



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Council Chamber, Guildhall, Swansea

**On:** Tuesday, 4 June 2019

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

**Membership:**

Councillors: C Anderson, P M Black, W Evans, L S Gibbard, S M Jones, M B Lewis, R D Lewis, P B Smith, D W W Thomas, L J Tyler-Lloyd and T M White

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### Agenda

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|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence.</b>   |                |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a> |                |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 6</b>   |
| <b>4</b> | <b>Items for Deferral/Withdrawal.</b>   |                |
| <b>5</b> | <b>Determination of Planning Applications under the Town &amp; Country Planning Act 1990.</b>   | <b>7 - 50</b>  |
| <b>6</b> | <b>Appeal Decision - 214, St Helen's Avenue.</b>  | <b>51 - 54</b> |

**Next Meeting:** Tuesday, 2 July 2019 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

**Huw Evans**  
**Head of Democratic Services**  
**Tuesday, 28 May 2019**

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**Contact: Democratic Services - 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 7 May 2019 at 2.00 pm

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

**Councillor(s)**

C Anderson  
M H Jones  
A H Stevens

**Councillor(s)**

P M Black  
M B Lewis  
D W W Thomas

**Councillor(s)**

L S Gibbard  
P B Smith  
T M White

**Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Sally-Ann Evans  
Chris Healey  
Liam Jones  
Tom Price  
Amanda Pugh  
Ryan Thomas  
Jonathan Wills

Democratic Services Officer  
Principal Telematics Engineer  
Area Team Leader  
Senior Lawyer  
Area Team Leader  
Area Team Leader  
Team Leader - Pollution Control  
Senior Engineer  
Planning Control Manager  
Senior Lawyer

**Apologies for Absence**

Councillor(s): L J Tyler-Lloyd

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### 63 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:

Councillors P M Black, L S Gibbard, M H Jones, P Lloyd, M B Lewis, A H Stevens, D W W Thomas & T M White – Personal - Item 3 – 2019/0431/FUL – applicant is a fellow Councillor.

Councillors L S Gibbard, P Lloyd & A H Stevens – Personal - Item 4 – 2019/0171/FUL – applicant is known to me.

Councillor D W W Thomas – Personal & Prejudicial - Item 4 – 2019/0171/FUL – applicant is known to me - made statement under paragraph 14(2) of the Code and left prior to discussion.

**64 Minutes.**

**Resolved** that the Minutes of the Planning Committee held on 2 April 2019 be approved and signed as a correct record.

**65 Items for Deferral/Withdrawal.**

None.

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

A series of planning applications were then 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 application **Be Refused** for the reasons indicated below:

**#(Item 1) – Planning Application 2018/2059/FUL - Small scale waste to energy recovery facility including extension to existing building, external plant, associated structures and 25m chimney stack at Biffa Waste Services, Clarion Close, Swansea Enterprise Park, Swansea**

A visual presentation was provided.

Geraint Havard (objector) and Mark Walton (agent) addressed the committee.

Children from Trallwn Primary and Y G Lon Las spoke against the application.

Councillors P M Matthews, A Pugh, C R Doyle & M Sykes (Local Members) addressed the committee and outlined their objections to the application.

Councillor R C Stewart (Leader) addressed the committee and outlined his objections to the application.

Report updated as follows:

Further late letters of objection reported.

Application refused **contrary** to **officer** recommendations for the following reason:

1. The proposed 25m high chimney to serve the development would be a prominent visual feature which would be detrimental to the visual amenity of the area, particularly when viewed from residential properties in Clos Y Fendrod and from the Fendrod Nature Reserve and fails to preserve or enhance the visual setting of the Llansamlet Conservation Area and the Listed St. Samlet's Church. The proposal is therefore considered to be contrary to policies HC1, HC2, PS2 and RP8 of the Swansea Local Development Plan 2019.

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

**#(Item 2) – Planning Application 2019/0450/S73 - Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works (Variation of condition 2 of planning permission 2017/1948/FUL granted 1st August 2018 to allow for an amendment to the proposed highway works) at Land off Summerland Lane, Newton, Swansea**

A visual presentation was provided.

Report updated as follows:

Condition 1 of the recommendation (page 75) is incorrect and is to be replaced by the following:

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

17032(05) 100 Rev B - Site Location Plan  
17032(05) 106 - Boundary Type A Details  
17032(05) 107 - Boundary Type B Details  
W173072-AT\_B01 Rev A - Refuse Vehicle Swept Path Analysis, received 1st September 2017.

W173072\_AT\_C03 Rev D - Refuse Swept Path Analysis For private Drive Access From Summerland Lane, received 3rd October 2017.

W173072\_AT\_D01- Site Internal Swept Path Analysis\_ Refuse vehicle site spine road swept path analysis and 17032(05) 215 Rev D - Cennen House Type - Timber (plots 9, 40, 56 & 57), received 15th November 2017.

2979\_220 Rev A - Setting Out Information  
2979\_211 Rev A - Long Sections - Sheet 2  
2979\_210 - Long Sections - Sheet 1  
2979\_100 Rev D - Drainage Schematic and  
17032(05) 108 Rev A - Refuse Strategy, received 21st November 2017.

17032(05) 105 Rev D - Materials And Enclosures Layout and 17032(05) 102 Rev G - Proposed Site Plan, received 1st December 2017.

W173072\_A06 - Newton Road Zebra Crossing, received 6th December 2017.

17032(05) 109 - Boundary Type C Details, received 11th December 2017.

Drawing No. NB55.C.S Caernarfon House Type, Stone,  
Drawing No. NB55.C.R Caernarfon House Type, Render,  
Drawing No. NB55.PL.CS1 Camrose House Type, Gable Fronted,

Drawing No. NB55.PL.CS2 Camrose House Type,  
Drawing No. NB55.PL.CW.S Carew House type, Stone,  
Drawing No. NB55.PL.CW.T Carew House Type, Timber,  
Drawing No. NB55.CE.S Cennen House Type, Stone,  
Drawing No. NB55.CE.T Cennen House Type, Timber,  
Drawing No. NB55.D Dinefwr House Type,  
Drawing No. NB55.PL.H1.S Harlech (with integ) House Type, Stone,  
Drawing No. NB55.PL.H1.T Harlech (with integ) House Type, Timber,  
Drawing No. NB55.PL.H2.S Harlech House Type, Stone,  
Drawing No. NB55.PL.H2.T Harlech House Type, Timber,  
Drawing No. NB55.O.R Oystermouth House Type, Render,  
Drawing No. NB55.O.R Oystermouth House Type, Render,  
Drawing No. NB55.PL.PB Pembroke House Type,  
Drawing No. NB 55.P.02 Pennard House Type Elevations,  
Drawing No. NB55.P.01 Pennard House Type Plans,  
Drawing No. NB55.PL.1B2P 1B2P Apartments,  
Drawing No. NB55.PL.2B3P 2B3P Bungalow,  
Drawing No. NB55.3B5P.R 3B5P House Type, Rendred,  
Drawing No. NB55.3B5P.T 3B5P House Type, Timber,  
Drawing No. NB55.PL.G.01 Garages (Sheet 1),  
Drawing No. NB55.PL.G.02 Garages (Sheet 2)  
received 28 August 2018 and

Drawing No. NB55.90.001 External Finishes Plan,  
received 3 September 2018.

18\_P\_017 - Summerland Lane / Newton Highway Improvements Section 106 TCPA  
1990 Variation Plan, received 26th February 2019.

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

**#(Item 3) – Planning Application 2019/0431/FUL - First floor rear extension and  
addition of pitched roof to existing two storey rear extension at 39 Pennard  
Road, Pennard, Swansea**

**#(Item 4) – Planning Application 2019/0171/FUL - Change of use from  
residential (Class C3) to guesthouse (Class C1) with 4 no. rear roof lights at 18  
Chapel Street, Mumbles, Swansea**

A visual presentation was provided.  
Councillor D W W Thomas made a statement under paragraph 14(2) of the Code  
and left prior to discussion.

Greg Hopkins (objector) and Adam Gilbert (applicant) addressed the committee.

Councillor M Langstone (Local Member) addressed the committee and outlined concerns that local residents had forwarded to him regarding parking, refuse and the loss of a family home.

**#(Item 5) – Planning Application 2018/2622/FUL - 2 form entry Primary school, including means of access, parking, outdoor recreational facilities, landscape treatment and drainage infrastructure at Land To The East Of Hill View Crescent, Clase, Swansea**

A visual presentation was provided.

Councillor J A Raynor (Cabinet Member for Education, Improvement, Learning & Skills) spoke in support of the application.

**#(Item 6) – Planning Application 2018/2691/RG3 - Construction of a two storey detached education block (including seven classrooms, learning resource room, kitchen, dining hall / multiuse area and WC's), installation of external artificial playing surfaces, addition of 4 windows to former drama block, new access road, 16 space car parking area with associated sprinkler and bin store buildings (Council Development Regulation 3) at YGG Gwyr Comprehensive School, Talbot Green, Gowerton, Swansea**

A visual presentation was provided.

Councillor J A Raynor (Cabinet Member for Education, Improvement, Learning & Skills) spoke in support of the application.

Report updated as follows:

Late letter from Tonia Antoniazzi MP raising local resident concerns on traffic and potential vandalism issues.

**#(Item 7) – Planning Application 2018/2600/S73 - Demolition of the existing student accommodation and other University buildings and comprehensive residential re-development of the site, with access road infrastructure, public open space, woodland planting and associated works (outline with all matters reserved) - Section 73 application / variation of Condition 3 to extend timescale for submission of reserved matters of Planning Permission 2014/1192 granted 6th January 2016 at Hendrefoilan Student Village, Access Road From Gower Road Via Ffordd Yr Olchfa, Sketty, Swansea**

The meeting ended at 4.42 pm

Chair



City and County of Swansea

## Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Thursday, 9 May 2019 at 4.23 pm

### Present:

#### Councillor(s)

C Anderson  
S M Jones  
P Lloyd  
T M White

#### Councillor(s)

P M Black  
M B Lewis  
P B Smith

#### Councillor(s)

L S Gibbard  
R D Lewis  
D W W Thomas

### Apologies for Absence

Councillor(s): L J Tyler-Lloyd

- 
- 1 To suspend Council Procedure Rule 12 "Chair of Meetings" in order to allow the Presiding Member to preside over the under mentioned agenda items.**

**Resolved** that Procedure Rule 12 be suspended in order to allow the Presiding Member to preside over this meeting.

**(Councillor D W W Thomas presided)**

- 2 To elect a Chair for the Municipal Year 2019 - 2020.**

**Resolved** that Councillor P Lloyd be elected Chair for the 2019-2020 Municipal Year.

**(Councillor P Lloyd presided)**

- 3 To elect a Vice Chair for the Municipal Year 2019 - 2020.**

**Resolved** that Councillor M B Lewis be elected Vice-Chair for the 2019-2020 Municipal Year.

- 4 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

The meeting ended at 4.24 pm

**Chair**

# Agenda Item 5

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: 4<sup>th</sup> June 2019

<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, Members 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 page 83 of Part 3 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	2019/0980/S73	<p>Former St David's Centre And Other Land North And South Of, Oystermouth Road, Swansea</p> <p><b>Outline planning application (with all matters reserved) for the refurbishment, alteration and/or demolition of all existing buildings / structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access / layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail / commercial /office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multistorey car park and redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel / residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre. Across both sites, the provision of associated new public open space / public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant - Section 73 application to incorporate minor material amendments to the wording of Condition 1 (approved parameter plans and sections, and supporting documents) of planning permission 2017/0648/OUT granted 13th June 2017</b></p>	Approve
2	2019/0536/S73	<p>Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea</p> <p><b>Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189 and 2018/1204/S73. Variation of condition 7 of planning permission 2018/1204/S73 granted 3rd October 2018 to replace the reference to the temporary access road approved under 2018/1790/FUL with the reference to a temporary access along the alignment of the permanent access road approved under 2017/0026/FUL</b></p>	Approve

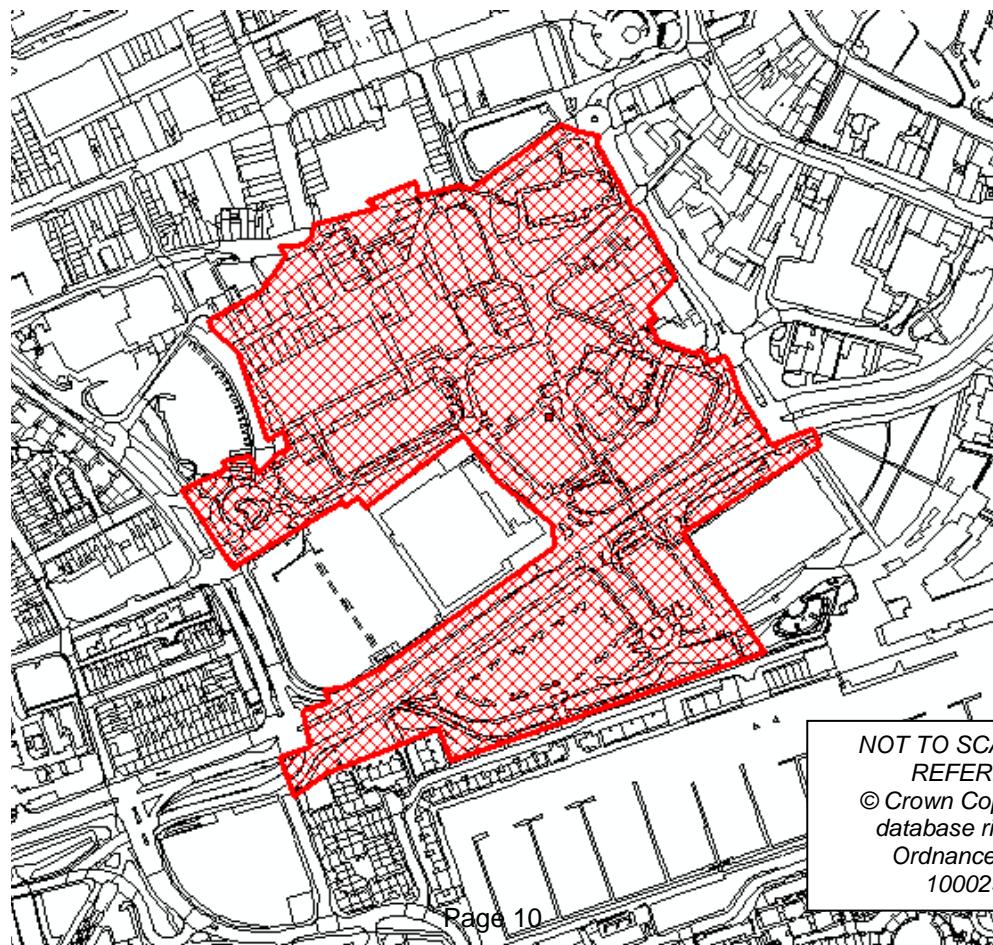
## Planning Committee – 4 June 2019

Item 1 Application Number: 2019/0980/S73  
Ward: Castle - Bay Area

Location: Former St David's Centre And Other Land North And South Of,  
Oystermouth Road, Swansea

Proposal: Outline planning application (with all matters reserved) for the refurbishment, alteration and/or demolition of all existing buildings / structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access / layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail / commercial /office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multistorey car park and redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel / residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre. Across both sites, the provision of associated new public open space / public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant - Section 73 application to incorporate minor material amendments to the wording of Condition 1 (approved parameter plans and sections, and supporting documents) of planning permission 2017/0648/OUT granted 13th June 2017

Applicant: Swansea Council Swansea Council



**Background Information**

**Policies**

**LDP - PS1 - Sustainable Places**

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

**LDP - PS2 - Placemaking and Place Management**

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

**LDP - PS3 -Sustainable Housing Strategy**

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

**LDP - SD1 - Strategic Development Areas**

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

**LDP - SD2 - Masterplanning Principles**

Masterplanning Principles - On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that must comply with relevant masterplanning principles. Strategic Development Areas must also accord with additional relevant masterplanning principles. Design and Access statements are required to support the strategic placemaking approach.

**LDP - SDJ - Site specific policy Swansea Central**

Site specific policy for Strategic Development site Swansea Central Area setting out placemaking principles and development requirements.

**LDP - RC1 - Swansea Central Area Regeneration**

Swansea Central Area Regeneration - In order to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must comply with appropriate development requirements and proposals set out in adopted Supplementary Planning Guidance.

**LDP - RC2 - Retail and Leisure Development**

Retail and Leisure Development - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

## Planning Committee – 4 June 2019

**Item 1 (Cont'd)**

**Application Number:**

2019/0980/S73

LDP - RC3 - Swansea Central Area Retail Centre

Swansea Central Area Retail Centre - Swansea Central Area Retail Centre sits at the top of the retail hierarchy and is the sequentially preferred location for all significant retail and leisure development. Proposals within or outside the Swansea Central Area must not put at risk the regeneration of the St David's/Quadrant site priority proposal, and must deliver the development principles specified in the policy.

### Site History

App Number	Proposal	Status	Decision Date
2017/0648/OUT	Outline planning application (with all matters reserved) for the refurbishment, alteration and / or demolition of all existing buildings / structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access / layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail / commercial /office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multi-storey car park and redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel / residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre. Across both sites, the provision of associated new public open space / public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant	APP	13.06.2017
2018/0942/NMA	Swansea Central Redevelopment - Non Material Amendment to outline planning permission 2017/0648/OUT granted 6 June 2017 to amend the approved parameter plans, sections and supporting documents under Condition 1.	APP	01.06.2018

## Planning Committee – 4 June 2019

Item 1 (Cont'd)	Application Number:	2019/0980/S73
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)	RWG 04.01.2019
2019/0222/DOC	Discharge of condition 5 (Method Statement - repairs) and condition 6 (Method Statement - stonework re-use and removal) of planning permission 2018/1823/LBC granted 12th December 2018	INV
2019/0224/DOC	Swansea Central Redevelopment - Partial Discharge of conditions 39 ((Noise From Commercial Deliveries and Servicing),40 (Noise From Traffic) and 41 (Noise From Commercial Activity) in relation to Plot DZ3 - Phase 1 only of outline planning permission 2017/0648/OUT granted 13th June 2017	APP 09.05.2019
2019/0234/DOC	Swansea Central Redevelopment - Discharge of condition 23 (Construction Site Waste Management Plan) of outline planning permission 2017/0648/OUT granted 13th June 2017	APP 15.04.2019
2019/0235/DOC	Swansea Central Redevelopment - Partial Discharge of condition 26 (Written Scheme of Archaeological Investigation) relating to GWR Revetment Wall area only of outline planning permission 2017/0648/OUT granted 13th June 2017	APP 15.04.2019
2019/0236/DOC	Swansea Central Redevelopment - Discharge of condition 25 (Construction Method Statement) and condition 34 (Arboricultural Method Statement) of outline planning permission 2017/0648/OUT granted 13th June 2017	APP 07.05.2019
2019/0238/DOC	Discharge of condition 23 (Construction Site Waste Management Plan) of outline planning permission 2017/0648/OUT granted 13th June 2017	WDN 31.01.2019

## Planning Committee – 4 June 2019

Item 1 (Cont'd)	Application Number:	2019/0980/S73
2019/0240/DOC	Swansea Central Redevelopment - APP Discharge of condition 24 (Environmental Management Plan) of outline planning permission 2017/0648/OUT granted 13th June 2017	18.04.2019
2019/0313/DOC	Swansea Central Redevelopment - APP Discharge of condition 27 (Archaeological Watching Brief) of planning permission 2017/0648/OUT granted 13th June 2017	19.03.2019
2019/0355/DOC	Swansea Central Redevelopment - APP Discharge of condition 2 (Phasing Programme) of planning permission 2017/0648/OUT granted 13th June 2017	08.04.2019
2019/0537/DOC	Swansea Central/former St David's Centre - APP - Discharge of condition 7 (temporary car parking strategy and assessment plan) of planning permission 2018/1648/RES granted 3rd October 2018	07.05.2019
2019/0583/DOC	Swansea Central Redevelopment - Partial PCO Discharge of Condition 17 (Piling Risk Assessment) relating to Phase 1 South Site of planning permission 2017/0648/OUT granted 13th June 2017	
2019/0878/DOC	Swansea Central Redevelopment - Partial PCO Discharge of condition 20 (Surface water drainage strategy) relating to Southern side only of planning permission 2017/0648/OUT granted 13th June 2017	
2019/0980/S73	Outline planning application (with all matters reserved) for the refurbishment, alteration and/or demolition of all existing buildings / structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access / layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail / commercial /office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multistorey car park and	PDE

## Planning Committee – 4 June 2019

**Item 1 (Cont'd)**

**Application Number:**

2019/0980/S73

redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel / residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre. Across both sites, the provision of associated new public open space / public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant - Section 73 application to incorporate minor material amendments to the wording of Condition 1 (approved parameter plans and sections, and supporting documents) of planning permission 2017/0648/OUT granted 13th June 2017

2019/1084/DOC	Swansea Central Redevelopment - Discharge of condition 17 (Piling) of outline planning permission 2017/0648/OUT granted 13th June 2017	WDN	21.05.2019
2019/1112/NMA	Swansea Central Redevelopment - Non Material Amendment to outline planning permission 2017/0648/OUT granted 6 June 2017 to amend the "means of access" parameter plans, sections and supporting documents under Condition 1 to allow cyclists access the new bridge over Oystermouth Road together with connections through the development.	PCO	
2019/1160/DOC	Swansea Central Redevelopment - Discharge of Condition 26 (written scheme of investigation) of planning permission 2017/0648/OUT granted 13th June 2017	REC	

### **RESPONSE TO CONSULTATIONS**

The application was advertised on site. No public responses were received.



## Planning Committee – 4 June 2019

Item 1 (Cont'd)

Application Number:

2019/0980/S73

**Glamorgan Gwent Archaeological Trust** - no response

**CADW** - no response

**Council's Drainage Engineer** - - We have no objection to the Section 73 application, however we would highlight the following as it will have significant and far reaching implications for the city centre regeneration strategy.

As far as we understand it a Section 73 application in effect creates a new planning permission that supersedes all previous permissions given this application was submitted after the 7 January 2019 which is when Schedule 3 of the Flood and Water Management Act 2010 commenced. Therefore all development on the north side of Oystermouth Rd may be subject to the requirement to comply with the Welsh Government Mandatory SuDS Standards, this supersedes all other agreements made with respect to previously agreed Drainage Strategies and ensures the delivery of a scheme based on the WG Mandatory Standards.

Notwithstanding the legal issues surrounding Section 73 applications, should any reserved matters application be submitted after 7 January 2020 those phases or parts of phases where only a partial discharge of a reserved matters condition has occurred will also be subject to the requirement for approval under Schedule 3, Flood and Water Management Act 2010 demonstrating how the scheme proposed complies with the WG Mandatory SuDS Standards.

**Dwr Cymru Welsh Water** - no response

**Natural Resources Wales** - does not object to this application.

**Highway Authority Observations** - no response

### Introduction

This Section 73 Planning Application is submitted on behalf of the Council of the City and County of Swansea (CCCS) which seeks to amend the outline planning permission 2017/0648/OUT for the comprehensive redevelopment of the land both on the North and South of Oystermouth Road, Swansea. The scheme is referred to as 'Swansea Central' and would represent a significant strategic development within Swansea City Centre.

### Background

On 13 June 2017, planning permission (LPA: 2017/0648/OUT) was granted for the following development:

"Outline planning application (with all matters reserved) for the refurbishment, alteration and / or demolition of all existing buildings / structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access / layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail / commercial /office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multi-storey car park and redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel / residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre.

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Across both sites, the provision of associated new public open space / public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant".

The outline planning permission was granted with all matters reserved. However, a series of parameter plans are submitted which set out the maximum and minimum quantum of development with regard to building forms and uses. Two illustrative schemes (Option 1 and Option 2) have also been designed to demonstrate how development could come forwards at the site within the prescribed parameters. These illustrative schemes were submitted for illustrative purposes only; it is the parameter plans which were submitted for approval and which will guide future reserved matters proposals for the site.

Whilst that proposal was for outline permission with all matters reserved, a number of key issues have been identified which will guide the overall development concept through the phased submission of the reserved matters applications. These issues are outlined within the Design and Access Statement and supported by the parameter plans, the Design Principles document and the Public Realm Strategy.

The exact quantum of proposed uses has not been determined and the application therefore builds in a degree of flexibility to allow for scheme evolution dependant on market conditions and demand from operators. Additionally, it is worth noting that the scheme will be delivered through a number of phased developments and reserved matters applications.

The proposed development has been broken down into five distinct but interconnected development zones.

- Development Zone 1 (DZ1) - Will comprise retail / restaurant / café uses at ground floor with residential above. This block occupies the north-west corner of the scheme fronting the market to the north and the Tesco site to the south. DZ1 sits in front of St Mary's Square and the eastern façade of the building will provide active frontages to activate this space and the central pedestrian route / public realm through the scheme (DZ5).
- Development Zone 2 (DZ2) - Will comprise a range of uses including retail / restaurant / café / cinema / offices / education use, and potential residential accommodation. This includes the proposed church hall. DZ2 fronts the main public realm route (DZ5) and surrounds St David's Church.
- Development Zone 3 (DZ3) - DZ3 is bound by Tesco to the west and DZ1 to the north. It will comprise a new multi-storey car park with retail / restaurant / café uses at ground floor level to provide animation, together with residential uses above.
- Development Zone 4 (DZ4) - DZ4 is located to the south of Oystermouth Road and allows for the delivery of car parking, the arena, and a hotel / residential tower building (up to 13 storeys / 57m AOD).
- Development Zone 5 (DZ5) - Comprises the central public realm route running north south through the scheme.

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**Ref: 2018/0942/NMA**

On 1 June 2018, non-material amendments were approved (Ref: 2018/0942/NMA) for:

"non-material amendment to outline planning permission 2017/0648/OUT granted 6 June 2017 to amend the approved parameter plans, sections and supporting documents under Condition 1"

**Ref: 2018/1648/RES**

Following the above Reserved Matters were submitted for Phase 1 in July 2018. In October 2018 these were approved, for:

"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)."

**Ref: 2018/1823/LBC**

Additionally, Welsh Ministers have issued Listed Building Consent in Dec, 2018 for:

"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)".

Simultaneously with this current submission, a non-material amendments application (under Section 96a) has been submitted to secure revisions to the approved "means of access" parameter plan. Specifically, in relation to allowing bicycle users on the bridge over Oystermouth Road, along the northern edge of the coastal park and the east west route between Development Zone 5 and Development Zone 2 - ref: 2019/1112/NMA.

### **Current Section 73 Submission**

Since the outline planning permission and the Reserved Matters for Phase 1 were granted, additional studies and detailed design development has continued which has identified a number of key areas where changes are needed to the consented development parameters to allow for an improved design for Development Zone 3 and Development Zone 4a. As a result of these changes, revisions to Development Zone 5 and Development Zone 2 are required. The Section 73 therefore seeks to minor material amendments to the approved parameters to allow revised Reserved Matters to be submitted in accordance with the amended parameters.

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The required minor material amendments parameters involve the following:

- Enlargement of the developable envelope for Development Zone 3, including adjustments to the vertical limits of deviation, maximum and minimum building footprints and maximum and minimum floorspace quantum;
- Means of access around Development Zone 4a, including relocation of bus/coach stops and increase in the number of stops; and relocation of key pedestrian routes between the marina and Oystermouth Road.
- Amendments to the public realm in Development Zone 5 and Development Zone 2 as a result of the above changes and the emerging new cycle route towards Princess Street (being sought separately via the NMA - ref: 2019/1112/NMA).

### Details of the Proposed Section 73 Submission

#### Development Zone 3

Following a review of the approved development, in particular the site layout and the options for build massing on the site it has been considered that it would be appropriate to optimise the heights of the proposed development in Development Zone 3. As such, the vertical limits of deviation have been increased from 27m to 36.5m, which represents an overall uplift of 9.5m, however the previous NMA Ref: 2018/0942/NMA has already increased the building heights to 30m, so the overall uplift in heights is in fact only 6.5m above the original Parameter Plan - Vertical Limit of Deviation.

In order to assess the increase in maximum height on DZ3, the revised parameters have re-assessed the daylight and sunlight impact which has confirmed that the amendments to the masterplan would "no material impact beyond the masterplan site, as the adjacent buildings, the multi-storey car park to the northwest and the supermarket to the west, have no particular requirement for daylight or sunlight. Given the relatively modest nature of the proposed amendments, this would remain the case, with any potential material effects occurring within the masterplan site". The detailed impact on daylight and sunlight will be further assessed and mitigated as appropriate through the forthcoming Reserved Matters Applications.

As a result of the revision to the vertical limit, the building footprints has been revised to ensure that the proposal does not result in an incongruous massing in the masterplan. As such the western zone for the building edge has been moved eastwards away from Albert Row, specifically away from Welsh Water assets that are present underground. This issue is addressed in more detail within the drainage section below. The western building line will no longer allow for a deviation of -15m, instead the limit will be adjusted to have a deviation of +3m/-3m.

As a result of the above changes, the approved maximum and minimum floorspace quantum for DZ3 will be remain at 24,000m to 15,500m for the development zone as a whole. When broken down into use classes, between 20,000m and 14,000m for car parking and between 0m (0 units) and 4,500m (36 units) for residential will be enabled.

In addition, the approved use classes in DZ3 will be widened to allow for retail uses (Use Class A1) with the maximum 1,300sqm (GIA ) of restaurants/cafes (Use Class A3) floorspace, and up to 3,000sqm of B1/D1 floorspace. This will ensure that the units are flexible and attractive to a wide range of tenants.

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The proposed amendments will ensure that the proposal for DZ3 will be well integrated into the fabric of the existing building environment and the emerging Swansea Central masterplan. This approach is therefore in accordance with PPW and Swansea Local Development Plan which both seek the optimisation of brownfield land in sustainable locations.

### Development Zone 4a

The application seeks to vary the approved means of access parameters which have been approved. In particular, the access point to the undercroft service yard area to the Arena / Hotel, will be omitted from the area within DZ4a between DZ4b (arena) and DZ4c (hotel) and re-routed to the southern part of DZ4a. Additionally, it is proposed to relocate the two bus/coach stops currently approved on Oystermouth Road, to an area of the site between DZ4c and the adjoining LC. Having regard to these changes the key primary pedestrian routes passing through this area, between the marina and Oystermouth Road, will be slightly realigned within the area for safety reasons. This is assessed in detail within the Public Realm Addendum and within the Transport Statement and Framework Travel Plan Addendum considered below.

### Development Zone 2 and Development Zone 5

As a result of the changes to DZ3 and DZ4a, the approved public realm strategy has been reviewed, appraised against the emerging illustrative scheme and amended where necessary to ensure that the parameter amendments are deliverable, having regard to the detail design stage for the forthcoming revised Reserved Matters application.

### **Planning Application**

The Section 73 planning application has been supported with the following documents:

- Parameter drawings and covering letter;
- Architectural Section 73 Comparison Document;
- Public Realm Addendum;
- Highways Statement;
- Daylight and Sunlight Letter;
- Drainage Document.
- Wind Engineering Review.

### **Material Planning Considerations**

As a Section 73 application, the only matter which can be considered are the conditions which the application relates to and the permission itself is not a matter for consideration. The approval of a Section 73 effectively grants a new permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission.

The main material planning considerations in the determination of this planning application are set out as follows:

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- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- Urban Design and Townscape / Visual impact;
- Impact on Daylight / Sunlight;
- Highways, traffic, car parking, access and pedestrian movements;
- Drainage - Albert Row Sewer;

### Development Plan Policy and Supplementary Planning Guidance

#### National Planning Wales - PPW (Edition 10, December, 2018)

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.

TAN23 (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.

### Swansea Local Development Plan

Since the previous consent was granted, the Local Development Plan (LDP) has been adopted - Feb. 2019. The LDP designated 12 Strategic Development Areas (SDAs) to provide new homes and opportunities for job creation and commercial investment at a strategic scale. These include SD J: SWANSEA CENTRAL AREA which is allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance. It includes proposals for a high quality retail and leisure led scheme, mixed use waterfront developments, circa 856 homes, 4 hectares of potential development areas that could accommodate B1 uses, and area initiatives and environmental enhancements during the Plan period.

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Development proposals should accord with the following Placemaking Principles and Development Requirements which should be delivered in an appropriately phased manner and be formally tied into planning consent. With particular regard to the St Davids/Quadrant Site and LC car park area this will be developed to create a comprehensive retail and leisure-led mixed-use place of a quality, scale and critical mass appropriate for a Regional Centre properly integrating, and complementing the existing Retail Centre. The development will create new streets and spaces with active edges and an urban scale including a high quality built edge and active frontages to Oystermouth Road. Additionally, the provision of a North South pedestrian and cycle linkages will be strengthened with an improved crossing over Oystermouth Road, the creation of a new high quality gateway location, the existing listed St Marys' Church and St David's Priory should be treated as focal points, the provision of high quality car parking for the redevelopment and wider Central Area and new innovative public realm and public open spaces with significant greening.

Policies RC 1, RC2 and RC3 - Swansea Central Area Regeneration - require development to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must accord with the key strategic aims of delivering the comprehensive regeneration and revitalisation of the Retail Centre. Retail / Leisure developments together with increased amounts of high quality office space and city living, including student accommodation; education facilities for teaching and research; and a wider range and choice of visitor attractions and facilities should be centred within the Swansea Central Area.

The principle of development on this City Centre is clearly established and indeed encouraged both by the LDP and PPW, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore policy compliant.

### **Swansea Central Area Regeneration Framework (SCARF)**

The site is located within the Swansea City Centre Strategic Framework area which has been defined to encompass all of the main retail and commercial areas of the City Centre. The Framework states that a priority for the City Centre is that it develops as an attractive, distinctive, mixed-use, higher density urban core.

The SCARF identifies a Vision for the Swansea Central Area along four broad conceptual areas and are:

- Creating a Working Living and Learning Area
- Delivering a Retail and Leisure Led Mixed Use Centre
- Connecting the Centre to the Waterfront
- Developing a City Green Artery

These Area Visions broadly define new roles of the respective parts of Swansea Central Area, and consolidate the 'Retail Leisure Led Mixed Use Centre' as the focus of shopper and visitor activity.

The application site is situated within the St David's / Quadrant area where the key vision theme for this area is Retail and Leisure Led Mixed Use Centre. The area comprises the land to the north of Oystermouth Road and to the south by the Maritime Quarter. The comprehensive development of the St David's / Quadrant site is the priority for Swansea's Central Area.

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The scheme should be of regional significance and have the potential to be a catalyst for the wider regeneration of the Central Area and is the only location in the Central Area that can deliver a retail leisure led scheme of quality, scale and critical mass appropriate for a Regional centre. The site is identified as the priority for development and the only location in the Central Area that can deliver a Retail leisure led scheme of quality, scale and critical mass appropriate for a Regional centre. Development of this site maximises the overall regeneration benefits to Swansea and the central area.

### **Tall Building Strategy SPG**

The revised Tall Building SPG was adopted in November, 2016 following public and stakeholder consultation. The proposed development site is located within the 'Consider Zone' which are those areas of the City where tall buildings may have a positive impact, subject to the availability of supporting information to justify the proposals. The Tall Building SPG defines a tall building as being twice the height of adjacent buildings and recognises that tall buildings can have a positive role in the City.

Tall buildings can be iconic structures for an individual use, signify areas of regeneration or act as symbols of economic activity. In the context of Swansea, tall buildings can serve a number of functions that:

- Create a distinctive skyline;
- Form key landmarks within a legible city;
- Contribute to a cluster signalling a key gateway or area;
- Mark important public, civic or institutional uses;
- Demonstrate a growing economic position and
- Set a precedent for sustainable development through the application of best practice requirements, maximising densities and proximity to public transport.

The SPG indicates that tall buildings should:

- Signify areas of regeneration
- Create a distinctive skyline that projects a new image for Swansea
- Form a landmark that marks a key city gateway
- Maximise densities in proximity to public transport

The Tall Buildings Strategy is applicable to the whole of the City and County of Swansea. However, the main thrust of the strategy focuses on the central area where tall buildings are considered more likely to be promoted and where infrastructure and services are able to support the development, and includes the City Waterfront, where there an opportunity for clustering; and the Retail and Leisure core, where there an opportunity for City living & greater intensity of scale.

Within the national and local planning context, there is a clear support for the principle of the development at this location and the uses proposed. The redevelopment of the St David's / Quadrant area has the potential to create economic growth and to act as a catalyst for the wider regeneration of Swansea City Centre. The Swansea Central Area Strategic Framework has identified the potential of the site for redevelopment and identifies a broad range of design objectives for the site which the submitted outline planning application has sought to address.



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Both the LDP and the Strategic Framework recognise that the site should deliver a range of uses as well as retail, including offices, hotels, housing, non-residential institutions, and community and leisure uses. Whilst potentially retail-led in nature, the proposals include the provision of a new arena, leisure, residential and hotel accommodation. There is a clear and substantial support for the redevelopment of the site and the balance of uses are considered both wholly appropriate and to be a direct response to key planning policy directives. The support for the principle of the proposed development and the proposed land uses comes from policy and strategy.

### Urban Design

This Section 73 application proposes focused changes to the outline planning/ placemaking framework for Swansea Central. The outline application established a suite of parameter plans defining for example land uses, building heights, building footprints, movement routes all with degrees of fix and flexibility.

As indicated a Reserved Matters Consent has been granted for the detail of the north side MSCP, with residential accommodation (26 units) and ground floor active commercial units, plus the new pedestrian bridge across Oystermouth Road, linking to the Arena and south side public realm areas (Arena Parkland). As the scheme has moved into the implementation phase, this has revealed a number of issues which cannot be accommodated within the flexibility built into the outline approval and this requires changes via this Section 73 application to the approved parameters as follows:

- Footprint and height parameter changes to block DZ3;
- Changes to the maximum height parameter to block DZ3;
- Slight changes to the width/ location of the east west link between DZ3 and DZ1a;
- Changes to public realm associated with DZ4 relating to access, movement and servicing;

These changes have been discussed in detail with the Councils Planning and Placemaking Teams and have been informed by the working up of the new reserved matters detail which will be submitted if this s73 application is approved. These changes are highlighted on the submitted revised parameters plans.

The proposed amendments to the extent of the footprint to DZ3 on the north side of Oystermouth Road is a result of sewer constraints on Albert Row and difficulties in maintaining service access to the adjacent Tesco food store. The original outline scheme envisaged developing above Albert Row with space within the multi storey car park to maintain the sewer if necessary. However in order to alleviate this constraint, it is proposed to retain Albert Row as an open street to ensure unfettered maintenance access for statutory undertakers and this also retains the service access to Tesco unchanged. As a result the development area for the block known as DZ3 has reduced on the west side. This block is proposed to accommodate a new multi storey car park, new residential accommodation with ground floor commercial active frontages.

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The implications of the reduction of DZ3 has been tested; the original reserved matters proposals were for the residential units to wrap the east elevation of the multi storey facing onto the new ramp leading to the bridge to the Arena, however the reduction of the block depth in the east west dimension means that the multi storey will still fit but not the residential units. It is not appropriate to omit the residential units given the importance of repopulating the city centre, so this residential element has been moved to the southern part of the block with frontage onto Oystermouth Road albeit at the higher level of the approved bridge landing point. This 'new' location for the residential accommodation has a smaller footprint than the original, so to retain a viable number of units the plan has been extended upwards. Where parameters allowed for 4 storey east facing single aspect flats, the proposal is now to amend the parameters to accommodate a six storey 'tower' with east/south/west aspects.

It is also proposed to slightly amend the width/ location of the east west link to Garden Street from the ramp leading to the Arena. This is to allow a zig zag ramp of suitable gradient to be accommodated to ensure access for all in place of the steps shown at the outline stage.

The reduction of DZ3 on the western side to retain Albert Row open as a street is acceptable. This maintains the block structure and strategic movement routes fixed at the outline stage. This amendment retains the active frontage commercial units onto the ramp and at the northern landing point of the new bridge. Similarly the width/ location amendments to the east west link between DZ3 and DZ1b is also acceptable to accommodate a zig zag ramp providing access for all whilst maintaining the connectivity and legibility of this key link.

The height parameter of DZ3 has been amended to increase the maximum height by 9.65m from the original outline of 27.0m AOD (increased to 30.0m AOD under the NMA) to 36.65m AOD. These absolute heights are measured above ordnance datum. Given that the existing ground level is circa 6m AOD, the building height is proposed to increase from 21m to 30.65m. This is to accommodate the quantum of residential units on a smaller footprint above the podium for the bridge/ramp. Whilst this is a significant increase in building height (from 4 to 6 stories), this area is a tall building 'consider zone' as defined in the Council's Tall Building Strategy SPG where well designed tall buildings are encouraged. The maximum height parameter would allow a new residential building of similar scale to the nearby existing Excelsior Building at the southern end of Princess Way. The proposed increase in height does not change the assessment/ findings of the Townscape and Visual Impact Assessment carried out at the outline stage, notably the impacts on views 3 and 5 looking east and west along Oystermouth Road. The increase in height is considered acceptable in this location to create a marker building on Oystermouth Road. This will have a presence in the context of the significant new Arena to the south and will increase overlooking/ natural surveillance of Oystermouth Road and the new coastal parkland area.

In the shorter term this increase in height to DZ3 will be visible in the backdrop setting of the Grade II listed St David's Priory Church located to the east. This is a modestly scaled ecclesiastical building that was originally part of an urban block rather than a stand-alone focal building. Whilst the new building on block DZ3 will be of considerable scale, the separation and future intervening development on plot DZ2c will allow a step down in scale which makes this relationship acceptable.

The Heritage Impact Assessment (HIA) submitted with the outline approval assessed views to and from Swansea Castle which is a Scheduled Ancient Monument and Grade I Listed Building but which is outside the proposed development area. The existing redevelopment in its vicinity means that views are limited and it was concluded that its setting would be adversely affected by the proposed development.

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As above, whilst the new building on Plot DZ3 will now be higher, having regard to the intervening development and separation distance then this position remains unchanged.

The amendments to DZ4a on the south side of Oystermouth Road stem from issues with hostile vehicle mitigation for the coach drop off area and refinements to the servicing/ access control arrangements. This has omitted the coach lay by on the south side of Oystermouth shown the approved reserved matters scheme and replaced this with coach spaces around the area including two new spaces between the site of the proposed hotel (DZ4c) and the LC. In the outline scheme, this area was shown as a public realm area for pedestrians connecting to the existing destinations such as the LC and National Waterfront Museum and linking through new arches in the listed GWR wall to the marina. The amendments have been tested in detail to ensure that the access for all (including vulnerable pedestrians) and attractiveness can be maintained with the inclusion of two coach drop off spaces and the servicing access to the Arena and future hotel. This will make the area much busier and dialogue has been required with the design team to ensure that safe and legible pedestrian desire lines are maintained along with a quality public realm. At this stage it is the movement parameter plan that is being amended to show the coach drop off and servicing access diagrammatically. There are no changes to the extent/ height of the building development zones. The amended detail will follow soon in a new reserved matters application for this area. This amendment also has the benefit of increasing the area of planting along Oystermouth road with the linear coach lay by omitted.

Overall these focused amendments to the outline parameters are welcomed. They reflect a pragmatic refinement of the scheme to ensure delivery whilst maintaining placemaking and heritage qualities.

### **Public Realm Strategy**

The outline planning application was supported by a Public Realm Strategy. This current Section 73 application is accompanied by a Public Realm Addendum to assess the impact to outline the main changes.

#### Changes to North Site Public Realm

The North Site Public Realm consists of the North-South link which is located within the Public Realm Development Zone DZ5B, and the East-West link is located within the Public Realm Development Zone DZ2, that connects St. David's Gardens (as part of Phase 2 development proposals) to Wellington Street.

The layout of the North-South Link and the East-West link have been amended to respond to the revised layout of the North MSCP including the ingress/egress points of the building, whilst maintaining the central activity zone for access and the various stopping points to allow for different types of activities and functions to activate the space, as the original application.

#### Changes to South Site Public Realm

The South Site Public Realm is located within the Public Realm Development Zone DZ4A1 and consists of the Arena Parkland and the area between the proposed Arena / Hotel and the LC2.

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The layout of the South Site Public Realm has been amended following a re-appraisal of the security strategy, which has resulted in the provision of an alternative access to the Arena/Hotel service yard including a taxi/car drop-off and rejection route between the Hotel and Oystermouth Road, and the relocation of the coach drop-off area. The illustrative landscape proposal has been revised to respond to these changes whilst maintaining the key objectives for the space which include:

- Creating a positive setting to the Arena and the Hotel announcing the Development; and
- Strengthening and enhancing the connection between the city and the waterfront, and links to the Leisure Centre and beyond, by providing a safe and attractive route.

The emerging new landscape proposal seeks to provide two crossings (Northern and Central) to align with the anticipated pedestrian movement, in a positive landscape setting which includes a landscaped walkway by the Leisure Centre, and an informal sitting out area with tree and shrub planting that enhances the character of the space.

### Wind Microclimate Desk Study

The outline application was accompanied by a Wind Microclimate Desk Study which assessed the wind microclimate for existing site conditions and the maximum built out of the development parameter plans. This concluded that the existing site conditions were expected to be generally suitable, both in terms of pedestrian safety and comfort for their existing uses. With the introduction of the proposed development, inclusive of current soft landscaping proposals, wind conditions within the site and the surrounding area are expected to be acceptable in terms of pedestrian comfort and safety with the exception of a number of localised regions:

- South western facades of buildings DZ4b and DZ4c may cause potential downdraughts as they are exposed to the prevailing westerly winds. Subsequently, windier conditions may prevail in some localised areas for the intended uses.
- The gap between buildings DZ1a and DZ3 is aligned with the prevailing westerly wind, hence the winds are potentially funnelled through and cause less favourable wind conditions.
- The sharp corners of buildings DZ2c and DZ2d, wind conditions would have the potential for exceedance of the pedestrian safety and comfort criteria.

In order to minimize any adverse wind effects a number of mitigation measures for these areas have been suggested and these were to be further tested at the detailed design stage.

In support of the Section 73 application and the proposed amendments to the outline massing, the conclusions of the Wind Study have been reviewed. Whilst the reduced footprint of DZ4a is not expected to have a significant impact on the anticipated wind conditions around the site, both the increased height of DZ3 and the wider extent of the western façade of DZ4c are likely to result in further elevated winds, consistent with the flow features identified during the original assessment. Correspondingly, it is expected that wind conditions in the passage between DZ1a and DZ3 and around the base of DZ4c may exceed the comfort criteria for the intended uses with the further potential for localised exceedances of the safety criteria.

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However, it is noted that parallel studies conducted as part of the detailed design process for the scheme have demonstrated that, through the use of targeted wind mitigation measures, both safe and suitable conditions can be achieved in the identified areas. Consequently, with the proviso that a similar process is followed for the detailed design of the amended parameters, namely development and validation of wind mitigation measures via boundary layer wind tunnel testing, it is expected that suitable wind conditions, both in terms of pedestrian comfort and safety, can be attained for the amended outline parameters. This is addressed by the planning condition requiring the reserved matters application to incorporate wind mitigation features on the building or within the public realm.

### **Daylight and Sunlight**

The outline application was accompanied by a Daylight and Sunlight Statement. This has been reviewed with regard to the proposed amendments to the masterplan and the revised proposals for Phase One with respect to daylight and sunlight.

The changes to plot DZ3 involve adjusting the maximum building parameters: the height is increased to 36.500 m (with a slightly higher maximum height of 36.650 m at the southern façade) but the footprint is reduced, with the western boundary 'pulled back'. Plot DZ3 has no material impact beyond the masterplan site, as the adjacent buildings, the multi-storey car park to the northwest and Tesco's supermarket to the west, have no particular requirement for daylight or sunlight. Given the relatively modest nature of the proposed amendments, this would remain the case, with any potential material effects occurring within the masterplan site.

The proposed changes to the plan and height of the zone are envisaged to have some effect on both daylight and sunlight availability to those elevations of plots DZ1a, DZ2b, DZ2c and DZ2d respectively that face plot DZ3. Under the consented masterplan, these elevations do not fully comply with good practice recommendations. There would be no material effect to daylight or sunlight availability within plot DZ3.

Sunlight is not a material consideration for plots DZ2c and DZ2d, as these plots are allocated to non-domestic use classes that are anticipated to have no particular requirement for sunlight. The south and west elevations of plot DZ2b, and some parts of the south elevation of plot DZ1a, would receive less sunlight due to the increased height. However, other parts of the south elevation of plot DZ1a would receive more sunlight, due to the smaller footprint. In the Daylight and Sunlight Assessment prepared for the Outline Planning application, it was suggested that sunlight availability could be mitigated through design development by appropriate location of the various consented use classes, and this would remain the case.

Daylight is a material consideration for all four adjacent plots. The south elevation of plot DZ1a would receive more daylight, due to the smaller footprint. For the other affected elevations, there would be some reduction in daylight availability. The effect on south and west elevations of plot DZ2b would be mitigated by the proposed setback along plot DZ3's north façade. It is envisaged that generally the visible sky component (VSC) would remain above 15 %, such that adequate daylighting could be achieved where appropriate, provided mitigating measures such as larger windows and/or shallow-plan rooms are adopted during design development. It is anticipated that VSC would only fall below 15 % on the lower floors, where the likely use classes have no particular requirement for good daylighting.

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In conclusion, the amendments to the masterplan would have no material effects beyond the masterplan site boundary and only minor effects within the proposed development. These will be assessed and mitigated as appropriate through the revised Reserved Matters applications.

### Highways, traffic, car parking, access and pedestrian movement

The outline planning application was accompanied by a Transport Assessment (TA) and Framework Travel Plan to assess the highway and transportation matters related to the outline development proposal.

The proposed Section 73 application comprises minor material amendments to the servicing and coach drop off arrangements at the proposed Arena / Hotel and existing LC2 building, and amending the layout and access arrangements to the northern MSCP. The application is accompanied by a Highways Statement to provide an overview of the proposed amendments and a consideration of the highways and transportation impacts.

#### Approved Development proposals

Oystermouth Road bisects the site into two distinct areas ('North' and 'South' Sites) and as part of the proposals, improved pedestrian connectivity will be achieved between the North and South site through the introduction of a new wide pedestrian/cycle bridge over Oystermouth Road linking the two sites and the city centre to the waterfront.

#### Arena - South Site

It is proposed to construct a new 425 space undercroft car park underneath the Arena in the location of the existing Waterfront surface car park.

Access to the new Arena car park will be taken from Oystermouth Road via the reconfigured Albert Row/Oystermouth Road signalised junction which will be improved as part of the development scheme. The approved scheme included provision of a coach drop-off / pick-up layby on the westbound carriageway of Oystermouth Road in front of the Arena to accommodate six coaches. After these coaches have dropped people off, it has been agreed with CCS that lay over locations will be provided at nearby park-and-rides sites and at Bracelet Bay for coaches to wait at until they need to collect visitors from the Arena. This coach lay-by will also serve the LC2 building.

The Arena and hotel were to be serviced via a separate dedicated service access to the rear of both facilities via a vehicle route running between the Arena and the hotel.

#### Northern MSCP

As part of the North Site proposals both the existing St Mary's and St David's car parks will be removed and replaced with a new Multi Storey Car Park (MSCP) car park situated alongside Albert Row providing a maximum of 498 spaces will be provided at DZ 3. The new MSCP car park will be accessed from Oystermouth Road to the south via the Albert Row/Oystermouth Road signalised junction which will be reconfigured as part of the development scheme.

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### Proposed Arena Section 73 Amendments

The main amendments to the Arena relate to the removal of long coach layby along the western carriageway of Oystermouth Road and a revision to the Arena / hotel service access. The revised scheme will create a revised service yard access, providing access to two coach drop-off / pick-up bays and the service area in the Arena. The two coach spaces will be shared with the proposed Arena, hotel and existing LC2 building. The area will also provide a taxi drop-off for the Arena / hotel.

The revised scheme also proposes to provide two additional coach drop-off/pick-up laybys along the bus route adjacent to the Paxton Street car park. There will also be two coach bays constructed on Wellington Street as part of the associated improvement works. Therefore the revised proposal would not result in any loss of coach bays compared to the approved scheme and will be able to accommodate the coach parking demand for both the Arena, hotel and LC2 buildings. It is stressed, however, that coaches will be required to lay over at the Park and Ride facilities or at Bracelet Bay.

The service yard access will retain the principle of a left-in/left-out arrangement on the western carriageway of Oystermouth Road. This will minimise the impact on traffic utilising the gaps in traffic created by the traffic signal junction. The submitted tracked plots / swept path analysis demonstrate that the proposed access arrangements, service access and coach bays may be safely accessed.

### Proposed Northern MSCP Section 73 Amendments

The proposed amendments to the northern MSCP comprise the following:

- a revised MSCP layout/footprint resulting in an increased car park use GIA from 17,600sqm (max) to 20,000sqm (max);
- a revised car park entrance/exit location on Albert Row;
- a service layby (Albert Row);
- improved pedestrian routes along both sides of Albert Row;
- improved vehicle lane widths on Albert Row;
- a shared pedestrian and vehicle area allowing service, public transport and emergency vehicles direct access from the eastern end of Wellington St onto Albert Row

The revised car park layout will mean that the upper levels will no longer overhang Albert Row, and will also result in an alteration to the internal layout of the car park, an increased and its enlarged floorspace will allow the provision for approximately 606 car parking spaces, including 37 (6%) disabled spaces, 15 spaces with electric vehicle charging points and 24 enlarged spaces.

The previous Transport Assessment was assessed against a parking provision of 588 spaces at the northern MSCP and concluded that even though parking demand at the city centre car parks would reach capacity for short periods on weekends during a worst-case major event day at the proposed Arena, the level of parking proposed is considered adequate and appropriate for the following reasons:

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- shoppers/visitors will make greater use of the Park & Ride facilities, which will be improved over time;
- it is expected that traffic management would be in place during these major events;
- 'normal' city centre parking demand profiles would likely change on major event days as shoppers amend their visiting times to avoid peak Arena traffic;
- the proposed Variable Message Sign (VMS) system will allow customers and attendees to know in advance where parking is available in the city centre;
- once the Phase 1 scheme is in place, it is likely that current parking demand profiles (on which the proposed parking demand is based) will change over time as shoppers/visitors adjust to the new parking provision and learn to take advantage of less busy times;

The slight increase in the parking capacity by circa. 18 spaces compared to what has previously been assessed will provide some useful extra capacity during major events at the Arena and will not significantly impact on the previous conclusions of the Transport Assessments undertaken for the Swansea Central outline and Phase 1 Reserved Matters applications.

The alteration of the revised MSCP access location will result in the entrance/exit being moved further northwest along Albert Row (i.e. away from the Albert Row/Oystermouth Road junction). The number of entrance and exit barriers at the MSCP is not expected to change, however it is intended that the lane widths on Albert Row be widened and amended to provide two separate southbound lanes for left turning and right turning traffic from the MSCP onto the Albert Row/Oystermouth Road junction. This should have a beneficial impact on the amount of queuing space for vehicles between the MSCP exit and the Albert Row/Oystermouth Road junction.

The amended scheme also includes the provision of a shared pedestrian and vehicle area at the northern end of Albert Row. This facility will allow service, public transport and emergency vehicles direct access from the eastern end of Wellington St onto Albert Row and it is intended that this route will be controlled to not allow its use by general traffic. This arrangement will allow direct access via the Albert Row/Oystermouth Road junction to the existing Tesco service yard located on the eastern side of Albert Row. It is also intended to provide a new service layby on Albert Row adjacent to the proposed MSCP for the use of service vehicles travelling southbound along Albert Row.

The shared pedestrian and vehicle area will also provide a convenient and attractive surface level pedestrian crossing point between the proposed pedestrian ramp running along the northern side of the MSCP and Wellington Street and the improved footways proposed in this application along both sides of Albert Row. It is considered that the use of a shared pedestrian/vehicle area in this location is considered suitable due to the low volume of traffic expected to be using this route between Wellington St and Albert Row. This facility was not proposed within the approved outline application scheme, and provides a benefit in terms of pedestrian and public/service vehicle permeability in the area. Again the submitted tracked plots / swept path analysis demonstrate that the proposed access arrangements may be safely accessed.

### Drainage

The revised development parameters being sought do not affect the overall strategy as laid out in the approved Drainage Strategy.



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However, as a Section 73 application submitted after the 7 January 2019 which is when Schedule 3 of the Flood and Water Management Act 2010 commenced, the development will need to comply with the Welsh Government Mandatory SuDS Standards.

In consideration of the outline approval, a constraint upon the development was identified in respect of the Albert Row 1650mm diameter public combined sewer and the requirement to retain a statutory easement around the sewer for its protection and to allow access for future maintenance if required. As a result of consultation with DCWW, a condition was imposed on the outline approval requiring a scheme to be submitted for the protection of the 1650mm diameter public combined sewer below Albert Row. Within the revised development parameters, the footprint of Plot DZ3 will now be located alongside the eastern side of Albert Row which considerably lessen the impact on the 1650mm sewer in Albert Row. Consequently, there is no longer a requirement for this condition and this condition has now been omitted from the schedule of proposed conditions within this Section 73 application.

### **Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the Development Plan for the purpose 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. National and local planning policies indicate that the Swansea Central scheme would deliver a policy compliant proposal and would provide the economic growth for the regeneration of Swansea City Centre and strengthen its role as a regional shopping and leisure destination within the Swansea City Bay Region. This is supported by the design objectives and vision within the Swansea Central Area Strategic Framework.

The LDP and the Strategic Framework support a Retail Leisure led mixed use scheme and the provision of the new arena, leisure and hotel accommodation would support the aspiration to improve Swansea as a visitor destination. The proposed land uses are supported by planning policy and the objective of providing a step change in the retail provision and improved leisure offer.

This is a significant development within the City Centre and would also have an impact on the surrounding area, however, taking into account all the material considerations, it is considered that the proposed development would not have an unacceptable detrimental impact upon the wider environment and that any negative impacts can be ameliorated by the imposition of the appropriately worded planning conditions.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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As indicated above, the approval of a Section 73 effectively grants a new permission and the Local Planning Authority may decide that planning permission should be granted subject to conditions differing from those subject to the previous planning permission. Since the original outline permission was granted, several of the details within the planning 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. Additionally, the condition requiring a scheme to be submitted for the protection of the 1650mm diameter public combined sewer below Albert Row has now been omitted.

Approval is recommended subject to the following conditions:

### **RECOMMENDATION:**

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

- 1 The proposed development shall be implemented in accordance with the approved Parameter Plans and Sections, Architectural Section 73 Comparison Document and Public Realm Strategy Addendum which set out the vision, objectives, urban design principles, development strategy, masterplan, accessibility and movement, scale, quantum of development, building concept, infrastructure, environmental sustainability and structural landscaping principles of the development.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.

- 2 The development shall be carried out in accordance with the details approved under Condition 3, or required by the conditions of the permission and the approved Phase 1 phasing programme approved under condition discharge ref: 2019/0355/DOC. The approved phasing programme shall be reviewed and further phasing programme for the later phases shall be submitted for the further approval of the Local Planning Authority as necessary.

Reason: To ensure that the development is carried out in a logical and comprehensive manner in accordance with sustainable urban design principles.

- 3 Applications for the approval of the details of the means of access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins on each respective phase and shall be supported by a Design and Access Statement for that phase and shall accord with the Parameters Plans and Sections and related plans referred to in Condition 1 of this planning permission.

Reason: To ensure that each phase of the development corresponds to the approved development; and to ensure the development is carried out with best practice in relation to design and the built environment

- 4 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.

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Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

- 5 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

- 6 A phased landscaping scheme for the site shall be submitted as part of the reserved matters for each phase and the scheme as approved shall be carried out in accordance with the phased scheme. The landscaping shall follow the principles outlined in the Public Realm Strategy and shall include details of a Public Art Strategy. Any trees, shrubs or plant material which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved Public Realm Strategy.

- 7 A landscape / public realm and public art management plan for each phase including management responsibilities and maintenance schedules for all landscaped / public realm areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any phase of the development. The landscape management plan shall be carried out as approved.

Reason: To ensure that the landscaped areas are adequately maintained in the interests of visual amenity.

- 8 All reserved matters applications shall be accompanied by details of the proposed levels for each phase of the development indicating its relationship to the adjoining land and any changes to the site itself. The development shall be completed in accordance with the proposed details.

Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land.

- 9 All reserved matters applications shall be accompanied by details and disposition of the external finishes for each phase of the development and shall accord with the aspirations outlined within the approved Design and Access Statement and the Design Principles documents. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.

Reason: In the interests of visual amenity.

- 10 Visual transparency shall be retained into each retail/commercial unit in accordance with a Shopfront Code, to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the units. Page 34

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Reason: To ensure active, attractive and transparent shopfront which will maintain and enhance vitality at street level and avoid dead retail frontages.

- 11 All reserved matters applications shall be accompanied by details of all wind mitigation measures for each phase of the development and shall be referenced to the wind microclimate assessment. The wind mitigation measures shall be implemented in accordance with the approved scheme and retained thereafter to serve the approved development.

Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.

- 12 The development shall not begin on any residential building until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme as a phased component and shall meet the definition of affordable housing in Annex B of Technical Advice Note: 2 Planning and Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] if no affordable housing provider is involved;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to ensure that adequate provision is made for affordable housing within the proposed development in accordance with Unitary Development Plan HC3 and the Council's adopted Supplementary Planning Guidance - Planning Obligations.

- 13 Prior to the commencement of each phase of the development approved by this planning permission save the details required by Parts 1, 2 & 3 in relation to the Phase 1 (South Side only) which were approved under the condition discharge ref: 2018/0936/DOC, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the remainder of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination of the site.

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2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based, on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved.

Reason: It is considered that the controlled waters at the site are of a sensitive nature and contamination is known/strongly suspected at the site due to its previous mixed industrial uses.

- 14 Prior to occupation of each building in the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to control water have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 15 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 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.

Reason: 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.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

- 18 Foul water and surface water discharges must be drained separately from the site. All foul drainage must be connected to the public sewerage system. No surface water shall connect (either directly or indirectly) to the public foul sewerage system. No land drainage system shall discharge into the public sewerage system.

Reason: To protect the integrity of the public sewerage system and prevent contamination.

- 19 No phase of the development hereby approved shall be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for that phase of the development has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.

- 20 Phase 1 of the development relating to the South Site shall be implemented in accordance with the surface water drainage strategy approved under condition discharge ref: 2019/0878/DOC. Further phases of the development, shall be developed in accordance with a strategic surface water drainage strategy for that phase, based on sustainable drainage principles, which shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be based upon a SUDS hierarchy, as espoused by the CIRIA publication 'The SuDS Manual, C753'. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any runoff before it leaves the site or joins any water body.

Reason: To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding and ensure future maintenance of these.

- 21 Any reserved matters application shall include a detailed surface water strategy pursuant to the reserved matters of each phase of which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details for the strategic surface water strategy. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of runoff and improve the quality of any runoff before it leave the site or joins any water body.

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The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance scheme(s) and monitoring arrangements/responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings.

Reason: To ensure that a satisfactory and sustainable means of surface water drainage is available 'upfront' to serve development individual phases, and to prevent the increased risk of flooding to third parties.

- 22 The development of Phase 1 of the development shall be implemented in accordance with the Construction Site Waste Management Plan (CSWMP) approved under condition discharge ref: 2019/0234/DOC. Prior to the commencement of further phases of the development a further Construction Site Waste Management Plan (CSWMP) for the control, management, storage and disposal of demolition waste / excavated material shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved CSWMP.

Reason: To ensure the appropriate management and storage of waste generated on site to reduce the risk of pollution and to ensure sustainability principles are adopted during development.

- 23 The development of Phase 1 of the development shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) under condition discharge ref: 2019/0234/DOC. Prior to the commencement of further phases of the development a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved CEMP.

Reason: In order to prevent pollution of the environment, protect the residential amenities of the area and to secure the satisfactory development of the site.

- 24 The development of Phase 1 of the development shall be implemented in accordance with the Construction Method Statement approved under condition discharge ref: 2019/0236/DOC. Prior to the commencement of further phases of the development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement for each phase of the development shall be implemented and adhered to at all times.

Reason: In order to minimise traffic impacts on the surrounding highway network.

- 25 The development of Phase 1 shall be implemented in accordance with the programme of archaeological work, which was approved under the partial condition discharge ref: 2018/0235/DOC. Following completion of the archaeological field work, a final report will need to be submitted to and approved in writing by the Local Planning Authority containing the results of the work. Prior to the commencement of further phases, a programme of archaeological work in accordance with a written scheme of investigation for that phase shall be submitted to and approved by the Local Planning Authority.

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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.

- 26 The development of Phase 1 shall be implemented in accordance with the archaeological watching brief approved under Condition discharge ref: 2019/0313/DOC. No further development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

Reason: To allow for the studying and recording of this site of archaeological interest.

- 27 Prior to the occupation of any phase of the development, a car parking management strategy (including cycling provision) for that phase shall be submitted to and approved in writing by the Local Planning Authority. No phase of the development shall be brought into beneficial use until the parking facilities associated with that part of the development have been laid out and are available for use. The approved car parking strategy shall be implemented in accordance with the approved phasing plan pursuant to condition 2.

Reason: To ensure that each phase of the development is provided with adequate car and cycling parking provision.

- 28 Each phase of the development shall be occupied in accordance with a Travel Plan which should accord with the recommended measures within the submitted Framework Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the phase. The Travel Plan shall include arrangements for monitoring and recommending adjustments to the Travel Plan in consultation with the Local Authority.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

- 29 The proposed highway engineering details shall be implemented in accordance with a phasing programme for each phase of the proposed development, and the detailed design shall be subject to further consultation and assessment, shall be submitted to and approved by the Local Planning Authority and shall include the following:

- i) improvements to the Wellington Street / West Way junction;
- ii) replacement Albert Row / Oystermouth Road traffic-signalised junction, which shall incorporate an at grade crossing of a 'toucan' type to allow for shared cycle/pedestrian use.
- iii) provision of bus stops along Oystermouth Road;
- iv) new pedestrian / vehicular and servicing arrangements;
- v) Traffic Regulation Orders;
- vi) associated traffic signals;
- vii) associated Variable Message Signage.



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Reason: In the interests of highway safety.

- 30 Prior to the beneficial use of each phase of the development, details of vehicular servicing, including the timing of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular servicing of the site shall thereafter take place in accordance with the approved details.

Reason: In the interests of highway safety.

- 31 Prior to the beneficial use of each phase of the development, details of a Waste / Refuse Management Plan (including recycling facilities) for if future operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.

Reason: To ensure the management and movement of refuse within the site in the interests of site safety.

- 32 Prior to the beneficial use of the Arena, an Arena Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should incorporate details of the parking management, emergency evacuation and the hours of operation. The Arena shall thereafter be operated in accordance with the approved plan.

Reason: In the interests of safety and in order to protect the amenities of the surrounding area.

- 33 Phase 1 of the development shall be carried out in accordance with the Arboricultural Method Statement approved under condition discharge ref: 2019/0236/DOC. The development of further phases, including demolition work, shall take place until an Arboricultural Method Statement has been submitted for each phase of the development and approved in writing by the Local Planning Authority.  
All protection fencing, ground protection, and construction methods shall be retained intact for the duration of the development hereby approved, and shall only be removed, or altered with the written approval of the Local Planning Authority.

Reason: To ensure the protection of retained trees on the site whilst the development is being carried out.

- 34 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure the protection of the retained trees during construction works.

- 35 The detailed ecological enhancement measures as outlined in the Ecological Appraisal shall be incorporated as part of the submission of reserved matters into each phase of the development prior to that part of the development being occupied.

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Reason: In order to enhance the ecology of the site in accordance with the Environment (Wales) Act, 2016.

- 36 Prior to the beneficial use of the Arena, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

"MNL (LAeq, 15min) created by events inside the development and measured at the façade of any noise sensitive receptor with windows to habitable rooms, shall not exceed a level 10Db below the background sound level (LA90, 15min)" (unless it can be demonstrated that an alternative sound level is acceptable having regard to the development and evidence supplied as part of the scheme). Also, "MNL (Leq in the 63Hz and 125Hz octave bands shall not exceed a level 3dB below the background sound level (LA90,15min) in that octave band"

To clarify 'Background sound level (LA90, 15min) has the same meaning as in BS4142:2014.

Methods for rating and assessing industrial and commercial sound: "A weighted sound pressure level that is exceeded by the residual sound at the assessment location for 90% of a given time interval, T, measured using time weighting F and quoted to the nearest whole number of decibels".

Reason: To protect the occupiers of the neighbouring residential properties against noise emanating from the Arena.

- 37 Prior to the beneficial use of any phase of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All building services plant noise shall be designed to achieve a cumulative rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) at the nearest noise sensitive dwelling; in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Reason: To protect the existing and proposed residential uses against noise from building services plant.

- 38 Prior to the beneficial use of any phase of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

Ensure that all habitable rooms, exposed to noise from delivery yards, where the rating level (dBLAr, Tr) exceeds the background LA90, it shall have a façade designed to enable the mitigation of the indication of adverse impact as identified by BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Reason: To protect the proposed residential use against noise emanating from the commercial activity.

## Planning Committee – 4 June 2019

### Item 1 (Cont'd)

Application Number:

2019/0980/S73

- 39 Prior to the beneficial use of any phase of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All habitable rooms 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.

Reason: - To protect the proposed residential use against noise arising from the existing traffic use of the area.

- 40 Prior to the beneficial use of any phase of the development, save the details which were approved in relation to Plot DZ3 which were approved under the condition discharge ref: 2019/0224/DOC, a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately 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 by verified by the appropriate testing methodology upon completion.

Reason: To protect the proposed residential use against noise emanating from the commercial activity.

- 41 Prior to the beneficial occupation of any Class A3 unit within the development, a method of ventilation and fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The scheme for each unit shall be implemented in accordance with the approved details and retained thereafter to serve the use.

Reason: To prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises.

### Informatives

- 1 Please note that SAB (SuDS Approval Body) approval will be required if planning permission is granted subject to a condition that requires reserved matters to be submitted, and a valid application for approval of the reserved matter is not made before 7th January 2020 (with the exception of single dwellings and developments with a construction area of less than 100 square metres). This is a separate application process to planning permission and a fee will be payable. Complying with SAB criteria may impact on the permission hereby granted. For queries and further information on the requirement for SuDS on new developments, please contact: [water@gov.wales](mailto:water@gov.wales).



## Planning Committee – 4 June 2019

Item 2 (Cont'd)

Application Number:

2019/0536/S73

### Site History

App Number	Proposal	Status	Decision Date
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 146th dwelling house)	APP	03.10.2018
2018/1790/FUL	Construction of temporary access road off Nantong Way	TEM	17.09.2018
2019/0536/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189 and 2018/1204/S73. Variation of condition 7 of planning permission 2018/1204/S73 granted 3rd October 2018 to replace the reference to the temporary access road approved under 2018/1790/FUL with the reference to a temporary access along the alignment of the permanent access road approved under 2017/0026/FUL	PDE	

Item 2 (Cont'd)

Application Number:

2019/0536/S73

## RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press. No responses have been received to the public consultation.

Other consultation responses:

Highways

1. This application requests to move the previously consented temporary access from the site onto Nantong Way onto the same alignment as the future permanent access, as a section 73 variation to permission 2018/1204/S73.

2018/1204/S73 was granted on the 24/09/2018 subject to conditions, the relevant highway conditions are listed below:

"7. No more than 108 dwellings shall be occupied on the site until the new temporary access off Nantong Way approved under planning permission 2018/1790/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use."

"8. No more than 146 dwellings shall be occupied on the site until the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use."

2. 2018/1204/S73, is in itself a section 73 variation to permission 2018/1790/FUL which was for the construction of a temporary access road off Nantong Way.

This was approved on 15/08/2018 and contained the informative:

3. No highway works to commence until such time as the developer has received Technical Approval and has entered into a Section 278 agreement with the Highway Authority. The agreement shall consist of, but shall not be limited to:

Design of the Temporary Junction and Temporary Associated works:

Temporary Public lighting, Temporary Highway Drainage,

Temporary Signage,

Temporary Road Markings,

Temporary Traffic Regulation Orders and stage 2 Road Safety Audit.

The agreement shall also have the benefit of a bond / surety that is satisfactory to the Highway Authority and shall cover the Highway Authority's estimated costs of the 'Temporary Works' as detailed in the S278 agreement including the demolition of the 'Temporary Works', the design costs, construction costs and a Stage 2 Road safety Audit along with any other costs for the formally approved permanent access. These costs shall consist of, but shall not be limited to: Demolition, Design, Road Safety Audits, Public lighting, Highway Drainage, Signage, Road Markings, Traffic Regulation Orders and Construction. The developer will need to satisfy himself that he has full title to the land required for the Temporary Works / Permanent Works.

## Planning Committee – 4 June 2019

**Item 2 (Cont'd)**

**Application Number:**

2019/0536/S73

The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA13SN before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)"

3. Recommendation:

The Highway Authority has no objections to the proposals, provided the related conditions and thresholds are carried forward to this application, in order to safeguard delivery of the final permanent access road and associated works.

### **APPRAISAL**

This is a Section 73 application seeking to vary condition 7 of planning permission 2018/1204/S73 which relates to an outline planning permission approved under 2006/1902 (as varied by 2014/1189 and 2018/1204/S73) for 'Residential development with construction of new vehicular access off Nantong Way' at Upper Bank. The site is currently being developed by Hygrove Homes and reserved matters applications have been approved for 149 dwellings on the site. There is also a full application which is currently under consideration for a further 106 dwellings at the site (2018/2692/FUL).

Condition 7 reads as follows:

"No more than 108 dwellings shall be occupied on the site until the new temporary access off Nantong Way approved under planning permission 2018/1790/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use.

Reason: In the interests of highway safety"

Condition 7 was imposed to ensure that an alternative temporary access is available to the site, in addition to the current left in left out access off Brunel Way until such time that the permanent access of Nantong Way is constructed and available for use.

Following further investigations the applicant has indicated that the provision of the temporary access along the alignment as indicated on planning permission 2018/1790/FUL is not achievable. Therefore, this application effectively seeks to replace the reference within condition 7 to the approved temporary access. The temporary access is now proposed to be provided broadly along the alignment of the permanent access approved under planning permission 2017/0026/FUL.

The application is reported to Planning Committee as the site exceeds the 2 hectare Committee threshold.

### **Main Issues**

The main issue in this instance is whether the provision of the temporary access at an alternative location would result in any significant highway safety concerns.

**Item 2 (Cont'd)**

**Application Number:**

2019/0536/S73

The Highways Department has offered no objection to the proposed location of the temporary access as such it is considered that the proposed development would not conflict with Local Development Plan Policy T5 which requires, amongst other things, that development proposals must allow for the safe movement of vehicles and suitable facilities for cyclists and pedestrians.

On this basis it is considered that that the variation of condition 7 is acceptable and it is recommended the wording of the condition is varied to refer to the plans and documents submitted with this application. All other conditions shall be re-imposed.

### **Conclusion**

It is considered the proposed variation of condition 7 to allow for the re-location of the temporary access off Nantong Way would be acceptable and would not conflict with LDP Policy T5. Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. For the above reasons the development is accordingly recommended conditional approval.

### **RECOMMENDATION**

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

- 1 Approval of the details of the siting, means of access, design and external appearance of the dwellings/buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development on each phase is commenced. This permission specifically excludes the road layout shown on the indicative masterplan.

These reserved matters applications shall be in accordance with a full reserved matters design and development framework document for all of the site to be submitted to and approved by the Local Planning Authority prior to or contemporaneously with the first reserved matters application. The design and development framework will address the key design issues of:

- Creating local distinctiveness.
- Integrating the development into the adjacent development site.
- Linkages with surrounding communities and facilities.
- Accessibility.
- Permeability.
- Legibility.
- Scale and massing.
- Creating people friendly streets.
- Public open space, landscaping and biodiversity.
- Designing out crime.
- Reducing car dependence and use.
- Encouraging cycling and walking.



## Planning Committee – 4 June 2019

Item 2 (Cont'd)

Application Number:

2019/0536/S73

Sustainable water use and drainage.  
Reducing building energy consumption.  
Building design and materials.  
The frontage to Nantong Way and Brunel Way.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner. LDP Policy PS2.

- 2 Detailed plans and drawings with respect to the matters reserved in condition 1 shall be submitted for approval by the Local Planning Authority in accordance with the approved Design Development Framework pursuant to condition 1.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design and to ensure that the development is carried out in an orderly and satisfactory manner. LDP Policy PS2.

- 3 The development shall be carried out in accordance with the following approved plans and documents: 3485.SL03 (Proposed Development Site).

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

- 4 The landscaping scheme for the site to be submitted as part of the reserved matters and shall incorporate an area of public open space, not less than 0.2h in area and to include an equipped play area and the scheme as approved shall be carried out in accordance with the approved programme of phasing. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the Town and Country Planning Act 1990. LDP Policy PS2 and SI6.

- 5 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety. LDP Policy T5.

- 6 The use of any retaining walls to support the internal road network will need to be supplemented by full structural calculations and drawings to be submitted for approval of the Local Planning Authority prior to the construction of any such works commencing on site

Reason: To allow the proper consideration of all details in the interests of highway safety. LDP Policy T5.

## Planning Committee – 4 June 2019

### Item 2 (Cont'd)

Application Number:

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- 7 No more than 108 dwellings shall be occupied on the site until the new temporary access off Nantong Way as indicated within drawing nos. 1304-1 Rev A (Temporary S278 Junctions (Phase 1)), 1304-2 Rev A (Temporary S278 Junctions (Phase 2)) and the Construction Method Statement received 8th March 2019, has been constructed in accordance with the approved details and is available for use.

Reason: In the interests of highway safety. LDP Policy T5.

- 8 No more than 146 dwellings shall be occupied on the site until the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use. The existing left-in/left-out access arrangement for vehicular traffic onto Brunel Way shall incorporate a lit, pedestrian / cycleway access points at the south-western corner of the site together with a connection to the existing footbridge over the A4217 and an additional lit, pedestrian/cycleway access at the north-eastern corner of the site, the details of all of which shall be submitted to and approved by the Local Planning Authority as part of the reserved matters approval, and the works completed in accordance with the approved details.

Reason: To ensure good accessibility, in the interests of safety for pedestrians and cyclists and to provide a safe route to school for local school children. LDP Policy T5.

- 9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval in writing from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of the protection of controlled waters. LDP Policies RP4 and RP6.

- 10 Prior to the occupation of the housing phases a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with best practice. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals, where necessary shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard. LDP Policy RP6.

- 11 The housing phases shall not be occupied until a scheme for the foul water, surface water and land drainage has been implemented in accordance with details to be approved with the reserved matters.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system. LDP Policies EU4, RP4 and RP5.

## Planning Committee – 4 June 2019

### Item 2 (Cont'd)

Application Number:

2019/0536/S73

- 12 Foul water and surface water discharges must be drained separately from the site and no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment. LDP Policies EU4 and RP4.

### Informatives

- 1 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.
- 2 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: T5.
- 3 No highway works to commence until such time as the developer has received Technical Approval and has entered into a Section 278 agreement with the Highway Authority. The agreement shall consist of, but shall not be limited to:

Design of the Temporary Junction and Temporary Associated works:

Temporary Public lighting, Temporary Highway Drainage, Temporary Signage, Temporary Road Markings, Temporary Traffic Regulation Orders and stage 2 Road Safety Audit.

The agreement shall also have the benefit of a bond / surety that is satisfactory to the Highway Authority and shall cover the Highway Authority's estimated costs of the 'Temporary Works' as detailed in the S278 agreement including the demolition of the 'Temporary Works', the design costs, construction costs and a Stage 2 Road safety Audit along with any other costs for the formally approved permanent access.

These costs shall consist of, but shall not be limited to:

Demolition, Design, Road Safety Audits, Public lighting, Highway Drainage, Signage, Road Markings, Traffic Regulation Orders and Construction.

The developer will need to satisfy himself that he has full title to the land required for the Temporary Works / Permanent Works.

The Developer must contact the Highway Management Group , The City and County of Swansea, Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

# Agenda Item 6

## Report of the Head of Planning and City Regeneration

Planning Committee – 6 June 2019

### APPEAL DECISION

#### 1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide members with information of an appeal decision the Council has recently received on 23<sup>rd</sup> May 2019 in connection with a scheme relating to a proposal for a House in Multiple Occupation ('HMO'). The decision is an important one as it is the first decision the Council has received from the Planning Inspectorate in connection with the Council's new policy on HMO's – Policy H 9 (as set out in the Local Development Plan Adopted in February 2019) and details the Planning Inspector's approach to applying the Policy.

#### Appeal Decision

- 1.2 The Council, under Delegated Powers granted to the Head of Planning and City Regeneration refused an application for planning permission for a 6 bedroom 6 person HMO at 214 St Helens Avenue, Brynmill on 24<sup>th</sup> January 2019. The reason for refusal was as follows:

*The proposed change of use of the dwelling to a HMO, by virtue of the existing high concentration of HMO properties in the local area, would result in a 47% concentration of HMOs within a 50m radius of the dwelling and therefore contrary to the 25% threshold contained within Policy H9 of the Emerging Swansea Local Development Plan. Accordingly the HMO would be to the detriment of the social cohesion of the surrounding area through an over-intensification that would lead to an unbalanced and unsustainable community contrary to the provisions of Policy HC5 of the Swansea Unitary Development Plan (2008), Policies PS2 and H9 of the emerging Swansea Local Development Plan and the National Policy aims set out in the Planning Policy Wales (Edition 10, December 2018) of creating sustainable and inclusive mixed communities.*

- 1.3 The refusal was made in light of the Local Development Plan, which at the time of decision was well advanced with the inspectors report then awaited. In the decision the inspector makes reference to the conflict of the proposal with the newly adopted policy H 9 explaining that "*it would fundamentally undermine the Council's objectives to foster balanced and cohesive communities*". Specific reference in the decision is made to previous approvals for HMOs, however, the policy context for those decisions was seen as being 'materially different' in the sense that former schemes were approved on the basis of the Unitary Development Plan which did not adopt a threshold approach.

1.4 The inspectors report, which sets out the material considerations and assessment is appended.

**2.0 Recommendation**

2.1 The appeal decision be noted.

*Contact Officer: Liam Jones, Area Team Leader*

*Extension No: 5735*



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/04/19

gan **P J Davies BSc (Hons) MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 23.05.2019**

## Appeal Decision

Site visit made on 26/04/19

by **P J Davies BSc (Hons) MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 23.05.2019**

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**Appeal Ref: APP/B6855/A/19/3222389**

**Site address: 214 St Helens Avenue, Swansea SA1 4NE**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Yujuan Zhang against the decision of City and County of Swansea Council.
  - The application Ref 2018/2395/FUL, dated 9 November 2018, was refused by notice dated 24 January 2019.
  - The development proposed is a change of use from a dwelling house to an HMO.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the application was determined, the Swansea Local Development Plan (LDP) has been adopted. This replaces the former Unitary Development Plan and now forms the development plan for the purposes of the appeal. I have determined the proposal on this basis.

### Main Issue

3. This is the effect of the proposal on the character and amenity of the area, having regard to local planning policy that seeks to foster cohesive and balanced communities.

### Reasons

4. The appeal property is situated at the eastern end of St Helens Avenue, a long street which has a dense, predominantly residential character. There is clearly a high concentration of Houses in Multiple Occupation (HMOs) in the street generally, as evidenced by refuse and cycle storage in some front gardens which results in untidy and cluttered frontages. Other indicators include letting agency signboards, some housing disrepair, and significant on-street parking congestion. From my own observations, the existing concentration of HMOs in the vicinity of the appeal site is having a negative influence on the physical environment.

5. LDP Policy H 9 places the proposal in an HMO Management Area which have been identified in order to tackle existing community sustainability and cohesion issues that have resulted from HMO concentrations. The policy stipulates that HMO conversion proposals will only be permitted if it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs. This threshold is based on an understanding of current HMO concentrations, likely future demand, current HMO supply, and other available evidence including the findings of research undertaken by Welsh Government. It aims to ensure that future HMO provision is sustainably managed by establishing a point above which any further concentration or intensification in a particular area will be deemed to be harmful. In this case, the Council calculates that the proposal would result in 47% of properties within a 50m radius being HMOs, thus significantly breaching the policy threshold. In these circumstances, and having regard to the area's context, I find that the proposal would exacerbate the negative effects that I have described and would harmfully add to an existing high concentration of HMOs. This would be in direct conflict with Policy H 9.
6. The proposal would satisfy other criteria of Policy H 9 and it is in an accessible and sustainable location for housing of this nature. Nonetheless, it would fundamentally undermine the Council's objectives to foster balanced and cohesive communities. The supporting text to Policy H 9 (2.5.97) recognises that there may be specific material circumstances and/or exceptional circumstances that apply to a particular proposal which could demonstrably outweigh the outcome of the 'threshold test'. However, I have no comprehensive assessment or substantive supporting evidence to justify a decision not in accordance with the development plan in this case.
7. I acknowledge that other HMO proposals have been approved in Swansea, some on appeal. However, the policy context for those decisions was materially different. The LDP is informed by an up to date evidence base that was subject to examination and was found to be sound. It therefore forms a robust basis for decision making at the present time.
8. In reaching my decision I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
9. For the above reasons, the appeal is dismissed.

*P J Davies*

**INSPECTOR**