the site (which is likely to be disturbed) and also the associated Pier Hotel which be demolished, this is considered to generate an effect of moderate significance. The Archaeology and Heritage section of the ES recommends the preparation and agreement of a suitable programme of archaeological investigation in advance of construction commencing with the implementation secured by a planning condition. This position is supported by the Glamorgan Gwent Archaeological Trust (GGAT) who identify the need for the archaeological features to be fully investigated and recorded before the development commences and recommended that a condition is attached to ensure that the required works are undertaken to mitigate the impact of the development on the archaeological resource. This matter is controlled through the conditions on the outline and Section 73 planning permissions.

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GGAT envisage that the programme of work will take the form firstly of an archaeological recording of the existing structures that will be affected by the proposed works, those with statutory protection as well as those noted but without benefit of statutory protection, as noted in the assessment. This will be followed by an intensive archaeological watching brief during the all the groundworks required for the development, including all inter-tidal and sea defence works, all engineering and earth works and extensions to car parking. The scheme will also need to contain detailed contingency arrangements including the provision of sufficient time and resources to ensure that any further archaeological features that are located during the archaeological work are properly investigated, excavated and recorded, and that a report containing the results and analysis of the all of the work is produced.

In conclusion, subject to the preparation and agreement of a suitable programme of archaeological investigation in order to mitigate the impact of the development on the archaeological resource in advance of any demolition or construction works, the proposal would accord with UDP Policies EV6 and EV7.

### **Flood Risk and Drainage**

#### Flood Risk

The site is located within an area at risk of flooding resulting from extreme tide levels and by significant wave levels. The relevant Technical Advice Note (TAN) 15: Development and Flood Risk Development Advice Map shows the area of proposed development as being located within a Zone C2 floodplain. Zone C2 is defined by TAN15 as an area of floodplain without significant flood defence infrastructure and susceptible to flood events with probability of occurrence of 0.1% or greater (i.e. 1 in 1000 year flood event or greater). A Flood Consequences Assessment (FCA) was undertaken to assess the risk of flooding to people and property under the outline application.

It is indicated that flooding may occur from two potential sources: extreme flood tidal levels and significant wave levels resulting from near shore wave climate, and that the site is more susceptible to flooding from wave action. The FCA indicates that extreme tide levels for Mumbles Pier and Foreshore for the 1 in 1000 year event are currently 6.57m (AOD) rising to 7.59m (AOD) in 2111 (having regard to climate change). With regard to wave action, the FCA estimates that the significant wave levels for the 1 in 100 year event within the vicinity of the pier to range from 7.7m AOD to 8.8m AOD, although within the vicinity of the former nightclub these levels rise to between 9.3m AOD and 10.4m AOD. The existing road levels range between approx. 7m to 7.6m AOD and there is therefore the potential during extreme events for flooding to occur to the access road, damage to properties and to hamper access for emergency vehicles. This was obviously a matter for concern under the outline permission, and the initial response from the Environment Agency (EA) of the time indicated in addition to the development itself, that the access roads are assessed for a 100 year development lifetime, as the access to the development, which includes new residential and other 'highly vulnerable' development such as the hotel.

As a result an addendum to the FCA was submitted which assessed the access road for the 100 year development lifetime and it is proposed for the road level to be raised alongside the residential development, to be above the 1 in 250 year extreme tide level i.e. 7.4m AOD.

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The proposed development would include provision of a pedestrian walkway (boardwalk) and it is proposed to generally raise the road level in this area to a minimum of 7.4m AOD, with a sea wall parapet up stand set at a level 7.6m AOD raising to 8.8m AOD adjacent to the pier. The enhanced promenade will provide protection against both the extreme tide levels and significant wave action. The EA confirmed that these proposed design levels are acceptable in principle and indicate that the level of the main access road should be raised above the 0.5% (1 in 200) tidal level and that this should be secured by means of a planning condition. The addendum to the FCA also indicates that all habitable space within the residential development shall be set above 8.8m AOD (above the predicted 1 in 100 year wave event level. Again the EA recommend that this should be secured by a means of a planning condition.

It is indicated that the hotel / residential and leisure buildings at the headland will be at a level well above maximum tide level, and will be designed to ensure resilience against wave action with protected openings and building fabric. The residential buildings proposed along the foreshore / coastal strip will be constructed with undercroft parking and the habitable part of the development will therefore be well above the extreme flood levels or wave action. However, as indicated there is potential for the access road to be flooded during extreme events, it is proposed for a high level access/egress route connecting the residential buildings on the foreshore to the area adjacent to the headland car park will be provided for emergency evacuation. Additionally, during a severe storm, if deemed necessary, the cars within the undercroft car park could be evacuated to the headland car park which is above 23m AOD and hence well above extreme flood levels. The existing high level access road leading from the headland car park to the area near the pier would remain largely flood-free and could also be utilised by emergency vehicles if required. The Environment Agency however, raised concerns regarding the evacuation route from the residential development along the coastal strip and therefore requested further information regarding the proposed access / egress route together with an emergency evacuation plan.

The addendum to the FCA included a Principles of an Emergency Evacuation Plan which incorporates the above mentioned design levels. Additionally, the Plan incorporates a design for the residential development which makes allowance for a pedestrian emergency route escape route at the rear of the apartments (at third floor level) to enable residents to escape to high ground (at a level in excess of 16.5m AOD). This was considered to be a feasible proposition.

It was concluded that provided that the mitigation measures outlined above are implemented, the risk to people and property can be effectively managed and that no significant impacts will arise as a result of the development in terms of flood risk and drainage.

Condition 8 of the outline approval stipulates that habitable areas within the residential development should be set above a minimum level of 8.8m AOD, with the road and car park areas not less than 7.4m AOD. Additionally, condition 12 requires the boardwalk to set at a minimum level of 7.4m AOD.

The submitted reserved matters proposals are in compliance with the original FCA and the submitted Addendum, and moreover the latest levels prescribed in NRW's consultation response, which requires consideration to be given to ongoing sea-level rise predictions (due to climate change) and have referenced a climate change allowance based on a 100-year lifetime of development, will be: T200 = 7.31m AOD and T1000 = 7.55m AOD.

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The scheme has been designed to compliance to the Addendum Report which recommended a T1000 at 7.59m, and would therefore in line with current 2018 guidance.

### Drainage

The ES indicates that a new foul sewer will be constructed as part of the development, and the Environment Agency (EA) queried the status of these new foul drainage proposals. It is proposed that a new sewer will be constructed to discharge to the Welsh Water sewer to the east of the site, with a new pumping station, to convey to the point of connection. The EA were satisfied with this arrangement subject to the new foul sewer being connected to the foul sewer and not a surface water sewer. This was incorporated as a standard planning condition.

The EA also requested further details in respect of the management of the surface water drainage from the proposed development, which ideally should incorporate sustainable drainage (SUDS). It is indicated that the use of sustainable drainage system will be fully considered at the detailed design stage, through the condition on the outline permission and this could take form of grey-water recycling for the hotel or rainwater harvesting.

### **Ground Conditions and Water Resources**

It is not considered that ground conditions or water resources have altered significantly since the original outline approval. Accordingly the assessments which were previously carried out remain valid and robust, and no further assessment and / or evaluation are considered necessary. The conditions on the outline planning permission control the said issues in order to remediate any known contamination where it poses an unacceptable risk to human health and the environment. A preliminary Ground Investigation and Geotechnical Report has been submitted with this reserved matters submission and all original conditions still stand. Additionally, there is a condition on the outline planning permission requiring full engineering drawings to be submitted to assess the effect on any part of the development may have on the cliff face and adjacent highways to ensure the development does not compromise the structural integrity of adjoining land.

### **Services and Utilities**

There have been no significant material changes to the services and utilities within the vicinity of the site since the approval of the outline / Section 73 planning permissions and the conclusions drawn from the previous ES.

### **Conclusions**

This application seeks reserved matters approval for a significant new development in a sensitive location at Mumbles Head adjacent to and partly within the Gower AONB. The principle of the redevelopment of Mumbles Headland and Foreshore was established under the Outline Planning Permission and subsequent Section 73 applications and the Reserved Matters development is in accordance with approved parameter plans.

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**Item 1 (Cont'd)**

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The report presents a comprehensive assessment of the application. It describes the proposal and sets out the planning policy context against which it needs to be considered. It assesses the specific impact of the proposal in terms of landscape character and visual impact, socio-economic effects, transportation, ecology, archaeology, flood risk/drainage, ground conditions and water resources, services and utilities. It considers the impacts and effects against the Supplementary Planning Guidance for the site - The Mumbles Pier and Foreshore Development Framework - adopted by the Council in May 2009. It further assesses the scheme against the broader national and local planning policy context in particular the Swansea Unitary Development Plan (November 2008).

Having had full regard to all the impacts assessed as well as the public consultation responses received both for and against the development and having considered the scheme against the complex planning policy context within which it sits, it is concluded that in coming to a fully balanced recommendation and decision on the application, it is necessary to weigh the acknowledged adverse impacts of the development against the positive benefits the scheme will deliver. In that respect it is considered that the new residential development should be considered as enabling development which whilst not fully in accordance with adopted national and local planning policy applicable to the development, is justified because of the benefits it delivers, in particular the restoration of the pier which itself enables the new RNLI lifeboat station and slipway. The provision of the Headland Building will contribute to the tourism facilities in accordance with the Swansea Bay Strategy which aims to promote the regeneration of the Bay maximising the potential of the seafront location. Having regard to the Swansea Unitary Development Plan (November 2008) and all material planning considerations it is concluded that this reserved matters application is acceptable

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this 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 WCFG Act

### **RECOMMENDATION:**

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

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

03-01 Site Location Plan; 03-02 Development Masterplan; 03-03 Site Layout; 03-30 Foreshore Apartment Floor Layouts; 03-40 Proposed External Materials - Headland Building; 03-41 Proposed External Materials - Pavilion Building; 03-42 Proposed External Materials Foreshore Building; - plans received on 18 April, 2018;

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HG.17.10-04 Rev 4 - Headland Building Ground Floor; HG.17.10.05 Rev 3 - Headland Building First Floor; HG.17.10.06 Rev 3 - Headland Building Second Floor; HG.17.10.07 Rev 3 - Headland Building Third Floor Plan; HG.17.10.08 Rev 3 - Headland Building Fourth Floor Plan; HG17.10 (03) 09 Rev 4 - Headland Building : Seafront Elevation; HG.17.10 (03) - 12 Rev 2 - Headland Building: Beach Elevation; HG.17.10 (03) - 12 Rev 2 - Headland Building: North West Elevation; HG.17.10 (03) 13 - Headland Building : South West Elevation; HG.17.10 (03) - 60 Rev 2 - Visual Impact Assessment Sheet 1 of 3; HG.17.10 (03) - 61 Rev 2 - Visual Impact Assessment Sheet 2 of 3; HG.17.10 (03) - 62 Rev 2 - Visual Impact Assessment Sheet 3 of 3 - plans received 9 October, 2018.

HG.17.10 (03) - 50 Rev 1 - Public Realm Proposals Overview; HG.17.10 (03) - 51 Rev 1 - Public Realm Proposals Sheet 1 of 3; HG.17.10 (03) - 52 Rev 1 - Public Realm Proposals Sheet 2 of 3; HG.17.10 (03) - 50 Rev 1 - Public Realm Proposals Sheet 3 of 3 -plans received 17 October, 2018;

Design Strategy Addendum - plan received 22 October, 2018.

HG.17.10 (03) - 20 Pavilion Building: Floor Layout Plan; HG.17.10 (03) - 21 Rev 1 - Pavilion Building Elevations 1 of 2; HG.17.10 (03) - 22 - Pavilion Building Elevations 2 of 2; HG.17.10(03)-31 REV 8 - Foreshore Apartment Elevations; HG.17.10(03) - 63 rev 1 View towards lighthouse; HG.17.10(03) - 66 Views to lighthouse from promenade; HG17.10(03) - 67 View from Oystermouth Castle; - plans received 28 October, 2018;

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

- 2 Notwithstanding the details indicated in the application, samples of all external finishes for each phase of this Phase 1 reserved matters development and public realm together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Composite sample panels shall be erected on site and the development shall be completed in accordance with the approved scheme.

Reason: In the interests of visual amenity.

- 3 Prior to the commencement of any superstructure works for each phase of this Phase 1 reserved matters development, large scale details of architectural elements to all buildings at an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- o Retained features to stone buildings
- o Eaves/ verged to pavilion/ headland/ foreshore buildings
- o Typical window in its opening to pavilion/ headland/ foreshore buildings
- o Balcony and recess to headland/ foreshore buildings
- o Interface of roof extension and stonework to headland building
- o Ground floor openings to foreshore building
- o Ground floor/ soffit to foreshore building
- o Terrace/ balustrade to pavilion building
- o New public realm features including balustrades, steps, planters and seating

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- o Details of rear hotel entrance and raised walkway
- o Lighting strategy
- o Details of all vents and flues

The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- 4 Notwithstanding the details shown in the application, precise details of the public art strategy to include its implementation and timing as part of the phased development shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be implemented and thereafter retained on site in accordance with the approved public art strategy.

Reason: To ensure that the public art is implemented as part of the development in accordance with the public art strategy.

- 5 The proposed development must retain public access through the development, the public realm areas and along the Wales Coastal Path at all times.

Reason: In the interests of public amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Policies EV1, EV2, EV3, EV4, EV5, EV6, EV20, EV21, EV22, EV24, EV26, EV27, EV29, EV31, EV34, EV35, EV36, EV39, EC15, EC16, EC18, HC2, HC3, HC17, AS1, AS2, AS3, AS6).
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Item 2 (Cont'd)

Application Number:

2018/1845/FUL

### Site History App Number

### Proposal

### Status

### Decision Date

2018/1845/FUL

Change of use from residential (C3) to a 5 bedroom HMO (C4) for 5 people

PDE

## APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

## RESPONSE TO CONSULTATIONS

**Public Response** - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos.21 and 25 Hawthorne Avenue on 20th September 2018. A site notice was also posted within the vicinity of the application site on 25th September 2018.

Seven individual letters of objection have been received, which are summarised below:

- Parking concerns.
- Loss of social cohesion from high concentration of HMO's
- Increase in litter and refuse
- Increased noise and disturbance.
- Anti-social behaviour.
- Lack of amenity space for future occupants
- Visual impact of bin storage to the front garden

One petition of objection has been received comprising 38 signatures from 34 separate addresses.

The comments on the petitions are as follows:

*"We the undersigned object to the above planning application on the following grounds:*

1. *It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
2. *It will affect the general amenity of the area and will lead to an already harmful over-concentration of HMOs in the area.*
3. *The application is contrary to the aims of The Future Generations Act 2015 Planning Policy Wales 2015 (to promote and provide mixed tenure sustainable communities)."*

**HMO Team** - I have no comments to make regarding this planning application. According to our records, 23 Hawthorne Avenue was not occupied as a HMO previously but we have provided the owner with schedules of works for means of escape, amenities and repairs after they made use of our 'advisory service'.

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We have also recently received an application for a HMO licence to let and occupy 23 Hawthorne Avenue as a HMO. All means of escape works must be completed prior to the house being occupied as a HMO and sufficient amenities provided.

### **Dwr Cymru**

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory note:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

### **Highway Authority**

The current Parking Standards allow for up to six people in a property without the need for any additional parking with permitted development for up to 6 people sharing facilities being treated as a large single household. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016, up to six people could share without the need for planning permission.

Given that the Parking Standards do not reflect the new use Class C4 and based on recent appeal decisions, I do not consider that a refusal from Highways could be justified at appeal despite ongoing concerns regarding the cumulative impact of increasing numbers of HMO's in the area. The existing Supplementary Planning Guidance on parking is the relevant document that any Inspector would use in a Planning Appeal situation.

This application is for a change of use from C3 to C4 (for 5 persons) hence it is still below the 6 person threshold.

Parking on this street and in the vicinity in general is in very high demand and is a mix of unrestricted and residents permit holders only bays.

Submitted details claims that cycle storage will be made available in an under stairs cupboard measuring 280x75cm and is shown only on a block plan. It is doubtful that unless the complete under stairs area is open that storage for this many bicycles can be achieved however, there is space within the garden area for further storage to be included if required. The inclusion of cycle storage can mitigate for the lack of parking facilities however full details of the cycle storage to ensure that 5 cycles may be accommodated are required.

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

1. The dwelling being used by no more than 5 persons in the interest of highway safety.
2. Cycle parking to be provided in accordance with details to be submitted prior to beneficial occupation of the HMO.

### Description

Full planning permission is sought for the Change of use from residential (C3) to a 5 bedroom HMO (C4) for 5 people at No.23 Hawthorne Avenue, Uplands.

The application property is a two storey mid-terrace currently used as a dwelling house with 3 bedrooms.

### Principle of Use

The application property is an existing residential dwelling and would change to a property in shared occupation as a HMO. This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criterion of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

On the basis of the information provided, it is acknowledged that the proposal results in an increase of two bedrooms to provide a five bedroom property. A large family could occupy the property under the extant lawful use of the premises (i.e. 5 bedroom dwelling) and it is likely that the overall nature of the use for 5 unrelated individuals would increase the intensity in the use of the building.

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Whilst this is the case there is no evidence to suggest that this increase in use would represent a 'significant adverse effect upon residential amenity' having regard to potential for noise, nuisance or other disturbance as referred to in the policy. There is anecdotal evidence of problems arising from HMOs in that they can create problems such as antisocial behaviour, waste and litter but such amenity issues do not arise exclusively from a HMO use and could also be generated by a dwelling in C3 use.

It is not considered that the use of the premises for up to 5 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house, or indeed as the historic use of the property as a residential dwelling.

As such, the use of the property as a 5 bedroom HMO is not considered to result in an increase in noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

### Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple occupation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study also revealed common problems associated with a high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on school through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016)'. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

From viewing the Council's own HMO register there are 15 properties on Hawthorne Avenue which are registered HMOs (as of 22nd October 2018), with one property benefitting from planning approval for conversion to HMO but not yet on the register, and there are 92 properties on Hawthorne Avenue. The street percentage of HMOs would therefore change from approximately 17.3% to 18.5% on approval and implementation of the application. It is noted that there is a high concentration of HMOs in the Uplands and wider Brynmill area, but a relatively low concentration in this street itself.

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It is clear that approval of the application would result in the addition of a further HMO and an increase in the concentration of HMOs within the street. It is not, however, considered that the resultant number of HMOs within the street would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal. In those decisions, Planning Inspectors have stated that with no adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

For example in dealing with an appeal at No. 57 St Helens Avenue (ref: 2016/1688) which would result in the concentration of HMOs along St Helens Avenue going from 40% to 41% the appeal inspector found that given the existing circumstances in the Ward that the conversion to a HMO would "*not cause any material harm to the character and amenity of the area*". Furthermore the Inspector stated; "*whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area*". At 96 King Edwards Road (ref: 2016/1380) the inspector noted the existence of 52% of dwellings being HMOs as well as the existence of a draft SPG for HMOs, but given the draft nature of the SPG was unable to attach any significant weight to it. On the evidence before him he concluded there would be no material harm and allowed the appeal. Further information of these decisions and other relevant decisions relating to HMO proposals have been appended in below paragraphs.

In the absence of an appropriate formal percentage or other similar calculation based approach, the absence of empirical evidence and an Adopted SPG defining the level at which harm ensues, as well as the stance taken by Planning Inspectors on appeal, it cannot be regarded that approval of this application would result in a harmful concentration of HMOs in the area and thus the proposal complies with the aims of this criterion.

There would be no adverse effect upon the external appearance of the property and the character of the locality

The proposal does not include any material alterations to the external fabric of the dwelling and therefore the visual amenity of the host property and character of the local area would not be negatively impacted.

There would be no significant adverse effect on local car parking and highway safety

The Authority's Parking Standards SPG requires that HMO properties have 3 car parking spaces for up to 6 sharing and 1 space per additional bedroom. The SPG was produced at a time when planning permission was not required for a HMO for up to 6 sharing and it was accepted that the level of use and highway considerations would be akin to that of a C3 dwellinghouse. In terms of the SPG the proposed 5 bedroom 5 person HMO would generate a requirement for 3 onsite parking spaces.

The SPG provides worked examples of use of the standards (page 9), however, this does not include reference to HMO proposals other than reference to a conversion of a dwelling into 3 separate flats.

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In that particular example where the number of parking spaces cannot be provided on site it suggests that 'if possible' spaces should be provided at the rear of the premises and that if the site is too small to provide parking and kerbside parking pressure is not evident then an allowance of on-street parking immediately outside the property may be possible. It also refers to local circumstances dictating the approach to be taken. Whilst having regard to the general advice in relation to conversions into flats the Local Planning Authority must assess the application on the basis of the potential impacts arising from the proposal and whether this would harm highway safety in the area.

It can be noted that the existing 3 bedroom residential dwelling has a shortfall of 3 parking spaces under current Authority standards. The proposal will therefore not impact the availability of parking spaces onsite compared to existing conditions. It is noted however that it is not clear that the under store cupboard is of a sufficient size to store 5 bikes. A condition requiring that additional details be submitted will be attached to any approval. On this basis along with the fact that the site lies within walking distance of a range of facilities at Uplands District Centre it is not considered that the application will result in any adverse effects on local car parking and highway safety.

In dealing with appeals on highways and parking grounds inspectors have had regard to the SPG as being guidance only and have taken account of the fall-back position of existing uses as well as local circumstances when considering similar proposals. Full details of these decisions have been appended in below paragraphs.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property, actually resulting in improved on site parking provision, and is therefore in compliance with the provisions of Policies EV1, HC5, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

### Appropriate refuse storage arrangements can be provided

An area for bin storage is proposed within an existing set of outbuildings, however, the submitted plan does not clearly indicate where these are positioned. A condition requiring additional details will be attached to any permission.

### Response to objectors

The issues raised in respect of social cohesion, high concentration of HMOs, increased noise, disturbance and anti-social behaviour are addressed in the above report. The issue raised in connection with emergency services access is not considered to be impacted by the proposed change of use. Further details of the bin storage will be required by condition. The proposed internal amenity space for future occupants is considered sufficient for the proposed number of occupants. The application is considered to comply with the aims of The Future Generations Act 2015.

The concerns raised about parking are noted and have been appraised in the above paragraphs. Whilst it can be accepted that the proposal generates a requirement for 3 parking spaces regard needs to be given to the fact that Parking Standards SPG is Guidance and this should not be applied slavishly to planning applications.

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Regard should be given to the fall back position here which is that of a dwellinghouse with no off-street parking that in itself can potentially generate a high level of demand for parking. Reference can be made to appeal decisions in which Planning Inspectors treat the SPG as 'guidance' with particular similarities being noted with the Rosehill Terrace Appeal referred to in below paragraphs.

### Material Planning Appeal Decisions

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

#### 22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

*This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated "I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"*

#### The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

*This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated "even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice". The sustainable location of the site was noted by the inspector stating it "is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."*



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The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

### 4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

### 8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for up to 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"... "The proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

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Item 2 (Cont'd)

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105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Avenue - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."*

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated *"The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community."*

## Planning Committee – 6<sup>th</sup> November 2018

Item 2 (Cont'd)

Application Number:

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*The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."*

### 124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated "*Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it.*" The appeal was allowed.

### 26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated "*whether or not a proposal is harmful depends on planning judgement*". He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: "*whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users*". The appeal was allowed.

Item 2 (Cont'd)

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### Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as 5 bedroom HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this 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 WCFG 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: Site location plan, ground floor plan, first floor plan received on 12th September 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of five cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.  
Reason: In the interests of providing facilities for sustainable transport and general amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV40, AS6 and HC5
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-



## Planning Committee – 6<sup>th</sup> November 2018

Item 3 (Cont'd)

Application Number: 2018/1903/FUL

Site History App Number	Proposal	Status	Decision Date
2018/1903/FUL	Single storey rear extension	PDE	
99/0439	TWO STOREY REAR EXTENSION AND REAR CONSERVATORY EXTENSION	APP	14.05.1999
2007/2405	Detached garage	APP	23.11.2007

### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 23 and 24 Llys Aneirin and Nos. 18 and 22 Swansea Road on 6th September 2018. No objections have been received to date.

### APPRAISAL

This application is reported to Committee for determination, as the applicant is a Councillor of this Council (Cllr Robert Smith).

### Proposal

The application site comprises a semi-detached dwelling on Swansea Road located in the ward of Kingsbridge. The site benefits from off-road parking and a modest curtilage. Full planning permission is sought for the erection of a single storey extension to the rear of the property. The proposed extension is only 1.85m long and 2.5m wide. It is to be erected to the rear of an existing conservatory which is sited alongside the common boundary with the neighbouring dwelling known as 22 Swansea Road. The application drawings show that the existing mono-pitched roof serving the conservatory will be removed. The existing conservatory and proposed extension is to be served by a flat roof featuring two roof lanterns.

### Policy Issues

The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenity, having regard to Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'. There are no overriding issues for consideration under the provisions of the Human Rights Act.

**Item 3 (Cont'd)**

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### **Visual Amenity**

It is considered that the scale, design and external appearance of the proposed works respects the character and appearance of the host property and the area in which it is situated, particularly given the use of matching materials. The proposed extension is of a very modest scale with a projection of approximately 1.85m from the existing lean-to type rear conservatory and represents a subservient addition to the host dwelling. Furthermore, due to its siting to the rear of the dwelling the proposed extension will not be visible from public vantage points.

Therefore, it is considered that the proposed works will not have a detrimental impact upon the character of the host dwelling, the street scene or the wider surrounding area, and hence complies with Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Council's Design Guide for Householder Development.

### **Residential Amenity**

The application site has common boundaries with Nos. 23 and 24 Llys Aneirin and Nos. 18 and 22 Swansea Road. The proposed extension is sited within close proximity to the shared boundary with No. 22 Swansea Road, which is considered to be the only property likely to be affected by the proposal.

It is noted that the extension will breach the 45 degree horizontal rule (set out in the Council's Design Guide for Householder Development) if applied to the nearest ground floor window of No. 22. However, the proposed extension does comply with the 25 degree vertical rule if this is also applied to this window. On this basis - together with taking into account the existence of a high hedge along this common boundary - it is not considered that the impact of the proposed extension will be great enough as to warrant the refusal of the application. Furthermore, it is also noted that No. 22 has recently been granted planning permission (17th July 2018) for a single storey, full width, rear extension measuring 5m long. If this extension was constructed, it would be the same length as the existing conservatory and proposed extension at the application site.

Consequently, given the modest scale of the proposals, it is not considered that they will have an adverse impact on the residential amenity of any nearby neighbouring occupier by way of overlooking, overshadowing or overbearing. It is noted that no objections have been received from neighbouring occupiers.

### **Access and Highway Safety**

The proposed development will not increase the demand for parking, nor will it impact the availability of parking on-site. Therefore, highway safety is considered to be unaffected.

### **Conclusions**

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed development causes no significant adverse effect to the privacy or residential amenity of any adjoining neighbour. Furthermore the proposed development bears no detrimental impact upon the character and appearance of the host dwelling or the wider surrounding area.

## Planning Committee – 6<sup>th</sup> November 2018

**Item 3 (Cont'd)**

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2018/1903/FUL

Therefore the development complies with Policies EV1 and HC7 of the City and County of Swansea Unitary Development Plan and the Design Guide for Householder Development. Approval is therefore recommended.

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: Location Plan, Block Plan, received 3rd September 2018. SMITH\_02\_A Proposed Plans & Elevations, received 25th October 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

### **Informatives**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1 and HC7
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-



# Agenda Item 7

## Report of the Head of Planning and City Regeneration

Planning Committee – 6 November 2018

Planning Application Reference 2018/1023/FUL

**Construction of purpose built student accommodation between 7 and 9 storeys (645 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm– Plot A, Kings Road, Swansea, SA1 8PH**

**Purpose: This report provides advice to Committee on possible reasons for refusal of the above planning application following the decision to defer consideration of the application under the two stage voting process at the Planning Committee held on 7 August, 2018.**

**Recommendation: 1) That planning permission be granted subject to conditions as outlined in the attached report.**

### For Decision

#### 1.0 Introduction:

- 1.1 This application was reported to Planning Committee on 7<sup>th</sup> August, 2018 with the recommendation that planning permission be approved subject to conditions. Committee did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that further advice could be provided on reasons for refusal. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Committee.
- 1.2 In reaching a decision, Committee will need to consider advice on the award of costs in planning appeals in Section 12 Annex: Award of Costs of the Development Management Manual. This states that all parties involved in appeal proceedings are expected to behave reasonably to support an efficient and timely process. Parties must normally meet their own expenses. However, where it is deemed that one party has behaved unreasonably, either directly or indirectly, and this has caused another party to incur 'unnecessary or wasted expense' in the appeal or application process, they may be subject to an award of costs.
- 1.3 Local Planning Authorities are at risk of an award of costs being made against them if they behave unreasonably with respect to the substance of the matter under appeal or subject to a call-in or application directly to the Welsh Ministers. Examples of this include:
  - Failure to produce evidence to substantiate the impact of the proposal, or each reason, or proposed reason for refusal (i.e. taking a decision contrary to professional or technical advice without there being reasonable planning grounds to do so);
- 1.4 Local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision.

If they fail to do so, costs may be awarded against the authority. Following a change in legislation, costs can now be claimed when an appeal is considered by way of written representation in addition to appeals considered by Hearings and Inquiries.

## **2.0 Update to the Scheme**

2.1 Since the August 2018 Planning Committee, the Applicants have submitted an amended scheme proposing 645 bed spaces (591 bed spaces previously), and the following points are made:

- The additional bed spaces will be delivered within the same building envelope as the previous 591 bed space and also that of the consented 500 bed space scheme.
- The increase in the quantum of development has been achieved by:
  - i) Changing the internal mix of apartment types.
  - ii) Increasing the number of individual studios to create a more efficient floor plan.
  - iii) The cluster apartments have increased in size from an average of 6 bed units to 8 bed units thereby enabling a reduction in kitchen/dining space, whilst maintaining the highest standards of internal design.
- There would be a total of 27 car parking spaces, which would result in an additional car parking space in excess of that resulting from the ratio agreed for the 591 scheme.
- In relation to scheme viability, we have now finalised our viability appraisals of the various development scenarios. To confirm, the scheme now submitted achieves a return below 14% on GDV. As you will appreciate, this is well below the typical return of 20% a developer would expect.

Additionally, the applicants have submitted the following documents to support the application:

- Car Parking Analysis – which analyses the parking facilities managed by CRM Students across their portfolio across the country including those developed by the applicants (Crown Student Living);
- Waste Management Strategy of the proposed operation of the PBSA on Plot A1.
- Updated Visuals incorporating revised CGI's indicating the proposed white buff brick colour proposed (these will be shown at the Planning Committee).

## **3.0 Main Issues**

3.1 Members at Planning Committee identified the following areas for grounds of refusal of the application:

Car Parking and Waste Management / Collection.

## 4.0 Car Parking

### Applicant's Supporting Statement

*CRM Students has extensive experience managing and operating Purpose Built Student Accommodation (PBSA). We currently provide management and accounting services for some 23,000 beds across 139 sites throughout the UK.*

*We have acted for Crown Student Living (CSL) for more than 10 years and we manage all their PBSA properties. We work closely with CSL during the build, mobilisation and operational periods of their developments. CSL have instructed us to manage their development at SA1 on Swansea Waterfront on behalf of WPC Swansea 18-24 B.V.*

*In connection with their pending Planning Application, CSL inform us that there is some concern among Members that many of the students who will live at the development will bring cars to Swansea. CSL have therefore asked us to prepare this report to demonstrate, as we believe to be the case, that Members concern is unfounded. We know from our wide knowledge of dealing with students occupying PBSA that very few of those students take cars to University.*

*We would first like to explain that understanding and managing the relationship between the students and the local community is a key focus of CRM's work. Our management philosophy is to provide not only a safe and caring environment in which our student tenants can live and work; but also an environment which takes into account the sensitivities of the local area and community, including car parking.*

*We would also like to say that we are extremely proud of our close working relationships with a large number of the UK's leading Universities. We regularly consult with these institutions to ensure that we manage all our schemes in a method which matches the Universities' aspirations. One of the key elements is car parking, because most Universities discourage students bringing cars to University. This is true of both the University of Swansea and the University of Wales Trinity Saint David (UWTSD).*

*In order to reassure Members, we have set out in the table at the end of this report a complete analysis of parking facilities across the CRM portfolio:*

- Of the 139 sites referred to, 112 offer no parking whatsoever for the student tenants.*
- The majority of the sites with no parking facilities are purpose built student halls. The principal reason for these halls having no parking facilities for students is that there is no, or very little, demand from students for car parking facilities; so PBSA developers rarely provide parking facilities. CSL's development on SA1, with its 27 parking spaces, is a rare exception.*
- The remaining 27 sites only offer very limited car parking facilities. The majority of these sites have been created from outdated, refurbished, office buildings, which were originally constructed in the 60's and 70's with car parking facilities. The table below shows the number of car parking spaces in each of the 27 sites. The number of car parking spaces in each of these halls is shown in the third column. It will be noted, that the total number of car parking spaces in these halls is 476; serving some 23,000 beds across all the sites we manage.*

- *It is important to note that there is very little demand for the small number of car parking spaces in those student halls which do have parking facilities. The number of spaces taken up by students in each of the academic years 2015/2016, 2016/2017 and 2017/2018 is shown in the table. In 2015/2016, only 154 of the parking spaces were taken up by students; in 2016/2017, the number was 233; and in 2017/2018 the number was 126.*
- *It is clear from the above analysis that demand for car parking spaces is minimal.*

*There are several contributing factors for the lack of demand for parking spaces within PBSA halls. Some are as follows:*

- *Throughout the Universities in the UK, there is a high proportion of overseas students, the current proportion averaging about 35% of all university students. This is the approximate proportion for the Universities in Swansea. The Universities are keen to attract overseas students not only because they enhance the university experience to the benefit of all the students; but also because they contribute greatly to the economy of the Universities, which in turn contributes to the economies of our University towns and cities.*

*The relevance of the large number of overseas students is that by and large, overseas students prefer to live in purpose built student accommodation, rather than in HMOs. This is borne out by the fact that, in the PBSA halls that CRM manage, approximately 66% of the residents are overseas students.*

*It is a clearly established fact that very few overseas students have cars. So it is safe to say that some two thirds of students living in purpose built student accommodation will not have cars.*

- *Another factor is that most universities in the UK – and this applies particularly to the Universities in Swansea – actively discourage students from bringing cars to University.*

*Swansea University does not permit students to bring cars either to their Singleton Campus or to their new Bay Campus. So, the very small number of students who will bring cars to CSL's development at SA1 – we would estimate no more than 12 or 13 – will have little use for their cars.*

*There are excellent bus services to both Swansea University Campuses; and if students do want to drive to lectures, there will be no place to park their cars; and the new UWTSO Campus on SA1 is but a short walk from the development.*

*The bars, restaurants and nightclubs, which are an essential ingredient of most university students' experience, are only a short distance from SA1; as are the shops and other facilities on offer in the City Centre.*

- *It is relevant to add that our Assured Shorthold Tenancy Agreements, under which every student occupies his or her accommodation in the halls that we manage, contain an express restriction on student tenants bringing cars to the hall unless they have a confirmed parking space within the development. We understand it has been suggested that such restriction is flouted by students; but that is not our experience.*

*It would almost certainly come to our attention if a student was to park a car on a residential street; and in such cases, action would be taken against the offending student which could result in the loss of his or her tenancy. We are pleased to confirm that such action is extremely rare.*

*If there is a problem with students parking on residential streets, to the detriment of the residents of those streets, the offenders are usually occupants of the HMOs in those residential streets.*

*In conclusion, we would state that, given the location of the CSL site within SA1, the excellent bus services and the facilities within walking distance, parking spaces will not be a high priority for the students who will occupy the development; and that the development will not create parking problems for the local community.*

- 4.1 The Head of Transportation has been re-consulted on the parking management and has responded as follows:

*We have considered the additional information which suggests a 'Parking Analysis' although this is generally anecdotal evidence of other managed sites. The document suggests that the building management would almost certainly be made aware of a resident owing a vehicle; unfortunately we would still say this unlikely. It is not illegal to own a vehicle and the building management would not have any ability to identify vehicle legal owners or have any authority to request this from the DVLA or police. Any complaints which may be made to the Local Council or Authority would not necessarily be passed to the building management, due data protection and the fact it is not body which is authorised to penalise or take action on such matters.*

*The comparison of student properties with parking generally shows under use. However this information is provided without evidence and importantly not within this city. The Council has supplementary parking guidelines adopted as policy, the under provision of parking is non policy compliant, although accepting in this case an inspector's decision on a previous appeal.*

- 4.2 As outlined in the attached planning report, the original planning application ref: 2016/1511 was refused due to the extent of the parking provision resulting in increased pressure for on-street parking to the detriment of highway safety in the surrounding area. However, this was not accepted by the Inspector and whilst the Highway Authority is not supportive of the development on the grounds that insufficient parking is being provided to support the proposed development, there are no highway / parking objections to the current scheme.
- 4.3 If the Planning Committee wish to retain their position, it is suggested the reason for refusal under ref: 2016/1511 may be utilised:

*Insufficient car parking provision is made for the development which will result in pressure for on street parking to the detriment of the surrounding areas. The development is therefore contrary to the requirements of Policy AS6 of the Swansea Unitary Development Plan (Adopted November 2008) and the Supplementary Planning Guidance - Parking Standards (Adopted March 2012).*

## **5.0 Waste Management Collection**

- 5.1 The applicants have submitted a Waste Management Strategy since the Planning Committee on 7 August, 2018. This highlights the dedicated internal area for waste and recycling storage on the ground floor.

The collections will be provided by a private waste collection company or a paid for service provided by Swansea Council on a weekly basis as required. This will be monitored by the operator and should the need arise for more collections due to the amount of waste then this will be organised. The staff will be responsible for monitoring and managing the waste collection. The waste collection vehicles will access the waste storage area from Kings Road.

- 5.2 The Head of Waste, Parks and Cleansing has indicated that since attending the Planning Committee meeting on 7th August, waste management are currently considering introducing the following approach to the collection of waste & recycling from Purpose Built Student flats:

*Swansea Council will collect on the one day per fortnight as per our schedule of domestic collections.*

*Any additional collections over and above the fortnightly collection will be carried out on a commercial basis and charged for at the current rate for commercial waste collections.*

*This will cover all situations where there are insufficient wheel bins to contain the volume of waste/recycling produced each fortnight.*

- 5.3 The Head of Waste, Parks and Cleansing has been consulted on the Waste Management Strategy and makes the following comment:

*Waste Management will not make any further objection at the Planning committee meeting.*

*This does not imply that Swansea Council waste management department are 100% satisfied with the overall design of the wheel bin area and access for vehicles, but we remain in favour of Clause 3.1 "The collections will be provided by a private waste collection company or a paid for service provided by Swansea Council on a weekly basis as required".*

*From this statement, should the planning application be approved, Swansea Council are not committing themselves to be the sole provider of a waste and recycling service.*

On this basis it is not considered that a reason for refusal based on waste management and collection can be sustained.

## **6.0 Conclusion**

- 6.1 My original report to Planning Committee on 7 August 2018 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account my advice given above in relation to each possible reason for refusal Committee identified previously.

## **7.0 Recommendation**

- 7.1 The application be approved in accordance with the recommendation set out in the Report. If, however, Committee does not consider that the application should be approved, the reason(s) for refusal should take into account the advice given above and within the updated Committee Report as appended.

## **BACKGROUND PAPERS**

### **Local Government Act 1972 (Section 100) (As Amended)**

The following documents were used in the preparation of this report:

Application file (Ref: 2018/1023/FUL) together with the files and documents referred to in the background information section of the appended Planning Committee report.

**Contact Officer:** David Owen    **Tel: No:** 07970680587

**Date of Production:** 25 October 2018    **Document Name:** 2018/1023/FUL Report

**Item**

**Application Number:**

2018/1023/FUL

**Ward:**

St. Thomas - Bay  
Area

**Location:**

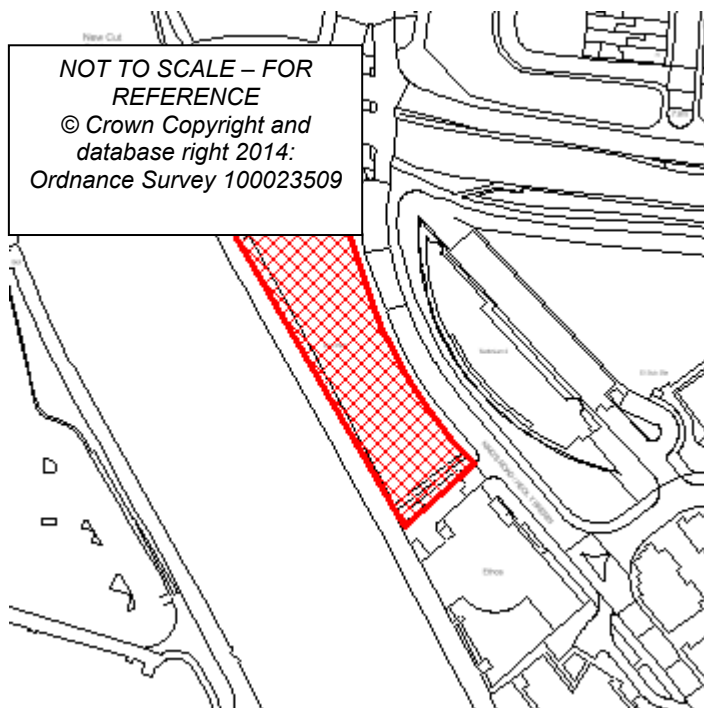
**Plot A1, Kings Road, Swansea, SA1 8PH**

**Proposal:**

**Construction of purpose built student accommodation between 7 and 9 storeys (645 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm**

**Applicant:**

**Alan Pulver WPC Swansea 18-24 B.V.**





## **Background Information**

### **Policies**

#### **UDP - EV1 - Design**

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### **UDP - EV2 - Siting**

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

#### **UDP - EV3 - Accessibility**

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

#### **UDP - EV4 - Public Realm**

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

#### **UDP - EV33 - Sewage Disposal**

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### **UDP - EV35 - Surface Water Run-Off**

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### **UDP - EV36 - Development and Flood Risk**

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

#### **UDP - EV38 - Contaminated Land**

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

#### **UDP - EV40 - Air, Noise and Light Pollution**

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

**UDP - HC1 - Housing Sites**

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

**UDP - HC11 - Higher Education Campus Development**

Higher education campus development will be permitted subject to compliance with the defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EC1 - General Employment Sites**

Allocation of employment land to meet the needs of the local economy. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EC2 - SA1 Swansea Waterfront**

Development within the SA1 Swansea Waterfront defined area shall accord with specific criteria. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EC6 - Local Shopping Centres and Neighbourhood Facilities**

The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS1 - New Development Proposals**

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

**UDP - AS2 - Design and Layout**

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS5 - Walking and Cycling**

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS6 - Parking/Accessibility**

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

**Site History**  
**App Number**

**Proposal**

**Status**

**Decision Date**

2017/2644/PRE	PRE APP - Construction of a building to provide 620 student bed spaces, ancillary communal facilities, a café (use class A3) external landscaping and associated works.	MIXPR E	20.02.2018
2018/0373/NMA	Purpose Built Student Accommodation - Non Material Amendment to planning permission 2016/1511 granted 29th June 2017 to vary Conditions 6 (Wind Mitigation); 12 (Drainage); 19 (Sound Insulation); 21 (Noise Mitigation); 23 (Landscaping) from pre-commencement requirements to approval prior to commencement of superstructure works	APP	16.03.2018
2018/0382/DOC	Purpose Built Student Accommodation - Discharge of conditions 8 (Contamination), 11 (Piling Operations), 14 (Historic environment) 15 (CPMP) of planning permission 2016/1511 granted 29th June 2017	APP	28.03.2018
2018/0951/S73	Construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm - Section 73 application to vary Condition 2 (Plans - revised building footprint / envelope) of planning permission 2016/1511 granted 29/06/2017	PDE	

2018/0966/NMA	Non Material Amendment to planning permission 2016/1511 granted 29th June 2017 to allow amendments to the layout of the basement	APP	25.05.2018
2018/1023/FUL	Construction of purpose built student accommodation between 7 and 9 storeys (645 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm	PDE	
ENQ2016/0287	Request for screening opinion	REC	
2006/0974	Erection of enclosed bin store area	APP	28.06.2006

### **Pre-application Consultation Report**

The Welsh Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to be accompanied by a pre-application consultation report (PAC). The submitted PAC report has outlined the pre-application consultations undertaken including contacting interested parties.

### **RESPONSE TO CONSULTATIONS**

**Original proposal** - Construction of purpose built student accommodation between 7 and 14 storeys (667 bedspaces) The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through

the display of site notices and in the local press on, 2018. 9 LETTERS OF OBJECTION have been received making the following points:

- o New proposal, with an increase of 167 bedspaces, is likely to exacerbate the problems associated with concentrations of students for existing SA1 residents (both commercial and domestic). These issues are well documented and include disruptive and anti-social behaviour, vandalism and hygiene concerns.
- o It is not appropriate in terms of scale, height, massing, elevational treatment and materials - the existing buildings in the immediate locality are much lower, not 'block-like' in their design and are predominantly light in colour with large glass areas. Existing buildings are mainly horizontal in aspect while the proposed development is vertical.
- o Building will be an eyesore
- o The proposed building is too large for its site - existing local buildings are widely spaced and surrounded by sizeable open green areas. The development would not integrate well with adjacent spaces nor would it enhance the general street scene.
- o the height of the building would overshadow the adjacent office premises (see W0318-0313-A Elevations to Kings Road Sheet 4), leading to loss of light and privacy for the existing occupants of the Ethos building.
- o University should supply accommodation.
- o SA1 is for residential, business and restaurants.
- o Roads / parking not it for purpose.
- o Photo montages demonstrate building would be out of keeping the proposed design is with the adjacent buildings. Ethos would be completely dwarfed by the bulk of the proposed building.
- o Surely it is a health and safety hazard to have student accommodation right next ludicrous that a car park is being taken away when there is already to few places for the people who work here to be able to park to to the river.
- o The design, size and choice of building material is completely out of character with the surrounding area and is totally unacceptable.
- o The project lacks a good-sized delivery and set down area for vehicles. This is crucial to help students move in and out of their accommodation at the start and end of every term as well as cater for deliveries to the building.
- o Given the ongoing developments and existing student accommodation in the city centre there is no need for additional student accommodation in the SA1 area. Is it not the case that there is oversupply of student accommodation in the city centre already?
- o Car parking is an ever growing concern in SA1. It is necessary to take that into account with this building and a large underground car park should be part of any proposed development.
- o The proportions, architecture, materials, purpose, site use, visual and practical impact on neighbouring properties and residents all seem to be good reasons for refusal.
- o The area it is in, is primarily the preserve of B1, but this is clearly a C-class building - at an unnecessary distance (there is ample undeveloped land closer to the new university campuses) from the educational facilities it would serve, if permitted.
- o Travel plan is unrealistic

### **Amended Proposal**

Following receipt of the amended plans on 2 July 2018 the application was re-advertised on site and the objectors reconsulted. THREE FURTHER LETTERS OF OBJECTION were received making the following points:

- o It is not appropriate in terms of design and height - the existing buildings in the immediate locality are much lower, they are innovative in their design and incorporate large areas of glass. As can be seen from project document W0318-905A this is not the case in the proposed development.
- o The proposed building is too large for its site - existing local buildings are widely spaced and surrounded by sizeable open green areas. The development would not integrate well with adjacent spaces nor would it enhance the general street scene.
- o The height of the building would overshadow the adjacent office premises leading to loss of light and privacy for the existing occupants of the Ethos building. As can be seen from project document W0318-0450 the proposed building, even at its lowest, is substantially higher than Ethos and very close to it. While it is good to see a revised proposal to reduce the size of the proposed building.
- o Construction materials, the plans are nevertheless for an increase in the number of students to be housed in it.

### **Further Amended Proposal - 645 bed spaces**

Following the resolution of the Planning Committee on 7 August, 2018 to not accept the scheme, which initiated a Cooling off period, the applicant submitted revised/amended plans on 19 September, 2018. The application was re-advertised on site. No public response has been received to the further amended proposal to date.

### **Original and Amended Proposal - Consultee Comments**

#### **Design Commission for Wales - 12 April 2018**

##### The Proposals

The prominent site forms part of the SA1 masterplan. It is bounded by Fabian Way to the north, River Tawe to the west and SA1 developments (of 3-4 storeys) to the east and south. Fabian Way is a 4/5 lane primary vehicle route into Swansea. River frontage runs the length of the site with an existing shared foot and cycle path between Fabian Way and the pedestrian Sail Bridge to the south. The site is currently used as a surface level car park.

Development of purpose-built student housing to provide 635 bed spaces with communal facilities at ground floor, an A3 unit and basement parking (25 car spaces, 130 cycle spaces) is proposed. The proposal is developed from an existing consent (gained via planning appeal) for a 7-9 storey scheme for 500 bed spaces. The current proposal increases unit numbers by introducing a 17-storey tower element adjacent to Fabian Way and an 11-storey tower element towards the centre of the plan. The proposed cladding is buff brickwork.

##### Main Points

The following points summarise key issues from the review which should be considered to inform any further design work:

##### Tall Building Design

Any proposal for a tall building on this prominent site will need to address the criteria set out in the local authority's Tall Building Policy, and any deviations from the policy must be clearly justified in term of design quality.

Tall buildings have significant visual and physical impacts on their immediate surroundings and influence views and vistas from further afield. Therefore, it is especially important that design development is based on thorough analysis and an iterative testing of options to justify the proposal and demonstrate that the best solution to form and massing has been reached.

### Site and Context Analysis and Urban Design Justification

Regardless of the consented scheme for the site, it is important that any new proposals are based on sound analysis of the site and context, which should highlight the opportunities and constraints to inform a framework for design strategies. Analysis should include consideration of the riverfront location, walking and cycle routes and micro-climate.

This is not a 'landmark' building because it is not a public facility or destination, but it is a prominent corner site in the city, which demands good quality. Analysis and testing of proposals in urban design terms are especially important in order to justify the scheme. The building must be right for its location.

The masterplan for the wider SA1 site should also be taken into consideration.

Site and context analysis should inform the building form, massing and layout and strategies for arrival, entrance, servicing and amenity.

### Improving on the Consented Scheme

It is a valid approach to take a critical and analytical view of the consented scheme and to aim to improve upon the quality of it. However, using the consented scheme as a starting point has resulted in many of the problems of the earlier scheme being transferred to the new proposals. These include, but are not limited to the following issues:

- o Lack of external amenity space
- o Poor consideration of landscape design opportunities
- o Entrance location and arrival experience
- o Poor relationship with the riverside
- o 'Left over' spaces around the building

Going back to first principles and developing proposals based on context analysis and the new brief is likely to result in a better building and will be required to justify any additional height proposed. This is likely to result in a design that can be considered substantially different to the consented scheme.

### Design Strategies, Form and Layout

As with the consented scheme, the current proposal does not have a strong formal relationship with any of the edges of the site, resulting in lots of left over space which is not valuable to the scheme. A more efficient building footprint, with a strong relationship to the site and a clear strategy for provision of external amenity space and landscape design would be welcome.

Massing studies should be based on the dimensions of an ideal design of a student bedroom and flat/cluster. Different approaches to heights and massing should be tested, and there may be advantages in building higher in one location in order to provide more and better outdoor amenity space elsewhere on the site.

Options for separate buildings as well as one long building form as currently shown should be tested and the results demonstrated as part of the explanation of any proposal that goes forward into a planning application.

Strategies for massing, materials, landscape, entrance and arrival, servicing, energy, circulation etc. should be informed by the analysis and requirements of the brief, and a clear story of the evolution of the design should be presented in the Design and Access Statement.

#### Public Realm, Landscape and Amenity

It would be beneficial for the architects to work with a landscape architect to fully explore the experience of arrival, amenity and social spaces. The building and landscape should work together to create a great place which people will enjoy spending time in. Current proposals show a lack of connection between inside spaces and landscape. A number of the social ground floor uses would benefit from connections to the outside and views to the river. The internal layout and landscape design should be integrated to get the best value from the opportunities provided by the site.

Maintenance and durability of the landscape elements need to be considered. Trees planted very close to the building are unlikely to survive in the long term and will create maintenance issues. The Commission also encourages the client/design team to work in collaboration with the local authority to propose improvements to the wider public realm which help integrate the building and its site.

#### Access, Circulation and Legibility

The access, entrance and circulation of the building need careful consideration and will have a significant impact on legibility and the everyday experiences of residents and their visitors. The circuitous vertical circulation for the duplex flats, which involves going up one floor to access the flat before going back down to the room, should be given further thought as it is a key feature of the design.

The entrance location should be informed by urban design studies and it should be legible and easy to find. The landscape design may be a useful tool for guiding people to the main entrance. Positioning the bin store adjacent to the entrance should be avoided. Designing the accommodation and social spaces to be inclusive of a wide variety of students will add value to the project. There may be value in consulting Swansea's Access Group during the design process.

This building should be designed to provide a comfortable 'home' for the students who will live there. It should feel safe and should be intuitive to navigate.

#### Materials and Detail Design Quality

It can be demonstrated that brick is an appropriate cladding/façade material for this location, and the Commission welcomes the decision to avoid use of render which tends to weather poorly in maritime locations.

The method in which the brick is used and the detail design and articulation of corners and openings will be crucial to the quality of the outcome. The Commission recommends that detailed proposals for the brick work and large scale rendered studies of the bays are included in the planning submission.



It will be useful to study the numerous recent precedents for large brick buildings to understand how quality can be achieved and where problems might be experienced.

**Natural Resources Wales - 30 May 2018** - We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the conditions listed below in relation to Contaminated Land. Without these conditions we would object to the proposed development.

**Dwr Cymru / Welsh Water** - No objection. Standard Conditions recommended.

**Council's Drainage Engineer 31 May 2018** - We have no concerns with the application, all previous recommended conditions remain relevant.

**Glamorgan Gwent Archaeological Trust Ltd 1 August, 2018** - You will recall from our responses to the earlier submissions for this development, that we recommended archaeological mitigation works due to the potential for the survival of early peat layers, and more recent industrial remains.

You will recall from our most recent letter of 9 March 2018 that an Archaeological Written Scheme of Investigation (WSI) for the proposed development has been received from Wessex Archaeology (dated February 2018, document reference 202710.1) and that this document meets current professional standards and is fit for purpose. The changes to the layout of the building do not alter our response and are minor in nature; the need for archaeological mitigation remains, and the archaeological WSI is still fit for purpose.

### **CADW 27 July 2018**

Located within a 1km buffer of the application area are scheduled monuments:

Swansea Castle (GM012)

Original Swansea Castle (GM441).

GM012 Swansea Castle consists of the remains of a castle dating to the medieval period. Swansea Castle stands on a cliff top, below which the River Tawe originally flowed, and its position was strategic: it commanded the lowest crossing of the river, the main east-west route in south Wales, and a good harbour. The remains visible today are only a small part of the latest castle on the site, which in its heyday in the late 13th century stretched from Welcome Lane in the north to Caer Street in the south, and from the cliff top in the east almost to Princess Way in the west. (The first phases of castle building found to the north are scheduled under GM441).

GM441 Original Swansea Castle consists of the remains of the first phases of Swansea Castle. The castle stands on the crest of a north-south gravel scarp, bounded on the east by the navigable River Tawe (now represented by The Strand). Its position was strategic: it commanded the lowest crossing of the river, the main east-west route in south Wales, and a good harbour.

The proposed building will be visible from these scheduled monuments. However it will be located in an area where tall buildings have already occurred; the damage to the setting of the scheduled monuments is considered to be slight and not significant.

### **Further comment - amended plans**

Assessment

Located within a 1km buffer of the application area are scheduled monuments:

Swansea Castle (GM012)

Original Swansea Castle (GM441)

The amendments received on 20 July 2018 relate to both minor and major details of design and landscaping; however the principal change is to the massing and maximum height of the building which is now not to exceed 9 floors whereas previously parts of the building were to be up to 14 floors. This change in particular will reduce the impact on the setting of the above scheduled monuments though not sufficiently so to alter the original conclusion that slight though not significant damage to setting of the scheduled monuments will result from the proposal.

**Pollution Control Team** - we would impose the same conditions again.

**Ecology** - The site has very little ecological value at present; no protected/priority species or sites will be impacted by the development.

### **Consultee Comments on the Revised Scheme Received 19 September 2018**

#### **Highway Authority - 23 October 2018**

Construction of purpose built student accommodation between 7 and 9 storeys (645 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm

Plot 1A Kings Road Swansea SA1 8PH

#### 1. Introduction

1.1 This application is for a planning permission for works as outlined above and follows a number of planning application on this site.

1.2 The site is located on Site A1 of the Swansea SA1 development. It is bounded by the river Tawe to the west, Fabian Way to the north, and Kings Road to the east. The site is located approximately 850m east of Swansea City Centre.

1.3 Original masterplans promoted mixed use employment, variations were applied through the recent years up until 2015/16. More recently the application site was the subject of a recent grant of planning permission through the appeal process (APP/B6855/A/16/3164052) for a scheme with proposals for student accommodation 500 bedrooms; ancillary parking (Planning Reference 2016/1511).

1.4 This recent application has benefitted from a pre-application consultation process on scheme comprising 637 bed spaces and 23 car parking spaces, which received comments from the Highway Authority. These comments will be used as reference in this consultation response.

1.5 In addition to the proposed and consented planning uses set out in the above summary the site currently operates as a car park providing around 100 spaces on a temporary basis, with the permission set to expire in 2020. At the time of writing the car park has been closed and fenced off to prevent use.

1.6 In order to assess the impact of the development, a Transport Statement was submitted with the full planning application on behalf of the applicant NMJ Property Development Ltd.,

prepared by Ove Arup & Partners Cardiff. This was submitted on the basis of a scheme of 667 bed spaces. This has since been adjusted to 645 bed spaces.

## 2. Vehicular Access and Traffic

2.1 The vehicular access to the existing temporary site is currently gained off an existing highway with a single direct vehicular access off Kings Road, operating as a priority junction.

2.2 Pedestrian access is not limited and pedestrian can walk through the site to footways at any point along the Kings Road frontage. Kings Road has pedestrian footways on both sides of the carriageway. There is a road bridge with pedestrian provision near the site crossing the River towards Swansea City Centre. The site is located in a reasonably sustainable location with access to public transport (bus) and a number of local amenities within a short walk.

2.3 The Transport Statement indicated that the Highway Network could accommodate the additional traffic generated by the proposal. The scheme was assessed in accordance with the National Database TRICS, although the final TRICS outputs are missing from the Appendices. The document compared those trips generated by the proposed student/mixed use development, including the consented scheme of 500 bed spaces, the pre-application masterplan of 637 bed spaces and the application of 645 bed spaces with the existing car park and the previously consented office development.

The Transport Statement showed that the existing car park generates 71 two-way vehicular movements in the a.m. peak (08.00-09.00) compared to 33 for the proposed student/mixed use development (667 bed spaces). In the p.m. peak (17.00 to 18.00) the relative figures are 51 for the car park use and 27 for the proposed student/mixed use (667 bed spaces). The site was included within the outline consent as office accommodation and the relative figures for this use class are 151 vehicle trips in the a.m. and 128 vehicle trips for the p.m. peak. It is seen therefore that there are less vehicular movements associated with the proposed use.

Overall in terms of the period from 0700 to 1900 there are 354 vehicular movements predicted yet only 26, plus one disabled use, parking spaces are being provided.

Multi modal trip rates have been calculated and as expected there is an increase in cycle, pedestrian and with public transport trips but given the low number of trips generated by cars then it is evident the majority of trips will be via cycle, public transport and on foot.

The proposal will generate more traffic than the now consented 500 bed space scheme but is likely to generate fewer car movements when compared to the existing car park use, or the consented office use, although this is treated as indicative given that it is this application's interpretation, but will bring about an increase in walking, cycling and public transport usage by virtue of minimal car parking being provided. The relative trips in the 12 hour period between (0700 to 1900) are 1530 trips on foot, 186 using public transport and 14 on cycles although the Swansea cycle usage figures have been proved to be significantly higher than the TRICS data would suggest in this case.

2.4 It is agreed that the student accommodation will generate less vehicular traffic at the proposed site due to the limited parking facilities provided and nature of the end users. A section 106 Agreement linking to the tenancy agreement will be required to ensure that students taking up residence do not own cars and bring them to the site or the surrounding area as there is no parking provided for this purpose. The enforcement of resident reporting procedures is not

something which can be implemented and therefore more thought and appropriate planning needs to take place.

2.5 The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it. The section 106 Contributions which are secured as part of the consented 500 bed space scheme being to provide infrastructure supports this thrust and this response will set out further measures in light of the 145 additional students / bed spaces that are being applied for.

2.6 As has been set out already policy encourages and promotes sustainable travel modes i.e. non car modes of transport. With this in mind the previous application consultation response set out that for the level of development then proposed at 500 bed spaces, under the Highways Section 106 contribution a sum of up to £147,000 could have been requested to enhance cycle/walking/public transport routes.

At that time the outcome of internal discussions determined that two broad sectors required investment, to improve pedestrian connectivity and public transport enhancements.

#### Existing Section 106 Agreements Items:

The contributions that were sought and agreed previously are as follows:

##### Improving Pedestrian Connectivity.

1. Fabian Way / King's Rd junction. Relocation of the Fabian Way pedestrian crossing phase to a more conventional location to the East side of the junction.

Budget Estimate £30 - £35k.

##### Public Transport Enhancements

2. Fabian Way / King's Road junction. Introduction of bus priority, for buses exiting King's Road.

Use of pole mounted card reader, to enact priority call for buses serving SA1 Budget Estimate £15-£20k

3. Amendments to inbound Fabian Way bus lane. Remove the dedicated bus stage, and remodel the island to create a give way arrangement to allow buses to reach the front of the queue. Budget Estimate £40k

4. Eastbank Way / Delhi St: Modifications to triangular island in centre of junction to allow vehicles from Second Tawe bridge to progress towards Fabian Way when right turn link is full. Budget Estimate £8-10k

Thus the total contribution that was requested and understood to be attached to the previous permission is £99,000 (or £93,000 to £105,000). The development would fully fund these items in their entirety with no need to pool resources from any other related development.

#### Required Further Section 106 Agreement Items:

2.7 The proposals would result in 145 bed spaces above that which has already been consented. This would equate to an additional requirement of up to £49,000 for Highways Section 106 contributions.

As before internal discussions determined that two broad sectors required investment, to improve pedestrian and cyclist connectivity and public transport enhancements. The proposals rely heavily on these forms of travel in the reasoning for low parking provision.

#### Improving Pedestrian Connectivity.

1. Fabian Way / King's Rd junction. Modification of the existing crossing, following the implementation of the previously agreed infrastructure to improve pedestrian and cyclist journey and junction efficiency to accommodate proposed demand. Budget Estimate £15 - £20k.

#### Public Transport Enhancements

2. Upgrade of the westbound bus stop on Fabian Way from current flag and pole arrangement. Requirement for a shelter to provide dry waiting facilities with seating and live service information.  
Budget Estimate £15 - £20k.

The total additional contribution sought would be £30 - £40k, which sits within the range that could be requested. The development could fully fund these items without further pooling of contribution required.

#### 3. Car Parking

3.1 The development has been assessed against adopted parking guidelines and fails to meet the standards for 'managed student accommodation' with provision of 26 general car parking spaces within the basement and one disabled access provided on ground floor level.

This level of parking provision has increased from the 23 proposed for the 500 bed space consented scheme. The pre-application submission also proposed 23 parking spaces for a scheme comprising 637 bed spaces. For the level of development 89 spaces should be provided. The applicant has justified this reduced level of parking by referring to other developments that have been consented with lesser levels of car parking that the standards advise. There are also references to the parking zones although the site does not fall into Zone 1 or 2.

3.2 Local experience confirms that there are existing and ongoing parking issues in Port Tennant and St Thomas wards due, in part, to workers from the SA1 development using the residential streets for parking during the day time. Given that the parking for the student accommodation is below CCS standard it is reasonable to assume that the parking problems already evident could be compounded by this shortfall. The use of the 'managed student' category is in itself a significant reduction from the normal C3 Category. The parking standards inherently allow for on site parking management in their low parking provision, therefore this further departure in the Highway Authority's view, does increase the potential for overspill parking.

3.3 Due to this significant departure and lack of parking for the student element there is a requirement for a highly effective management scheme to ensure that all the limited parking

spaces are managed effectively (including for the ancillary uses) and to ensure that maintenance/servicing can be satisfactorily accommodated.

3.4 The parking management scheme was referenced within the supporting Transport Statement and Travel Plan and can be included as a condition should consent be granted. As mentioned above, the plan relied upon unenforceable measures, therefore alternative methods should be used, and the condition should make provision for agreement with the Highway Authority before it can be discharged. It would be required within that plan to be demonstrated how the number of spaces (26) will be allocated to the number of students (667) so that there is not the event of a free for all where students will still feel it is possible own a car and have chance parking in or near the development. The document will need to include the start of term drop offs and end of term pick ups as there will be a significant increase in cars which will be attempting to visit the site which cannot be accommodated within the site curtilage.

3.5 The proposed vehicular access to the basement level parking area is via an existing ramp which forms a junction with Kings Road and at present serves an adjoining property. The ramp is two way and controlled with entry and exit barriers. The method of future control will need to be identified and presented.

3.6 The proposed parking layout has changed through the planning process most recently between the pre-application submission and this planning application. The pre-application basement parking layout received a number of comments and observations from the Highway Authority as part of the consultation process. These comments included identification of inaccessible spaces safety issues which would have resulted in the vehicular parking provision being effectively reduced. In this planning application these concerns have been largely overcome, this has been achieved through separation of the car parking from cycle parking and plant locations.

3.7 Cycle parking has been relocated to the ground floor, as has the one disabled parking bay. The number of cycle parking has reduced to 206 despite the larger number of bed spaces[NOTE cannot confirm from the current proposals]. This equates to around two thirds of the parking requirements as set out in the SPG. There is no noticeable motorcycle parking provided within the proposals, the requirement is for 5% of the total car parking provision.

3.8 The disabled parking provision has been reviewed as part of the pre-application consultation and the advised as requiring 1.2 metres around three sides to accord with the appropriate standards. This still does not appear to have been fully addressed and will be required.

3.9 For background, it has been reported previously that a high number of objections have been received regarding the loss of the parking facility and the impact that this will consequently have on businesses in the area. However, this car park was originally created as a temporary measure and was always intended as a development plot.

#### 4. Pedestrian and Cycle Access

4.1 Pedestrian facilities are to be enhanced by the development, through the infrastructure requirements identified as part of both the consented scheme and at this time for this application. A sum of £129,000 to £139,000 in total will be requested (which is less than the maximum that could be requested in both the consented and current time) in line with the SPG

on Highways contributions. The full details of the proposed works have been outlined above (section 2.6 to 2.7).

4.2 Whilst Highways are not supportive of the application on the basis of insufficient parking being provided it is considered prudent to include relevant and necessary conditions that could be applied if Planning Committee were minded to approve the application on the basis of city centre regeneration.

4.3 [NOTE: could not confirm in the current proposals] Cycle parking is provided in two formats at ground level, secure internal and cycle stand external, the split is 156 and 50 spaces, respectively. This falls short of the SPG cycle parking standards which require one stand per two bedrooms (334 stands), which is significantly short on provision. A condition could be added to tie into the travel plan so that if the ongoing student travel surveys show that demand is outstripping supply then additional facilities can be provided to meet the increasing demand.

4.4 In terms of pedestrian routes, the requirement for section 106 contributions has been set out in detail in the above report. The monies will be used to enhance the route from the site across Fabian Way towards to wards of St Thomas/Port Tennant, as part of the consented scheme commitments. In addition to this, the current requirement is that further modifications are made to the existing controlled crossing arrangement at the Kings Road arm of the Fabian Way junction.

## 5. Public Transport

5.1 The site is currently served by a frequent bus service. The site is located within a short walk to the Quadrant Bus station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision. However, the existing infrastructure that supports services will require upgrading to continue to provide an attractive alternative to driving. A bus shelter with seating and live service information is considered to be required. The details are set out in the above relevant sections.

5.2 The train Station can be reached on foot but it would be more convenient to catch a bus for the short trip up to High Street Station with links to UK and beyond.

## 6. Highways Infrastructure

6.1 If the application receives planning consent then the applicant will be required to make a contribution of £129,000 to £139,000 towards works as outlined in sections 2.6 to 2.7.

6.2 The redevelopment of the site will also require reinstatement of the existing vehicular crossing and a new dropped kerb crossover for the single car parking space. The ramp access will remain as existing. The road is not adopted but is subject to a section 38 Agreement between the Welsh Government and CCS. These works will need to be undertaken to Highway Authority Standards and Specification.

## 7. Conclusions

7.1. The Transport Statement indicated that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership. The vehicular movements were

shown to be less than those associated with the current car park use or with the consented office use.

7.2 Pedestrian and cycle facilities will be catered for within the development in conjunction with the contents of the Section 106 and the proposed building layout and the provision of cycle storage and new pedestrian footways.

7.3 The use of the incorporation of the tenancy agreement into the Section 106 agreement should ensure that car use is minimized.

7.4 As has been promoted throughout the applications for student accommodation, the parking provision falls substantially short of that outlined in the parking standards. The applicant justification for lower levels to be suitable is not accepted by the Highway Authority. The Inspector's decision on the appeal scheme for 500 bed spaces is noted that the low parking provision may encourage lower car use. However it is considered that the low levels of parking provided could give rise to overspill parking in the associated adjacent wards to the detriment of the existing residents provision. The parking standards for student managed accommodation inherently already takes into consideration the use of tenancy agreements so a further reduction from the already reduced standards cannot be justified.

## 8. Recommendations

8.1 Whilst the Highway Authority is not supportive of the development on the grounds that insufficient parking is being provided to support the proposed development. There is no objection raised.

Note: Being mindful of the aspiration to regenerate Swansea City Centre if the resolution is to approve the development then I suggest the following conditions as per Highways Appendix 1 in order to mitigate for the impact of the development:

### HIGHWAYS APPENDIX 1

- i. All reinstatement and new vehicular accesses being completed to Highway Authority Standards and Specification.
- ii. The Section 106 to include details of a parking management scheme for the parking within the basement area. The document should make specific reference to general day to day management as well as the pick ups and drop offs which have the potential to bring more vehicles than can be accommodated at once.
- iii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
- iv. The Section 106 to include the financial contributions as outlined above in section 2.6 to 2.7 for the works to provide the pedestrian and public transport enhancements at a value of £129,000 to £139,000.
- v. I recommend that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing. This should include an adequate period of monitoring at the Developer's expense with the results to be submitted to the LPA.
- vi. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved



traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.

vii. The applicant to provide an annual review of cycle usage to the LPA and if it is deemed that the cycle storage availability is oversubscribed then the applicant will be required to find additional storage facilities in accordance with details to be submitted to the LPA for approval.

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

## **Urban Design and Conservation Team- Heritage and Placemaking Consultation - 16 October 2018**

Plot A1 lies within the SA1 dockland regeneration area where the University of Wales Trinity St David Innovation Quarter is due to open in September 2018.

This site has a complex raft of past consents

- o 2016/1511/Ful Initial scheme allowed at Appeal
- o 2018/0966/NMA Application approved to amend basement area
- o 2018/0951/S73 Application approved to amend elevations/ footprint within volume of approved massing

The current application (2018/1023) seeks to increase number of bedrooms from 500 to 645 whilst staying within the volume of the approved 7-9 storey massing and maintaining the elevation design approved under applicant 2018/0951.

The principle of purpose built student accommodation and general massing/ architecture has been established on site this by the past consents.

The design team did explore significantly increased massing to accommodate approx 650 student rooms. This comprised amending the northern extent to a tower that varied from 17-14 stories, plus a middle tower of 12 stories. The issue was that these towers did not appear elegant and slender in accordance with the adopted Tall Building Strategy SPG, plus with reference to the verified visual assessment, the additional height and massing was considered to have a dominating effect on key areas of the city. It was not possible to mitigate the negative effects of the towers and therefore this earlier tower proposal could not be supported by officers. Therefore the applicant reverted to the approved massing and significant revised the internal floor plans to accommodate the additional 145 rooms over the approved 500 rooms.

To accommodate some of the additional 145 bedroom, the current proposals reduces the extent of the communal spaces and active ground floor frontage in comparison to the earlier NMA scheme. This will result in a very weak ground floor integration with the SA1 public realm river walkway. The active frontages to commercial and communal areas are especially important to ensure a lively and safe interface with the external public areas. Plus there are an increased number of student bedrooms proposed at ground floor and further details of how a 'defensible space' will be provided for these units to ensure adequate privacy need via condition.

The current proposal maintains the approved elevation design stepping from 7 storeys in the south to 9 storeys in the north adjacent to the Tawe Bridge gateway. The linear east west elevations are broken by cross wings at the ends and centre, plus these elevations are further articulated by projecting/ stepped facades, grouping windows and the use of two contrasting colour materials (potentially brick and certainly not render).

The acceptability of the 7 to 9 storey massing has been confirmed by the previous consents and this application does not increase the proposed massing. It is acknowledged that the approved massing is significant and is possibly the maximum visual capacity of this prominent site. As previously indicated it will become a prominent gateway building at the Tawe crossing as a marker for the mixed uses within SA1.

Approval is recommended on balance with conditions as follows:

- o Composite material sample panel on site
- o Large scale drawn details of: Entrance, Typical windows in their openings, Coping details, Reveals and façade stepping details, Ground floor grills
- o Details of defensible space/ privacy screen for ground floor bedrooms

## **APPRAISAL**

### **Application Site and Surroundings**

The application site is known as plot A1 within the SA1 Swansea Waterfront development and provides an important gateway when approaching the City Centre from the East along Fabian Way. It comprises of a roughly rectangular parcel of land to the West of Kings Road and bounded by the River Tawe and the promenade riverside walkway. The site was previously used as a temporary car park but this has now closed.

### **Background**

Planning permission for the construction of a purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/ services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm was granted under a Planning Appeal on 29 June, 2017 (Ref:2016/1511).

Since the Appeal decision, the current developer has submitted a Non Material Amendment application to planning permission 2016/1511 to vary the wording of Conditions 6 (Wind Mitigation); 12 (Drainage); 19 (Sound Insulation); 21 (Noise Mitigation); 23 (Landscaping) from pre-commencement requirements to approval prior to commencement of superstructure works (Ref:2018/0737/NMA). The Local Planning Authority considered that these minor changes would be non-material to the scheme and the NMA application was subsequently approved.

Additionally, an application to discharge conditions 8 (Contamination), 11 (Piling Operations), 14 (Historic environment) 15 (CPMP) has been approved (Ref: 2018/0382/DOC) and also a further Non Material Amendment has been granted to allow amendments to the layout of the basement retaining a total of 26 no car parking spaces (Ref: 2018/0966/NMA). Development work has recently commenced on site in accordance with the approved scheme ref: 2016/1511.

A Section 73 application was reported to the Planning Committee in July (Ref: 2018/0951/S73) in relation to a revised building footprint and envelope. The revised proposal would result in minor changes to the external appearance of the building including the fenestration arrangement, however, the overall height and building envelope would not exceed that of the approved scheme (Ref: 2016/1511).

### **Current Proposal**

The scheme as originally submitted sought consent for the construction of purpose built student accommodation between 7 and 14 storeys (667 bedspaces). The revised proposal which was reported to Planning Committee on 7 August 2018 was for the construction of a purpose built student accommodation between 7 and 9 storeys only for 591 bedspaces whilst staying within the volume of the approved 7-9 storey massing and maintaining the elevation design approved under the Section 73 application 2018/0951/ S73. The application is accompanied by a massing comparison document which indicates that the revised proposal is comparable to the building envelope under the Section 73 application 2018/0951/ S73.

The original proposal sought to make a significant amendment to the massing of the approved scheme in order to accommodate 667 student rooms. This comprised amending the northern extent to a tower that varied from 17-14 stories, plus a middle tower of 12 stories. The issue was that these towers did not appear elegant and slender in accordance with the adopted Tall Building Strategy SPG, plus with reference to the verified visual assessment, the additional height and massing was considered to have a dominating effect on key areas of the city. This earlier proposal would not have been supported by officers and therefore the applicants reverted to the approved massing and refined the floor plans to accommodate the additional 91 rooms over the approved 500 rooms.

It is now indicated by the applicants that due to project viability, the current proposal has been amended to 645 bedspaces within the approved massing and the building envelope of the scheme approved under the Section 73 application 2018/0951/S73, and have made the following points:

- o The additional bed spaces will be delivered within the same building envelope as the 591 and also that of the consented 500 bed space scheme.
- o The increase in the quantum of development has been achieved by:
  - i) Changing the internal mix of apartment types.
  - ii) Increasing the number of individual studios to create a more efficient floor plan.
  - iii) The cluster apartments have increased in size from an average of 6 bed units to 8 bed units thereby enabling a reduction in kitchen/dining space, whilst maintaining the highest standards of internal design.
- o There would be a total of 27 car parking spaces, which would result in an additional car parking space in excess of that resulting from the ratio agreed for the 591 scheme.

In relation to scheme viability, the applicants indicate that they finalised their viability appraisals of the various development scenarios. The current scheme for 645 bedspaces achieves a return below 14% on GDV and indicate this is well below the typical return of 20% a developer would expect.

### Elevational Changes

The applicants have listed the proposed changes to the elevational treatment (compared to the S73 application) are as follows:

- o Sections of the façade have been broken down into distinct 'objects', linked by the recess at high level which is more pronounced than before.

- o The recess is a darker brick tone than the main mass which gives more apparent depth to the distinct blocks.
- o There is further careful articulation of the roofline which reinforces the appearance of separate blocks.
- o Brick banding has been removed to present a more elegant / slender appearance of each block.
- o The pattern of fenestration has changed with taller windows at the top floors and single windows below. This gives more of a traditional top/middle/base appearance.
- o Single windows give more visual interest in place of the banding & the grouping and spacing of windows from left to right is more regular
- o More differentiation has been given between the main blocks and connecting elements at ground and first floor to increase legibility at street level

## **Main Issues**

As indicated the principle of this development was granted under the Appeal decision (ref: 2016/1511) and the Section 73 application under Ref: 2018/0951/S73 and the main issues in relation to this revised proposal relate to the townscape and visual impact and the highways, traffic, car parking, access and pedestrian movements including waste management.

## **Townscape and Visual Impact**

The proposed building which is set to be located on the gateway approach into the city along Fabian Way would be a key element and therefore needs to be appropriate in terms of its mass, form and design and respond to the context of the surrounding urban environment in a positive manner. The policy position, set out primarily in policies EV1, EV2, EV4, EC2, AS2 and CC5, and supported through Supplementary Planning Guidance requires that new development be, amongst other criteria, appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. Furthermore development should integrate effectively with adjacent spaces and the public realm to create good quality townscape.

The proposal would introduce a significant level of student accommodation which will increase the vitality of the SA1 regeneration area in very close proximity to the city core. It is an independent proposal that complements the UWTSD proposals for the Innovation Quarter in the southern area of SA1.

In respect of the principle of the development at this location, the Council refused the original planning application for the development based upon its alleged conflict with the SA1 Masterplan in terms of the form of use being proposed, however, the inspector in reaching a decision on the appeal concluded *"whilst I acknowledge that the development would represent a clear departure from the approved masterplan, I consider the general principle of location the proposed purpose built student accommodation at the appeal site to be acceptable and in accordance with the general thrust of Policies EC1 and EC2 of the adopted UDP."*

The Council had raised concern and refused the original application based upon its scale, form and design and its impact upon the character and appearance of the area, the Appeal Inspector however concluded that the *"proposed development would be appropriate to its local context in terms of its scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. I also consider that it would integrate effectively with adjacent spaces, create a good quality townscape and represent a suitable design solution given the overall vision of*

*creating a mixed use urban place through the SA1 regeneration, whilst also creating a 'gateway' building upon a key approach into the city centre. Accordingly, I find no conflict with Policy EV1 which seeks to ensure that new developments accord with the principles of good design. For the same reasons, I also find no conflict with Policy EC2 which, amongst other things, seeks to ensure that developments within SA1 Swansea Waterfront area integrate with existing areas and are of a high standard of design."*

As indicated above, the revised proposal is comparable to the building envelope under the Section 73 application 2018/0951/S73, and proposes various changes to the external appearance of the building, these relate to the fenestration arrangement and the external materials consisting of brick and large glazed windows remain consistent to the approved scheme. The changes being proposed are considered to be minor material changes to the consented scheme and given that there will be no change to the overall height, the building envelope would not exceed that of the consented scheme and the elevation changes result in no significant alteration to the overall design or form of development it is considered that the development is acceptable in relation to its townscape and visual impact and complies with the requirements of policies EV1 and EC2 of the Unitary Development Plan.

### **Highways, Traffic and Parking Impact**

Further to the above the original application was also refused due to the extent of the parking provision resulting in increased pressure for on-street parking to the detriment of highway safety in the surrounding area. However, the Inspector concluded on this issue *"On the basis that the arrival and departure of students, as well as on-going traffic, cycle and pedestrian matters could be adequately regulated by an approved Travel Plan, and that issues of indiscriminate parking could be effectively enforced through civil enforcement processes, I see no reason why the proposed development would give rise to levels of indiscriminate parking that would represent a material threat to highway safety. Consequently, I find that the proposed development would accord with the general thrust of Policy AS6 of the adopted UDP which is framed within the context of preventing developments that would give rise to vehicle congestion and/ or highway safety concerns. I note the conflict with the adopted parking standards. However, for the reasons set out above, I consider the departure from such standards to be wholly justified in this case"*.

Whilst the Highway Authority is not supportive of the development on the grounds that insufficient parking is being provided to support the proposed development, there are no highway objections to the current scheme, notwithstanding the increase in student bedspaces from 500 to 645. The Transport Statement has indicated that the development will not result in a material increase in car usage and associated congestion, subject to the mitigation measures proposed and a robust tenancy agreement to prevent car ownership.

As part of the former appeal decision the applicant entered into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act (1990) which provided for the payment of a highway infrastructure contribution of £99,000 and provisions to manage student car parking. In order to ensure that this new permission is also bound to the original terms, a variation to the Unilateral Undertaking or a new Section 106 Planning Obligation will be required as part of the planning permission.

As a result of the increase in the number of bedspaces to that already consented, the Highway Authority have identified a requirement for additional Section 106 contributions to improve pedestrian and cyclist connectivity and public transport enhancements. The proposals rely heavily on these forms of travel in the reasoning for low parking provision. These are:

## Improving Pedestrian Connectivity.

1. Fabian Way / King's Rd junction. Modification of the existing crossing, following the implementation of the previously agreed infrastructure to improve pedestrian and cyclist safety and junction efficiency to accommodate proposed demand - Budget Estimate £15 - £20k.

## Public Transport Enhancements

2. Upgrade of the westbound bus stop on Fabian Way from current flag and pole arrangement. Requirement for a shelter to provide dry waiting facilities with seating and live service information - Budget Estimate £15 - £20k.

The total additional contribution sought would be £30 - £40k, which sits within the maximum range that could be requested.

## Waste Management

The applicants have submitted a Waste Management Strategy as part of the application (October 2018). This highlights the dedicated internal area for waste and recycling storage on the ground floor. The collections will be provided by a private waste collection company or a paid for service provided by Swansea Council on a weekly basis as required. This will be monitored by the operator and should the need arise for more collections due to the amount of waste then this will be organised. The staff will be responsible for monitoring and managing the waste collection. The waste collection vehicles will access the waste storage area from Kings Road.

The Head of Waste, Parks and Cleansing has indicated that since attending the Planning Committee meeting on 7th August, waste management are currently considering introducing the approach, for purpose built student flats, of collecting on the one day per fortnight as per our schedule of domestic collections and that any additional collections over and above the fortnightly collection will be carried out on a commercial basis and charged for at the current rate for commercial waste collections.

The Head of Waste, Parks and Cleansing has been consulted on the Waste Management Strategy and makes the following comment:

*"Waste Management will not make any further objection at the Planning committee meeting. This does not imply that Swansea Council waste management department are 100% satisfied with the overall design of the wheel bin area and access for vehicles, but we remain in favour of Clause 3.1 "The collections will be provided by a private waste collection company or a paid for service provided by Swansea Council on a weekly basis as required". "From this statement, should the planning application be approved, Swansea Council are not committing themselves to be the sole provider of a waste and recycling service."*

On the basis of the information provided it can be regarded that the application is acceptable in relation to waste management.

## Conclusion

It is considered that the revised proposal would result in an acceptable form of development in this instance that complies with the requirements of policies set out in the City and County of

Swansea Unitary Development Plan (Adopted 2008). Approval is therefore recommended subject to the developers entering into a Section 106 Agreement in relation to future car parking management, provision of a planning obligation amounting to the original requirement of £99,000 for specific enhancements to the pedestrian and public transport network together with the additional requirement for £40,000 and subject to a schedule of planning conditions to control the development and its form. Several of the details reserved under the conditions have been approved and the wording of the conditions therefore needs to be updated to reflect the current situation and in particular with reference to the condition discharge application references.

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

## **RECOMMENDATION**

**APPROVE, subject to the completion of a new Section 106 Planning Obligation Unilateral Undertaking (UU) re-instigating the existing provisions of the UU submitted under the Appeal to Planning Permission ref: 2016/1511 as specified below:**

### **Highway Infrastructure**

#### **o Financial contributions to the sum of £139,000 to fund:**

- a. Fabian Way / King's Rd junction. Relocation of the Fabian Way pedestrian crossing phase to a more conventional location to the East side of the junction in order to improve pedestrian connectivity.
- b. Fabian Way / King's Road junction. Introduction of bus priority, for buses exiting King's Road. Use of pole mounted card reader, to enact priority call for buses serving SA1 in order to improve public transport.
- c. Amendments to inbound Fabian Way bus lane. Remove the dedicated bus stage, and remodel the island to create a give way arrangement to allow buses to reach the front of the queue in order to improve public transport.
- d. Eastbank Way / Delhi St: Modifications to triangular island in centre of junction to allow vehicles from Second Tawe bridge to progress towards Fabian Way when right turn link is full in order to improve public transport.
- e. Fabian Way / King's Rd junction. Modification of the existing crossing, following the implementation of the previously agreed infrastructure to improve pedestrian and cyclist safety and junction efficiency to accommodate proposed demand - Budget Estimate £15 - £20k.

f. Upgrade of the westbound bus stop on Fabian Way from current flag and pole arrangement. Requirement for a shelter to provide dry waiting facilities with seating and live service information - Budget Estimate £15 - £20k.

### **Car Parking Management**

o The provision of a mechanism to deal with the control of 'on-site' car parking through the production and agreement of a Tenancy Agreement.

### **Section 106 Management and Monitoring Fee**

Costs incurred against the management of the obligation are based upon 2% of the value of the planning obligations = £2780.

**and subject to the conditions that follow**

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies AS1,AS6, EV1, EV3 and HC17 of the City and County of Swansea Unitary Development Plan (November 2008).**

- 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:  
W0318 - 0150A - Site Context Plan;  
W0318 - 0110a - Existing Site Plan - plans received 2 May, 2018;  
17-79-PL-204 - 207 Planting Plans - plans received 2 July, 2018  
W0318B Typical Bay Arrangement; W0318-420-423 rev B- Sections; ; 17-79-PL-201 to 207 Landscaping details; W0318-0317 Typical Details & W0318-905A - Details of Typical Elevations - additional plans received 17 July, 2018.  
W0318-0250- 0260 Rev C Basement to Level 9 (Roof Plan); W0318-0310 - 0315 Rev C Elevations; W0318-420 - 423 Rev C Site Sections - Amended plans plans received 19 September, 2018;  
17 -79-PL-218 Rev B Illustrative Landscape Masterplan - amended plan received 20, September 2018;

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

- 3 Prior to the development of any superstructure works, samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved in writing by the Local Planning Authority. Composite sample panels shall be erected on site for the duration of the works and the development shall be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area



- 4 Prior to the commencement of any superstructure works, details of the following at a scale of 1:10 or other appropriate large scale shall be submitted to and approved in writing by the Local Planning Authority:
- o Typical windows and doors within their openings, including vent and spandrel panel;
  - o Coping and Parapet details;
  - o Reveal and facade stepping details;
  - o Ground floor grills and
  - o Details of defensible space/ privacy screen for ground floor bedrooms

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

- 5 Prior to the commencement of any superstructure works, details of all public realm works, including details of the parking for a refuse truck, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

- 6 Notwithstanding the details shown on the approved plans, details of all wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works. The proposed mitigation measures shall be referenced to a revised wind analysis and shall be implemented in accordance with the approved scheme prior to the first beneficial occupation of the building hereby permitted and retained thereafter for the lifetime of the approved development.

Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

- 7 Prior to the occupation of the development, a Refuse and Recycling Strategy (including the provision of storage facilities within the site) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and operated in accordance with the approved Refuse and Recycling Strategy for the lifetime of the development.

Reason: To enable the developer to present a coherent plan for the provision of waste management and collection from the site.

- 8 The development shall be implemented in accordance with the Geo-environmental Desk Study, Geotechnical / Geo-environmental Interpretative Report and the Remediation Implementation and Verification Plan approved under condition discharge ref: 2018/0382/DOC.

Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity, being, adjacent to the River Tawe and contamination is known/strongly suspected at the site due to its previous industrial uses.

- 9 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring

and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 11 The development shall be implemented in accordance with the Foundation Works Risks Assessment approved under condition discharge ref: 2018/0382/DOC.

Reason: In order to protect residential amenity and to prevent pollution of controlled waters from inappropriate methods of piling

- 12 Prior to the commencement of any superstructure works, the developer shall prepare a strategy 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. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained thereafter to serve the development.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 13 Notwithstanding the submitted information provided in the DAS Addendum that confirms that PV panels will be concealed on the areas of roof behind the parapets full, or the provisions of Part 43 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), full details of all PV panels and their siting shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be retained thereafter in their approved position.

Reason: In the interests of visual amenity to ensure that the panels are not a discordant feature on the skyline

- 14 The development shall take place in accordance with the Written Scheme of Investigation for an Archaeological Watching Brief approved under Condition discharge ref: 2018/0382/DOC. A final report shall be submitted to the Local Planning following the completion of all the archaeological work.

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.

15 The development shall be implemented in accordance with the Construction Environment Plan (CEP) approved under condition discharge ref: 2018/0382/DOC.

Reason: In order to mitigate potential environmental pollution issues during construction works

16 Prior to the beneficial use of the development, a quantitative assessment of NO<sub>2</sub> pollutant concentrations at the façade of the proposed development shall be undertaken (in line with National Air Quality Objectives) in parallel with the assessment of the on-site combustion plant to ensure that the combined effects of both pollution sources on future residents are fully assessed and mitigated if required. The assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the building hereby approved.

Reason: In the interests of amenity having regard to air quality

17 Prior to the beneficial use of the development, a scheme which specifies the provisions to be made for the control of ventilation and fume extraction shall be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained thereafter to serve the development.

Reason: In the interests of the amenity of future occupiers.

18 Prior to the beneficial use of the development, a scheme which specifies the provisions to be made for any condensing units relating to refrigeration and freezing of products shall be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: In the interests of the amenity of future occupiers

19 Prior to the commencement of any superstructure works, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room and the approved scheme shall be retained for the lifetime of the development hereby approved.

Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.

20 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w - (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.

Reason: To protect the proposed residential use against noise emanating from the commercial activity.

- 21 Prior to the commencement of any superstructure works, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All building services plant noise shall be designed to achieve a rating level (dBLArTr) that does not exceed the representative night time background sound pressure level (LA90,15min) in accordance with BS4142:2014: Methods for rating and assessing industrial and commercial sound. The building services plant shall thereafter be installed and maintained in accordance with the approved scheme.

Reason: To protect the existing and proposed residential uses against noise from building services plant.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 24 of Schedule 2 shall not apply to the development hereby permitted.

Reason: In the interests of amenity and to prevent unacceptable discordant features within the skyline.

- 23 Notwithstanding the details submitted as part of the application, no superstructure works 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, spacing's and height when planted of all new planting.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and soften the urban environment.

- 24 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 and soften the urban environment.

- 25 No vinyls or other obscure glazing shall be applied at any time to the ground floor A3 unit glazing or space listed as Ancillary Space on the approved plans.

Reason: To ensure active, attractive and transparent shopfront and spaces which will maintain and enhance vitality at street level and avoid dead frontages.

- 26 The development shall be carried out in accordance with a Travel Plan to be submitted to and approved in writing by the Local Planning Authority prior to any beneficial use of the development.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

- 27 Notwithstanding the submitted details, the development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall thereafter be retained in perpetuity.

Reason: In the interests of providing suitable facilities for sustainable transport.

- 28 Prior to the first beneficial occupation of the development, car parking arrangements shall be in accordance with the Basement GA plan approved under Non-Material Amendment ref: 2018/0966/NMA. The parking spaces shall remain available for the designated use in perpetuity.

Reason: To ensure that the development is provided with adequate car parking provision.

- 29 Prior to the first beneficial occupation of the development, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Management Plan shall specify:

- a) The arrangements for the general maintenance and management of the site, including external amenity/ landscape space;
- b) The arrangements for servicing deliveries;
- c) The parking and traffic management incentives and arrangements, with particular reference to the beginning and end of term pick-up and drop-off arrangements;
- d) Measures proposed in relation to site safety and security; and
- e) The Procedures in place for minimising and managing community complaints, a point of contact for each academic year and full details of the community complaint procedures.

The development hereby permitted shall thereafter be implemented in accordance with the approved Operational Management Plan for the lifetime of the development.

Reason: To ensure the management and movement of vehicles related to the development in the interests of the public safety and amenities of the area, and to protect future resident's amenity.

## **Informatives**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV4, EV33, EV35, EV36, EV38, EV40, HC1, HC11, EC1, EC2, EC6, AS1, AS2, AS5 & AS6.

# Agenda Item 8

## Report of the Head of Planning and City Regeneration

Planning Committee – 6<sup>th</sup> November 2018

### PLANNING ANNUAL PERFORMANCE REPORT

#### 1.0 Background

- 1.1 The Annual Performance Report (APR) is seen by Welsh Government as an important mechanism for monitoring Local Planning Authority performance against a key set of National performance indicators and as a means of driving its agenda for modernising the planning system in Wales. It also represents an important tool for benchmarking the performance of Authorities across Wales and importantly must also be seen in the context of Welsh Government proposals to intervene where Local Planning Authorities exhibit consistent underperformance.
- 1.2 This year's draft APR, reviewing performance for the Authority for the period 2017-18, is attached to this report as Annex A, for Member consideration. The APR must be formally submitted to Welsh Government following this meeting.

#### 2.0 Context

- 2.1 The Authority underwent a significant change process during 2014-15, partly as a result of budgetary pressures, and partly in response to Welsh Government proposals associated with the Planning (Wales) Act 2015.
- 2.2 In this respect the Development, Conservation & Design Section was restructured to accommodate budgetary constraints and a comprehensive review of its enforcement function and planning application process was also undertaken following the introduction of the Idox electronic document management system (EDMS). In 2016 the Section also replaced its M3 Northgate back office system with Idox Uniform, refining its business processes further, to provide greater integration with its existing EDMS and improve efficiency.
- 2.3 The Authority's Committee structures and scheme of delegation were also amended in January 2015 to broadly align with the recommendations of Welsh Government contained within its consultation document entitled 'Planning Committees, Delegation and Joint Planning Boards (October 2014)'.
- 2.4 The service is currently in the process of implementing the recommendations of its recent Commissioning Review which has identified further service improvements, cost savings, income generation and efficiency opportunities.
- 2.5 In development management terms the Development, Conservation & Design Section is also currently in the process of piloting agile working arrangements including the further refinement the "paperless office" processes developed since 2013 using electronic workflow systems and the introduction mobile App. technology which will allow officers to view and update files and records held on the Authority's electronic document management and back office systems whilst on site.

### **3.0 Performance:**

- 3.1 The positive changes introduced in recent years have significantly improved the Authority's development management performance in both qualitative and quantitative terms.
- 3.2 The average time taken to determine all planning applications at 60 days was significantly below the Welsh average of 81 days. The percentage of all applications determined within required timescales also showed a significant and consistent year on year improvement increasing from 71% in 2014-15 to 98% in 2017-18, well above the Welsh average, a top quartile performance and the third highest percentage in Wales.
- 3.3 Significantly, for the delivery of the Council's regeneration agenda, the percentage of all major planning applications determined within required timescales has consistently increased year on year from 6% in 2014-15, which was the lowest performance in Wales, to 81% in 2017-18. A performance which is now significantly above the Welsh average of 69%.
- 3.4 In enforcement terms new Welsh Government performance indicators were introduced part way through the reporting year which, together with legacy issues following the introduction of new back office system has, influenced the reliability of data to inform performance and benchmark against other Authorities in Wales. Following the recommendations of a recent Internal Audit report a data cleansing exercise is currently ongoing with 76% of cases currently being reported by the system as being investigated in 84 days in first quarter of 2018-19.
- 3.5 The percentage of Member made decisions contrary to officer advice has also reduced from 24% in 2016-17 to 5% in 2017-18 equating to 0.2% of all planning application decisions being made against officer advice compared to 0.6% across Wales. Eight of these decision were, however, subject to a subsequent appeal following refusal and all were allowed. A summary of the relevant appeals is provided at Annex B for Member consideration.
- 3.7 Significant progress in LDP preparation has been made over the past year. The Deposit LDP has been subject to Examination in accordance with a revised LDP Delivery Agreement with adoption anticipated in February-March 2019.
- 3.8 Housing land supply remains around 3 years, however, negotiations with developers in accordance with the Council's agreed strategy for advancing planning applications on LDP Strategic Development Areas has resulted in the submission of a number of schemes potentially providing land for an additional 3823 dwellings. Further 'departure' applications are anticipated during the coming year with another SDA at pre-application consultation stage which will provide further opportunity to meet the housing land supply requirement going forward.

### **4.0 Conclusion**

- 4.1 This year's APR provides a useful tool to benchmark the Authority's performance against other Authorities in Wales and to monitor progress in future years. It also demonstrates that the Authority has made significant

progress in addressing areas of performance that were in need of improvement, facilitating the Council's regeneration agenda and embracing the Welsh Government's agenda for the modernisation of the planning system in Wales.

- 4.2 Moving forward the Local Planning Authority faces continued budgetary pressures at a time of transformational change for the City and its region and it is inevitable that further difficult decisions will have to be made as part of the ongoing Commissioning Review regarding the Authority's priorities and service levels in the future.

**Background papers:**

City & County of Swansea APR 2016-17:

<http://democracy.swansea.gov.uk/ieListDocuments.aspx?CId=493&MId=7709&Ver=4&LLL=-1>

<i>Contact Officer:</i>	<i>Ryan Thomas</i>	<i>Extension No:</i>	<i>5731</i>
<i>Date of</i>	<i>27<sup>nd</sup> October 2017</i>	<i>Document Name:</i>	<i>Swansea APR 2017-18</i>
<i>Production:</i>			



# PLANNING ANNUAL PERFORMANCE REPORT (APR)

2017-18



Cyngor **Abertawe**  
**Swansea** Council

# Swansea LPA

## PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2017-18

### PREFACE

*I have the pleasure of introducing the fourth Annual Performance Report (APR) for Swansea Council's Planning Service. APR's were introduced as part of Welsh Government proposals to modernise the planning system and improve local delivery of planning services. The Council's Planning Service is responsible for protecting the amenity and unique natural and built environment of our city and countryside in the public interest and facilitating sustainable development and the economic regeneration of our urban and rural areas. This is achieved through having an up to date planning policy framework in place which sets out a clear vision for future growth and development of the area against which planning applications can be determined. The Council's planning policy framework is currently being reviewed and, at a time of transformational change in the Swansea Bay City Region, the APR provides a mechanism for ensuring that the Planning Service is responding positively to the challenges of evolving national planning guidance and the principles of the Wellbeing and Future Generations Act and the Environment (Wales) Act. The Planning Service presents the most tangible means of translating the Council's corporate objectives, commitments and regeneration agenda into development on the ground with the overall aim of improving the quality of life for local residents and building more sustainable communities.*

**Councillor David Hopkins – Cabinet Member for Delivery**

### CONTEXT

- 1.0 This section sets out the planning context within which the local planning authority operates.**
- 1.1 The City and County of Swansea covers an area of 378 square kilometres (about 2% of the area of Wales), approximately 66% of which is rural and 34% urban. The City is the second largest in Wales and the regional centre for South West Wales. As well as being characterised by a highly developed central area and surrounding settlements, the County benefits from a number of high quality natural environments that are part of its rural hinterland.
- 1.2 The policies and proposals set out in the local planning authority's current and emerging development plans seek to address the County's need for new homes, jobs, infrastructure and community facilities to support economic growth and raise standards of living. Policies to promote development sit alongside and complement those that will ensure future proposals respect and promote the County's cultural heritage, important landscapes and sensitive environments. A clear 'placemaking' agenda is promoted which emphasises that future development must accord with the overarching aims of enhancing quality of life and well-being.
- 1.3 Swansea lies at the heart of the Swansea Bay City Region and the nature of future growth and development management will be critical to shaping the regional geographies of South West Wales. In particular, the aspirations for the City Region seek to significantly boost economic investment and activity, with an associated substantial uplift required in development, including housing.

## **2.0 Planning background, including previous adopted or abandoned development plans.**

- 2.1 The City and County of Swansea Unitary Development Plan (UDP) which was adopted in 2008, covered the period 2001 to 31<sup>st</sup> December 2016 and is now time expired, but still provides the development plan policy context.
- 2.2 The replacement Local Development Plan (LDP), currently at Examination Stage, will provide the future policy context for the period up to 2025. Adoption of the LDP is anticipated early 2019.

## **3.0 Place and fit within the community strategy and/or wider strategic and operational activity of the authority.**

- 3.1 The Swansea Public Service Board's Local Well Being Plan: Working together to build a better future (2018) has four objectives relating to Early Years, living well, working with nature and building stronger communities underpinned by key themes of Housing and the Economy which are supported by the planning system.
- 3.3 The UDP and emerging LDP seek to deliver the land use objectives expressed in the Local Well Being Plan, together with other Council strategies, plans and programmes. Furthermore the evidence gathered for the LDP, such as household projections, retail impact assessment, viability assessments, strategic transport modelling, etc. has been used to inform other strategies and wider corporate action, such as the Local Housing Strategy, Swansea Central Area Regeneration Framework, and the Local Transport Plan and takes into account the implications of the City Deal for the Swansea Bay City Region.

## **4.0 Existing and previous major influences on land use (e.g. heavy industrial, agricultural, energy, transport).**

- 4.1 Swansea had a pioneering role in Britain's Industrial Revolution. It was a world leader in the smelting of copper, and a centre for the mining of coal and manufacture of tinplate, steel and other metals. Since the decline of these heavy industries, the area has suffered a loss of identity.
- 4.2 National policy supports employment growth within the Swansea Bay City region, and there is a requirement to align jobs with housing and infrastructure to reduce the need to travel, especially by car. Current local policy focuses on generating wealth by diversifying the economy away from public sector employment and growing a higher value knowledge economy (life sciences, technology and engineering) that offers higher skilled and better paid employment opportunities. There are a number of projects to help deliver these objectives which are likely to be continued throughout the LDP period, with initiatives such as the ongoing transformation of Swansea's Fabian Way corridor by two universities, plans for the redevelopment of the City Centre, Waterfront, and Lower Swansea Valley areas, together with new super-hospital proposals.
- 4.3 Between 2001 and 2011 the average property price in Swansea rose by 124.8%. The West of the County now contains some of the more expensive dwellings in South Wales, whilst the North and East of the County contain generally much lower house prices. Since 2006, the average house price to average household income/earnings ratio in Swansea has reduced from over 7 times income to less than 6. However, despite this improvement, the lower availability of mortgage finance for first time buyers means that aspiring households still cannot afford to buy. In June

2018, the average house sale price in Swansea was £144,630 (£9,000 increase from 2017),— however this is still 7.8% below the average for Wales and 36.7% below the UK figure. .

4.4 Swansea contains around 110,900 dwellings, with 64% of all stock owner-occupied. Almost half of the 36% of households in Swansea that are non-homeowners have annual incomes of under £10,000, and three-quarters have incomes of less than £20,000 per annum. These households can realistically only afford social rented accommodation and in most cases need Housing Benefit support to meet the cost of social rent. Average weekly full time earnings (April 2017) are £499.60 (1.2% below the Wales average and 9.2% lower than the UK average).

4.5 Combined with uncertainty following Brexit, many developers have put schemes on hold and/or scaled down their building activities. In recent years new house build completions remain down by around a third of the average for the past decade. Combined with this, a shortfall in supply of market and affordable housing across Wales has resulted in an intensification of needs, the growth of the private rented sector in response to the fall in supply of other sectors and increasing numbers of conversions of existing housing stock to HMOs.

## **5.0 Historic/landscape setting of the area, including AONBs, conservation areas etc.**

5.1 Over 50% of the County's area is identified as being of significant ecological interest. Nearly 70% of the habitats and at least 20% of species identified as being of importance for biodiversity conservation in the UK can be found in the County, and approximately 17% of the County's area is protected by designations at a European (SAC, SPA, RAMSAR) or National (SSSI, NNR) level.

5.2 The landscape is of critical importance within the County, as it provides a striking setting for the City and at least 40% of the County (the Gower AONB) is recognised as being landscape of national importance. Most of the AONB coastline is also designated as Heritage Coast which extends for 59km. Gower attracts large numbers of visitors and tourism is very important for the local economy.

5.3 The County supports an extensive greenspace network, which is vital to economic, environmental and community well-being, and additional green infrastructure is needed to meet national guidance and local requirements for improving accessibility to open space. In particular improvements to linkages between open spaces, public rights of way and key destinations are needed to increase accessibility and promote physical activity.

5.4 The County has a proud industrial heritage and a number of historic buildings, such as castles and Scheduled Ancient Monuments. There are currently 31 Conservation Areas and 519 Listed Buildings within the County, many of which are characterised as having good authentic surviving historic features that still contribute to the distinctive, special character of the area. However, some Conservation Areas have been degraded in character due to inappropriate alterations to the external features of buildings, or new developments that are out of keeping with the character of the area. The character and size of Conservation Areas can vary greatly, from very small rural hamlets with a cluster of buildings around a church, to urban areas of buildings originally constructed for industrial and commercial purposes.

5.5 Most of Swansea's Conservation Areas were designated in the late 1960's and 1970's and therefore, the published documentation supporting these earlier

Conservation Areas is often limited. This limits the amount of information available upon which development management decisions in Conservation Areas can be based. A programme of Conservation Areas Review is therefore underway

## **6.0 Urban rural mix and major settlements.**

- 6.1 The County can be broadly divided into four physical areas: the open moorlands of the Lliw Uplands in the north; the rural Gower Peninsula in the west, containing a number of rural villages, contrasting coasts and the Gower Area of Outstanding Natural Beauty (AONB); the suburban area stretching from the edge of Swansea towards settlements in the west and along the M4 corridor; and the coastal strip around Swansea Bay, which includes the City Centre and adjacent District Centres.
- 6.2 Some two-thirds of the County's boundary is with the sea - the Burry Inlet, Bristol Channel and Swansea Bay.
- 6.3 Most of the population live within the urban areas radiating from the City Centre and in the surrounding nearby urban settlements which are generally spread along the main transport corridors into the City. There are also rural / semi-rural settlements in and around the edges of Gower and to the North.
- 6.4 The Northern, Eastern and Central parts of the County have historically supported significant levels of housebuilding. The regeneration of the retail heart of the City Centre through mixed use development, including the reintroduction of residential units into the central area, has been seen as a particularly important means of breathing life back into the City. There has been major investment in infrastructure and environmental improvements, and these areas are well located for access to a wide range of employment opportunities. Development has been encouraged within the Maritime Quarter, SA1 and Lower Swansea Valley riverfront areas to reinforce the image and role of Swansea as a 'Waterfront City'.
- 6.5 Within the North West part of the County development has been concentrated on the settlements of Gorseinon, Loughor, Penllergaer and Pontarddulais in support of regeneration initiatives and local employment centres. This has included significant levels of housebuilding over the past decade.
- 6.6 West Swansea was the focus for the greatest boom in post war building and is now largely built-out to its environmental limits. Beyond this area the Gower Fringe is characterised by rural and semi-rural areas, including the settlements of Penclawdd, Crofty, Duvant, Three Crosses, Upper Killay and Bishopston, where development has historically been limited to infill and small scale rounding off. Within the Gower AONB restrictive housing policies have historically been applied, however small-scale affordable housing development required to satisfy the overriding economic or social needs of a local community is supported by current and emerging development plan policy. . An increasing number of dwellings are being used as holiday homes within Gower which also impacts on the availability of housing to meet affordable and local needs.

## **Population change and influence on LDP/forthcoming revisions.**

- 7.1 Latest population estimates for the County stand at 245,500 (mid-2017, ONS estimates), which is the second largest local authority in Wales and represents almost 8% of its total population with a population density of 647 people per sq. km. The population has been growing by approximately 1300 (+0.6%) per annum over

the period 2007-17, with the main driver of growth being migration – this represents a 5.6% (13,000) increase in population.

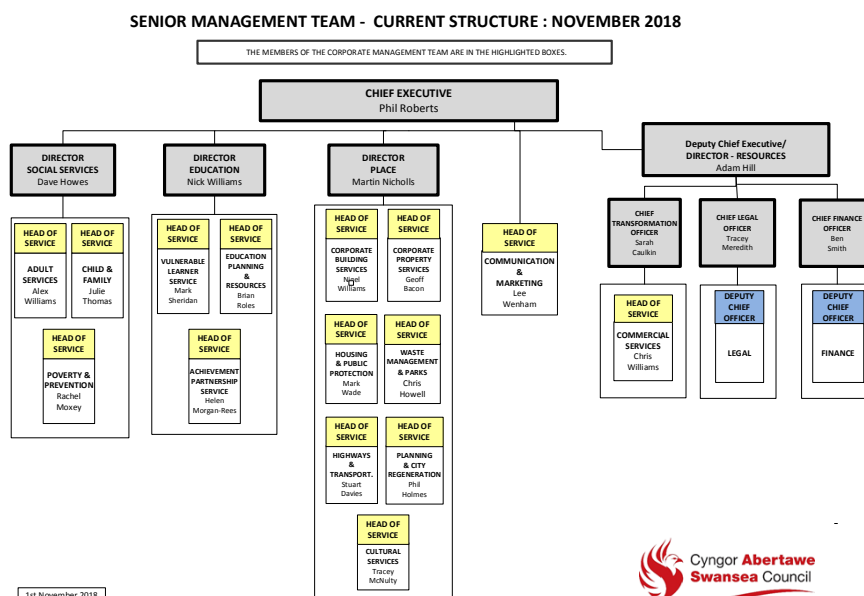
- 7.2 Comparison of the age structure for Swansea against the Wales average shows a higher proportion of young adults, which is largely associated with the significant local student population. Swansea is a centre of learning and in 2016-17 there were approximately 16,600 full-time Higher Education students at Swansea University and over 3,200 at the Swansea campus of University of Wales Trinity St. David; with a further 4,400 full-time students in Further Education at Gower College Swansea.
- 7.3 Numbers of those of pensionable age are comparable with the Welsh average; however the older population is projected to grow as a result of better health and associated improvements in life expectancy. Life expectancy at birth in Swansea now stands at 77.8 years for males (Wales 78.4) and 82.2 for females (Wales 82.3) (2016, ONS). 19.3% of Swansea's population are aged 65 and over (47,600) and 22,000 people are aged 75 and over, (8.9% of the Swansea total).
- 7.4 The population is not evenly distributed within Swansea, with most people living within the urban area and the surrounding settlements to the north, including Morriston (the second highest ward population; around 16,500 in 2016), Clydach, Gorseinon and Pontarddulais. Ward level estimates of population density (2016) reveal high concentrations of population in and immediately around the city centre (Castle Ward), the adjacent wards of Cwmbwrla and Uplands (7,100 people per sq. km, the highest population density in the county), and also in Townhill and Penderry.
- 7.5 These are in contrast to the sparsely populated rural areas of Gower and Mawr Wards which have a population density (2016) of 31 people per sq. km, the lowest in the County. The 2014 Welsh Index of Multiple Deprivation identified 12% of Swansea's local areas as falling within the top 10% most deprived in Wales.
- 7.6 The total number of households (with residents) in Swansea in mid-2016 is estimated at 107,500, an increase of approximately 1,100 (or 1.1%) on the 2015 figure. Since 2006, the number of households in Swansea has increased by 8,800 (+8.9%), with average household size falling from 2.30 people (2006) to 2.23 people (2016). The falling average household size can be attributed to the significant rise of single-person households who now account for a third of all households.
- 7.7 The Welsh Government's latest trend-based population projections suggest that Swansea's population will grow by 9.0% (21,600 people) between 2014 and 2039. In these projections, Swansea has the third highest projected growth rate (%) of the 22 Welsh local authorities, behind only Cardiff and Wrexham. In comparison, the projections suggest a population increase of 5.4% across Wales over the period.
- 7.8 The 2011 Census estimates suggest that 14,326 people in Swansea were from a non-white ethnic group, 6.0% of the total population; higher than the equivalent figure for Wales (4.4%) and the third highest percentage of the 22 local authorities in Wales, although lower than the equivalent UK figure (12.9%).
- 7.9 The proportion of people aged 3 and over able to speak Welsh in Swansea decreased from 13.4% (28,938) in 2001 to 11.4% in 2011 (26,332 people); a fall of around 2,600 Welsh speakers (-9.0%) despite an overall increase in the population.
- 7.10 36.1% of Swansea's residents (aged 16-64) are qualified to NVQ level 4 (Degree level) and above (December 2016, ONS), slightly above the Wales figure (35.1%).

- 7.11 GVA (Gross Value Added) per head in Swansea stands at £18,892 , (2016, ONS); which has fallen to 1.3% below the Wales level £19,140 and 28.3% % below the UK average (£26,621). Over the longer term (2011 to 2016), overall growth in Swansea's GVA per head has been 11.7%, which is below rates of growth in Wales (+15.8%), West Wales & Valleys (+15.4%) and the UK (+15.5%).
- 7.12 71.1 % of Swansea's working age residents are economically active and 107,500 in employment (March 2018 , ONS), mostly in the service sectors 84.4 % , with 28.2% employed in the public sector and 6.5% working in manufacturing.
- 7.13 32,600 people commute into Swansea each day (2016, ONS/WG). Active businesses in Swansea gre by 2.5% between 2015-16 , compared to 3.6% across Wales and 6.1% in the UK. Most significant cross boundary flows are from Neath Port Talbot and Carmarthenshire.
- 7.14 Estimates suggest 4.59 million people visited Swansea Bay in 2016 spending over £400 million (Scarborough Tourism Economic Activity Model).
- 7.15 The County will need sufficient new homes, additional employment opportunities and improved infrastructure and community facilities to support this level of growth and raise standards of living.
- 7.16 Key influences on the LDP include:
- Significant projected population and household growth,
  - The link between housing land supply and location and support for local economic growth - the LDP seeks to provide for 17645 new dwellings and support 13600 new jobs,
  - Due to the success of past regeneration schemes, there is now limited previously developed (brownfield) land remaining to accommodate development,
  - The sustainable regeneration of the Swansea Central Area as the economic hub and main driver of the 'City Region',
  - The need for further investment at SA1 and the Fabian Way Corridor to sustain the successful regeneration of former dock areas, whilst complementing regeneration of the Central Area,
  - Reorientation of the economy towards high quality, skilled and knowledge based sectors,
  - Lack of available, high quality office space to meet economic growth needs, combined with an oversupply of sub-standard office space at central and out of town locations,
  - Leisure, sustainable tourism and heritage-led development schemes,
  - Supply of new house building not keeping pace with demand as the local population grows, and the economic viability of sites for delivering new housing varying considerably across the County,
  - A shortfall of affordable housing across the County with the recession increasing the demand for such housing,
  - • Need for greater variety of size and tenure mix within new housing developments to contribute towards sustainable balanced communities,
  - The age and condition of the current social, and to a lesser extent, private housing stock means that substantial improvement is required, particularly in relation to energy efficiency,
  - Designing houses to meet the needs of an increasingly elderly population to live independently for as long as possible,
  - Ageing population and lack of suitable alternative accommodation for the elderly,

- A sizeable Higher Education student population and increasing demand to provide student additional accommodation,
- Significant variations across the County in terms of social indicators of deprivation, including access to health, education and community facilities and housing quality. A more equitable distribution of services and facilities is needed,
- Community cohesion issues in certain wards due to the number of conversions of housing stock to HMOs and the geographical spread,
- Safeguarding communities where Welsh language is an important part of the social fabric,
- The County benefits from outstanding natural heritage with diverse landscapes and habitats comprising over 80% of the total area. Approximately 17% of the County is protected by international or national designations, whilst 40% is covered by the Gower Area of Outstanding Natural Beauty (AONB),
- The high quality natural environment, landscapes, and coastline are important assets to the local economy, attracting visitors, and providing resources,
- The County supports an extensive green space network, which is vital to economic, environmental and community well-being, and more green infrastructure is needed to meet national guidance and local requirements for improving accessibility to open space,
- Improvements to linkages between open spaces, Public Rights of Way, and key destinations are needed to increase accessibility and promote physical activity,
- Poor air quality is an issue in some areas, which can have a detrimental impact on human health. Parts of the urban area have been designated as Air Quality Management Areas (AQMAs), where further deterioration in air quality would be of significant concern,
- The area's industrial past has left a legacy of potentially contaminated sites, where remediation is required to protect human health and well-being,
- The existing sewerage treatment infrastructure is under considerable pressure and requires improvement in some areas if development is to occur,
- The existing highway network experiences traffic congestion along certain main routes and junctions, which can have a negative impact on amenity, health and well-being, and economic competitiveness.

## PLANNING SERVICE

Chart 1 - Organisational Structure





- 8.1 The Council is organised into four Corporate Directorates reporting directly to the Chief Executive Officer, as detailed in Chart 1 above. Both the development management and forward planning functions sit within the Planning and City Regeneration and Service under a single Head of Service who reports to the Director of Place.
- 8.2 As detailed in Chart 2 below the Planning and City Regeneration Service, itself, is organised into 6 separate service areas namely Development, Conservation and Design, Strategic Planning and Natural Environment, City Centre Management, Economic Development, European and External Funding, and Development and Physical Regeneration.

**Chart 2 – Organisational Structure**



- 9.0 **Wider organisational activities impacting on the service – how has the department responded to financial constraints imposed during budget setting? What cross departmental activities has the department been involved in or been affected by, e.g. closer joint working in advance of Williams implementation, IT changes, real estate rationalisation?**
- 9.1 The planned budget savings target for Planning and City Regeneration Service for the period 2014/15-2017/18 was £1,190,000. The service as a whole is also currently in the process of implementing the recommendations of a recent Commissioning Review which has identified further service improvements, efficiency opportunities, income generation and cost savings of some £267,000 by 2018/19. In addition the Service has also been asked to find further savings of £500,000 for 2018/19 in response to Council budgetary pressures and the recent financial settlement for local government.
- 9.2 The Strategic Planning and Natural Environment Section has continued to undergo a review of its structure in response to these budgetary pressures to meet further Section budget savings of £130,000 needed for 2019/20 through deletion of 3 vacant posts in addition to budget savings/income of £120,000 made year achieved over the past two years . Commercialisation of services within the Landscape Team brought in income of £30,000 during 2017/18 and a similar amount is anticipated 2018/19. An additional temporary landscape architect post has been created to deal with the additional workload.
- 9.3 As part of implementing the recommendations the Commissioning Review to provide £97,000 of savings in 2017/18 the Development, Conservation & Design Section made 2 voluntary redundancies and introduced charging for the provision of a heritage advice service. Further efficiencies to accommodate these budget savings are anticipated following the introduction of Agile working arrangements scheduled for February 2019 and the ongoing review of service delivery options.

- 9.4 Cross departmental working initiative include ongoing work to form a core Land Charges Team within the Development, Conservation & Design Section. This will bring together discrete functions carried out by 11 separate officers in 7 different Departments under one management structure providing the potential for greater resilience, improvements in the quality of service and opportunities to generate further fee income.
- 9.5 To accommodate the additional savings required for 2018/19 there is further reliance upon an increase in fee income which now meets an increasing proportion of the Development, Conservation & Design Section budget. This is identified as a potential risk to the delivery of this statutory service moving forward.
- 10.0 Operating budget – including budget trend over 3 years, and fee income. Does the planning department retain fee income? Is this used to calculate its operating budget? Has a discrepancy between expected fee income and actuals affected the forward planning or operational activity of the department?**
- 10.1 The operating budget dedicated specifically to the development management and forward planning functions is difficult to establish as staff within the Development Management, Conservation & Design and Strategic Planning and Natural Environment service areas input into a range of functions including central administration for the department as a whole, Rights of Way, Sustainability, Ecology and AONB functions and land charges for which fee income is not retained within the service area. The outputs of the PAS benchmarking work commissioned by Welsh Local Government Association on behalf of Welsh Government has not been published but should assist Welsh Government in establishing a better understanding of the true costs of the planning service.
- 10.2 Whilst the overall budget for the Development, Conservation & Design has reduced over the past three years fee income has risen since 2010/11 as illustrated in Table 1 below:

**Table 1 – Planning Application Fee Income**

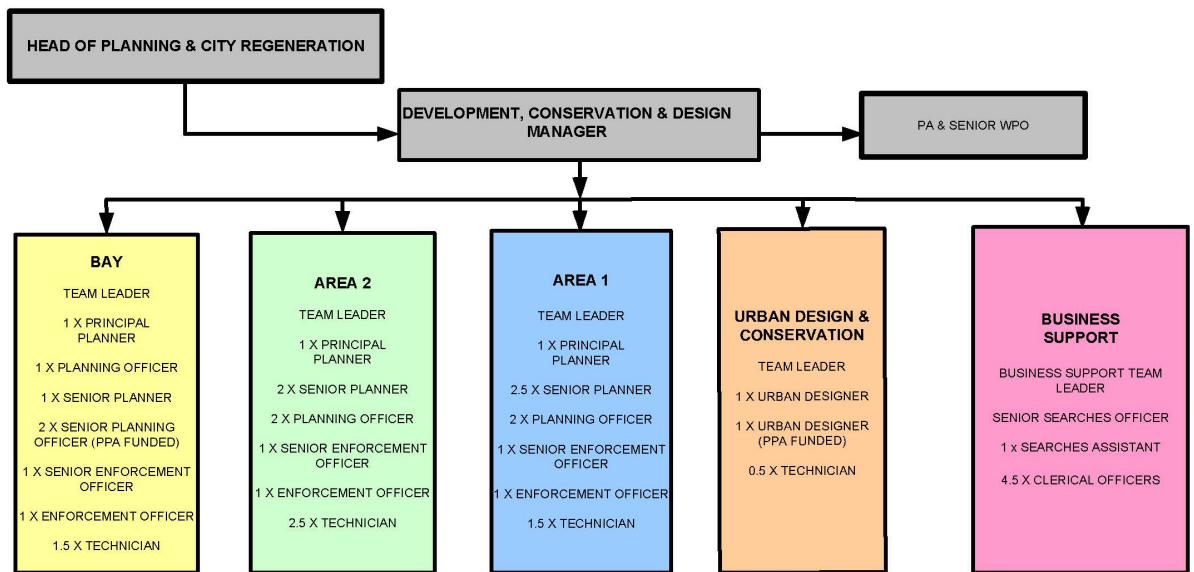
Income (£)	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Target	1,010,000	780,000	639,000	639,000	689,000	787,600	847,600	1,006,600	1,070,100
Actual	870,572	589,069	670,199	908,679	841,171	957,352	906,526	1,085,089	1,287,180

- 10.3 Fee income is retained within the Development, Conservation & Design budget which is, however, set demanding fee income targets for each financial year to cover a growing proportion of the costs of the Service. Any budget underspend at the end of the financial year is not carried forward to the following financial year. Two full time Senior Planning Officers and one Urban Design Officer are also currently funded by Planning Performance Agreement. This places a heavy emphasis on unpredictable fee income as a means of sustaining the core business of the Service and represents a significant risk to service delivery should fee income fall or fee income targets be increased further to accommodate budget savings.

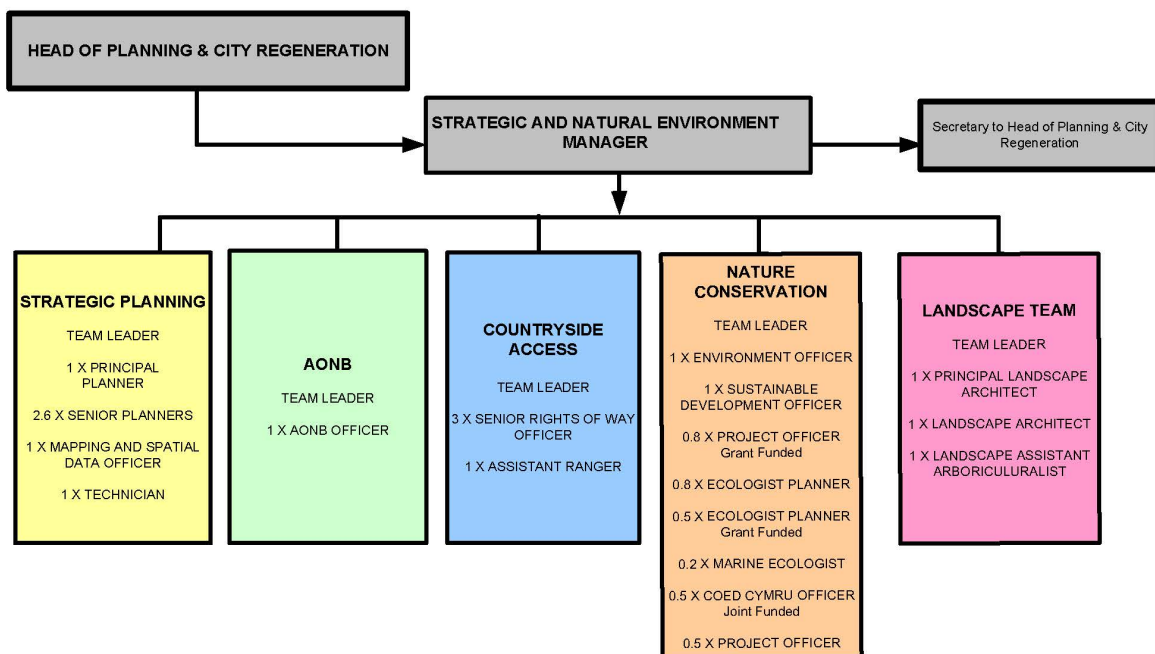
**11.0 Staff issues – what is the current staffing level of the department? What are the current plans for staff skills development and succession planning? Are any vacancies being carried? Has the service had to manage with redundancies (with reference to budget section above)? Has a loss of skills through sickness absence or other reasons, adversely affected the department? What are the coping mechanisms for this?**

**11.1** The current staffing structure for Development, Conservation & Design, and Strategic Planning and Natural Environment is summarised in Chart 4 and 5 below respectively:

**Chart 4 – Development, Conservation & Design Structure**



**Chart 5 – Strategic Planning & Natural Environment Structure**



- 11.2 As part of the Commissioning Review action plan 2 voluntary redundancies were made in the Development, Conservation & Design Team, namely a Senior Admin Officer and an Enforcement Officer. A number of staff members are also working reduced or family friendly hours. This is reflected in Chart 4 above.
- 11.3 As detailed above the Section has previously been restructured and job descriptions rationalised to provide more flexible working. Through on the job training, staff from previously discrete teams carry out a much wider range of functions. In this way the impact of the above redundancies has been managed with existing officers absorbing these roles in parallel with the introduction of revised business processes and a review of service delivery options.
- 11.4 Responsibility and authority has also been delegated further down the staff structure to accommodate a reduction in Team Leaders as a result of restructuring and to help facilitate change.
- 11.5 Upskilling and reskilling of staff in this way is an ongoing process but remains a robust mechanism to manage the risk to the Service as ongoing budget cuts bite deeper and harder.
- 11.6 In addition 1 Urban Design Officer and 2 Senior Planning Officers are also funded via fee income generated from Planning Performance Agreements negotiated on a variety of projects. Fee income is now the primary source of funding for the service and as illustrated in Table 1 above experiences significant variations year on year placing the delivery of statutory services at potential risk moving forward.

## **YOUR LOCAL STORY**

- 12.0 Workload. What are the current planning pressures the service is facing? What is the status of the LDP? Is development/monitoring/revision proceeding as planned? What is the impact on support of development management services, e.g. for master planning? What is the DM workload per officer?**
- 12.1 Significant planning policy pressures include the UDP being time expired; the lack of a five year housing land supply; advancing strategic LDP sites ahead of adoption of the plan; the sufficiency of infrastructure to support projected growth, development site viability/deliverability and City Centre regeneration proposals in support of the City Deal
- 12.2 The UDP has been time expired since 1<sup>st</sup> January 2017, however it remains the adopted development plan although decision making now has to have regard to the extent to which the plan remains compliant with up to date Welsh Government guidance in Planning Policy Wales, Technical Advice Notes and any other relevant guidance. To attempt to address speculative planning applications being submitted on currently unallocated (in either UDP or LDP) greenfield sites outside settlement boundaries, a guidance note for developers on 'departure' applications was approved by the Council in November 2015. This guidance puts in place a clear strategy for dealing with the housing land shortfall and prioritises early applications on appropriate LDP Sites, and in particular on Strategic Sites and proposals that deliver very high proportions of affordable housing.
- 12.3 This has resulted in 8 LDP housing site applications being submitted to date, three of which relate to Strategic Sites, five which have already been determined as departures to the extant Plan. In total, these applications will deliver circa 3823 new homes.

- 12.4 Most of the Strategic Sites will deliver wider physical infrastructure improvements and a range of uses to complement the proposed new homes, including schools, commercial facilities and community uses. Significant resources have been committed to working with site promoters to ensure that such sites are comprehensively and appropriately master-planned. However there may be some gaps in infrastructure provision, particularly in relation to highways improvements that may need to be funded by other means. However research undertaken has concluded that CIL will not be a viable mechanism for delivering these additional works.
- 12.5 Development management pressures stem from a year on year increase in the number of planning applications received rising from 1482 in 2012/13 to 2132 in 2017/18 reflecting both an upturn in the development industry, the introduction of the C4 Use Class for HMO's and the number of major and strategic housing sites coming forward in advance of the Local Development Plan. The number of planning applications received per case officer (FTE) was 138 per annum in 2017/18. This excludes the provision of pre-application advice, and appeals and input into the change process described above, appeals, enforcement cases, corporate projects and initiative and policy/SPG formulation.
- 12.6 The number of enforcement cases received in 2017-18 was 443 which coupled with the remnants of an historic backlog of stubborn cases continues to place pressure on the enforcement service when measured against the new performance indicators introduced by Welsh Government in 2017. Enforcement officers currently carry an average caseload of 81 complaints.
- 13.0 Reference to the Annual Monitoring Report (as an attachment). In the absence of an AMR, the authority should report on its progress towards adoption of the LDP, and any key issues arising in the year.**
- 13.1 The LDP Examination commenced with a Pre-Hearing Meeting on Wednesday 13 December 2017 and a series of Hearing Sessions subsequently took place over a 7 month period commencing on 6<sup>th</sup> February 2018, with the final hearing held on the 11th September 2018. The LDP Examination Inspectors have confirmed that they are satisfied that no further hearings are required to inform their considerations of the soundness of the Plan, and consultation on the Matters Arising Changes is scheduled for Oct –Dec 2018.
- 13.2 During the examination it was questioned whether Gypsy and Traveller needs would be met by the. Consequently Planning permission has been granted for a new and extended site for gypsy travellers and lawful development certificates have been issued for use of a site by Traveller Showpeople. There is now sufficient land available within the County to provide for the full identified needs for additional Gypsy Traveller and Travelling Showpeople pitches up to 2025.
- 13.3 Throughout the Examination the Council submitted substantive evidence and justifications to underpin the Deposit LDP policy relating to affordable housing targets for residential developments. Statements of evidence were also submitted by RSLs and major housebuilders which supported the Council's approach and its targets for delivering affordable homes.
- 13.4 During the Hearing Sessions the Inspectors suggested changes related to Affordable Housing targets the effect of which would be to **reduce** the potential of the Plan to facilitate affordable housing delivery on allocated housing sites (and windfall

applications) in the order of 180 units (a drop of 5%) over the Plan Period. The Council does not support the Inspectors' proposed changes, and even if the Council is mandated to include this change it strongly refutes any suggestion that such reduced targets are necessary to align with evidence, or that they are needed to make the Plan sound.

**14.0 Current projects. Any specific items of research, best practice development or other initiatives being undertaken within the planning service. Examples could include a “development team” approach to major applications, work on a Local Development Order or process reviews.**

14.1 Burrows-Hutchinson Ltd were commissioned by the Council to undertake a comprehensive review and update of the evidence base relating to the viability of individual Strategic Development Areas (SDA's) allocated in the Deposit Swansea LDP. The primary aim of the Review was to 'sense check' the Council's approach to the delivery of SDA's, and to provide the most up-to-date evidence on the viability and deliverability of the site-specific development requirements and principles set out in the Deposit LDP Policies for the SDAs. The Review focused on an update of a number of preliminary Independent Financial Viability Appraisals (IFVAs) carried out by Burrows-Hutchinson in 2016.

14.2 The conclusions reached through the IFVA process are that all the SDA's are viable, and the site-specific SDA policies that form an important part of the Council's vision for delivering sustainable communities that accord with the strong placemaking and masterplanning principles set out in the Plan, are appropriate and reasonable.

14.3 In development management terms the Development, Conservation & Design Section is currently in the process of piloting agile working arrangements including the further refinement the “paperless office” processes developed since 2013 using electronic workflow systems and the introduction mobile app. technology which will allow officers to view and update files and records held on the Authority's electronic document management and back office systems whilst on site.

14.4 The Authority is also collaborating with Neath Port Talbot Council Borough Council on the introduction on a joint Agent Accreditation Scheme with a view to facilitating the submission of better quality planning applications, reducing the administrative burden of validation and providing consistent validation requirements across both Authorities.

14.5 The promotion of a development team approach lead by officers from the Council's Development and Physical Regeneration Section (as developer and applicant), externally appointed consultants and officers in the Development Conservation and Design Section proved to be a highly effective model for the delivery of the Swansea City Centre redevelopment scheme. In development management terms roles were clearly articulated and resourced through the signing of a Planning Performance Agreement which facilitated the efficient delivery of the scheme through the pre-application process with added value and the determination of the resultant applications in a timely manner.

**15.0 Local pressures. Major applications or other planning issues having a disproportionate impact on the efficiency of the service. Could include specific development pressures, enforcement issues such as major site restoration issues, monitoring compliance of conditions with non-devolved consents (e.g. wind energy applications) or applications of national significance (e.g. LNG storage site).**

- 15.1 Responding to the Abergelli Power NSIP application and the tight deadlines set will continue to have an impact on resources in 2018/19.
- 15.2 As detailed above a number of major and strategic sites including the redevelopment of Swansea City Centre have come forward in advance of the LDP. The approach adopted by the Authority detailed at Section 12 above has facilitated the effective delivery of a number of these sites in accordance with the “placemaking” policy objectives set out in the LDP and without formal challenge.
- 15.3 Considerable resources have, however, been dedicated to this process which has only been possible to manage, without impacting on the performance of the Development Management Service as a whole, through the appointment of staff via fee income generated by Planning Performance Agreement.
- 16.0 Service improvement. What were the recommendations of the previous service improvement plan? In future years, this will also refer to actions identified in the previous Annual Performance Report (ideally they will share actions). For each of these:**
- 1. Have they been implemented?**
  - 2. If no, what are the obstacles and what is being done to overcome them?**
  - 3. If yes, have positive changes been observed as a result?**
  - 4. Have any secondary or new issues emerged to be addressed?**
  - 5. What are the next steps, if any?**
- 16.1 The Services Business Plan identified a number of key priorities and objectives for the Planning and City Regeneration Service in the diagram below:



16.2 Specific objectives, outcomes, performance measures, targets and actual outcomes for Development, Conservation & Design and Strategic Planning & Environment are detailed below:



Strategic Objective	Outcome	Performance indicator	Target	Result	Trend	Explanation
Improve Customer Satisfaction	Customers will be enabled to serve themselves wherever possible. A fundamental shift in customer contact to 'digital by default' will have occurred	% Channel shift in planning applications from paper to digital via Planning Portal	60% of apps made on line	74%	Upwards	The percentage of application submitted via the planning portal has increased from 55% to 74%. As part of implementing its Commissioning Review the Authority will carry out further engagement with agents to encourage on-line submission in an agreed format to improve the quality of submissions and facilitate the speed of validation.
Improve Customer satisfaction	There is a measurably improved quality of planning application submissions	% valid application increased	50%	48%	Upwards	The Authority operates a robust approach to the issuing of formal invalid notices. An Agent accreditation scheme is under development in partnership with Neath Port Talbot CBC with a view to promoting frontloading and improving the quality and consistency of submissions.
Improve Customer satisfaction	There is measurably improved customer experience / satisfaction when dealing with the Council	EP28 - % of all planning applications determined within 8 weeks	80%	86%	Upwards	This internal target has been met and exceeded reflecting the focus on frontloading and the determination of householder and minor applications within the earliest decision date rather than the extension of time date.

Improve Customer satisfaction	There is measurably improved customer experience / satisfaction when dealing with the Council	WG Performance Framework - Maintain top quartile performance for speed of determination in Wales	Top quartile performance maintained	Top quartile performance maintained	Upwards	The average time taken to determine all applications (60 days) and the percentage of applications determined within agreed timescales (98%) represents top quartile performance in Wales. This reflects the Authority's approach to frontloading and the determination of householder and minor applications within the earliest decision date allowing resources to be focussed on the delivery of positive outcomes for major and strategic applications which have a community, City or Regional impact.
Deliver the Council's regeneration programme	Pre-application advice service and use of PPA promoted.	EC2 - % applications with an economic imperative that are approved	85%	93%	Upwards	93% of major planning applications were approved including one LDP Strategic Housing Site reflecting the Authority's approach to frontloading and the delivery of positive outcomes for major and strategic applications which have a community, City or Regional impact.
Creating Vibrant & Viable City & Economy	Deliver the Council's Regeneration Programme	Secure planning consent for Swansea Central	Apr-17	June-17	-	Outline planning application for Swansea Central approved within 9 weeks and within the agreed timescales specified in Planning Performance Agreement.

Process	More efficient handling of planning applications and enforcement cases	Deploy UNIFORM Mobile App	Mar-18	-	-	The mobile app has been tested but has not been deployed due to technical issues still to be resolved by Idox the third party provider. A revised target date is set for February 2018 to coincide with the programme date for the introduction of "Agile Working" arrangements within the service.
Improve Customer Satisfaction	Provide an efficient and transparent planning service	WG Performance Framework - Percentage of enforcement cases investigated in 84 days	85%	46%	Down	The WG measure was changed part way through the reporting year. Data migration issues from a previous back office system have influenced the reliability of data used to inform performance when measured against this measure. Following the outcome of an Internal Audit a data cleanse is being completed.
Improve Customer Satisfaction	Provide an efficient and transparent planning service	WG Performance Framework - % cases where enforcement action is taken or application received within 180 days	72%	-	-	The WG measure was changed partway through the year and not reported.
Deliver a quality and resilient built environment	Conservation Areas Reviews progressed	Morrison Conservation Area Review Completed	March 2018	Nov. 2017	-	Morrison Conservation Area Review completed November 2017. Mumbles Conservation Area Review nearly completion.

Increase efficiencies income and commercialisation	New income streams and opportunities are identified leading to increased income.	Increase income or identify new income streams	As identified in budget saving targets	-	-	£30k additional income for landscape architects service achieved and now operates at nil cost to the Council.
Increase efficiencies income and commercialisation	New income streams and opportunities are identified leading to increased income.	% of total service budget coming from income	50%	68%	Upwards	68% of the total Development Management, Conservation & Design budget was derived from fee income. This budget includes the costs of non-application related and non-statutory elements of the service.
Adopt Local Development Plan	Progress adoption of the Swansea Local Development Plan (LDP)	Submit plan for Examination- and adopt	In accordance with revised delivery agreement	-	-	Achieved in part. Plan has been submitted and examined – awaiting Inspector's recommendation following consultation on Matters Arising Changes .
Ensure everyone has an appraisal and development	Staff receive an appraisal at the appropriate time	WORK12a - % of 12 month appraisals carried out within set deadlines	100%	100%	Upwards	All staff have received 12 month appraisals within deadlines

- 17.0 Performance Framework. What are the identified areas for improvement set out in Annex A? What steps will the authority take to address these? How will they be resourced? How will success be measured?**
- 17.1 There are two main areas identified for improvement in the Performance Framework, namely LDP preparation and the associated housing land supply issues together with enforcement performance.
- 17.2 The UDP is time-expired and will remain so until the replacement LDP is adopted. The LDP has been subject of Examination by the Planning Inspectorate and the earliest it could potentially be adopted is Feb/Mar 2019.
- 17.2 It is not possible to recover a position where the LDP is being progressed within 18 months of the dates specified in the original Delivery Agreement. It is however being progressed in accordance with the most recent Delivery Agreement which is considered a more relevant measure as it is the latest DA that has been considered by the Inspectorate at Examination.
- 17.3 The housing land supply remains around 3 years, however, negotiations with developers in accordance with the Council's agreed strategy for advancing planning applications on LDP Strategic Development Areas has resulted in the submission of a number of schemes potentially providing land for an additional 3823 dwellings. Further 'departure' applications are anticipated during the coming year with another SDA at pre-application consultation stage which will provide further opportunity to meet the housing land supply requirement going forward.
- 17.8 Enforcement performance has been under significant scrutiny by the Authority following the build-up of a significant backlog of enforcement cases as a result of historic under resourcing of the function. The performance for the percentage of enforcement cases investigated in 84 days in 2017/18 at 46 % was, however, the lowest in Wales.
- 17.9 This performance indicator was, however, introduced part way through the reporting period, in June 2017, and in this respect Swansea Council officers were heavily involved with Welsh Government in the design of this new measure.
- 17.10 It is unclear how other Authorities in Wales have accounted for this change, however, this Authority's enforcement function was subject to an Internal Audit during 2017-18 which reported in May 2018 and provided a Substantial level of Assurance. The Audit report, however, concluded, in part, that historic records and cases reported prior to the introduction, in October 2016, of new software in the form of the Uniform back office system had influenced the reliability of data used to inform performance when assessed against this new measure introduced part way through the reporting period in June 2017.
- 17.11 The Internal Audit report recommended that a data cleanse should be carried out of all cases transferred from the previous M3 back office system to the new Uniform system to ensure that the correct dates are recorded on the Uniform system. This data cleans is ongoing and is scheduled for completion in December 2018. Performance when assessed against this measure is currently being reported by the system as 76% for the first quarter of 2018/19.

- 17.12 Enforcement processes and procedures have been reviewed but delays in the release and deployment of the Idox Mobile App have frustrated efforts to exploit the opportunities it offers to provide more efficient and responsive performance at the investigation stage.
- 17.13 The percentage of Member made decisions contrary to officer advice has reduced from 24% in 2016/17 to 5% in 2017-18 equating to 0.2% of all planning application decisions being made against officer advice compared to 0.6% across Wales.
- 17.14 This are categorised as a “fair” performance in the Framework and was only marginally above the performance target of less than 5% set by Welsh Government.
- 17.15 Appeal performance was also categorised as “fair” for 2017/18 with 59% of appeals being successfully defended compared to a Welsh average of 62.6%.
- 17.16 The Authority’s appeal performance, however, was again influenced by a disproportionate number of appeals being determined by a single inspector who also allowed 65% the appeals considered compared to an average of 37% for all Inspectors decisions in Wales.
- 17.17 In addition given the number of overall appeals was 79 during the year the small number of applications refused by Planning Committee contrary to officer advice, which were subsequently allowed at appeal, also had an influence over performance in this respect (8 of which 100% were allowed). This was again influenced by a single issue, namely the consideration and refusal by Planning Committee of applications for small HMO’s falling within the new C4 Use Class introduced in 2016.
- 17.18 The adoption of the LDP will, it is anticipated, provide a robust threshold based policy upon which to determine such HMO applications and improve appeal performance in this respect.
- 17.19 69% of all appeals determined following a refusal under delegated powers were dismissed.

## **18.0 WHAT SERVICE USERS THINK**

- 18.1 In 2017-18 we conducted a customer satisfaction survey aimed at assessing the views of people that had received a planning application decision during the year.
- 18.2 The survey was sent to 680 people, 9% of whom submitted a whole or partial response. The majority of responses (59%) were from members of the public. 28% of respondents had their most recent planning application refused.
- 18.3 We asked respondents whether they agreed or disagreed with a series of statements about the planning service. They were given the following answer options:
- Strongly agree;
  - Tend to agree;
  - Neither agree nor disagree;
  - Tend to disagree; and
  - Strongly disagree.

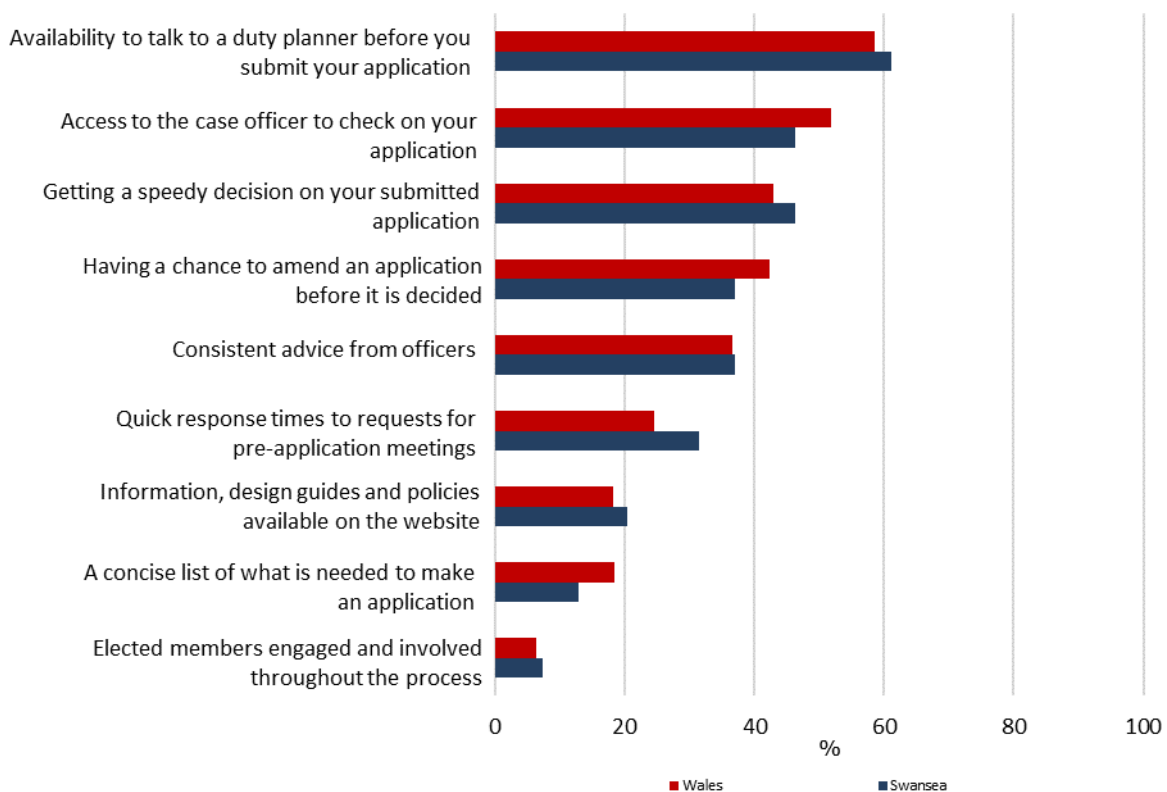
18.4 Table 1 shows the percentage of respondents that selected either ‘tend to agree’ or ‘strongly agree’ for each statement for both our planning authority and Wales.

**Table 1: Percentage of respondents who agreed with each statement, 2017-18**

<b>Respondents who agreed that:</b>	<b>Swansea LPA %</b>	<b>Wales %</b>
The LPA applies its planning rules fairly and consistently	51	55
The LPA gave good advice to help them make a successful application	49	60
The LPA gives help throughout, including with conditions	47	52
The LPA responded promptly when they had questions	58	62
They were listened to about their application	55	60
They were kept informed about their application	42	52
They were satisfied overall with how the LPA handled their application	54	63

18.5 We also asked respondents to select three planning service characteristics from a list that they thought would most help them achieve successful developments. Figure 1 shows the percentage of respondents that chose each characteristic as one of their three selections. For us, ‘the availability to talk to a duty planner before submitting an application’ was the most popular choice.

**Figure 1: Characteristics of a good planning service, 2017-18**



Comments received include:

- “Very good advice and service thank you.”
- “No thanks just hope the next time that I put a planning application it will be as smooth.”

- "I'm encouraged by the generally 'can do' attitude of Swansea planning. Due to the number of experienced staff this ensures that agents have confidence that their negotiations are not going to be undermined by senior staff."

## 19.0 OUR PERFORMANCE 2017-18

19.1 This section details our performance in 2017-18. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all Wales picture.

19.2 Performance is analysed across the five key aspects of planning service delivery as set out in the Planning Performance Framework:

- Plan making;
- Efficiency;
- Quality;
- Engagement; and
- Enforcement.

### Plan making

19.3 As at 31 March 2018, we were one of 3 LPAs that did not have a current development plan in place. We are currently working towards adopting our LDP/updating our LDP. So far, we are 57 months behind the dates specified in the original Delivery Agreement.

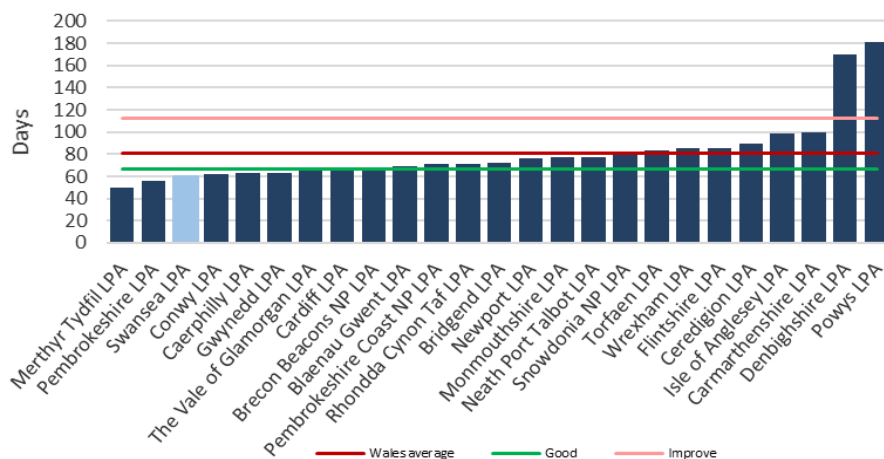
19.4 During the APR period we had 0 years of housing land supply identified, making us one of 18 Welsh LPAs without the required 5 years supply.

19.5 This is because the Swansea JHLAS Group did not meet in 2017/18 to agree housing land supply as there is no adopted development plan in place. Evidence submitted at the LDP Examination demonstrates that supply is currently around 3 years and will be more than 5 years on adoption of the Plan .

### Efficiency

19.6 In 2017-18 we determined 1,916 planning applications, each taking, on average, 60 days (9 weeks) to determine. This compares to an average of 81 days (12 weeks) across Wales. Figure 2 shows the average time taken by each LPA to determine an application during the year.

**Figure 2: Average time taken (days) to determine applications, 2017-18**

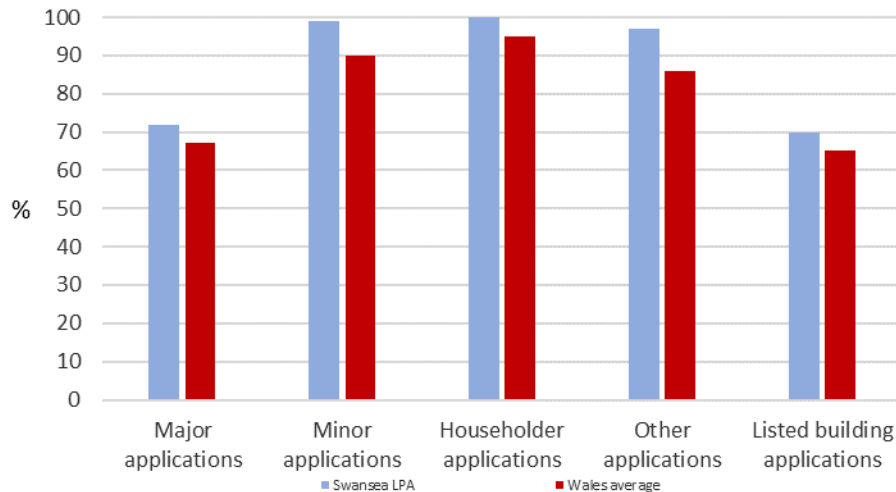




19.7 98% of all planning applications were determined within the required timescales. This was the third highest percentage in Wales and we were one of 22 LPAs that had reached the 80% target.

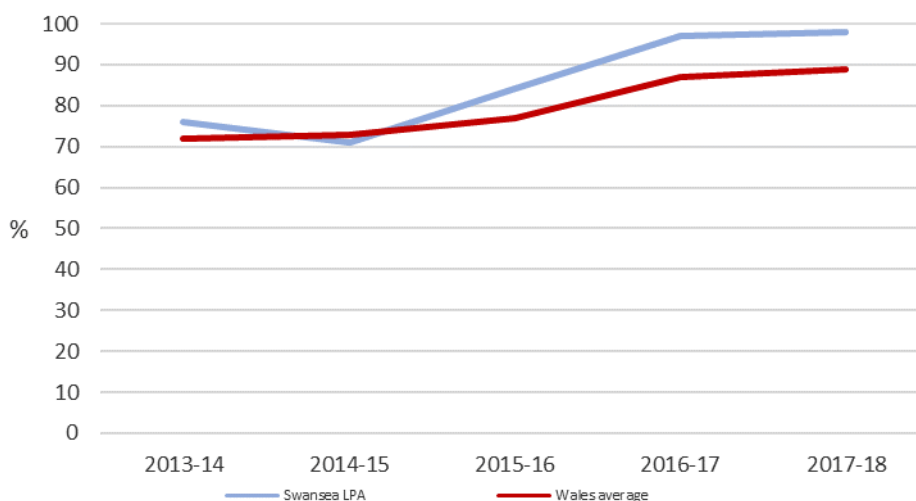
19.8 Figure 3 shows the percentage of planning applications determined within the required timescales across the main types of application for our LPA and Wales. It shows that we determined 100% of householder applications within the required timescales. We also determined 70% of Listed Building Consent applications within the required timescales.

**Figure 3: Percentage of planning applications determined within the required timescales, by type, 2017-18**



19.9 Between 2016-17 and 2017-18, as Figure 4 shows, the percentage of planning applications we determined within the required timescales increased from 97%. Wales also saw an increase this year.

**Figure 4: Percentage of planning applications determined within the required timescales**



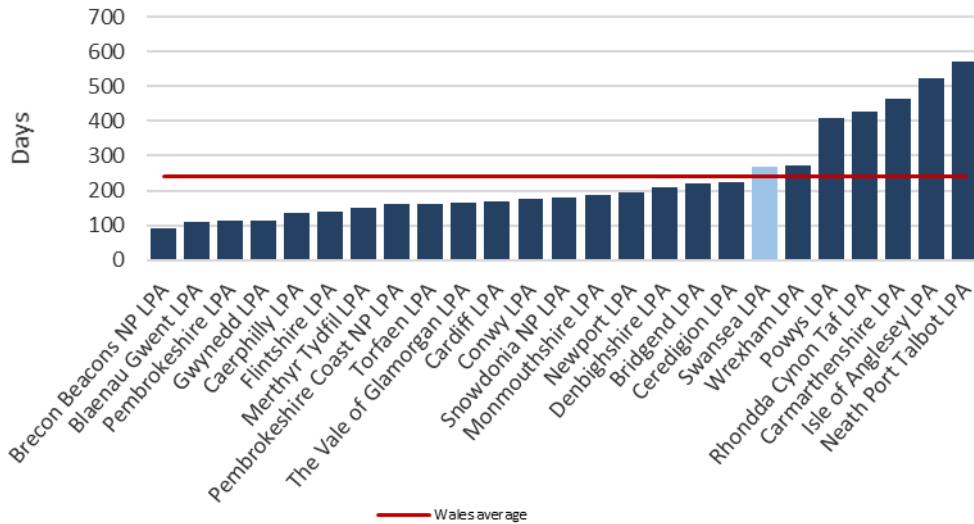
Over the same period:

- The number of applications we received increased;
- The number of applications we determined increased; and
- The number of applications we approved increased.

## Major applications

19.10 We determined 29 major planning applications in 2017-18, none of which were subject to an EIA. Each application took, on average, 268 days (38 weeks) to determine. As Figure 5 shows, this was longer than the Wales average of 240 days (34 weeks).

**Figure 5: Average time (days) taken to determine a major application, 2017-18**

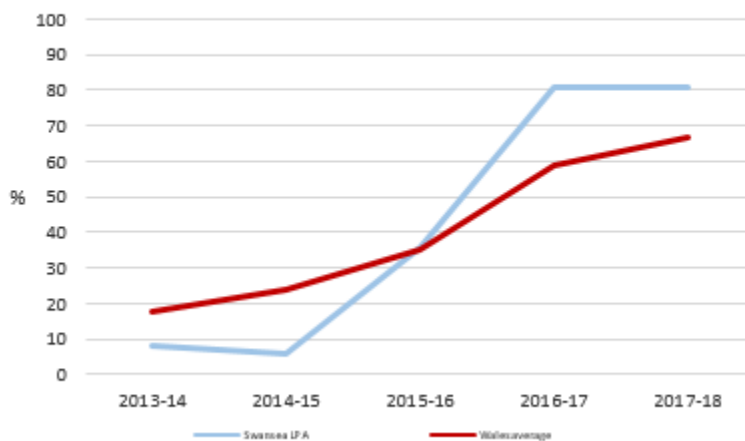


19.11 81% of these major applications were determined within the required timescales, compared to 69% across Wales.

19.12 Since 2016-17 the percentage of major applications determined within the required timescales has remained the same at 81%. Similarly, the number of major applications determined decreased while the number of applications subject to an EIA determined during the year stayed the same.

19.13 Figure 7 shows the trend in the percentage of major planning applications determined within the required timescales in recent years and how this compares to Wales.

**Figure 7: Percentage of major planning applications determined within required timescales**



Over the same period:

- The percentage of minor applications determined within the required timescales increased from 98% to 99%;

- The percentage of householder applications determined within the required timescales increased from 99% to 100%; and
- The percentage of other applications determined within required timescales increased from 95% to 97%.

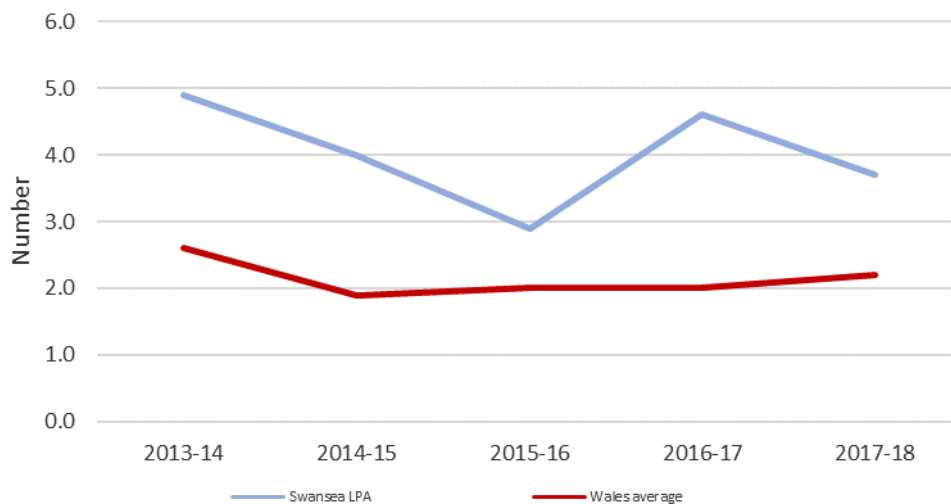
## Quality

19.14 In 2017-18, our Planning Committee made 62 planning application decisions during the year, which equated to 3% of all planning applications determined. Across Wales 7% of all planning application decisions were made by planning committee.

19.15 5% of these member-made decisions went against officer advice. This compared to 9% of member-made decisions across Wales. This equated to 0.2% of all planning application decisions going against officer advice; 0.6% across Wales.

19.16 In 2017-18 we received 79 appeals against our planning decisions, which equated to 3.7 appeals for every 100 applications received. This was the second highest ratio of appeals to applications in Wales. Figure 8 shows how the volume of appeals received has changed since 2016-17 and how this compares to Wales.

**Figure 6: Number of appeals received per 100 planning applications**



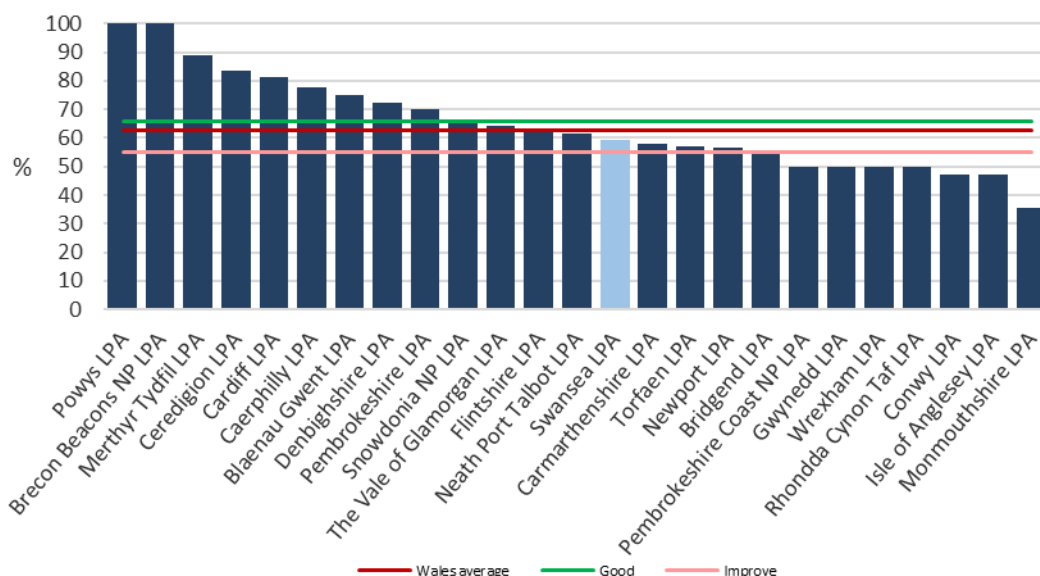
19.17 Over the same period the percentage of planning applications approved increased from 84% to 85%.

19.18 Of the 79 appeals that were decided during the year, 59% were dismissed. As Figure 9 shows, this was lower than the percentage of appeals dismissed across Wales as a whole and was below the 66% target.

19.19 The Authority's appeal performance, however, was influenced by a disproportionate number of cases being determined by a single inspector who allowed 65% of the appeals considered and the number of applications refused by Planning Committee contrary to officer advice which were subsequently allowed at appeal (8 of which 100% were allowed).

19.20 69% of all appeals determined following a refusal under delegated powers were successfully defended.

**Figure 7: Percentage of appeals dismissed, 2017-18**



19.21 During 2017-18 we had no applications for costs at a section 78 appeal upheld.

**Engagement**

19.22 We are:

- one of 24 LPAs that allowed members of the public to address the Planning Committee; and
- one of 21 LPAs that had an online register of planning applications.

19.23 As Table 2 shows, 49% of respondents to our 2017-18 customer survey agreed that the LPA gave good advice to help them make a successful application.

**Table 2: Feedback from our 2017-18 customer survey**

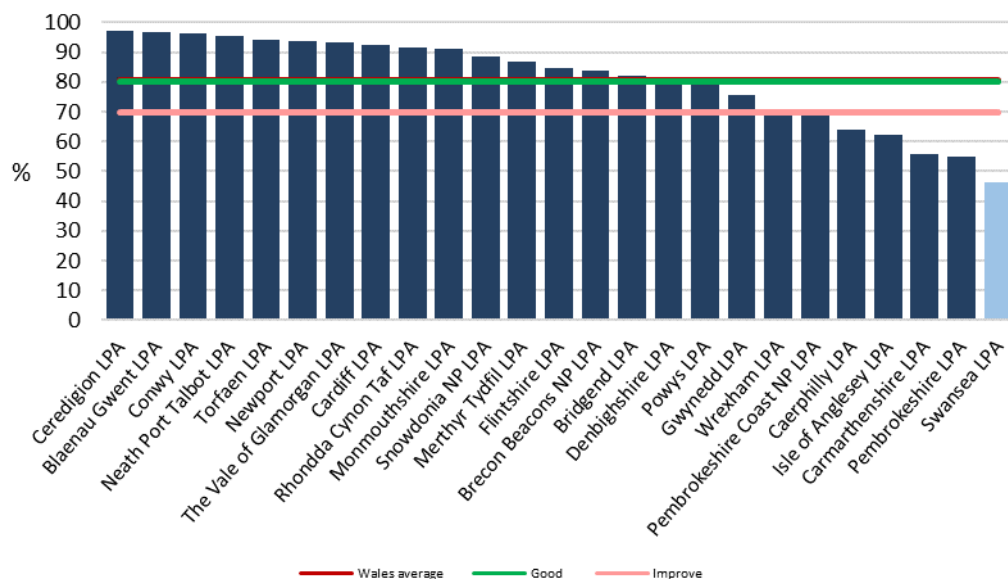
Respondents who agreed that:	Swansea LPA %	Wales %
The LPA gave good advice to help them make a successful application	49	60
They were listened to about their application	55	60

**Enforcement**

19.24 In 2017-18 we investigated 276 enforcement cases, which equated to 1.1 per 1,000 population. This was the third lowest rate in Wales.

19.25 We investigated 46% of these enforcement cases within 84 days. Across Wales 81% were investigated within 84 days. Figure 10 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

**Figure 8: Percentage of enforcement cases investigated within 84 days, 2017-18**



19.26 The enforcement service was subject to an Internal Audit which reported in May 2018 and provided the service with a “Substantial level of Assurance”. The Audit report, however, concluded, in part, that historic records and cases reported prior to the introduction of a new back office system in October 2016 and this new measure in June 2017 had influenced the reliability of data used to inform performance when assessed against this measure.

19.27 The Internal Audit report recommended that a data cleanse should be carried out of all cases transferred from the previous M3 back office system to the new Uniform system to ensure that the correct dates are recorded on the Uniform system. This data cleans is ongoing and is scheduled for completion in December 2018.

19.28 The average time taken to pursue positive enforcement action was 25 days.

## ANNEX A - PERFORMANCE FRAMEWORK

### OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE	WALES AVERAGE	Swansea LPA LAST YEAR	Swansea LPA THIS YEAR
<b>Plan making</b>						
Is there a current Development Plan in place that is within the plan period?	Yes		No	Yes	Yes	No
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+	67	44	57
Annual Monitoring Reports produced following LDP adoption	Yes		No	Yes	N/A	N/A
The local planning authority's current housing land supply in years	>5		<5	7 of 25	3	0
<b>Efficiency</b>						
Percentage of "major" applications determined within time periods required	>60	50-59.9	<50	67.4	81	72
Average time taken to determine "major" applications in days	Not set	Not set	Not set	240.1	148	268
Percentage of all applications determined within time periods required	>80	70-79.9	<70	88.5	97	98
Average time taken to determine all applications in days	<67	67-111	112+	80.7	67	60
Percentage of Listed Building Consent applications determined within time periods required	Not set	Not set	Not set	65.4	-	70
<b>Quality</b>						
Percentage of Member made decisions against officer advice	<5	5-9	9+	8.6	24	5
Percentage of appeals dismissed	>66	55-65.9	<55	62.6	65	59
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2+	0	0	0
<b>Engagement</b>						

MEASURE	GOOD	FAIR	IMPROVE
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
<b>Enforcement</b>			
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	>80	70-79.9	<70
Average time taken to take positive enforcement action	Not set	Not set	Not set

WALES AVERAGE	Swansea LPA LAST YEAR	Swansea LPA THIS YEAR
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
80.6	72	46
184.6	320	25

## SECTION 1 – PLAN MAKING

Indicator	01. Is there a current Development Plan in place that is within the plan period?	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
A development plan (LDP or UDP) is in place and within the plan period	N/A	No development plan is in place (including where the plan has expired)

<b>Authority’s performance</b>	<b>No</b>
The Unitary Development Plan expired on 31 <sup>st</sup> December 2016. Improvement will not occur until the replacement Local Development Plan is adopted at earliest Feb/Mar 2019.	

Indicator	02. LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
The LDP is being progressed within 12 months of the dates specified in the original Delivery Agreement	The LDP is being progressed within between 12 and 18 months of the dates specified in the original Delivery Agreement	The LDP is being progressed more than 18 months later than the dates specified in the original Delivery Agreement

<b>Authority’s performance</b>	<b>57</b>
The LDP is being prepared in accordance with the latest Delivery Agreement which was reviewed in July 2017.	

Indicator	03. Annual Monitoring Reports produced following LDP adoption	
<b>“Good”</b>		<b>“Improvement needed”</b>
An AMR is due, and has been prepared		An AMR is due, and has not been prepared

<b>Authority’s performance</b>	N/A
No comment required.	

Indicator	04. The local planning authority's current housing land supply in years	
<b>“Good”</b>		<b>“Improvement needed”</b>
The authority has a housing land supply of more than 5 years		The authority has a housing land supply of less than 5 years



<b>Authority's performance</b>	<b>N/A</b>
<p>The Council has brought forward sites identified in the Deposit LDP to increase the housing land supply, including sites that represent a departure to the UDP policy framework which will not prejudice the Council's future growth strategy.</p> <p>The Swansea JHLAS Group did not meet in 2017/18 as there is no adopted plan in place. Evidence submitted at the LDP Examination demonstrates that supply will be more than 5 years on adoption of the Plan .</p>	

**SECTION 2 - EFFICIENCY**

<b>Indicator</b>	<b>05. Percentage of "major" applications determined within time periods required</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
More than 60% of applications are determined within the statutory time period	Between 50% and 60% of applications are determined within the statutory time period	Less than 50% of applications are determined within the statutory time period

<b>Authority's performance</b>	<b>72</b>	
<p>Good – Since 2014/15 the percentage of all major planning applications determined within required timescales has increased from 6% which was the lowest performance in Wales to 36% in 2015/16, 81% in 2016/17 and 72% in 2017/18 which is above the Welsh Average.</p> <p>The determination of a number of large historic applications has had an influence the reduction in performance in 2017/18.</p>		

<b>Indicator</b>	<b>06. Average time taken to determine "major" applications in days</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

<b>Authority's performance</b>	<b>268</b>	
<p>No performance target is set for this measure, however, the average time taken to determine major applications increased from 148 in 2016/17 to 268 in 2017/18.</p> <p>The determination of a number of large historic applications and applications for complex or strategic housing sites has had an influence over the reduction in performance in 2017/18.</p>		

<b>Indicator</b>	<b>07. Percentage of all applications determined within time periods required</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>

More than 80% of applications are determined within the statutory time period	Between 70% and 80% of applications are determined within the statutory time period	Less than 70% of applications are determined within the statutory time period
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<b>Authority's performance</b>	98
<p>Good: The percentage of all applications determined within required timescales has shown a consistent improvement increasing from 71% in 2014/15 to 84% in 2015/16, 97% in 2016/17 and 98% in 2017/18. This reflects a consistent top quartile performance in Wales and is well above the Welsh average of 88.5%.</p> <p>The reflects the Authority's focus on promoting front loading and the provision of pre-application advice whilst determining householder and minor planning application within a timely manner. This approach also allows resources to be dedicated to the delivery of positive outcomes on major and strategic schemes having wider impacts upon the Authority and the Region as a whole whilst maintaining a high level of overall performance.</p>	

<b>Indicator</b>	<b>08. Average time taken to determine all applications in days</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
Less than 67 days	Between 67 and 111 days	112 days or more

<b>Authority's performance</b>	60
<p>In 2017-18 the Authority determined 1,916 planning applications, each taking, on average, 60 days (9 weeks) to determine. This represents an improvement on 2016/17 (67 days) and compares to an average of 81 days (12 weeks) across Wales.</p>	

<b>Indicator</b>	<b>08a. Percentage of Listed Building Consent applications determined within time periods required</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

<b>Authority's performance</b>	70
<p>No targets is set for this new measure, however, the Authority determined 70% of Listed Building applications within required timescales compared to an average of 65.4% for Wales.</p>	

### SECTION 3 - QUALITY

<b>Indicator</b>	<b>09. Percentage of Member made decisions against officer advice</b>	
<b>"Good"</b>	<b>"Fair"</b>	<b>"Improvement needed"</b>
Less than 5% of decisions	Between 5% and 9% of	9% or more of decisions

<b>Authority's performance</b>	<b>5</b>
<p>Fair: As detailed above the Authority amended its Committee structures and scheme of delegation in January 2015 to broadly align with Welsh Government proposals. This has resulted in an increase in delegation and a reduction in the total number of decisions made contrary to officer advice.</p> <p>The percentage of Member made decisions contrary to officer advice had reduced from 23% in 2014-15 to 10% in 2015-16 equating to 0.3% of all planning application decisions being made against officer advice compared to 0.6% across Wales.</p> <p>In 2016-17, however, this increased to 24% equating to 0.7% of all planning application decisions being made against officer advice and comparable with the Welsh average of 0.7% across. The increase in overturns was, however, heavily influenced by a single issue, namely the introduction of the new C4 Use Class for houses in multiple occupation which accounted for 9 of the 14 applications determined contrary to officer advice during this period.</p> <p>In 2017-18 the percentage of Member made decision contrary to officer advice reduced to 5% which is 0.2% of all decisions and was below the Welsh average of 8.6% or 0.6% of all decisions.</p> <p>This performance was also marginally above the performance target of less than 5% set by Welsh Government.</p>	

Indicator	10. Percentage of appeals dismissed	
“Good”	“Fair”	“Improvement needed”
More than 66% (two thirds) of planning decisions are successfully defended at appeal	Between 55% and 66% of planning decisions are successfully defended at appeal	Less than 55% of planning decisions are successfully defended at appeal

<b>Authority's performance</b>	<b>59</b>
<p>Fair: Of the 79 appeals that were decided during the year, 59% were dismissed. As Annex A shows, the performance for all Welsh Authorities was also “Fair” at 62.6%.</p> <p>The Authority's appeal performance, however, is influenced by a disproportionate number of appeals being determined by a single inspector who allowed 65% appeals and the number of applications refused by Planning Committee contrary to officer advice which were subsequently allowed at appeal (8 of which 100% were allowed).</p> <p>69% of all appeals determined following a refusal under delegated powers were successfully defended.</p>	

<b>Indicator</b>	<b>11. Applications for costs at Section 78 appeal upheld in the reporting period</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
The authority has not had costs awarded against it at appeal	The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases

<b>Authority’s performance</b>	0
Good: No comment required.	

#### SECTION 4 – ENGAGEMENT

<b>Indicator</b>	<b>12. Does the local planning authority allow members of the public to address the Planning Committee?</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
Members of the public are able to address the Planning Committee		Members of the public are not able to address the Planning Committee

<b>Authority’s performance</b>	Yes
Good: No comment required.	

<b>Indicator</b>	<b>13. Does the local planning authority have an officer on duty to provide advice to members of the public?</b>	
<b>“Good”</b>		<b>“Improvement needed”</b>
Members of the public can seek advice from a duty planning officer		There is no duty planning officer available

<b>Authority’s performance</b>	Yes
Good : Office cover is provided at all times. The Authority also provide a “Householder Surgery” on a Wednesday afternoon for members of the public only to obtain advice from a professional planning officer so that they are informed before engaging with an architect and/or agent.	

<b>Indicator</b>	<b>14. Does the local planning authority’s web site have an online register of planning applications, which members of the public can access track their progress (and view their content)?</b>	
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>
All documents are available online	Only the planning application details are available online, and access to other	No planning application information is published online

	documents must be sought directly	
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<b>Authority's performance</b>	Yes
Good: No comment required.	

## SECTION 5 – ENFORCEMENT

<b>Indicator</b>	<b>15. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days</b>		
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>	
More than 80% of enforcement cases are investigated in 84 days	Between 70% and 80% of enforcement cases are investigated in 84 days	Less than 70% of enforcement cases are investigated in 84 days	

<b>Authority's performance</b>	46
<p>Improvement Needed: Swansea Council officers were heavily involved with Welsh Government in the design of this new measure, which was introduced part way through the reporting period in June 2017.</p> <p>The enforcement service was also subsequently subject to Internal Audit reporting in May 2018 and providing a Substantial level of Assurance for the service. The Audit report, however, concluded, in part, that historic records and cases reported prior to the introduction of this new measure in June 2017 and a new back office system in October 2016 had influenced the reliability of data used to inform performance against this measure.</p> <p>The Internal Audit report recommended that a data cleanse should be carried out of all cases transferred from the previous M3 back office system to the new Uniform system to ensure that the correct dates are recorded on the Uniform system. This data cleans is ongoing and is scheduled for completion in December 2018.</p> <p>Performance against this measure is currently being reported by the system as 76% for the first quarter of 2018/19.</p>	

<b>Indicator</b>	<b>16. Average time taken to take positive enforcement action</b>		
<b>“Good”</b>	<b>“Fair”</b>	<b>“Improvement needed”</b>	
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked	

<b>Authority's performance</b>	25
No target is set for this new measure, however, the Authority took 25 days to take positive action compared to a Welsh average of 185 days.	

This performance may be influenced by the different working practices of Authorities in Wales prior to the introduction of the new measure.

## 20.0 SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS

21.1 The purpose of the Sustainable Development Indicators is to measure the contribution the planning system makes to sustainable development in Wales.

21.2 The Sustainable Development Indicators will be used to measure the progress against national planning sustainability objectives, set out in Planning Policy Wales, and can be used to demonstrate to our stakeholders the role and scope of the planning system in delivering wider objectives. The information will also be useful to local planning authorities to understand more about the outcomes of the planning system and help inform future decisions.

Authority's returns	[How complete were your responses?]
<ul style="list-style-type: none"><li>• [What are the reasons for missing data?]</li><li>• [What actions are being taken to provide full returns?]</li><li>• [When will complete data returns be provided?]</li></ul> <p>Revisions to the Authority's LDP monitoring indicators are proposed in MACs to the Deposit LDP which are proposed to be published for consultation November 2018. Where new indicators reflect areas of missing data below, a reference to the proposed LDP monitoring indicator is provided.</p> <p>The current timetable for Adoption of the Plan is March 2019. The first Annual Monitoring Report (AMR) is required by October 31<sup>st</sup> in the year following adoption (currently anticipated to be October 2020). This will therefore be the first date at which complete data will be provided against those Sustainable Development Indicators which are included in the LDP monitoring framework.</p>	

<b>Indicator</b>	<b>SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.</b>
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<b>Granted (square metres)</b>	
<b>Authority's data</b>	0

<b>Refused (square metres)</b>	
<b>Authority's data</b>	0

The Council do not currently hold monitoring data on this indicator.

However, indicators are proposed for inclusion in the LDP (as proposed for amendment in MACs October 2018), to monitor the amount of employment generating development on allocated mixed use Strategic Development Sites. This includes an overarching indicator to monitor the delivery of annual targets for all SD sites across the remainder of the plan period, (see Indicator Ref 19) and individual indicators to monitor the amount of employment development delivered on each of the SD sites (See indicator refs 48, 52, 56, 60, 64)



<b>Indicator</b>	<b>SD2. Planning permission granted for renewable and low carbon energy development during the year.</b>
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<b>Granted permission (number of applications)</b>	
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<b>Authority's data</b>	1 (prepopulated data – not verified)
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<b>Granted permission (MW energy generation)</b>	
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<b>Authority's data</b>	4 (prepopulated data – not verified)
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Indicators are proposed for inclusion in the LDP (as proposed for amendment in MACs October 2018), to monitor 'the number of planning applications for renewable energy and capacity permitted – electricity and heat.' The LDP seeks to deliver up to 21.8 MW in Solar LSA up to 40.6 MW in Wind SSA over the plan period. (See Indicator Ref 93).

<b>Indicator</b>	<b>SD3. The number of dwellings granted planning permission during the year.</b>
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<b>Market housing (number of units)</b>	
<b>Authority's data</b>	301 (pre-populated data – not confirmed)

<b>Affordable housing (number of units)</b>	
<b>Authority's data</b>	156 (pre-populated data – not confirmed)

*[Comments on data for the indicator above]*

The final figures still need to be agreed by the Swansea JHLAS Group

<b>Indicator</b>	<b>SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.</b>
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**Number of residential units (and also hectares of non-residential units) that DID NOT meet all TAN 15 tests which were GRANTED permission**

<b>Authority's data</b>	0
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**Number of residential units (and also hectares of non-residential units) that did not meet all TAN 15 tests which were REFUSED permission on flood risk grounds**

<b>Authority's data</b>	0
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**Number of residential units (and also hectares of non-residential units) that MET all TAN 15 tests which were GRANTED permission**

<b>Authority's data</b>	0
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*[Comments on data for the indicator above]*

Indicators are proposed for inclusion in the LDP (as proposed for amendment in MACs October 2018), to monitor

- The number of planning applications permitted within C1 floodplain areas (ref 104)
- The number of planning applications permitted within C2 floodplain areas (ref 105)

However, no indicators are proposed to monitor the number of dwellings granted in flood risk zones.

<b>Indicator</b>	<b>SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.</b>
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<b>Previously developed land (hectares)</b>	
<b>Authority's data</b>	6 (pre-populated data – not confirmed)

<b>Greenfield land (hectares)</b>	
<b>Authority's data</b>	1 (pre-populated data – not confirmed)

*[Comments on data for the indicator above]*

Indicators are proposed for inclusion in the LDP (as proposed for amendment in MACs October 2018), to monitor

- Amount of greenfield land lost not allocated in the LDP (ha) (Indicator Ref 25)

<b>Indicator</b>	<b>SD6. The area of public open space (ha) that would be lost and gained as a result of development granted planning permission during the quarter.</b>
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<b>Open space lost (hectares)</b>	
<b>Authority's data</b>	1 (pre-populated data – not confirmed)

<b>Open space gained (hectares)</b>	
<b>Authority's data</b>	0 (pre-populated data – not confirmed)

*[Comments on data for the indicator above]*

Indicators are proposed for inclusion in the LDP (as proposed for amendment in MACs October 2018), to monitor

- The number of existing open spaces lost to development contrary to the Open Space Assessment. (Indicator Ref 76)

<b>Indicator</b>	<b>SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.</b>
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<b>Gained via Section 106 agreements (£)</b>	
<b>Authority's data</b>	£1,750,697

<b>Gained via Community Infrastructure Levy (£)</b>	
<b>Authority's data</b>	0 (pre-populated data – not confirmed)

*[Comments on data for the indicator above]*

Indicators are proposed for inclusion in the LDP (as proposed for amendment in MACs October 2018), to monitor

- The number of residential permissions generating financial contributions in s106 agreements, of those, the average per unit value of contributions (including financial equivalent of any obligation secured).

## **ANNEX B**

### **1. Planning Application: 2014/0977**

**Location: Parc Ceirw, Cwmrhydyceirw Quarry And Adjoining Land, Cwmrhydyceirw, Swansea**

**Proposal: Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)**

**Appeal Decision: Appeal Allowed**

#### Summary:

The main issues to consider in the determination of this application related to the acceptability of the residential development at this site in terms of its impacts on visual and residential amenity, highway safety, ecology, trees, drainage and impacts associated with providing housing in close proximity to a landfill site, including health and safety impacts.

On 7<sup>th</sup> June 2016, Planning Committee refused the application, contrary to officer recommendation for the following reasons:

1. The applicant has failed to prove that the additional traffic movements generated by the proposal will not have an adverse effect on local congestion to the detriment of the safe and free flow of vehicles and pedestrians, contrary to the provisions of policies EV1, AS2 and HC2 of the City and County of Swansea Unitary development Plan (2008).
2. The proposal fails to provide sufficient affordable housing to contribute towards the demonstrable need within the area, to the detriment of community regeneration and social inclusion. The proposal is therefore contrary to the aims of Planning Policy Wales (edition 8) and the well-being of future generations Act 2015.

An appeal was submitted against the decision to refuse the application which was considered by the appointed Inspector at a hearing in January and February 2017. Due to the scale of the development, the appeal was recovered for determination by the Welsh Ministers and following the Hearing, the Inspector presented a report of his findings to the Welsh Ministers for decision.

In the Inspector's view, the main considerations in the appeal were the effect of the development on highway safety and whether the proposal made adequate provision for affordable housing.

The inspector noted that pressures on the local highway network were evident during the site visit, which coincided with pupils leaving Cwmrhydyceirw Primary School and Morriston Comprehensive School. He was of the view that the proposed entrances into the development would provide safe and suitable access to the appeal scheme

and considered that the proposed highway mitigation measures would address the existing congestion and likely highway impacts of the scheme while supporting alternative modes of transport to the private car.

In terms of affordable housing, the Inspector considered that the proposed provision of 5% affordable housing was carefully considered within the Officer report and due to the exceptional development costs associated with the development, the proposal complied with policy HC3. In refusing the application, Committee considered that the level of affordable housing proposed was insufficient which would be detrimental to community regeneration and social inclusion and contrary to the Well-being of Future Generations Act 2015. In this regard, the Inspector recognised that there is clearly a need for affordable housing within the locality of the appeal site and that affordable housing contributes to the achievements of well-being goals. However, Policy HC3 enables a balance to be struck where exceptional development costs are demonstrated and the Inspector did not consider that the proposal conflicted with development plan policies. The Inspector also noted the absence of a 5 year land supply and the need to increase supply provided significant weight in favour of the appeal scheme.

The Inspector considered other matters raised during the consideration of the appeal but found no grounds on which to dismiss the appeal.

In recommending approval of the scheme, the Inspector considered that the planning obligations entered into gave significant weight on favour of the scheme as they address matters regarding compliance with planning policy, ensuring the acceptability and appropriateness of the proposal and ensuring a sustainable form of development which would contribute to the well-being goals of the WCFG Act.

In considering the Inspector's recommendation on highway safety, the Welsh Minister found no reason to disagree with the Inspector's conclusions. In terms of the affordable housing provision within the proposed scheme, the Minister accepted that the proposal would provide a 5% provision of affordable housing and agreed with the Inspector that the proposed development complied with planning policies. The minister concurred with the Inspector that the appeal scheme would be a form of sustainable development which would contribute to meeting the well-being goals of the Well-being of Future Generations Act. Accordingly, the appeal was allowed and planning permission granted subject to conditions and the signed Section 106 Unilateral Undertaking dated 7<sup>th</sup> November 2017. No application for costs was made in this case.

In reaching the decision, the Minister stated:

'...I have considered the duty to carry out sustainable development under section 2 of the Planning (Wales) Act 2015. The decision made is in accordance with the sustainable development principle set out in the FG Act 2015. In accordance with section 3(2) of the FG Act 2015 and the well-being objectives of the Welsh Ministers, the decision will "build healthier communities and better environments" and "build resilient communities, culture and language" by providing housing in a sustainable location where there is a clear need for new housing.'



## **2. Planning Application: 2016/1038**

**Location: 124 St. Helen's Avenue, Brynmill, Swansea.**

**Proposal: Change of use from residential (Class C3) to 5 bedroomed HMO (Class C4)**

**Appeal Decision: Appeal Allowed**

### Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety

Committee did not accept the recommendation of approval and refused the planning application for the following reason:

1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helen's Avenue will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.

In considering the appeal, the Inspector considered the main issue to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised that the evidence indicates that 49% of the population in the area are students. However, although understanding local concerns, she concluded that it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers and an additional HMO in this location would not therefore result in any material change to existing circumstances.

The Inspector considered that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area, and there was little evidence that directly related the high student population to an unbalanced or unsustainable community. The Inspector considered that although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities.

The appeal was allowed.

### **3. Planning Application: 2016/1249**

**Location: 26 Pinewood Road, Uplands, Swansea**

**Proposal: Change of use from residential (Class C3) to HMO for 4 people (Class C4)**

**Appeal Decision: Appeal Allowed**

#### Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety

This application was reported to Committee with a recommendation of approval. Committee did not accept the recommendation and refused the planning application for the following reason:

- 1. The proposed use by virtue of the form and nature of the HMO accommodation proposed and its location in proximity to existing dwellinghouses will result in a significant adverse effect upon the residential amenity of the street and area by virtue of noise, nuisance and disturbance and is contrary to the requirements of Policy HC5 criterion (i).*

The Inspector considered the main issues to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised the strength of feeling amongst local residents, but whilst understanding these concerns, considered there is a need to ensure that communities are balanced and that lower cost and flexible housing needs are met. He concluded that the appeal proposal would provide accommodation suitable for people studying or working nearby and, for the reasons given above, would accord with amenity and highway safety objectives.

The appeal was allowed.

### **4. Planning Application: 2016/1380**

**Location: 96 King Edward Road, Swansea**

**Proposal: Change of use from residential dwelling (Class C3) to an 7 bed HMO, single storey rear extension and installation of 1st floor French doors with balcony on rear elevation**

**Appeal Decision: Appeal Allowed**

#### Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use

and the development upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety. The application was recommended for approval.

Committee did not accept this recommendation and refused the application for the following reason:

- 1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within King Edward Road will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 9<sup>th</sup> November 2016) of creating sustainable and inclusive mixed communities.*

In considering the appeal, the Inspector considered the main issue to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised that the evidence indicates that Uplands has a high population density and a large proportion of residents aged between 16 and 24. However, although understanding local concerns, the Inspector concluded that it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers and an additional HMO in this location would not therefore result in any material change to existing circumstances.

The Inspector considered that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area, and considered there was a good mix of tenure types with over 46% in private ownership. Concerns relating to a transient population and the effects on community facilities were not verified by tangible details as to which community facilities were being affected in the area, or to what extent or how any such effects correlate with HMO accommodation type. The Inspector considered that although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities.

The appeal was allowed.

## **5. Planning Application: 2016/1511**

**Location: Plot A1, Swansea Waterfront, Swansea**

**Proposal: Construction of purpose built student accommodation between 7 and 9 storeys (500 bedspaces) with ancillary community facilities/services, 1 no. Class A3 ground floor unit, car and cycle parking, servicing area, refuse store, associated engineering, drainage, infrastructure and landscaped public realm**

**Appeal Decision: Appeal Allowed**

The main issues for consideration with this application were the principle of the development, impact of the proposal on visual and residential amenity, highway safety, archaeology, cultural heritage, flood risk, ecology and pollution,. This application was reported to Committee with a recommendation of approval as it was considered that the scheme was appropriate in terms of its impacts and compliance with policy.

Committee did not accept the recommendation and refused the planning application for the following reasons:

- 1. The development by virtue of its scale, form and design will impact to an unacceptable degree upon the character and appearance of the area, will not integrate effectively with adjacent spaces and is not considered to be an appropriate high quality design solution to the local context as a prominent gateway to Swansea City Centre contrary to the requirements of policies EV1, EV2 and EC2 of the Swansea Unitary Development Plan (Adopted November 2008).*
- 2. Insufficient car parking provision is made for the development which will result in pressure for on street parking to the detriment of the surrounding areas. The development is therefore contrary to the requirements of policy AS6 of the Swansea Unitary Development Plan (Adopted November 2008) and the Supplementary Planning Guidance – Parking Standards (Adopted March 2012).*
- 3. Policies EC1 and EC2 identify that the SA1 Swansea Waterfront area is reserved for a mixed employment and residential development together with supporting leisure, tourism, community and ancillary uses and that the development should be comprehensive, integrate with the Maritime Quarter, Complement and not compete with the City Centre, be of a high standard of design, embrace principles of sustainable development, provide high quality employment opportunities, increase the range of housing stock, make appropriate provision for a network of pedestrian and cycle routes and safeguard the potential canal route corridor. The proposed use for student accommodation is contrary to the Masterplan approved for the application site as part of outline planning permission 2002/1000 and subsequently amended via planning permission 2008/0996 (SA1 Swansea Waterfront Design and Development Framework August 2004 Version 5) to provide for a high quality employment site. The proposed use will not complement existing surrounding business uses and fail to result in the provision of high quality employment opportunities contrary to policies EC1 and EC2 of the Swansea Unitary Development Plan (Adopted November 2008).*

The Inspector considered the main issues to be the principle of the development proposed having specific regard to the adopted development plan and masterplanning framework for the Swansea Waterfront area; the effect of the proposed development on the character and appearance of the area; and the effect of the proposed parking arrangements on highway safety.

The Inspector considered that whilst the proposed development represented a clear departure from the approved masterplan for the site, the application was a full

application, which needed to be considered on its merits. It was not considered to be a fundamental departure from UDP policy. Whilst acknowledging that there would be a change to the character of the immediate environs, the Inspector considered that the design details would mitigate against any material harm and integrate effectively with adjacent spaces.

In terms of highway safety, the Inspector considered the site to be both a sustainable and accessible location. The operational requirement for car parking would be covered by the proposed on-site parking provision and there would be little incentive for students to utilise a private car. Whilst parking for visitors fell short of requirements, the range of car parks in close proximity to the site could be utilised for such purposes.

The appeal was allowed.

## **6. Planning Application: 2016/1688**

**Location: 57 St. Helen's Avenue, Swansea**

**Proposal: Change of use from residential dwelling (Class C3) to HMO for 6 people (Class C4), three storey rear extension and removal of front dormer window and replacement with velux type window.**

**Appeal Decision: Appeal Allowed**

### Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety

It was considered that there was no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the residential amenities of neighbouring properties and highway safety. Accordingly the application was recommended for approval.

Committee did not accept the recommendation and refused the planning application for the following reason:

- 1. The proposal, in combination with existing Houses in Multiple Occupation (HMOs) within St Helens Avenue will result in a harmful concentration and intensification of HMOs in the street and wider area. This cumulative impact will result in damage to the character of the area and social cohesion with higher levels of transient residents and fewer long term households and established families. Such impact will lead in the long term to communities which are not balanced and self-sustaining. As a result the proposal is contrary to Policy HC5 criterion (ii) of the Swansea Unitary Development Plan (2008) and the National Policy aims set out in Planning Policy Wales (Edition 8 January 2016) of creating sustainable and inclusive mixed communities.*

In considering the appeal, the Inspector considered the main issue to be the effect of the proposal on the character and amenity of the surrounding area. The Inspector recognised that the evidence indicates that 49% of the population in the area are students. However, although understanding local concerns, she concluded that it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers and an additional HMO in this location would not therefore result in any material change to existing circumstances.

The Inspector considered that there was no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area, and there was little evidence that directly related the high student population to an unbalanced or unsustainable community. The Inspector considered that although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities.

The appeal was allowed.

## **7. Planning Application: 2016/3085/S73**

**Location: Land South of Fabian Way, Swansea**

**Proposal: Variation of condition 3 of planning permission 2015/2223 granted 27/09/2016 (Erection of a detached tyre and auto-care centre and two detached units (Class A3)) to allow for the use of the tyre centre from 08.30 to 18.00 hours Monday to Saturday**

**Appeal Decision: Appeal Allowed**

### Summary

The main issues for consideration during the determination of this application related to the impact the extension of opening time would have upon the residential amenities of the neighbouring properties and the impact upon highway safety.

The application was recommended for approval as it was considered that an increase in opening hours from 1pm to 6pm on Saturdays was not unreasonable and would not have an unacceptable impact on residential amenity. However, Committee did not accept the recommendation and refused the application for the following reason:

- 1. The proposed extended opening hours of the tyre and auto-care centre would result in the creation of noise and disturbance between 1pm and 6pm on Saturdays, which would impact on the living conditions that the residents of Bevans Row could reasonably expect to enjoy, contrary to Policies EV1 and EV40 of the City and County of Swansea Unitary Development Plan 2008.*

The Inspector considered the main issue to be the effect of varying the condition on the living conditions of nearby residents.

The Inspector concluded that the additional impact that extending the opening hours of the tyre centre on Saturday afternoon would have on the living conditions of nearby residents would be negligible, taking into account the high ambient noise levels and, in terms of air quality, the lack of tangible evidence that the minor increase in opening hours would materially affect the health or well-being of nearby residents.

The appeal was allowed.

## **8. Planning Application: 2016/3406/FUL**

**Location: 57 Ysgol Street, Port Tennant, Swansea**

**Proposal: Change of use from residential dwelling (Class C3) to a HMO for 5 people (Class C4)**

**Appeal Decision: Appeal Allowed**

### Summary

The main issues for consideration during the determination of this application related to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety

It was considered that there was no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon visual amenity, the residential amenities of neighbouring properties and highway safety. Accordingly the application was recommended for approval.

Committee did not accept the recommendation and refused the planning application for the following reason:

- 1. The proposed use by virtue of the form and nature of the HMO accommodation proposed and its location in proximity to existing dwellinghouses will result in a significant adverse effect upon the residential amenity of the street and area by virtue of noise, nuisance and disturbance and is contrary to the requirements of Policy HC5 criterion (i).*

The Inspector considered the main issue for consideration was the effect of the proposal on the living conditions of neighbouring residents, with particular regard to nuisance, noise and disturbance.

The Inspector considered that the UDP did not quantify what might constitute a significant adverse effect and in the absence of an adopted SPG, whether or not a proposal is harmful depends on planning judgement. The Inspector considered that the occupation of the property by 5 unrelated individuals would be little different in intensity to the dwelling's potential use by a family, with any nuisance, noise or disturbance similar in nature and therefore not unacceptable.

The appeal was allowed.